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MINUTES OF THE 134th MEETING OF THE JAMES BAY ADVISORY COMMITTEE ON THE ENVIRONMENT

(ADOPTED)

DATE: December 11, 2003

PLACE: JBACE secretariat, Montréal

PRESENT:

Jean Comtois, Canada
Marian Fournier, Québec
Ginette Lajoie, CRA, Vice-Chairperson
Claude Langlois, Canada
Pierre Moses, Québec
Élise Racine, Canada
Diom Romeo Saganash, CRA, Chairperson

Marc Jetten, Executive Secretary

ABSENT:

Glen Cooper, CRA
George L. Diamond, CRA
Carole Garceau, Québec
Simeon Pash, ex-officio member
Jacques Robert, Canada
Denis Vandal, Québec

GUESTS (in chronological order):

Marc Bélanger, Recyc-Québec
Pierre Racine, Recyc-Québec
Cameron McLean, CRA
Denis Laliberté, MENV
Evert Nieboer, McMaster University
Deborah Schoen, Cree Board of Health and Social Services
Mathieu Trépanier, Cree Board of Health and Social Services

Call to order and adoption of agenda

Marian Fournier moved that the Committee adopt the following agenda. Ginette Lajoie seconded the motion.

1. Adoption of minutes of the 133rd meeting
2. Update on files
3. Follow-up to the presentation on implementation of the Cree-Québec Agreement
4. Adoption of JBACE comments on the new approach to public land use planning
5. Legal opinion on the Crees' regulatory power with respect to drinking water
6. Consultation on forest protection and development objectives
7. Strategic plan proposal
8. Recyc-Québec presentation on tire and hazardous material recycling programs
9. Presentation by Denis Laliberté (MENV) on heavy metal concentrations in four lakes near Chibougamau
10. Presentation by Evert Nieboer (McMaster University) on exposure to contaminants in Oujé-Bougoumou and Nemaska
11. Next meeting

1. Adoption of minutes of the 133rd meeting (September 30, 2003)

Pierre Moses moved that the minutes of the 133rd meeting be adopted with the requested changes. Jean Comtois seconded the motion. The motion passed unanimously.

2. Update on files

a. Subpoena power of COMEV, COMEX and COFEX

The JBACE wrote to the federal and provincial administrators requesting their positions on the subpoena authority of the evaluating and review committees established by Section 22 of the JBNQA. The federal administrator, Sid Gershberg, is about to retire and Bob Connely has been appointed interim president of the Canadian Environmental Assessment Agency.

b. Landslide in the La Grande River

A firm hired by Hydro-Québec will be submitting a report in February 2004 on the July 2003 landslide in the La Grande River. Questions remain as to whether Chisasibi's treatment plant is able to filter turbid water caused by a landslide. The meshing of Hydro-Québec's and Chisasibi's contingency plans should be assessed.

c. Web site

The members were invited to comment on the JBACE's Web site, which is under construction. The secretary will check to see whether the Committee has to register the domain name "JBACE" in addition to "CCEBJ."

3. Follow-up to the presentation on implementation of the Cree-Québec Agreement

Pointing out that the forest is part of the environment, a member for Canada stressed the need to create and maintain relations with the Cree-Québec Forestry Board and the joint working groups set up in each of the communities. To that end, the JBACE should meet with the Board to discuss common issues. A CRA representative feels it would be useful to obtain a copy of all documents produced by the Board and the working groups to avoid overlapping. In the opinion of a Québec-appointed member, the JBACE plays an oversight role: if the Cree-Québec Agreement is implemented as intended, there would be no reason for the Committee to intervene.

4. Adoption of JBACE comments on the new approach to public land use planning

Not all of the members of the subcommittee studying the land use planning approach proposed by the Ministère des Ressources naturelles, de la Faune et des Parcs (MRNFP) agreed on the draft comments to be submitted to the JBACE.

The Québec members feel that the JBACE's comments should focus on the fundamental issues and directions of the future public land use plan (PLUP). They also consider that representatives of Jamesians, as partners in the James Bay Territory, should be involved in the formulation of the PLUP.

The CRA members feel that the primary purpose of the environmental and social protection regime established by the JBNQA is to protect the Cree way of life and system of land ownership. One of the guiding principles of the regime is due consideration of the interests of non-Native people in general, not of Jamesians in particular. Moreover, the CRA members would like the MRNFP to undertake a strategic environmental assessment (SEA) before adopting the PLUP.

The JBACE members discussed the disputed points and agreed on a final version of the draft comments.

JBACE Resolution 2003-12-11-01 regarding the Committee's comments on the new approach to public land use planning proposed by the MRNFP:

It is unanimously resolved to adopt the comments, as amended, on the new approach to public land use planning. Moved by Ginette Lajoie. Seconded by Claude Langlois.

5. Legal opinion on the Crees' regulatory power with respect to drinking water

Lawyer Robert Daigneault provided a cost and time estimate for determining the Crees' and Québec government's power to regulate drinking water quality on Cree Category IA and IB lands. The members are satisfied with the estimate and authorize Mr. Daigneault to proceed with the study and drafting of a legal opinion in accordance with the proposed terms.

6. Consultation on forest protection and development objectives

In September 2003, the Associate Deputy Minister of Forests invited the JBACE to comment on the proposed forest protection and development objectives. A member for Québec went over the highlights of the proposed process. For the territory covered by Chapter 3 of the Cree-Québec Agreement, the joint working groups established in each of the Cree communities will submit recommendations to the Minister, who will transmit them to the Cree-Québec Forestry Board for comment. The Minister would like all comments to be submitted by January 15, 2004.

A member for Canada encouraged the JBACE to comment on the proposed forest protection and development objectives and suggested forming a subcommittee for that purpose. The subcommittee will be composed of Glen Cooper (CRA), Marian Fournier (Québec) and Claude Langlois (Canada).

7. Strategic plan proposal

Following on the draft action plan submitted to the members in September 2002, the CRA representatives proposed a strategic plan for adopting directions for environmental and social protection over the next two or three years. If necessary, an action plan could be adopted to implement the directions. The CRA–appointed members proposed four strategic directions dealing with:

1. Updating of the environmental assessment procedure

2. Land use planning
3. Co-management of protected areas
4. Integrated residual materials management

The proposed strategic plan will be discussed at the next JBACE meeting.

8. Recyc-Québec presentation on tire and hazardous material recycling programs

Marc Bélanger and Pierre Racine of Recyc-Québec gave a brief history of Québec's tire recycling program. After 3.5 million tires burned out of control in a fire in Saint-Amable in 1990, efforts were stepped up to find an alternative to huge tire dumps. Since 1999, the Québec government has levied a fee of $3 on each new tire sold; the revenues generated by this surcharge are used to pay for integrated tire transport, recycling grants and the clearing of storage sites. In 2000, the government passed a new regulation prohibiting burning and landfilling of tires and requiring the clearing of tire storage sites. Today, 85% of scrap tires are recycled in Québec—an exemplary rate at the global level, according to Mr. Bélanger. Furthermore, a third of stockpiled tires have been removed from storage sites and none should remain by 2008.

Recovered tires are remolded, recycled (floors, carpets, speed bumps) or processed into tire-derived fuel. Currently, approximately 30% of a used tire cannot be recycled due to the fibre or contaminated metal content. Recyc-Québec funds research programs aimed at recycling all of a used tire.

Tire recycling in the James Bay region

Recyc-Québec ensures transportation of used tires south of the 51st parallel, which excludes most of the Cree communities except Chisasibi: the latter's proximity to Radisson and their combined population make recovery possible; in fact, a hauler removes approximately 4000 tires a year from these towns. Because Abitibi and Northern Québec form an administrative region for the purposes of Recyc-Québec, it is difficult to obtain exact data, such as the percentage of tires recycled in the James Bay region.

In Mr. Bélanger's opinion, all citizens who pay the $3-per-new-tire fee are entitled to the clearing of tire storage sites. However, the recovery of scrap tires by a hauler depends on the number of storage sites involved, how easy the tires can be accessed and their condition. Currently, scrap tires are normally sorted at the in-trench disposal site of each of the nine Cree communities. At the community's request, Recyc-Québec can send an inspector to storage sites to assess the situation.

As a rule, scrap tires are more likely to be recovered if they are concentrated in a single storage site. The isolation of James Bay communities and the attendant high transportation costs are an obstacle to tire recycling, but no more than in the Lower North Shore region,

where scrap tires are currently recovered. The fact that the regulations are more flexible for northern regions is a further impediment to the establishment of tire recycling programs.

Hazardous material recycling

South of the 51st parallel, hazardous material such as waste paint and used oil are recovered by non-profit organizations, in cooperation with retailers. Under the oversight of Recyc-Québec, these organizations finance themselves by collecting fees on paint and oil purchases.

Currently, the Cree communities store their used oil in tanks. A waste paint/used oil recovery program is possible in the James Bay region, although the communities would have to take the material to a pick-up point from where it could be collected in accordance with the *Transportation of Dangerous Substances Regulation*. Mr. Bélanger said that recovery would be more profitable if it were coordinated with the neighbouring Hydro-Québec stations.

Paper, plastic and glass

Communities, businesses and establishments are responsible for implementing their own paper, plastic and glass recovery systems. They have to set up a central depot where the material can be stored and then easily collected and transported to a processing centre in southern Québec.

Future action

It is important to inform the local communities of the various waste recycling options. The JBACE could help set up recycling programs or be in charge of such technical aspects as document translation.

Mr. Bélanger talked about the participatory nature of recycling programs: the Cree Regional Authority could be part of a regional consultation committee with representatives from recycling firms, haulers and Recyc-Québec. To facilitate consultation, the secretary will provide Recyc-Québec with basic information on the nine Cree communities, and Cameron McClean, CRA environmental management consultant, will provide technical data on the communities and the state of in-trench disposal sites.

9. Presentation by Denis Laliberté (MENV) on heavy metal concentrations in four lakes near Chibougamau

MENV and FAPAQ have been working together since 1998 to study the level of contaminants in northern lakes. Their studies revealed high mercury concentrations in fish from Chibougamau and Aux Dorés lakes, raising the need to measure the impact of past and current mining operations in this area. The study conducted by Denis Laliberté and

Gaby Tremblay in 2002 aimed to determine whether mining activities contaminated aquatic organisms and caused a high mercury content in fish.[1]

The arsenic, copper, nickel and zinc concentrations in sediment collected from Chibougamau and Aux Dorés lakes exceeded the interim recommendations for freshwater sediment quality (*Recommandations provisoires pour la qualité des sédiments d'eau douce—RPQS*). Although it is impossible to separate naturally occurring contamination from anthropogenic contamination, Mr. Laliberté believes that mines very likely contributed to the high concentrations. However, the high heavy metal concentrations were not found in the flesh of sampled fish (lake trout, northern pike, walleye). The viscera may show higher levels, which is why Mr. Laliberté advises against eating fish viscera (liver, kidneys, etc.).

Large fish specimens taken from Chibougamau, Aux Dorés and Obatogamau lakes often had a higher mercury content than the recommended level for marketing fishery products (*Directive pour la commercialisation des produits de la pêche)*. The proximity of mines did not affect the observed contaminant levels: Mr. Laliberté believes that the age and growth rate of fish are influencing factors in mercury levels. Moreover, he said that the mercury content in fish specimens was below the average levels observed in lacustrine fish in Québec.

The PCB content in large lake trout from Chibougamau and Aux Dorés lakes exceeded the levels for protecting fish-eating fauna: PCBs accumulate in fatty tissues, of which lake trout have a large amount. The viscera of lake trout also contain high levels of PCB.

It is currently impossible to demonstrate that mining activities impact on the contamination of Chibougamau-area lakes. MENV intends to conduct new studies to obtain more data on the metal content of sediment from Obatogamau and Waconichi lakes, fish from Obatogamau lake and PCB levels in fish liver.

10. Presentation by Evert Nieboer (McMaster University) on exposure to contaminants in Oujé-Bougoumou and Nemaska

At the request of the Grand Council of the Crees (GCC), Mr. Nieboer conducted a critical review of the report by Covel and Masters (2001), which suggested a clear link between mining and the high level of heavy metals found in fish and hair samples taken from the Crees of Oujé-Bougoumou. Furthermore, the report called into question the regular consumption of wild meat and fish.

[1] A summary of the Laliberté and Tremblay study report (2002) was provided in a document entitled "Rehabilitation of Contaminated Lands in the Chibougamau Sector: Analysis of a Study, Legislation and Programs," submitted to the JBACE in June 2003.

These findings apparently created a state of emergency in Oujé-Bougoumou. According to Mr. Nieboer, it was important to put Covel and Masters' findings into perspective so that the residents didn't abandon their basically healthy lifestyle and eating habits, including hunting and fishing.

In conjunction with Éric Dewailly of INSPQ-CHUQ, Mr. Nieboer conducted a broad survey of Oujé-Bougoumou and Nemaska residents, who served as the control group. The survey was based on an exhaustive questionnaire on lifestyles and eating habits as well as blood, urine and hair samples.[2]

Health impacts of hunting and fishing

The survey confirmed the health benefits of Cree hunting and fishing practices: people who eat wild meat showed a higher level of Omega-3 fatty acids, which reduce the risk of cardiovascular disease. The residents of Nemaska were found to have a higher level of arsenic than Oujé-Bougoumou residents, ruling out a direct contribution from mine effluent. Instead, Dewailly and Nieboer pointed to the exterior siding material used in Nemaska, especially wood treated with arsenic, as the culprit. A high copper level was observed in women in particular, probably from taking the birth control pill.

However, the Crees' hunting and fishing practices were not absolved of all blame in contaminant levels. According to Mr. Nieboer, the high selenium and zinc levels found in Oujé-Bougoumou residents are related to the consumption of piscivorous, or fish-eating, fish. The high cadmium levels observed, even in non-smokers, may be the result of eating the liver of wild animals. Lastly, the continued use of lead shot for hunting is a major factor in the lead levels observed in people practising these traditional activities.

Organochlorines

The organochlorine (PCB and DDT) levels observed in Crees from Oujé-Bougoumou came as a complete surprise. People aged 40 and over showed higher levels, suggesting bioaccumulation from eating piscivorous fish. Mr. Nieboer wondered whether the environmental criteria for organochlorines apply to Aboriginal peoples that live off of wild meat and fish: more stringent criteria would better reflect the regular consumption of such foods by Aboriginal communities. That being said, Mr. Nieboer remains convinced that the benefits of traditional pursuits far exceed the adverse effects on Cree health.

If a direct impact from mining activities cannot be demonstrated, Evert Nieboer thinks that the indirect impacts should be assessed. This would require the participation, on various levels, of polluting mining companies.

New study on mercury and other contaminants

[2] See JBACE Newsletter no. 10 (Sept. 25, 2003) for a summary of the report by Dewailly and Nieboer.

With financial support from the Mercury Fund established by the *Boumhounan Agreement*, Mr. Nieboer is currently conducting a feasibility study on exposure to mercury and other contaminants in Cree communities. He hopes that the study will confirm the need to conduct a broad health survey of the nine Cree First Nations. Among other things, the survey would include a health comparison with other hunting and fishing-dependent northern peoples.

11. Next meeting

The next meeting of the JBACE will be held on February 24 and 25, 2004, in Québec City.

Marc Jetten
Executive Secretary
March 8, 2004

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