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### **Call to order and adoption of agenda**

Because the meeting was being held in a single day, the members shortened the agenda to the following:

1. SEBJ-suggested change to the 129th meeting minutes
2. Adoption of minutes of the 130th and 131st meetings
3. Update on files
4. Annual salary review for the secretary
5. Amendment of the human resources management policy
6. 2003-2004 budget proposal
7. Audit of the financial statements
8. Financial compensation for Auberge Kanio-Kashee Lodge
9. Administrative agreement with MENV
10. COMEV consultation on the directives for the Eastmain 1-A/Rupert project
11. Implementation of the forestry component of the Cree-Québec agreement
12. Reply to COFEX letter concerning the review of local projects
13. Implementation of the protected areas strategy
14. Consultation of the JBACE by Environment Canada
15. Quorum for JBACE meetings
16. Next meeting

#### **1. SEBJ-suggested change to the 129th meeting minutes**

Philippe Mora of the SEBJ informed the secretariat that construction of the access road and other infrastructures for the Eastmain 1 project began in July 2002, not spring 2003 as indicated in the minutes of the 129th meeting (November 20, 2002). The correction will be made to the adopted minutes.

#### **2. Adoption of minutes of the 130th and 131st meetings**

Denis Vandal moved that the minutes of the JBACE's 130th meeting be adopted with the requested changes. Seconded by Glen Cooper. Motion passed unanimously.

Carole Garceau moved that the minutes of the 131st meeting be adopted with the requested changes. Seconded by Élise Racine. Motion passed unanimously.

### 3. Update on files

#### i. Environmental monitoring/follow-up of Eastmain 1

A member of the Québec party confirmed that the MENV regional office has a team on site to ensure compliance with the authorization certificates issued to the proponent.

#### ii. Contamination of fish in the Chibougamau area

FAPAQ examined deformed fish specimens from the Oujé-Bougoumou and Waswanipi areas. The anomalies were caused by a bacterial infection unrelated to mining activities on the shores of Dorés, Chibougamau and Obatogamau lakes. The Cree Trappers' Association informed its members of the precautions to be taken if they come across deformed fish.

#### iii. Québec Water Policy

A member would like to consult the chart prepared by the secretary comparing the BAPE/JBACE Commission's recommendations with the statements made in the policy. The secretary will check to see whether the Estimates tabled by the Québec government in June enable the policy's implementation.

### 4. Annual salary review for the secretary

The Administrative Committee reviewed the secretary's performance evaluation, which recommended a salary increase to \$42 000. The secretary agreed with the performance evaluation, but not with the proposed salary. The secretary left the room to allow the members to discuss the matter in private.

#### **JBACE Resolution 2003-07-03-01 regarding the salary review for the executive secretary:**

- WHEREAS the Administrative Committee submits its proposals regarding employee salary review and adjustment to the JBACE, for adoption and implementation the following April 1, in accordance with section 5.1 of the JBACE's *Policy on Human Resources Management*;
- WHEREAS a salary scale would make it possible to fix the executive secretary's remuneration according to the salary levels for similar positions;

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**It is hereby resolved to fix the annual salary of the executive secretary at \$43 500, retroactive to April 1, 2003, and to mandate the Administrative Committee to establish a salary scale for this position.**

**5. Amendment of the human resources management policy**

The Administrative Committee proposed amending the JBACE's *Policy on Human Resources Management* to bring it in line with that of the HFTCC as regards the position of secretariat officer, which is shared between the two committees. The amendments would introduce section 3.1(g), which provides for 10 days of annual vacation for this position, in addition to that provided for in the HFTCC's policy. Clause 5.2 and Appendix 2 would establish a salary review process and salary scale consistent with those of the HFTCC's policy.

**JBACE Resolution 2003-07-03-02 regarding amendment of the *Policy on Human Resources Management*:**

- WHEREAS the Administrative Committee is responsible for administering the JBACE's *Policy on Human Resources Management*;
- WHEREAS for a time-shared position, the JBACE's policy should be aligned with that of the other employer;

**It is unanimously resolved to introduce section 3.1(g), clause 5.2 and Appendix 2 in the JBACE's *Policy on Human Resources Management*.**

*Moved by Claude Langlois. Seconded by Ginette Lajoie.*

**6. 2003-2004 budget proposal**

Since the proposed budget for 2003-2004 includes only one expenditure column, it was suggested that future budgets include two columns so as to compare forecast expenditures with current-year expenditures.

**JBACE Resolution 2003-07-03-03 concerning the JBACE budget for 2003-2004:**

- WHEREAS the Administrative Committee is responsible for preparing annual budget proposals;
- WHEREAS the suggested changes have been incorporated into the budget proposal;

**It is unanimously resolved to adopt the proposed budget for fiscal year 2003-2004 with changes.**

*Moved by Denis Vandal. Seconded by Élise Racine.*

## **7. Audit of the financial statements**

The Administrative Committee members reported on their discussions regarding auditing of the JBACE's financial statements. The members would like the financial statements to be audited, but realize that their legal liability with respect to the Committee's financial management needs to be clarified.

### **JBACE Resolution 2003-07-03-04 regarding auditing of the Committee's financial statements:**

- WHEREAS the JBACE secretariat is autonomous and its finances are not managed by the Ministère de l'Environnement du Québec (MENV);
- WHEREAS auditing of the financial statements by an independent accounting firm would ensure appropriate management of the funding allocated to the JBACE;
- WHEREAS MENV recommends that the committees established by the James Bay and Northern Québec Agreement (JBNQA) have their financial statements audited;
- WHEREAS MENV is answerable for the financial management of the Evaluating Committee, which is under the administrative supervision of the JBACE pursuant to paragraph 22.5.6 of the JBNQA;
- WHEREAS the accounting firms Gagnon, Roy, Brunet et Associés and Ruel, Giroux, Dorion submitted bids for auditing the financial statements, and that of Ruel, Giroux, Dorion is more attractive;

**It is unanimously resolved to ask the accounting firm Ruel, Giroux, Dorion to review the JBACE's financial statements for fiscal year 2002-2003. This mandate does not cover the expenditures of the Evaluating Committee.**

*Moved by Claude Langlois. Seconded by Denis Vandal.*

## **8. Financial compensation for Auberge Kanio-Kashee Lodge**

Following the cancellation of the planned JBACE meetings in Waskaganish, Wilson Brown, of the Auberge Kanio-Kashee Lodge, estimated the cancellation charges at \$759, i.e. the amount of the cheque made out in January 2003 to reserve the conference room and the secretary's room and meals.

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The JBACE members agreed that this amount was appropriate considering the losses incurred by the Auberge Kanio-Kashee Lodge as a result of the cancellation.

**9. Administrative agreement with MENV**

MENV's legal department said that for the administrative agreement between MENV and the JBACE to be legally binding, the Committee had to adopt it by resolution.

A member found it unusual that, under the proposed agreement, the annual budget allocated to the JBACE is not indexed to the cost of living. This point will be mentioned in the cover letter to the Deputy Minister of the Environment and will eventually be the subject of an amendment to the agreement.

**JBACE Resolution 2003-07-03-05 regarding the proposed administrative agreement between the Ministère de l'Environnement (MENV) and the JBACE:**

- WHEREAS MENV submitted an administrative agreement proposal to the JBACE in January 2002;
- WHEREAS the JBACE adopted a revised version of the administrative agreement by resolution in April 2002 (Resolution 2002-04-19-02);
- WHEREAS Louis Germain and Robert Joly, representing MENV, and the Administrative Committee, representing the JBACE, reached a mutually satisfactory agreement on September 6, 2002;
- WHEREAS the administrative agreement reached on September 6, 2002, and the subsequent amendments in essence meet the expectations of the JBACE members;

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

*Moved by Claude Langlois. Seconded by Carole Garceau.*

**10. COMEV consultation on the directives for the Eastmain 1-A/Rupert project**

A member for Canada asked the JBACE to discuss its role in the environmental assessment of major hydroelectric projects. According to the CRA members, the JBACE should make recommendations regarding coordination of the various assessment

procedures brought into play. They pointed out that the JBNQA makes provisions to this effect.

A CRA-appointed member said that the JBACE could also study an issue raised during the COMEV consultations, namely, whether or not COMEV has subpoena power? Can it oblige a project proponent to disclose information that is crucial to project assessment? If not, some organizations would question COMEV's ability to be objective in assessing project impacts.

At the end of the assessment process, a meeting could be held with COMEV members to determine to what extent the coordination provided for in the *Agreement Concerning the Environmental Assessments of the Eastmain-1-A and Rupert Diversion Project* enabled attainment of their assessment objectives.

#### **11. Implementation of the forestry component of the Cree-Québec agreement**

All of the members and the chair of the Cree-Québec Forestry Board have been appointed, and the joint working groups in each of the communities have begun operating. According to a CRA member, the new consultation mechanisms are a major benefit of the agreement, but just how the results of the working groups' activities will be incorporated into TSFMA holders' forest management plans remains to be seen. The member feels that this matter warrants the JBACE's attention.

A Québec member asked the JBACE to contact the Cree-Québec Forestry Board in order to facilitate follow-up of the agreement's implementation. This would put the JBACE in a better position to determine the role it should play in forestry issues.

*The members agreed to invite Jean-François Gravel and Jean-Sébastien Clément, respectively of the MRN and CRA, to the Committee's next meeting to discuss the implementation of the agreement's forestry component.*

#### **12. Reply to COFEX letter concerning the review of local projects**

*The JBACE will reply to the letter received from the chair of the Review Panel (COFEX) regarding the review of the Wemindji incinerator project and the Nemaska wastewater treatment plant project. The COFEX chair will be invited to join an environmental assessment working group studying such matters as financing, local expertise and duplication of assessment procedures. The secretary will send a draft letter to the members.*

#### **13. Implementation of the protected areas strategy**

*The JBACE will ask MENV to present its consultation plan for the proposed protected areas in the James Bay territory. It is not clear whether MENV realizes that the proposed*

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areas are subject to a separate environmental impact assessment under Section 22 of the JBNQA.

Romeo Saganash will represent the CRA on the JBACE's subcommittee on protected areas.

**14. Consultation of the JBACE by Environment Canada**

A member for Québec was surprised by David Anderson's response to the JBACE's letter concerning the Metal Mining Effluent Regulations. The Minister seems to indicate that the Grand Council of the Crees' participation in the drafting of the Regulations is equivalent to consulting the JBACE? Does EC recognize the JBACE as a separate body from the GCC?

A member for Canada believes that EC's failure to consult the JBACE was merely an oversight and not an act of bad faith. After all, EC officials expressed a desire to work with the JBACE to establish a consultation mechanism. *The Chairperson will contact Claude Saint-Charles* of EC to discuss the matter. Canada's Commissioner of the Environment and Sustainable Development could also play a part.

**15. Quorum for JBACE meetings<sup>1</sup>**

Quorum has been a problem at the JBACE's last few meetings. Paragraph 22.3.9 of the JBNQA stipulates that when matters of joint provincial and federal jurisdiction are being discussed, seven members must be present to have quorum. However, quorum may be changed with the unanimous consent of all members of the Advisory Committee (paragraph 22.3.10).

The members present feel that a quorum of five members is sufficient, provided that at least one member of each party is present. Since unanimous consent is required to make this change, *the secretary will send a draft resolution to all of the members.*

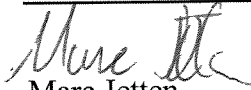
**16. Next meeting**

*The next meeting will be held on Tuesday, September 30, 2003. The Chairperson will see if it is possible to hold the meeting in a Cree community.* The members were asked to reserve September 29 and October 1 for travelling.

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<sup>1</sup> There was not the required quorum to discuss this item.

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Marc Jetten  
Executive Secretary  
October 1, 2003

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