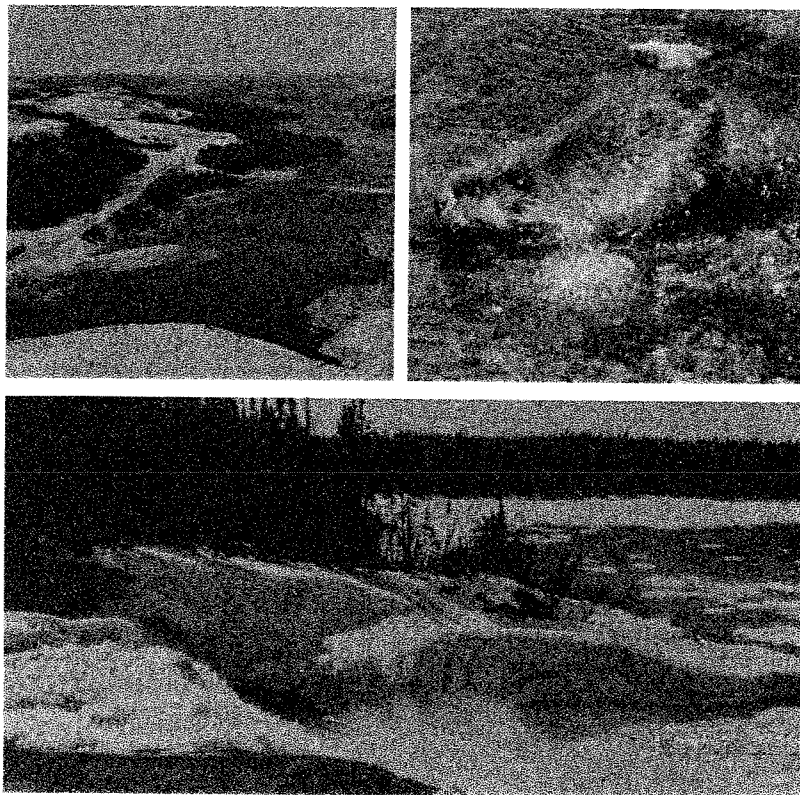


# Annual report 1978-79

The James Bay advisory committee  
on the environment



 **Environnement**  
Québec

**Annual report 1978-1979**  
James Bay Advisory Committee  
on the Environment

Mr. Marcel Léger  
Minister responsible for the Environment  
Parliament Buildings  
Québec City, Québec

Dear Sir:

I have the honour to submit the first report of the activities of the James Bay Advisory Committee on the Environment for the year ending March 31, 1979.

Yours very truly,

Jean Piette

Chairman of the Committee

Mr. Clément Richard  
Speaker of the National Assembly  
Parliament Buildings  
Québec City, Québec

Mr. Speaker:

I have the honour to submit the first report of the activities of the James Bay Advisory Committee on the Environment for the year ending March 31, 1979.

Yours respectfully,

Marcel Léger

Minister responsible for the Environment

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## Introduction

The James Bay Advisory Committee on the Environment is a body set up under the James Bay and Northern Québec Agreement, signed on November 11, 1975, which has been in effect since November 1, 1977. The Committee's activities actually began in the spring of 1978 and therefore 1978/79 is the first year of the Committee's operations.

Bill 30, an act to amend the Environment Quality Act, reproduces the provisions of the Agreement with respect to the James Bay Advisory Committee on the Environment.

The Committee is composed of thirteen members: four appointed by the Lieutenant-Governor in Council, four by the Governor General in Council and four by the Cree Regional Authority; in addition, the Chairman of the Hunting, Fishing and Trapping Co-ordi-

nating Committee, or the Vice-Chairman as the case may be, in an ex officio member of the Advisory Committee.

During this first year of activity, the Committee met six times and passed thirty-five resolutions. Naturally, the year saw numerous discussions concerning shakedown of the Committee's operation and familiarization with the mechanisms provided in both the Agreement and Bill 30. The following pages will give an overview of the Committee's duties and responsibilities as well as of its activities in 1978/79.

The Agreement and Bill 30 also provide for the creation of an Evaluating Committee which is under the administrative supervision of the Advisory Committee. The second part of this first activity report deals with the work of the Evaluating Committee for the year 1978/79.

## 1. The James Bay Advisory Committee on the Environment

### 1.1 Composition of the James Bay Advisory Committee on the environment 1978/79

#### PRESIDENT

Mr. Jean Piette

#### VICE-PRESIDENT

Mr. Gilles Lamoureux

#### MEMBERS

Mr. Philip Awashish  
 Mrs. Huguette Bisaillon  
 Mrs. Ginette Brulotte  
 Mr. Marcel Couture  
 Mr. Jean-Claude Dubé  
 Mr. George Gantcheff  
 Mr. Peter Gull  
 Mr. Guy Paradis  
 Mr. Michel Payant  
 Mr. Alan Penn  
 Mr. George Wapachee

### 1.2 Duties and responsibilities of the James Bay Advisory Committee on the environment

The James Bay Advisory Committee on the Environment is a body established under the James Bay and Northern Québec Agreement; the Committee is now governed by the provisions of sections 169 to 182 of the Environment Quality Act, enacted by Bill 30 which was given assent on December 22, 1978 and came into force on February 14, 1979, the date fixed by proclamation.

The following are its main duties and responsibilities:

- A) To examine and supervise the application of the Environmental and Social Protection Regime in the territory covered by the James Bay Agreement, and for such purpose it may:

- a) recommend the adoption of laws, regulations and any other measures designed to improve the protection of the environment and of the social milieu;
  - b) consider and formulate recommendations concerning laws, regulations and administrative procedures dealing with the environment, the social milieu and land use;
  - c) consider and formulate recommendations concerning environmental and social impact assessment and review mechanisms and procedures.
- B) To advise governments and local and regional authorities with respect to their proposed legislation and regulations for environmental and social protection in the territory.
- C) To advise the Government of Québec on its proposed management and operational management and operational plans for public forests situated in the territory.
- D) To encourage dissemination of all information relating to the acts, regulations and provided for the assessment of development projects in the territory.
- E) To furnish to the local authorities of the native people upon request, the available technical and scientific information.

### 1.3 Committee activities in 1978/79

On the basis of the Advisory Committee's duties and responsibilities its activities can be considered under four headings:

1. review and supervision
2. information
3. consultation
4. administration

By examining the Committee's main resolutions, it is possible to see how its duties and responsibilities in each of these areas were carried out.

### 1.3.1 Review and supervision

This is perhaps the Committee's principal activity since it concerns the best possible application of the Environmental and Social Protection Regime in the territory, as provided by the James Bay and Northern Québec Agreement and Bill 30. To this end, the Committee concentrated mainly on the various organizations working in the environment regime, on their operations, certain development projects of major importance and certain special studies to provide thorough knowledge and good management of the territory.

#### 1.3.1.1 Supervision of the organizations

The study of development projects for the territory is carried out in two phases: the first defines the assessment requirements of a project and the second reviews the environmental impact assessment statement submitted. An Evaluating Committee looks after the first phase and a Provincial Review Panel or a Federal Review Panel, depending on the jurisdiction, carries out the second phase of the process.

Further, as development projects are often likely to have an impact on hunting and fishing activities, the ties between the above-mentioned organizations and the Hunting, Fishing and Trapping Coordinating Committee provided for in Section 24 of the Agreement may be particularly important.

With a view to better co-ordination of all these organizations and in order to clarify certain provisions of the Agreement and Bill 30, the Committee adopted a certain number of resolutions, of which the following are the most important:

#### *Resolution # 28:*

WHEREAS, among other things, the Advisory Committee shall examine and make recommendations respecting the environment and social impact assessment and review mechanisms and procedures for the Territory in

accordance with paragraph 22.3.7 of the James Bay and Northern Québec Agreement;

WHEREAS the Advisory Committee shall look after the administrative supervision of the Evaluating Committee in accordance with paragraph 22.5.6 of the James Bay and Northern Québec Agreement;

WHEREAS the Advisory Committee may recommend to responsible governments measures related to the environmental and social protection regime in accordance with paragraph 22.3.25 of the James Bay and Northern Québec Agreement;

IT IS RESOLVED THAT the Committee would like to carry out its responsibilities in the following manner and that it seeks the advise of the Evaluating Committee in this matter:

1. The Evaluating Committee and the Advisory Committee should share a common secretariat;
2. The Evaluating Committee and the Advisory Committee should share a common documentation centre;
3. The Evaluating Committee should submit its yearly budget estimates to the Advisory Committee before August 15, each year;
4. The Evaluating Committee should send a yearly report of its activities to the Advisory Committee before May 30, each year;
5. The Evaluating Committee, or its Charman, should have the possibility of meeting with the Advisory Committee as required to discuss the activities of the Evaluating Committee;
6. The Evaluating Committee should send to the Advisory Committee on a regular basis a copy of the minutes of its meetings.

Moved by: Mr. Marcel Couture  
Seconded by: Mr. Alan Penn  
Adopted unanimously

#### *Resolution # 29:*

WHEREAS chapter 22 of the James Bay and Northern Québec Agreement which is established to review and oversee the administration and management of the environmental

and social protection regime mentions explicitly in paragraphs 22.2.2a and 22.2.4a, d and e, the protection of Cree hunting fishing, and trapping rights pursuant to chapter 24 of the Agreement;

WHEREAS paragraph 24.4.29 of the Agreement stipulates that the Coordinating Committee — for hunting, fishing and trapping shall participate in the assessment of the repercussions future developments will have on lands and wildlife resources and their exploitation, and the assessment of the economic impacts those developments will have on Native people and non-native people activities related to wildlife resources;

IT IS DECIDED THAT:

1. The Committee wishes for the Evaluating committee together with the Coordinating Committee — hunting, fishing and trapping, to take appropriate measures for the prescriptions pertaining to the protection and development of wildlife resources and to the rights of James Bay Crees in the matter to be given due consideration at the evaluation phase of a development project.
2. That the Committee seeks the opinion of the Evaluating Committee in this matter.

Proposed by: Mr. Alan Penn  
 Seconded by: Mr. Jean-Claude Dubé  
 Carried: 13 in favour  
           2 against  
           2 abstentions

#### *Resolution # 33:*

WHEREAS, the secretary of the Federal Review Panel decided on 23 January, 1979, to dissolve said committee immediately upon the completion of the study of the impact report concerning the relocation of Nemiscau;

WHEREAS, the JBACES' opinion is that the Federal Review Panel mentioned in Chapter 22, articles 22.6.4 and 22.6.5 is a permanent committee;

IT IS RESOLVED THAT:

A letter be sent to the federal administrator to invite him to meet with the JBACE to explain the federal point of view concerning the stat-

ute of the Federal Review Panel and the power of its secretariat.

Proposed by: Georges Gantcheff  
 Seconded by: Peter Gull  
 Adopted unanimously

#### *Resolution # 34:*

CONSIDERING the explanations provided by the federal administrator on 13 February, 1979, concerning the Review Panel;

CONSIDERING the opinions expressed by the members of the JBACE on this matter;

IT IS RESOLVED THAT:

The federal administrator and all local administrators be informed that in the Committee's opinion the Review Panel is a unique and standing committee comprising at least five (5) members and that the number of its members may vary at the discretion of the administrator in accordance with paragraph 22.6.5 of the Agreement.

Proposed by: Gilles Lamoureux  
 Seconded by: Alan Penn  
 Adopted: 7 in favour  
           1 against

#### *Resolution # 35:*

WHEREAS, it has been brought to the attention of this Committee that the Review Panel established under paragraph 22.6.4 of the Agreement, requires an operation budget and a secretariat;

WHEREAS, paragraph 22.6.5 of the Agreement states that the Review Panel shall be provided with adequate staff and funded by Canada;

IT IS RESOLVED:

THAT the Review Panel submits to the appropriate government of Canada representative a budget estimate for the next fiscal year.

Moved by: Alan Penn  
 Seconded by: Michel Payant  
 Adopted: 4 in favour  
           3 against  
           1 abstention

As a general rule, discussion and exchange of information with the organizations mentioned in these different resolutions has been frank and profitable, and a greater facility is already apparent in the application of the environmental and social impact assessment procedure.

### 1.3.1.2 Follow-up of certain projects

During its first year of existence, the Committee was also interested in certain major development projects such as the NBR Complex and the Great Whale Complex. For the moment at least, these are the two most important hydro-electric projects planned for the territory and it is proposed to implement them in the next few years. Through certain of its interventions, the Committee has reminded the appropriate officers of the requirements of various assessment mechanisms and the usefulness of drawing, as far as possible, certain comparisons between these projects. This is the aim of Committee Resolutions 25 and 26 in particular.

#### *Resolution # 25:*

WHEREAS, the James Bay Advisory Committee on the Environment is charged with supervising the Administration of the environmental and social protection regime in accordance with the provisions of paragraphs 22.3.24 and 22.3.27 of the James Bay and Northern Québec Agreement;

WHEREAS, the Committee has today learned that a decision has been rendered by the Québec Administrator under paragraphs 22.5.4, 22.5.15 and 22.5.16 concerning the Nottaway-Broadback-Rupert (N.B.R.) project without the Evaluating Committee on environmental and social impact having been called upon to formulate its recommendations on the subject; and

WHEREAS, paragraph 22.7.6 of the Agreement provides that the environmental and social impact assessment and review procedure was to be operative within a period of four (4) months following the date of coming into force of the Agreement;

AND GIVEN the importance of this project for the Cree communities of James Bay and the environment of the said territory;

The James Bay Advisory Committee on the Environment has resolved as follows:

1. The Committee expresses its surprise and concern that a decision should have been rendered in 30 days concerning the scope of the environmental impact statement of the Nottaway-Broadback-Rupert (N.B.R.) project without having been submitted to the Evaluating Committee when there was a possibility of extending this deadline under paragraph 22.5.16 of the Agreement;
2. The Committee recalls the spirit and the letter of the Agreement concerning the involvement of the signing in the assessment and review procedure;
3. The Committee recommends to the Québec Minister responsible for the environment to find means of placing this project before the Evaluating Committee and of holding adequate consultations concerning it, in accordance with the spirit of the Agreement.

Moved by: Peter Gull

Seconded by: Philip Awashish

Adopted unanimously

#### *Resolution # 26:*

WHEREAS, the James Bay Energy Corporation and Hydro-Québec are presently studying hydro-electric projects in the drainage basins of the Nottaway-Broadback-Rupert Rivers and in that of the Great Whale River;

WHEREAS, it is expected that the two (2) projects will be subject to the environmental and social impact assessment procedure described in the James Bay and Northern Québec Agreement;

WHEREAS, it is probable that the two projects will have major implications on the environment and society of the James Bay Crees; and

WHEREAS, it is desirable that the relative environmental and social impact of the two projects be taken into consideration;

## IT IS RESOLVED:

THAT the assessment, review and decisions relating to eventual authorization of each of the above-mentioned projects, in accordance with section 22 of the James Bay and Northern Québec Agreement, consider, in so far as possible, the relative impact of each of these projects on the population and the environment of the James Bay territory.

Moved by: Alan Penn  
 Seconded by: George Wapachee  
 Adopted unanimously

The Committee's intervention has been well received, and at the present moment these two projects are proceeding normally in so far as determination of the requirements of the environmental and social impact assessment statement by the Evaluating Committee are concerned.

### 1.3.1.3 Knowledge of the territory and application of standards

The Committee may make proposals with respect to gathering data on certain problems that it believes exist within the territory; it may also propose examination of the possibility of modifying the acts, regulations, standards or directives to make them more consistent with the requirements of a northern territory. This is the spirit of resolutions # 24 and 32.

#### *Resolution # 24:*

WHEREAS, the results of the CANSAP studies indicate that the precipitation over north-western Québec is generally acid;

WHEREAS, the conditions of the environment in northwestern Québec (acid surface soil, cristalline rock) are similar in several respects to those existing in northeastern Ontario, where serious problems of lake acidification and losses of fishing potential have been identified; and

WHEREAS, surveys have been conducted on this subject by the Ontario Department of the Environment, the Fresh Water Research Institute and The National Institute of Water Research;

## IT IS RESOLVED:

THAT the James Bay Advisory Committee on the Environment recommend that the Government of Québec undertake an assessment of the potential degradation of the environment of the lakes in the James Bay region, as a consequence of the acid precipitation.

Moved by: Alan Penn  
 Seconded by: Marcel Couture  
 Adopted unanimously

#### *Resolution # 32:*

WHEREAS, QEPS' technical notice 24, dated 31 october 1978, prohibits municipal use of so-called separation systems (to connect french drains and private home sewers).

WHEREAS, the Cree members of the JBACE have brought to the attention of the Committee specific problems concerning a new sewage system for the Waswanipi Cree community, where it seems that authorization was denied partly because of the connection of french drains with sanitation systems.

WHEREAS, the construction of municipal sanitation systems in Cree communities, must often take into consideration local geological and hydrographic conditions (phreatic water, permafrost, large quantity of silty clay, etc.)

WHEREAS, that pursuant to Paragraphs 22.3.24, 22.3.25 and 22.3.26 of the Convention and pursuant to Section 175 of Act 30, the Committee is commissioned to propose regulations and other appropriate measures concerning the environment protection regime and social milieu, in accordance with Chapter 22 of the Convention.

## IT IS RESOLVED THAT:

The Committee recommends for the QEPS to re-examine the appropriateness of technical notice 24 concerning the planning of water and sewage systems for the James Bay Territory Communities.

Moved by: Alan Penn  
 Seconded by: Michel Payant  
 Adopted unanimously

### 1.3.2 Information

Since its role is to co-ordinate the parties, to interpret the Act and the Agreement, and to advise governments, the Committee is also an important mechanism for disseminating information both on the provisions of the Agreement as well as on the acts and regulations which apply to the territory.

Since its inception, the Committee has discussed these concerns and has approved several resolutions.

#### *Resolution # 12:*

THAT through its Secretariat the Advisory Committee be informed by administrators having jurisdiction over the James Bay Territory or studies of relevant data and of requests for authorization certificates submitted to the evaluation and examination procedure under Section 22 of the Agreement.

Moved by: John Spence  
Seconded by: Huguette Bisailon  
Adopted unanimously

#### *Resolution # 14:*

THAT the Advisory Committee through the Environmental Protection Services Minister obtain information from Québec Hydro about La Grande and La Grande Baleine Rivers. Cree members would like their contribution to bear on the supervision program.

Moved by: Alan Penn  
Seconded by: Marcel Couture  
Adopted unanimously

#### *Resolution # 19:*

THAT the Convention federal administrator delegate a representative who will give the necessary information on the explanatory document on the James Bay and Northern Québec Convention.

Moved by: Jean Piette  
Seconded by: Marcel Couture  
Adopted unanimously

#### *Resolution # 20:*

THAT a request be made both to the Québec Environmental Protection Service and to Mr. G. Paradis of the Department of Natural Resources that they submit to this Committee, at its next meeting, all information relevant to the procedures presently in effect for obtaining the necessary permits for working quarries and gravel pits in accordance with the Mines Act and the Environmental Quality Act.

Moved by: Jean Piette  
Seconded by: Alan Penn  
Adopted unanimously

#### *Resolution # 21:*

THAT the Québec Environmental Protection Service, Environment Canada and the Crees design a common public-information program dealing with section 22 of the James Bay and Northern Québec Agreement.

Moved by: Gilles Lamoureux  
Seconded by: Huguette Bisailon  
Adopted unanimously

At the present moment, a tripartite working group composed of representatives of the native peoples, the federal government and Québec, is in the process of preparing an information program to make the terms of the Agreement available to the public in general and the native people in particular.

### 1.3.3 Consultation

The Committee has concerned itself with forest management in the territory, particularly following a report which was brought to its attention with respect to forestry operations and clear cutting in the Waswanipi region, located northeast of Matagami. The Committee subsequently passed resolution # 27.

#### *Resolution # 27:*

THAT the report entitled "Clear-cutting practices within Waswanipi traplines", prepared in August 1978 by the Waswanipi band and the

Grand Council of the Crees of Québec, be transmitted to the Department of Lands and Forest.

THAT it be recommended to the Minister of Lands and Forests that the suggestions contained in the said report be followed up, and the necessary measures taken to avoid repetition of such situations in the future;

THAT the Committee would respectfully appreciate the presence of a representative of the Department of Lands and Forests in order that he might inform the Committee of the measures taken by the Department and the positions of the latter with respect to this question.

Moved by: Peter Gull  
Seconded by: Philip Awashish  
Adopted unanimously

As a result of this resolution, talks have taken place with the authorities of the Department of Lands and Forests, and are continuing on a more general level with respect to ways of applying section 179 of Bill 30. According to this section, the Minister of Lands and Forests shall transmit to the Committee, for comment, the management and development plans for public forests situated in the territory.

On the other hand, the Committee was not consulted very much by organizations wishing to propose or amend regulations — applicable either solely in the territory or in the territory and elsewhere — which have an environmental or social impact. However, the Minister responsible for the Environment recently informed the Committee that he would consult them in the near future on a certain number of draft regulations.

### 1.3.4 Administration

This first year saw several discussions with respect to the Committee's autonomy, the status of its secretariat and the nature of the administrative ties between the Committee

and the Evaluating Committee. Resolutions # 16 and 23 are of particular note.

#### *Resolution # 16:*

THAT the composition of the Committee reflect the autonomy which is indispensable to the performance of its duties especially with respect to the administration of its secretariat and budget and the possibility for Crees to be hired for secretarial work. The Advisory Committee should be given full responsibility in the administration of the budget allocated by the Governments.

Moved by: Marcel Couture  
Seconded by: Huguette Bisailon  
Carried: 6 votes for, 2 votes against, 4 abstentions

#### *Resolution # 23:*

THAT the Government of Québec be informed that administrative supervision of the Evaluating Committee is indeed a function of the James Bay Advisory Committee on the Environment; it should be written clearly into Bill 30 as stipulated at paragraph 22.5.6 of the James Bay and Northern Québec Agreement.

Moved by: Alan Penn  
Seconded by: Jean-Claude Dubé  
Adopted unanimously

Subsequent discussions with the Director of the Québec Environmental Protection Service will very likely confirm the Committee's autonomy through an administrative agreement with QEPS.

Also, the administrative ties with the Evaluating Committee were modified along the lines proposed in resolution # 28.

The Committee will also finalize a certain number of internal guidelines which will apply at meetings and which will govern the activities of its secretariat. These draft rules will shortly be submitted to the parties for their approval.

## 2. The Evaluating Committee

### 2.1 Role of the Committee in the Environment Regime

The James Bay and Northern Québec Agreement created a set of administrative regimes for the northern regions of Québec with a view, among other things, to protecting the subsistence activities of the Cree and Inuit communities, as well as reinforcing the local village economy. The Environmental and Social Protection Regime forms an integral part of this administrative strategy.

Sections 22 and 23 of the Agreement — the first dealing particularly with the Cree in north-western Québec, and the second with the Inuit in New Québec — define the structure of the Environmental and Social Protection Regime. They aim to ensure, through various advisory committees, effective participation by the native peoples in the decision-making process of the central government with respect to development in northern Québec and protection of the environment during this development.

The Environment Quality Act (Québec Statutes, 1972, c 49, as amended by Bill 30 which received assent on February 14, 1979) incorporates the provisions of these two sections of the Agreement and implements the Environmental and Social Protection Regime set up for Northern Québec.

This regime includes two procedures for evaluating and reviewing the impact of development projects. One of these procedures applies only to Inuit territory north of the 55th parallel and is therefore not dealt with in this report. The second procedure applies to the territory used by the James Bay Crees, roughly including northwestern Québec and part of the Great Whale River catchment area. In the latter case there are two distinct phases in the decision-making process: first *evalua-*

*ting* whether a given project should be submitted to impact assessment and review, and then *examining* the impact as determined by the impact assessment. The regime provides for a committee at each stage: the *Evaluating Committee* establishes the guidelines for the impact assessment statement and decides whether or not a project should be submitted to evaluation; the *Review Committee* then studies the impact reports and decides whether or not to recommend authorization of the project concerned and, where appropriate, recommends any conditions to be attached to this authorization.

Any proponent who intends to undertake a project situated in the James Bay territory or in the Great Whale River region must first obtain authorization for the project, unless the project falls into one of the development categories which are automatically excluded from impact assessment and review procedures by virtue of Schedule B of the Environment Quality Act.

If the project is under the jurisdiction of the Government of Québec, the proponent must obtain a certificate of authorization (or an attestation that the project is not subject to impact assessment and review procedures) from the Director of the Québec Environmental Protection Service. If the project falls under federal jurisdiction, the federal Administrator appointed under Section 22.1.1 (ii) of the Agreement is responsible for authorizing the project. Finally, if the project is to be carried out in Cree Category I lands it is the responsibility of the Cree local government, and the local Administrator exercises the powers of the Director of the QEPS in this regard (see Section 22.1.1 (iii) of the Agreement).

The proponent of a project which is automatically subject to the impact assessment and review procedure by virtue of Schedule A of

the Environment Quality Act, first submits a notice to the Director (or the Administrator concerned) at the preliminary planning stage, describing the nature of the project and the scheduled date for commencement of work. This information is sent to the Evaluating Committee which recommends to the Director, if appropriate, the moment at which the proponent should submit preliminary information; the Director transmits these recommendations to the proponent (section 190 of the Act).

In the next stage of the process, the proponent sends the Director the preliminary information on his project, as defined in the regulations adopted under section 240 of the Act. This preliminary information serves as a basis for drawing up recommendations as to the scope and extent of the impact assessment statement. The Director transmits this information to the Evaluating Committee, which then proceeds to evaluate the project and to draw up its recommendations for the appropriate assessment of the project.

The Committee decides on the content of the impact statement (bearing in mind the directives attached to Section 22 of the Agreement), but may at the same time make proposals pertaining to the project review procedure (in order, for example, to solve certain administrative problems resulting from the overlapping of territorial jurisdictions in this area). If other information proves necessary for reviewing a project, the Committee can so inform the Director.

The Director's decision is to be communicated to the proponent within thirty days following receipt of the preliminary information. The Committee's work is carried out within this period, which can, however, be extended by the Director if necessary to permit the Committee to complete its study of the file.

The proponent of a project which does not appear either in Schedule A or in Schedule B of the Act (and which is therefore in the "grey area" of projects which may be submitted to the assessment and review procedure if circumstances justify it) must also transmit to the

Director the preliminary information mentioned in section 191 of the Act.

In this case, however, the Evaluating Committee studies the project's impact in a cursory way in order to decide on the appropriateness of a detailed impact assessment statement. If the Committee feels that the project concerned should be submitted to impact assessment and review, it will make recommendations in accordance with the approach outlined for projects listed in Schedule A of the Act.

After receiving the Director's instructions, the proponent begins to draw up his impact statement. If a preliminary statement is required, a first assessment is deposited with the QEPS; the Review Committee studies the assessment and communicates to the Director its recommendations with respect to decisions which might be made at this preliminary stage, or concerning any de-tailed assessment which it might be imposed when the authorization certificate is issued. In this case, the Evaluating Committee, having completed its study of the file, is no longer involved in the study of the project.

It should be noted that the above-mentioned procedure applies to projects under the jurisdiction of Québec. For projects under federal or Cree local government jurisdiction, the local or federal Administrator carries out the Director's responsibilities.

## **2.2 The composition of the Evaluating Committee**

The Evaluating Committee is a tripartite committee composed of six members: two are appointed by the Governor General in Council, two by the Lieutenant-Governor in Council and two by the Cree Regional Authority. During the first year of operation, the members of the Evaluating Committee were the following:

- Mr. Jacques Giguère:  
Québec Environmental Protection Service
- Mr. Michel Beaulieu:  
Québec Environmental Protection Service

Mr. Claude St-Charles:  
Environment Canada  
Mr. Daniel Couture:  
Environment Canada  
Mr. George Wapachee:  
Cree Regional Authority  
Mr. Alan Penn:  
Cree Regional Authority

For the first year of activity, the Chairman was appointed by Québec and the Vice-Chairman by the federal government; Mr. Giguère was the Chairman and Mr. St-Charles the Vice-Chairman.

### **2.3 The activities of the Evaluating Committee for the year 1978-79**

Between October 19, 1978 and March 31, 1979, the Evaluating Committee received six development projects:

1. the Nottaway-Broadback-Rupert rivers hydro-electric project
2. the Great Whale River hydro-electric project
3. the Nemiscau access road project
4. construction of the Lake Evans road for mining exploration
5. the snowmobile trails project for the communities of Eastmain and Paint Hills
6. the Brisay hydro-electric project

Two other projects have been received by the Evaluating Committee but will be the subject of discussion in the next annual report since they reached the Committee, after March 31, 1979. These projects are:

- construction by the James Bay Development Corporation of a permanent road between Chibougamau and the Albanel sub station
- the installation of the Gagnon & Frères saw-mills south-east of Chibougamau

#### **1. The NBR hydro-electric project**

This project, under the auspices of the James Bay Power Corporation, was the first to be submitted to the Evaluating Committee. The

Committee recommended that an impact assessment statement be drawn up by the proponent in two stages. It also described the kind of preliminary assessment to be presented, recommending that it take the form of a series of sector reports taking into account the various alternatives proposed, deforestation policies, native employment policies and such specific problems as the use of Lake Mistassini as a reservoir and the choice between the Rupert and Broadback rivers for the installation of the power stations. The Director accepted these recommendations and sent them to the JBPC around the middle of February 1979.

#### **2. The Great Whale River hydro-electric project**

This project was submitted by Hydro-Québec and was received by the Evaluating Committee at the same time as the NBR project. Because of the work required on the latter, the Evaluating Committee was not able to study the Great Whale River project before mid-February and submitted its recommendations in April 1979.

This major development project concerns development of the basins of the Great Whale River and the Little Whale River, either separately or by diverting the latter toward the former.

As with the NBR project, the Evaluating Committee recommended that a preliminary assessment be prepared as soon as possible so as to proceed with a selection from the alternatives under study, and then a detailed assessment be drawn up which would study the impact of the solution chosen.

As in the NBR project, the proposed assessment will adopt a sectorial approach using separate studies to analyse the alternatives, native employment, corrective work policies and the water supply at Poste de la Baleine.

Since the Great Whale project affects both the Cree and the Inuit, it was submitted to the full impact assessment and review procedure. At the time the Evaluating Committee prepared

its recommendations, the Kativik Environmental Quality Commission had not been formed. As a result, it was not possible to coordinate the work of the two regimes so as to arrive at a single impact guidelines.

In the light of the Evaluating Committee's recommendations, the Director of the Environmental Protection Services gave his decision with regard to the nature and scope of the assessment of the environmental and social impact of this development project. However, the Director reserved the right to make additional stipulations after receiving the recommendations of the Kativik Environmental Quality Commission.

### 3. The Nemiscau access road project

A new Cree village is presently under construction on the banks of Lake Champion about twenty-five kilometres west of the Nemiscau substation for the La Grande project transmission lines. Toward the end of October, the Nemaska band submitted a preliminary proposal for construction of a road linking the community to the substation airfield. The Director considered the proposal incomplete, and the band is to submit another proposal when more details as to financing and road plans are available. No other action has been undertaken since that time.

### 4. Construction of a road for mining exploration near Lake Evans

The Evaluating Committee was advised in February of the proposal of the Department of Natural Resources to construct a road beginning at a point on the road from Matagami to LG-2 south-west of Lake Evans and ending at a point on the Broadback River one hundred kilometres further east. This road roughly follows the route of an old winter road and is required mainly for mining exploration near Lake Evans, but will also be used to expand the forestry industry in the drainage basin of the Broadback River.

Legal advice was requested from legal services at the Québec Environmental Protection Service to determine if, and to what extent, the project was subject to assessment and review procedures (since authorization to construct a winter road had already been obtained before signature of the Agreement). It was determined that the project should be submitted to the assessment statements required is presently being determined. The Committee recommended that a final report be written based on guidelines which can be applied to other projects of a similar nature.

### 5. Snowmobile trails (Eastmain and Paint Hills)

The two coastal communities of Eastmain and Paint Hills received funds from SOTRAC, for corrective work in the La Grande Complex to construct snowmobile trails linking the villages on the road from Matagami to LG-2. These trails will provide the Cree with easier access to their trapping lands and will permit transportation of merchandise during winter months. Since this type of project does not appear in Schedules A and B of the Act, the Evaluating Committee recommended that the project not be submitted to the procedure. The Director subsequently recommended that an overall plan of the anticipated network of trails be submitted to the Committee. The Evaluating Committee examined the Eastmain and Paint Hills projects in January and February 1979.

### 6. The Brisay hydro-electric project

The James Bay Power Corporation proposed the construction of an additional power station near the Caniapiscau reservoir control structure and also the construction of a transmission line between this station and the Laforge power station which is situated above LG-4.

Construction of this station and the transmission line constitute modifications to the 1975 La Grande Complex, as defined by the James Bay and Northern Québec Agreement: these projects are therefore subject to the assess-

ment and review procedure. A final statement was requested for the power station and the transmission line. The Evaluating Committee examined these projects in May 1979 and sent its recommendations to the Director in June.

### Some observations on the Evaluating Committee's first year of operation

The Evaluating Committee is a new body, and inevitably some time and experience are necessary in order to work out satisfactory methods of operation. In spite of the fact that the first two projects studied by the Committee were as vast as the NBR Complex and the Great Whale Complex, very useful experience was acquired during the first months of the Committee's operation and we will summarize below some of the main points which should be taken into consideration in the Committee's continuing work.

### The language of work

To date the language of work of the Evaluating Committee has been French, with the freedom to make interventions in English if necessary. All the minutes of meetings have been written in French, as have all documents (with the exception of correspondence with the Cree communities). The Cree party has undertaken to distribute, where necessary, an English version of the texts to be used by the communities. As a result, the members of the Committee hope to be able to make their work accessible and more comprehensible to the Cree

communities in coming years. It is expected that this policy will increase the amount of English in the Committee's work.

### The content of impact statements

The Evaluating Committee refers the proponent to Schedule 3 of section 22 of the Agreement which describes, in general terms, the structure and content of an impact statement. This Schedule will also be substantially reproduced in one of the regulations issued under section 240 of the Environment Quality Act.

However, the Committee produces complete guidelines for impact assessment for each project subject to the procedure. These guidelines take into account the type of project submitted and the geographic and social contexts.

### The thirty-day deadline

From the Committee's experience, it seems that the thirty-day deadline within which the Administrator is to apply the procedure is very difficult to meet, given the time it takes to transmit documents, organize meetings and hold the necessary discussions to prepare recommendations based on a consensus of the three parties. The deadline has in fact been too short for the majority of the projects submitted. Even though the Director has been authorized to extend the deadline where necessary (section 194 of the Act), it may be necessary to think of changing the deadline, given the time actually required to apply the evaluation process.