

1979/80 ANNUAL REPORT

JAMES BAY ADVISORY COMMITTEE
ON THE ENVIRONMENT

Dépôt légal - premier trimestre 1982
Bibliothèque nationale du Québec

MR MARCEL LÉGER
MINISTER OF ENVIRONMENT
Government Building
Québec City

Dear Mr Minister,

In accordance with the provisions of Section 182 of the Environment Quality Act, as amended by SQ 1978, c. 94, I am forwarding to you the report of the activities of the James Bay Advisory Committee on the Environment for the year ended on March 31, 1980.

Yours very truly,

Jean Piette
Chairman of the Committee

MR CLAUDE VAILLANCOURT
CHAIRMAN OF THE ASSEMBLÉE NATIONALE
Government Building
Quebec City

Dear Mr Chairman,

I am forwarding to you the annual report of the activities of the James Bay Advisory Committee on the Environment for the year ended on March 31, 1980.

Yours faithfully,

MARCEL LÉGER
Minister of Environment

NOTE

In order to avoid confusion, the terms "Services de protection de l'environnement" and "Director of the Services de protection de l'environnement" have been used throughout the report. With the creation of the ministère de l'Environnement on November 12, 1979, these terms become respectively "ministère de l'Environnement" and "Deputy Minister of Environment" for everything to do with the operations and terms of reference of the Evaluating and Advisory Committees. By the same token, the terms "ministère de l'Énergie et des Ressources" will have to be substituted for "ministère des Terres et Forêts".

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INTRODUCTION

The James Bay Advisory Committee on the Environment was set up under the provisions of Chapter II of the Environment Quality Act, as amended by SQ 1978, c 94, which in essence repeats the provisions laid down in Chapter 22 of the James Bay and Northern Québec Agreement. The Agreement was signed on November 11, 1975, and came into effect on November 1, 1977. The Committee actually began its activities in the spring of 1978; 1979/80 is therefore its second year of operation.

Of the thirteen members who make up the Committee, four are 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 Co-ordinating Committee on Hunting, Fishing and Trapping, or the Vice-Chairman as the case may be, is an ex officio member of the Advisory Committee.

The Committee met six times during its second year of operation (Seventh to Twelfth Meetings) and discussed, among other things, forest operations, acid precipitation, municipal services on Cree lands, draft provincial regulations, training of local administrators and the administrative consolidation of the Committee. The last point indicates the stage to which the Committee has evolved. It has adopted internal management rules; organization of the Secretariat is under way; there was discussion of the relationship between the Advisory Committee and the Evaluating Committee, and a first examination was made of the application of the Environmental and Social Protection Regime established under the Agreement.

The first part of this report describes the activities of the James Bay Advisory Committee on the Environment during 1979/80, and the second covers the activities of the Evaluating Committee, which, under the terms of the Act and the Agreement, is under the supervision of the Advisory Committee.

1. THE JAMES BAY ADVISORY COMMITTEE ON THE ENVIRONMENT

1.1 Composition of the James Bay Advisory Committee on the Environment (1979/80)

MEMBERS APPOINTED BY THE CREE REGIONAL AUTHORITY

Mr Peter Gull (replaced in August 1979 by Mr James Bobbish)

Mr Michel Payant (replaced in February 1980 by Mr Henry Mianscum)

Mr Alan Penn

Mr George Wapachee

MEMBERS APPOINTED BY THE LIEUTENANT-GOVERNOR IN COUNCIL

Mrs Huguette Bisailon

Mr Georges Gantcheff

Mr Guy Paradis

Mr Jean Piette, Chairman

MEMBERS APPOINTED BY THE GOVERNOR GENERAL IN COUNCIL

Mrs Ginette Brulotte (replaced in February 1980 by Mr Yves Leclerc)

Mr Marcel Couture (replaced in August 1979 by Mr Normand Lafrenière)

Mr Jean-Claude Dubé

Mr Gilles Lamoureux, Vice-Chairman

CHAIRMAN OF THE CO-ORDINATING COMMITTEE ON HUNTING, FISHING AND TRAPPING

Mr Philip Awashish

Although the Advisory Committee is in its second year of operation, 1979/80 is its first year of activity since the adoption of the Act establishing it. For this reason the chairmanship and vice-chairmanship were again assumed this year by Québec and Canada respectively. During 1980/81 these functions will pass to members appointed by the Cree Regional Authority.

1.2 Terms of reference of the James Bay Advisory Committee on the Environment

1.2.1 Functions and Responsibilities

The James Bay Advisory Committee on the Environment, which was created under the James Bay and Northern Québec Agreement, is now largely governed by sections 169 and 182 of the Environment Quality Act. Its principal duties and responsibilities are the following:

- A) To review and oversee 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 development plans for the public forest situated in the territory;
- D) To encourage dissemination of all information relating to the Acts, regulations and mechanisms provided for the assessment of development projects in the territory;

- E) To furnish the local native authorities, on request, with the available technical and scientific information.

1.2.2 Territory

The territory covered by Chapter 22 of the Agreement and Division II of Chapter II of the Act includes most of the James Bay drainage basin, extending to the 55th parallel in the north, the borders of Ontario and of the Northwest Territories in the west, and the 69th meridian in the east. In the south, its limit coincides with the southern limit of the middle zone as defined in section 6 of the Act respecting hunting and fishing rights in the James Bay and New Quebec territories (SQ 1978, c 92), and with the southern limit of the Cree traplines located to the south of this zone. The southern limit of the territory is therefore variable.

The territory also includes Category I and II lands of the Cree of Poste-de-la-Baleine (Whapmagoostoo).

1.3 Activities of the Advisory Committee during 1979/80

The members of the Advisory Committee agreed to classify their activities according to the following four categories:

1. Review and supervision;
2. Information;
3. Consultation;
4. Administration.

1.3.1 Review and Supervision

According to section 175 of the Environment Quality Act, the Advisory Committee is to oversee the application of the Environmental and Social Protection Regime in the Baie-James territory. This is one of the fundamental tasks of the Committee. During 1979/80 two major projects, the NBR and Grande-Baleine complexes, provided it with the opportunity to see how the environmental and social impact assessment and review procedure was working, and to analyse the problems and difficulties involved in its application. The Advisory Committee also took advantage of this opportunity to study the terms of reference of the Evaluating Committee.

1.3.1.1 Impact Assessment and Review Procedure

One of the main questions raised during the impact assessment and review procedure for the NBR and Grande-Baleine complexes was that of communication between the Evaluating Committee and the proponent of a project. The Advisory Committee concluded that it could be useful for the Evaluating Committee to communicate with the proponent in certain cases, but that such communication should be made through the Administrator and at the request of the proponent. This would not exclude the possibility of informal exchanges, however. This will allow the Evaluating Committee greater freedom of action in dealing with major projects.

The Grande-Baleine project also demonstrated to the Advisory Committee another difficulty in the application of the assessment procedure. This is the question of co-ordination with the advisory bodies covering the territory north of the 55th parallel. It was because of this problem that the Director of the Services de protection de l'environnement was obliged to hand down a provisional decision on the Grande-Baleine project based only on the recommendation of the Evaluating Committee, since the Kativik Environmental Quality Commission was not yet in operation when the project was submitted to the Provincial Administrator, and the latter could not unduly delay communication of his decision to the proponent.

1.3.1.2 Administrative Supervision of the Evaluating Committee

The Evaluating and Advisory Committees held a meeting, on June 15, 1979, to examine in greater detail the former's operations and terms of reference. As mentioned above, there was much discussion of the question of communication between the Evaluating Committee and proponents of projects. Other aspects of the Evaluating Committee's operations brought to the attention of the Advisory Committee at this meeting included the matter of the thirty-day deadline, relations between the Committee and the administrator appointed under the provisions of the Agreement, synthesis of the Evaluating Committee's recommendations

in a tripartite context and lastly, questions concerning the definition of the preliminary information, of the proponent's preliminary and final reports, and of the content of Schedule 3 to Chapter 22 of the Agreement.

The Advisory Committee was generally satisfied with the operations of the Evaluating Committee and did not determine upon any particular strategy or course of action following these discussions.

1.3.1.3 Territory Covered by the Regime and the Procedure

One of the difficulties encountered by the Advisory Committee in supervising application of the Regime was the definition of the territory to which it applies. First, there is the fact that the southern limit of the territory varies, due to the shifting nature of the Cree traplines which define it. There is also a discrepancy between the descriptions of the eastern limits set out in paragraphs 1.16 and 22.1.6 of the Agreement. The Advisory Committee therefore asked the Chairman of the Coordinating Committee on Hunting, Fishing and Trapping, Mr Philip Awashish, to raise the matter with that committee and to obtain from it a proposed definition of the southern limit. Resolution No 40 was adopted concerning the eastern limit (see Appendix III).

1.3.1.4 Quality of the Environment

In this area of its responsibilities for review and supervision, the Advisory Committee addressed itself in particular to the problems of acid precipitation and mercury pollution.

a) Acid precipitation

Resolution No 24, adopted by the Committee during the previous fiscal year, requested that the Government of Quebec evaluate the potential deterioration of the lakes in the Baie-James region. However, so little information on the subject was sent to the Advisory Committee that the latter decided to adopt Resolution No 42, inviting the federal and provincial governments to delegate representatives to discuss the matter.

As a result of this resolution, a representative of Environment Canada attended the twelfth meeting of the Advisory Committee. Québec, for its part, informed the Committee that work was not far enough advanced on the question to warrant sending a delegate. The Environment Canada representative told the Committee about research presently being undertaken by Canada into the environmental impact of long-range atmospheric pollution. He also spoke of the international dimensions of this type of pollution and of the current Canadian-American negotiations.

The members of the Advisory Committee emphasized the importance of taking the socio-economic repercussions of this problem into consideration in the intervention programme. Finally, with Québec in the chair of the intervention strategies committee, the Advisory Committee reiterated its request to meet a delegate who would provide more specific information on the acid precipitation situation in Québec and hear the Committee's concerns about the impact of this problem before an intervention programme is adopted.

b) Mercury pollution

The Société d'énergie de la Baie James was asked by the Advisory Committee to supply the following information on this problem: 1) the data presently available on mercury levels in fish from the territory of the La Grande complex; 2) information on the nature and implementation of the heavy metal pollution monitoring network in the territory; 3) whether any network is planned for monitoring mercury levels in fish from the territory of the NBR complex, and if so, whether comparative measurements will be made before and after flooding of the reservoirs.

Through its members, the Committee obtained a summary of an analysis carried out by Hydro-Québec and was informed of the parameters of a McGill University study among the native population in the villages of Mistassini, Waswanipi, Poste-de-la-Baleine and Fort George. This study focused on the neurological effects of exposure to methyl-mercury and should be able to indicate the level of exposure at which neurological symptoms begin to develop. This

would make it possible to furnish the Cree with information that will enable them to keep consumption within safe limits.

1.3.1.5 Regional Development and Land Management

In addition to supervising application of the impact assessment and review procedure to the NBR and Grande-Baleine complexes, the Advisory Committee reviewed other development projects in the territory, particularly forest operations, municipal services on Cree lands, construction of Chisasibi village and a drinking water pollution problem in Waswanipi.

a) Forest Operation

Before embarking on the review procedure for public forest management plans, the Advisory Committee studied the whole question of management and development of the forests in the Baie-James territory. The Committee was concerned, among other things, with the problems of natural regeneration and the impact of forest operations on the subsistence activities of the Cree. It studied the "Guide d'aménagement du milieu forestier" and found that this document did not take the characteristics of northwestern Québec sufficiently into account. Nor was the application of the standards it contains particularly clear. Turning to the question of forest operations, the Committee paid special attention to the government's wood supply policy for the territory under the Agreement, and to the problem of the shifting of logging activity toward the northern part of the management units. The Donohue-Normick pulp and paper mill project in Amos was also examined, as part of its wood supply would be from the territory covered by the Agreement, in a new sector not yet touched by forest operations. The members of the Committee were asked to submit papers with their comments and recommendations on the environmental factors which a forestry management plan should address, the operating standards to be applied in the territory, the means of applying them and the instruments to be used in dealing with the environmental factors. The whole question of management plans will be developed considerably in the next fiscal year.

b) Municipal services

The Advisory Committee was apprized of the agreement on housing and municipal services, between the Cree Housing Authority and the Department of Indian and Northern Affairs. It was also informed of the negotiations between the ministère des Affaires municipales, SAGMAI and the Cree on the possibility of financial participation by Québec in the work planned under the agreement. The Cree representatives were invited to table the parameters of the 1980 service infrastructure construction programme for Cree communities and, in the meantime, a tripartite working group was set about clarifying the question of legal jurisdiction over Category 1A lands. While the federal Indian Act applies on Indian reserves, the group ascertained that, for matters that are not exclusively of federal jurisdiction, these territories and their inhabitants are subject to provincial laws of general application if these are compatible with federal law, or if the latter is silent on a given subject. However, three questions remain unanswered and will be the subject of further discussions:

- 1° Is the existence of a regulatory power sufficient in itself, even if this power is not used, to set aside the application of a Québec law or regulation on the subject in question?
- 2° Is the existence of a federal regulation, adopted under the authority of the Indian Act and conferring on the Department of Indian Affairs a power of control and administrative supervision over a given matter but not laying down standards, sufficient to set aside the application of Québec regulatory standards for the same matter, the supervision of which is entrusted to the Department of Indian Affairs?
- 3° Is the existence of regulatory standards adopted by an Indian band under the Indian Act sufficient to set aside the power of control and supervision of the Director of the Services de protection de l'environnement (in particular the power to issue permits and orders)?

On the subject of construction of Chisasibi village, the Committee repeated the request

made during the previous fiscal year (resolution No 31) for information on the practical steps taken to stabilize the banks, as it was not satisfied with the information received from the local administrator of Fort George.

Lastly, a pollution problem apparently caused by the Chapais municipal sewage system was brought to the Committee's attention by the Waswanipi Band. Bacteriological analysis did establish that the waters of the Chibougamau River were polluted. However, the Committee was not convinced that a cause and effect relationship existed between the two sites, Chapais and Waswanipi. The Committee's decision is reported in Resolution No 38 (Appendix III).

1.3.2 Information

The dissemination of information to those mainly affected by the Environmental and Social Protection Regime goes hand in hand with effective supervision of its application. In addition, section 181 in effect makes the James Bay Advisory Committee on the Environment responsible for providing information to the local Cree communities. Information activities were therefore among the preoccupations of the Committee during 1979/80. Two questions in particular were addressed — public notices and training of local administrators.

The first question to be discussed was whether to issue a public notice following a project study by the Evaluating Committee. However, this idea was not accepted, partly because of the costs involved, and partly because of the frequently long delay between the assessment and review stages of a project, in which case the usefulness of such a notice is dubious. In addition, the Director of the Services de protection de l'environnement has the power, under the Environment Quality Act, to authorize public consultation and to fix the time period within which it must take place.

Another area of information activity, the design of a common public information programme as proposed in Resolution No 21 of the previous fiscal year, has not evolved significantly during 1979/80. Lastly, the Advisory Committee was informed by the Cree representatives of the problem of increased responsibility for the environment at the Cree village level as a result of the application of Chapter 22 of the Agreement. The problem is of particular concern to local administrators appointed by Cree village authorities. As a re-

sult, the Committee, in Resolution No 39, supported the Cree's request for financial and technical assistance for the local administrators. The possibility of fully subsidized training was also envisaged.

1.3.3 Consultation

According to the Environment Quality Act, the James Bay Advisory Committee on the Environment must be consulted in certain specific cases, in particular public forest management plans prepared by the ministère des Terres et Forêts (section 179), and the drawing up of laws and regulations concerning environmental and social protection in the territory (section 175). Any other major question is also referred to the Committee.

1.3.3.1 Draft Regulations

A number of draft regulations were referred to the Advisory Committee during 1979/80. In order to review these drafts, a permanent subcommittee of three was formed and commissioned to report at each Committee meeting. The following draft regulations were tabled with the Committee:

- 1- Draft regulation amending the Regulation pertaining to solid waste management
- 2- Draft regulation pertaining to the quality of the working environment
- 3- Draft regulation pertaining to the quality of the atmosphere
- 4- Draft regulation amending the Regulation pertaining to asphalt cement plants
- 5- Draft regulation pertaining to pulp and paper mills
- 6- Draft regulation pertaining to the evacuation and treatment of waste water from isolated residences.

With the exception of the last, submitted at the very end of the year, all draft regulations were studied by the permanent subcommittee. It was decided to require application of the first of these draft regulations in the Cree communities, and consequently that in-

trench backfill would be the method used. However, burning of garbage in the open would be tolerated until December 1980. There were some reservations about the draft regulation on the quality of the atmosphere, especially because of the lack of control standards for mercury or gases such as SO₂.

1.3.3.2 Public Forest Management Plans

The ministère des Terres et Forêts is obliged, under section 179 of the Environment Quality Act, to submit its public forest management plans to the Advisory Committee. The question was on the agenda of every meeting of the Committee in 1979/80. However, contrary to the timetable initially anticipated, according to which plans were to be submitted in July, September, at the end of 1979 and the beginning of 1980, no management plan covering the Baie-James territory was transmitted to the Advisory Committee, and as a result none was commented upon. Nevertheless, the Advisory Committee began to study the design of management plans, particularly following upon Resolution No 27 which was adopted during the previous fiscal year and dealt with cutting operations in the Waswanipi region.

A meeting with representatives of the ministère des Terres et Forêts enabled the Advisory Committee to acquaint itself with the broad terms of the first four management plans which will be submitted to it. Being the only means provided to ensure that adequate environmental and social protection measures are applied to forest operations under those management plans, the Advisory Committee therefore attaches great importance to this consultation. In order to prepare itself for the review of management plans, the Committee studied the "Guide d'aménagement du milieu forestier" and a sample management plan, that of the Appalaches management unit. The Committee's remarks on the "Guide d'aménagement" are found above (section 1.3.1.5a). As far as the Appalaches unit management plan is concerned, the Committee noted that it did not take multiple use of the forest into consideration. The Committee also expressed a desire to be fully informed about the legal framework of forest planning and operations and the ways in which development standards are applied in

the field. If necessary, the Committee should offer criticism and recommend improvements in the situation. Finally, the Cree representatives on the Committee consider it important to the native people that cutting sites and methods be well defined. It could be useful for the Committee to consult Cree trappers, during the study phase of a management plan, before it forms its final opinion.

The section of Forest Operations (1.3.1.5a), under the heading "Review and Supervision", provides further details on the context in which management plans are studied.

1.3.3.3 Lake Sakami Complementary Agreement

The Director of the Services de protection de l'environnement sought the advice of the Advisory Committee when formulating his comments on the Lake Sakami draft complementary agreement. The Committee felt that the draft raised a question as to the interpretation of the environmental regime established by the Agreement, and that it was consequently within the Committee's jurisdiction. It therefore agreed to study it. It considered the additional impacts that would be caused by flooding the banks of Lake Sakami, as well as the nature of the construction and remedial work envisaged by the SEBJ. The Committee also examined the extent to which the proposed development work for Lake Sakami might be compatible with schedule I to Chapter 8 of the Agreement. After its deliberation, the Committee informed the Director of the Services de protection de l'environnement that it had no objection to the proposed complementary agreement.

1.3.4 Administration

In terms of its internal organization, the Advisory Committee's second year of operation was a period of transition. The following administrative concerns predominated:

- 1- adoption of internal management rules
- 2- preparation of a draft administrative agreement with the Government of Québec
- 3- organization of the Secretariat
- 4- preparation of the first annual report.

In a way, supervision of the Evaluating Committee, described above under Review and Supervision (section 1.3.1.2), can also be considered part of the Committee's administrative activities.

1.3.4.1 Internal management rules of the advisory committee

Resolution No 30 of the previous fiscal year established a subcommittee which prepared draft rules of internal management that were submitted to the Committee during 1979/80. Resolution No 41 confirms the adoption by the Advisory Committee of these management rules in their legal version. Resolution No 36 also dealt with one aspect of the rules. The complete text of these rules is appended. They will take effect as soon as they are published in the Gazette officielle du Québec.

1.3.4.2 Organization of the Secretariat and the Administrative Agreement

Planning and organizing the Secretariat was also part of the terms of reference of the subcommittee established by Resolution No 30. The Agreement and regulations authorize a maximum strength of five for the Advisory Committee Secretariat and, as a first step, the subcommittee recommended the establishment of four positions - a Secretary, a secretarial employee, a research assistant and a scientific adviser. The first three positions were considered a priority. Finally, on the recommendation of the subcommittee, the Advisory Committee decided that an administrative agreement with the Government of Québec would be the most appropriate way of obtaining these secretariat services. This finding is reported in Resolution No 37.

The Advisory Committee took steps to staff the Secretary and secretarial employee positions first. A competition for the first position was held in March 1980. It was specified that the positions in the Secretariat were open to both natives and non-natives. The position of scientific adviser or research officer was the subject of Resolution No 43.

1.3.4.3 First Annual Report of the Advisory Committee

Although the James Bay Advisory Committee on the Environment has existed in law only since February 14, 1979, it was agreed that its first year of activity would coincide with fiscal 1978/79. It thus had to prepare its first Annual Report in the course of 1979/80. It was agreed that this report would also contain the annual report of the Evaluating Committee. The writing was entrusted to the Interim Secretary of the Advisory Committee. Copies of the 1978/79 Annual Report are available from the Secretariat.

1.3.4.4 Other Administrative Business

In spite of the fact that other committees, like the Co-ordinating Committee on Hunting, Fishing and Trapping have an operating year that runs from January 1 to December 31, the James Bay Advisory Committee on the Environment decided to have its operating year coincide with the government's, since the Committee in fact began to function with the appointment of its members (March 1978), or more precisely with its first meeting (May 17, 1978).

On the subject of language of work, the members agreed that having more bilingual documents available was one way of improving the Committee's performance. Lastly, in view of its role as liaison with local administrators, the Advisory committee decided to send its minutes to them, and, as required by section 181 of the Environment Quality Act, to furnish them with scientific and technical information when requested or as the need arose.

2. THE EVALUATING COMMITTEE

2.1 Assessment and Review Procedure

In addition to the consultation procedure described above, the James Bay and Northern Québec Agreement provides for an environmental and social impact assessment and review procedure.

Proponents of development projects subject to the assessment and review procedure must obtain an authorization in respect of environmental impact before carrying out the work.

The proponent of such a project proceeds by informing the appropriate administrator of his intentions and furnishing him with pertinent information so that the Evaluating Committee can determine the nature and extent of the impact studies required, depending on the scope of the proposed development. Once completed, the impact study is sent to a Review Committee, which reviews it, recommends that it be rejected or accepted and states any conditions which should apply to the authorization.

2.2 Role and Terms of Reference of the Evaluating Committee

The Evaluating Committee is a tripartite body (Québec-Canada-Cree) which deals with proposals for projects which are preferred to it by the Provincial Administrator (the Director of the Services de protection de l'environnement), the Federal Administrator and the local administrators of each of the eight Cree communities in the territory, depending on the jurisdiction responsible in each case.

For projects in the "grey area", that is to say projects which are neither automatically subject to nor automatically exempt from the process, the Evaluating Committee recommends, on the basis of the potential impact of the project, whether or not it should be assessed and reviewed.

In the case of projects subject to the procedure, the Evaluating Committee formulates general guidelines for the impact study and decides whether to recommend a preliminary study, a detailed study, or both.

2.3 Composition of the Evaluating Committee

Of the six members of the Evaluating Committee, 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 second year of operation, the members of the Evaluating Committee were:

MEMBERS APPOINTED BY THE CREE REGIONAL AUTHORITY

Mr George Wapachee
Mr Alan Penn

MEMBERS APPOINTED BY THE LIEUTENANT-GOVERNOR IN COUNCIL

Mr Jacques Giguère, Chairman
Mr Michel Beaulieu

MEMBERS APPOINTED BY THE GOVERNOR GENERAL IN COUNCIL

Mr Claude Saint-Charles, Vice-Chairman
Mr Daniel Couture

For reasons similar to those given in the case of the Advisory Committee, Quebec and Canada this year again assumed the chairmanship and vice-chairmanship of the Evaluating Committee.

2.4 Activities of the Evaluating Committee during 1979/80

Between April 1, 1979 and March 31, 1980, the Evaluating Committee dealt with a dozen development projects. In addition, the Committee made recommendations on three projects on which study had begun the previous year.

2.4.1 New Projects in 1979/802.4.1.1 Projects Automatically Subject to the Assessment and Review Procedure

1- Over-equipping of LG-1 and LG-2 Powerhouses

This notification of project dealt with the addition of a powerhouse at LG-2 and the over-equipping of the future LG-1 station. As the proponent was working to a short deadline, the Committee recommended that preliminary information be tabled as soon as the feasibility study was completed and the proponent's final decision made.

2- Development of the LA-2 Powerhouse

The Committee made its recommendation on this notification of project at the same time as that respecting the over-equipping of LG-1 and LG-2. Preparatory work for the installation of the powerhouse was about to begin, and this fact led the Committee to emphasize the urgency of tabling information.

Noting that the LA-2 and Brisay projects are closely linked, the Committee also emphasized that LA-2 should be studied before the impact assessment on Brisay is too far advanced. Lastly, the Committee studied the advisability of twinning the global reports on the LA-2 and Brisay projects, as well as that on the transmission line. While there was no objection, the Committee preferred to reserve its decision until the assessment plan was drawn up.

3- Chibougamau-Chapais Airport

In its recommendation on this subject, the Committee pointed out that the notice of intent for the Chibougamau-Chapais airport was received late. It therefore recommended that preliminary information be tabled as soon as possible. However, considering the very tight timetable of the project, the Committee took this opportunity to make some suggestions about the preliminary information. These suggestions had to do with the capacity of the existing airport in relation to the level of anticipated demand specified in the notification of project, the ultimate nature of the facilities of the proposed airport, once complete, responsibility for the closing-down of the existing airport, the division of responsibilities between the SDBJ, Transport Canada, Transports-Québec and Hydro-Québec, the various sites studied, the access infrastructure required, the work schedule and the manpower required.

Preliminary information on the project was received during 1979/80, but as the recommendation on the impact study was made only in April 1980, it will be dealt with in the next annual report.

4- Gagnon et Frères Sawmill Construction

This case is somewhat special in that construction of the mill was nearly complete when the Evaluating Committee was made aware of it. The Committee agreed to accept the requirements and study stipulated by the Service de protection de l'environnement du Québec (SPEQ), but emphasized the legal obligation to submit the case to the Review Committee before a certificate of authorization is issued. In the opinion of the Evaluating Committee, the case should be submitted to the Review Committee in the form of a summary indicating the requirements laid down by the SPEQ and the commitments made by the proponent to meet these requirements.

5- In-trench Backfill Site at the Barrette-Chapais Company Camp

The in-trench backfill site for the Barrette-Chapais camp was part of the overall proposal for this camp, submitted by the company as a project not automatically subject to assessment. In its recommendation, the Evaluating Committee proposed the following options to the Director:

- that the Evaluating Committee ask for a full scale impact assessment of the backfill;
- that the backfill be excluded from the procedure, based on the fact that it is associated with a project that may itself be excluded;
- that the Evaluating Committee accept the information received as sufficient and recommend that it be forwarded to the Review Committee.

The Evaluating Committee indicated to the Director its preference for the second option. However, after obtaining legal advice, the Director informed the Committee that the disposal of waste from the camp is subject to the procedure and that he would follow the third course of action suggested by the Committee.

6- Gwillim Mine Access Road

In its recommendation on this project, the Committee stressed the connection between it and other possible projects in the region, in particular the close relationship between the road itself and the start-up of the Gwillim Mine.

The Committee recommended that the proponent provide pertinent information on these interrelated projects, and, as far as the road itself is concerned, that it specify the foreseeable impact on the most sensitive zones, including the shores of Live and Gwillim Lakes, creek crossings and the construction site for a 75-metre bridge.

7- In-trench Backfill Site at Kilometre 381 on the Matagami LG-2 Road

The Committee's recommendation on this case marks the establishment of a special procedure for in-trench backfill sites which would meet the requirements of section 191 but would be much more efficient. The Committee had received, as preliminary information, a plan and the request form required by

the SPEQ in order to obtain a certificate of authorization for an in-trench backfill site. It recommended that this form and the accompanying plan be considered equivalent to the preliminary report and be sent as is to the Review Committee.

8- Mining by Bachelor Mines Inc

Among other matters related to this project, the Evaluating Committee studied its possible impact on the level of employment in the Desmaraisville region. A proposed recommendation was analysed in March 1980, but as the final recommendation will be sent to the Director of the SPEQ only in April 1980, it will be dealt with in the next annual report.

9- Chapais-Obalski Transmission Line

For this Hydro-Québec project, the Committee agreed that the documents submitted could be considered equivalent to both preliminary information and an impact study. However, the Committee did ask the Director for an extension, and as a result will make its recommendation during April 1980. It will therefore be dealt with in the next annual report.

10- Fort-Rupert (Waskaheganish) Landing Strip

In march 1980, the Evaluating Committee learned of the notice of intent tabled by Transport Canada with the federal and local administrators, for purposes of its financial participation in development of the Fort-Rupert strip. The Committee asked for clarification as to the identity of the proponent and the nature and scope of the project. The project will be considered again in the autumn of 1980 following receipt of preliminary information. It will thus be a subject for the next annual report.

11- Nouveau-Comptoir (Wemindji) Village Access Road

This proposed road is one of the community developments contemplated by the Lake Sakami Agreement entered into by the SEBJ and the Wemindji Cree Band on July 4, 1979. The Committee recommended a final impact study, emphasizing analysis of the socio-economic implications of this project for the Wemindji community as well as the problem of access by the general public to such a road.

12- Radiore No 2 Mine

In the case of this mining project, the Committee recommended among other things that the proponent describe the relationship of this mine to the existing mine of the same company at Matagami, as well as to the development of neighbouring mining facilities. In addition to impact assessment and description of remedial and restorative measures, the recommended study included descriptions of the mining of the deposit, the transportation of materials mined, auxiliary structures, the use of hydrocarbons, metallogeny and the environment. The Committee also recommended description of the residual impact, once mining and remedial measures have been completed.

13- Certac Mine

In this case, the preliminary information was found insufficient by the Evaluating Committee. Information was lacking on extraction methods, the precise location of the project and whether or not it is a new one. The Committee therefore asked that new information be tabled, and considered the documentation already received a notification of project under section 191 of the Environment Quality Act.

2.4.1.2 Projects Not Automatically Subject

There is a grey area between those projects automatically subject to the procedure and those automatically exempt from it. For projects of this sort, the first opinion the evaluating Committee has to render concerns the applicability of the assessment and review procedure to the project in question. If the project is declared subject, the Evaluating Committee then makes a recommendation on the nature and scope of the preliminary or final impact study, or both. Otherwise, the administrator issues an attestation of exemption.

1- Construction of a Permanent Road between Chibougamau and Albanel Substation

The Evaluating Committee recommended that this project be assessed, considering its possible impact on the environment and its influence on regional development. A final impact study was recommended, to cover the relationship of this project to others and the sharing of responsibilities among the potential proponents.

The study should include descriptions of the project study area and the environment; it should also present the proposed routes and identify and evaluate their impacts so that a comparative assessment can be made. Lastly, it should include the remedial, control and follow-up measures envisaged by the proponent. Consultation with the communities and government agencies affected by the project was also suggested.

2- Barrette-Chapais Company Logging Camp

This project was divided into three components for study by the Committee. The drinking water and sewage system for the camp are automatically exempt from assessment, whereas the in-trench backfill site is, as mentioned above, automatically subject to it. The Committee recommended to the Director of the Services de protection de l'Environnement that the logging camp itself not be subject to assessment.

3- Dredging between Wastikun Island and the Main land

The limited scope of this project and the fact that no dredging equipment would be used led the Committee to conclude, after seeking legal advice, that this was not a question of dredging properly so called and that such a project fell into the grey area. It recommended to the Director of the Services de protection de l'environnement that the project not be assessed.

2.4.2 Projects Tabled in 1978/79 on Which the Committee Decided during 1979/80

It will be recalled that the projects in question are:

- 1- the Grande-Baleine hydro-electric complex
- 2- the Brisay hydro-electric project
- 3- the Lake Evans road

We will not go into the details of the Committee's recommendations on these cases here, as these have already been described in the 1978/79 annual report. We refer to them only because they form part of the Committee's activities during fiscal year 1979/80, and in

order to report on certain developments in the case of one of the projects.

The Committee sent its recommendations on the Grande-Baleine complex to the Director in April 1979. In June 1979, the Director informed the Committee of the modifications that he intended to make to these recommendations. The Evaluating Committee ascertained that these changes would not fundamentally alter its recommendation and expressed agreement. There were new developments in the case in March 1980, when Hydro-Québec made a presentation on the Grande-Baleine complex which apprized the Committee of the existence of a fourth option — an increase in the GB-2 and GB-3 reserves with less raising of the level of Bienville Lake. However, the Committee did not think these developments justified rescinding its earlier recommendation.

2.4.3 Follow-up of 1978/79 Decisions

The cases discussed here are those projects submitted to the Committee during 1978/79 and on which it made recommendations in the course of the same year. Therefore, all that is reported here is their development, as the Committee did not have to decide on them again.

1- NBR Complex

The Evaluating Committee took up this case again in May 1979, at which time there was discussion of communication between the proponent and the Committee as a means of ensuring accurate interpretation of the recommendation. It was finally agreed that a meeting for this purpose was not necessary, unless the proponent felt a need for it. In the event that the impact study did not conform to the regulations, it would inevitably come back to the Committee. This question was also discussed at the meeting of the Evaluating Committee with the James Bay Advisory Committee on the Environment, described in section 1.3.1.1.

2- Némiscau Village Access Road

This case, on which the Evaluating Committee had made a recommendation in 1978/79, came up again at the end of 1979. In fact, it had been agreed at the time that the Némiscau Band would submit its project as soon as the financing and plans for the road were settled. As the two matters were not connected, the Committee issued a notification that the band might submit its project as soon as it had the technical details, even if the question of financing had not yet been clarified.

2.4.4 Administrative Matters

1- The Secretariat

Under section 185 of the Environment Quality Act, the James Bay Advisory Committee on the Environment provides the Evaluating Committee with the secretariat services required. As the Advisory Committee was discussing the hiring of a permanent Secretary at that time, it was agreed that the Evaluating Committee recommend to the Advisory Committee that the one Secretary serve both committees. In the meantime, one of the members appointed by Québec assumed the role of Interim Secretary of the Evaluating Committee. The ministère de l'Environnement opened a competition for the Secretary position in March 1980.

2- James Bay Advisory Committee on the Environment

The question of administrative supervision of the Evaluating Committee and relations between the latter and the Advisory Committee was discussed at a meeting of the two committees held on June 15, 1979. Further details can be found in the section of this report dealing with the Advisory Committee (section 1.3.1.2).

3- Language Policy of the Committee

It was agreed that recommendations would be written up in French and English and that the translation would be done by the Cree members of the Committee. The objective of this policy is greater involvement of the Cree in the impact assessment and review procedure.

4- Finances

The Evaluating Committee does not have its own budget, its secretariat expenses being covered by the Advisory Committee. However, the Committee was made aware of the problem of the expenses of members appointed by the Cree Regional Authority: their travel expenses are disproportionately high since most of the meetings are in Québec City and occasionally Montréal. The other members shared this concern, but there are legal obstacles to a solution of the problem, as both the Agreement and the Act are silent on the subject. It was agreed that the Cree members should prepare an estimate of the expenses incurred and that the Committee would make a recom-

mendation to the Advisory Committee on the matter. The issue will be gone into more detail during 1980/81.

5- Sections 190 and 191

As a result of the confusion caused by the tabling of preliminary information on automatically subject projects, without going through the notification of project stage (section 190), the Evaluating Committee decided that an information document was needed explaining the whole impact assessment and review procedure. It informed the Advisory Committee of the problem and prepared a first draft of the document.

The Committee also sought legal advice on the interpretation of the word "moment" in the French text of section 190. The opinion received confirmed that of the Evaluating Committee as to the time when preliminary information should be tabled. However, it indicated that the recommendation ought not to contain anything unreasonable in terms of the objective pursued in the Act, namely to subject projects to an impact assessment and review procedure.

6- Kativik Environmental Quality Commission

Co-ordination of the work of the Evaluating Committee and the Kativik Environmental Quality Commission can be a logical way of handling projects straddling the 55th parallel. However, in the case of the Grande-Baleine complex, the Director was obliged by the provisions of the Act and the timetable of the project to make a decision before the Commission was formed, so no such opportunity for co-operation arose. It was suggested that Cree observers attend meetings of the Commission on the Grande-Baleine complex, but it was agreed that the idea was premature.

7- Chairmanship of the Evaluating Committee

By way of exception, during the first two years of the Evaluating Committee's operations the Chairman was appointed by Québec. In fact, going by the date of passage of the Act establishing the Committee, this year is officially its first. It was agreed that the mandate of the Chairman for the 1979/80 year would terminate on March 31, 1980, and that a member appointed by the Cree Regional Authority would be the next Chairman.

2.5 Conclusion

During the 1979/80 fiscal year, the Evaluating Committee dealt with a dozen projects submitted to it, compared to three in the course of the previous fiscal year. However, it must be borne in mind that this activity was spread over a period of twelve months, compared to only five in 1978/79. It can nevertheless be said that the Committee has now reached its cruising speed. The list of the Evaluating Committee's meetings in 1979/80 is appended.