

**ANNUAL REPORT 1981-1982**

**JAMES BAY ADVISORY COMMITTEE**

**ON THE ENVIRONMENT**



MR. CLIFFORD LINCOLN  
Minister of the Environment  
Hôtel du gouvernement  
Québec

Mr. Ouellette:

In accordance with the provisions of section 147 of the Environment Quality Act, I have of submitting to you the annual report of the James Bay Advisory Committee on the Environment for the year ended March 31, 1982.

Yours truly,

BENOIT TAILLON  
Chairman of the Committee



MR. PIERRE LORRAIN  
Speaker of the National Assembly  
Hôtel du gouvernement  
Québec

Mr. Speaker:

I have the honour of submitting to you the annual report of the James Bay Advisory Committee on the Environment for the year ended March 31, 1982.

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CLIFFORD LINCOLN  
Minister of the Environment



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1 MESSAGE FROM THE CHAIRMAN

In the Northwest as probably elsewhere in Québec, forest management directly involves numerous factors related to the social and ecological vocations of the forest. A number of these factors stem from the James Bay and Northern Québec Agreement; this, in view of the complexity of the agreement and difficulties in administering it, gives these factors real significance.

In 1981-1982, the Minister of Energy and Resources submitted to the James Bay Advisory Committee on the Environment other public forest management plans for this region. There is no doubt that the experiment was profitable, in that it helped further the attainment of a balance among the economic, social and ecological functions of forest management.

These exchanges between the ministère de l'Énergie et des Ressources (MER) and the James Bay Advisory Committee on the Environment (JBACE) have helped the Crees to become familiar with the government's objectives in the area of forest development and to express their point of view. To a certain extent, the JBACE has also been a channel through which the ministère de l'Environnement has been able to learn of the plans of the MER. Submission of the management plans has also encouraged the Crees to reflect collectively on their relations with the forest.

However, the JBACE has noted the weakness of the environmental concerns in the proposed objectives and forest development plans. There are many guidelines for developers, but the Committee deplores the fact that these guidelines do not have the legal status that could be rightfully expected. Moreover, the Committee deeply regrets that these forest management plans are nothing more than plans for allocating wood for industrial purposes.

Through special mechanisms, the James Bay and Northern Quebec Agreement sanctioned the principle that consideration must be given to physical and social environmental constraints in the planning and carrying out of major engineering projects. The JBACE is responsible for overseeing the application of these mechanisms, which are administered by the federal, provincial and local governments depending on the nature of the projects under consideration.

In the course of the year, the JBACE examined the manner in which Québec had implemented the prescribed procedure in the case of the Grande-Baleine project. The JBACE experienced difficulties in carrying out this mandate. Undeniably, one appointed by the governments of Canada and Québec are civil servants. Indeed, over half the members of the JBACE hold positions in government. Obviously, such a situation makes be hoped that this situation will change. One solution would certainly be to reduce the proportion of civil servants sitting on the JBACE to one which would allow the Committee to carry out the tasks conferred upon it by the Agreement and by law.

Many other issues were discussed during the assemblies of the JBACE and its sub-committees. A number of recommendations were submitted to the federal, provincial, regional and local governments. It is gratifying to see that solutions will be found to certain of these problems and that the Committee's advisory work is beneficial.

**BENOIT TAILLON**

## 2 INTRODUCTION

### 2.1 Status and composition of the Committee

The James Bay Advisory Committee on the Environment grew out of the James Bay and Northern Québec Agreement. It is primarily responsible for watching over the social and environmental regime set up under section 22 of the Agreement. The legislative provisions pertaining to the Advisory Committee are laid out in Chapter 94 of the 1978 Statutes and are included in Chapter II, section 2 of the Environment Quality Act. The Committee has its headquarters at Baie-du-Poste, on lac Mistassini. It maintains a secretariat whose administrative expenses are currently assumed by the ministère de l'Environnement du Québec, at the Committee's own request. The secretariat's budget is approved annually by the Minister of the Environment and is financed directly from appropriations voted for this purpose by the Québec National Assembly.

Of the thirteen members of the James Bay Advisory Committee on the Environment, four are appointed by the Cree Regional Authority, four by the Governor General in Council, and four by the Lieutenant-Governor in Council. The Chairman of the Hunting, Fishing and Trapping Coordinating Committee, or in certain cases the Vice-Chairman, is a member ex officio of the Advisory Committee.

For this year, the government of Canada appointed the Committee's Chairman, while the gouvernement du Québec appointed its Vice-Chairman.

## 2.2 The Committee's mandate

The James Bay Advisory Committee on the Environment is consulted as the preferential and official forum by the governments of Canada and of Québec, the Cree Regional Authority, the Cree village corporations, the Bands, the Regional Zone Council and the municipalities in the territory whenever they elaborate, each within its own jurisdiction, laws and regulations concerning social and environmental protection in the James Bay territory. The Committee is also consulted on important questions, on the implementation of the social and environmental protection regime, and on questions relating to land use measures.

The Committee may formulate any recommendation it feels appropriate and communicates its decisions and recommendations to the competent governments and administrations for their attention, information and appropriate action.

The functions of the Advisory Committee are to oversee, through the free exchange of views and information, the application of section 22 of the Agreement and to exercise administrative control over the Evaluating Committee. To the end, the Committee may:

- a) recommend the adoption of laws, regulations and 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.

Moreover, the Committee is consulted by the Minister of the Environment before he submits for adoption a regulation which applies exclusively to the environmental and social protection regime for certain categories of land in the territory.

The Committee must study and comment on the management plans for the public forest in the territory within 90 days of receiving them from the Minister of Energy and Resources.

Upon request, the Committee must put at the disposal of the Cree village corporations and the Bands the information, technical and scientific data, and the advice and technical assistance which it obtains from time to time from a government or from any governmental agency.

For its own administration, the Committee may adopt rules for its internal management and may designate officers other than the Chairman and Vice-Chairman. In addition, it may retain the services of any specialist whose advice or expertise may be required.

### 3 DELIBERATIONS

#### 3.1 Public forest management plans for northwestern Québec

##### 3.1.1 Recommendations of the JBACE

During the previous year, the Advisory Committee had undertaken the study of the four management plans situated entirely within the territory: those of units 85-Lac Abitibi, 86-Harricana, 87-Quévillon and 26-Chibougamau. The Committee had submitted to the Minister of Energy and Resources a series of recommendations and questions to which the Minister made known his reactions. Each of the themes developed by the Advisory Committee gave rise to an exchange of views that helped to clarify considerably the Minister's intentions and the Committee's expectations. A sub-committee was formed to examine the policies and guidelines issued by the ministère de l'Énergie et des Ressources concerning environmental protection.

##### The beaver directive

Consultation of Cree trappers was begun by the MER in the spring of 1981 and continued throughout the year. The purpose of this consultation was to make any necessary corrections to the beaver directive contained in the management plans. Trappers will thus be able to designate the streams favourable to beaver and, if possible, the potential habitat zones along these streams. The Advisory Committee indicated to the Minister that it wishes to be informed of his conclusions and recommendations if the directive is re-examined.

### Protection of the habitat of the moose

A similar measure concerning the habitat of the moose has also been undertaken. The Advisory Committee has nevertheless requested that consideration be given to the fundamental question of cutting methods, with a view to preserving the habitat of this species.

Thus, in one of these management units, strip cutting, which is advocated as a method of forest regeneration, has been concentrated in sectors with a high moose population. The Committee asked the MER whether this method of harvesting is indeed favourable to the species and if so, whether the MER intends to extend it to other management units. The Committee was thus able to find out that wildlife specialists had been consulted during discussions of the ARC-MER task force in order to obtain proposals for preserving the habitat of the moose. Where required, strip cutting or changes to the current cutting system could be prescribed as solutions.

### Strips of vegetation along watercourses

The development guide published by the MER stipulates that strips of vegetation must be left alongside watercourses. For the MER, the main purpose of these strips is to limit erosion. The Committee recommended that the effects of these strips be studied.

As for the possibility of increasing the protection around certain watercourses used for recreation, tourism or other purposes, as in the case of lac Opémisca, the

Minister has indicated that he is still willing to do this and that requests from the Cree communities may be submitted to the management unit controller for study.

### Silviculture

The MER's policy on the choice of sites for intensive operations was established on the basis of two criteria: the likelihood of the site chosen producing a high yield and the site's proximity to processing plants. These criteria cannot be applied very well to the socio-geographic context of the North, since tree growth is slower and the viability factor is more uncertain.

The Minister, for his part, was pleased about the Crees interest in silvicultural work. As regards the Chibougamau unit, among others, the Minister indicated that there are no plans to increase the level of planting work and that the forests' low growth rate precluded the use of pre-commercial clear cutting.

Finally, the Minister indicated to the Committee that he accepts its recommendation concerning regeneration inventories in order to take account of cutting methods and other factors.

### Cutting methods

The Minister indicated his concern for the protection of zones in which the soil is fragile and hard to regenerate. Forestry experts have said that these sectors would

in any case be easier to harvest in winter, the season during which most harvesting is carried out.

The Minister is continuing a study to determine what method of harvesting would promote suitable regeneration, and the Committee expressed its interest in being informed of the results as soon as they are available.

#### The NBR hydroelectric complex

The Committee recommended that the highlands not be deforested before the flooding, so as to prevent vast expanses of land from becoming barren. The Minister's opinion on this subject is that certain portions of land should nevertheless be harvested since they will be inaccessible once flooded.

#### Cutting permits

According to the Minister, applications for annual permits should be available for the Crees to consult beginning in December preceding the harvesting season. The five-year harvesting plans forwarded to the Minister during the summer made it possible to begin discussion of possible harvesting territories in the fall of 1981.

#### Accessibility

Discussion with the Crees was begun through the CRA-MER task force. The objective of this task force is to ensure that the needs of Cree trappers are taken into account when the roads are closed off. The Minister was

very much interested in the idea of setting up an information program for road users, with a view to protecting the property of Cree families.

### Category II lands

Regarding exploitation of these lands, the Minister informed the Committee that specific norms concerning hunting, fishing and trapping activities have been applied through the CRA-MER task force. These norms will be evaluated and modified according to the results obtained. In the Chibougamau unit, no harvesting of wood is planned on category II lands for the next ten years, except on land to be flooded when the reservoirs of the NBR complex are filled.

### Specific recommendations

Concerning the forestry potential of category I lands in the Quévillon unit, the Minister informed the Committee that the management plan does not affect public lands. However, the MER can provide the Crees with any information on category I lands. The CRA-MER task force has already suggested that a forest management plan be set up for these territories. As far as protection against forest fires is concerned, a meeting was held with the conservation societies of the northwestern Québec and Saguenay - Lac-Saint-Jean regions.

### 3.1.2 Questions directed to the Minister

In order to further its study of the management plans,

the Advisory Committee had put a series of questions to the Minister, while reserving the possibility of submitting additional comments during 1981-1982. The themes of these questions are discussed below.

Norms contained in the Guide d'aménagement du milieu forestier

The guide contains criteria which have the status of directives and which must be applied. Criteria not having the same status may however be entered on the cutting permit after the concerned parties have been consulted. At this point they become compulsory. It is up to the forestry companies to ensure compliance with the measures prescribed; if they do not, they become liable to penalties.

The Advisory Committee asked the Minister how the criteria having the status of directives are made compulsory and how criteria are applied and monitored. He also asked how the Department manages to enforce environmental protection norms during road construction and in cases not provided for by the cutting permit and not covered by a directive. At a meeting between members of the sub-committee on forest development and specialists proposed by the Department, the Committee learned that these norms are intended as guides and are not compulsory.

Regularization of the flow

The Minister informed the Committee that the criteria concerning regularization of the flow, as set out in the

guide, apply only to the hydrographic basins from which water will be supplied. Consequently, the Committee asked whether their application to other basins in the area could be contemplated. The Minister does not think that this would be useful, since he feels that the norms in the guide that apply to all forest lands are sufficient.

#### Method of hydrological analysis

The Minister suggested that the Committee meet with the specialists who produced this part of the guide. This meeting took place in November 1981. The following subjects were discussed:

- the information on which chapter 3 of the guide is based;
- application of this part of the guide in matters other than the supplying of drinking water;
- delimitation of hydrographic basins in the Northwest;
- the distribution of cutting areas on the basis of the lakes and rivers affected;
- deterioration of the soil after cutting;
- the installation of culverts;
- maximum water levels in relation to the size of culverts;
- other matters of a general nature.

A report on this technical meeting has been prepared and is available for consultation.

Distribution of wood supplies between sawmills and pulp and paper plants

The supply guarantees for the Harricana management unit serve almost exclusively to ensure supplies for sawmills. Residue is sold to pulp and paper mills.

Supply guarantees

The Minister indicated that the entire commercial forestry potential of the Harricana unit has been allocated, thus excluding any possibility of granting additional guarantees, except within the non-commercial unit.

3.1.3 Legal status of the management plans

Section 144 of the Environment Quality Act stipulates the following: "the Minister of Energy and Resources shall transmit to the Advisory Committee, for consideration and comment, before approving them, the management and development plans for public forest situated in the territory..."

The Advisory Committee asked the Minister of Energy and Resources to specify what form his approval will take and when he intends to approve the plan currently under study. The Committee believes that this approval is particularly important in the application of paragraph (h) of Schedule B to the Act, which provides for the exemption of forestry development from the environmental impact assessment and review procedure. The Advisory

Committee was informed that the MER should be able to produce an amended version of the lac Abitibi management plan at the end of summer 1981.

The Advisory Committee sent the Deputy-Minister of the Environment, at his request, a copy of its comments on the management plans. The Committee agreed to inform him of all developments in this matter.

### 3.1 Regulation

The Advisory Committee has mandated its sub-committee on draft regulations to study the draft regulation again amending the Regulation respecting solid waste management, published in the Gazette officielle du Québec, partie 2, on November 18, 1981. The draft regulation contained a special section applicable north of the 55th parallel, but no provision governing the James Bay territory. This regulation was adopted minus this section, so that its provisions could be corrected and included in a future regulation specifically applicable to this territory. However, meetings between the sub-committee and the Minister made it possible to amend certain sections of the draft regulation before it was adopted, particularly the sections on leaching waters and methods of analysis. In a future regulation applicable to the North, the sub-committee will address problems relating to the burying of waste in land that is poorly drained and subject to periods of prolonged freezing, as well as other matters concerning development of the site.

The Advisory Committee was presented with a request from the Evaluating Committee that the Regulation respecting gravel pits

and sand pits be amended. Under section 58 of this regulation, borrow pits for forest and mining roads are exempt from the regulation's principal provisions, however most of the borrow pits in the territory are of this type. At present, the environmental impact assessment and review procedure controls the environmental repercussions of these borrow pits. Making these borrow pits subject to the regulation would make it possible to exempt the vast majority of them from the procedure. This mechanism would be much simpler, and would make it possible to meet the environmental protection objectives. The Advisory Committee will study the Evaluating Committee's request and will make a recommendation to the government during the next financial year.

### 3.3 Acid precipitation

The Advisory Committee studied this matter during 1981-1982 but has not deemed it advisable to adopt an official position. The Committee examined the various technical and political aspects that characterized the acid precipitation problem during the year.

### 3.4 Monitoring of the major hydroelectric projects

In view of the imminence of major hydroelectric projects such as Grande Baleine and NBR, the Advisory Committee decided to give agencies responsible for evaluating, studying and authorizing these projects the benefit of experience acquired with the La Grande Complex. The Committee has therefore begun to gather data and available results from the ecological monitoring of

the La Grande Complex, with a view to drawing useful conclusions. The Committee requested and obtained the collaboration of the Société d'énergie de la Baie-James in this matter.

The aim of this exercise is to find out what is currently being done in the way of corrective measures, what is planned for the future and how relevant the proposed measures are. Sometimes there are unforeseen environmental repercussions, and in other cases the corrective measures implemented initially prove ineffective. The JBACE project is designed to remedy this type of deficiency. A sub-committee will be set up and charged with contacting experts from the SEBJ to arrange information meetings on various matters relating to ecological monitoring. Three meetings have been planned for the spring of 1982. They will focus on the following subjects:

- the physicochemical aspect
- the biological aspect
- prospects for the future

### 3.5 Environmental protection and community health

The Cree Council for Health and Social Services is responsible for dispensing community health services in the James Bay region. To this end and in light of the recommendations made following the gastroenteritis epidemic in the summer of 1980, the Council works together with environment officials to improve sanitary education programs of the local population.

A report describing the gastroenteritis epidemic and its progressions was submitted to the Committee. The report explains

how the epidemic developed from its origin at Hudson's Bay and cites cases reported elsewhere in Québec. Recommendations were made concerning the restructuring and standardization of programs adapted to the socioenvironmental context. The report focusses on certain existing links between the environment and public health, such as the link between drinking water quality and infections of the digestive system.

One of the Committee's findings is that in certain communities water treatment systems are installed without any assurance that they will be suitably maintained or monitored. The Bands, to which these systems are transferred after construction, do not always have the necessary expertise and specialized manpower.

### 3.6 The colline Blanche archeological site

Colline Blanche is a hillock of quartzite located east of rivière Témiscamie and lac Albanel, and north of lac Tournemine near the 51st parallel. Ore from this deposit, which has provided a source of quartzite for 500 years and perhaps for as many as 6 000 years, was used to make a variety of tools. The hillock was known to Jesuit missionaries in 1730 who reported the existence of the "Antre de marbre", a cave that had religious and cultural significance for the Cree Indians who lived in the area. Archeological digs were begun in 1947-1948, and the hill was classified as cultural property in 1976. The Service du patrimoine autochtone of the ministère des Affaires culturelles then made recommendations concerning the protection and enhancement of the archeological site. The suggestions included the undertaking of new digs, the establishment of servi-

ces to greet and inform visitors and the drawing up of a master plan for the enhancement of the site.

Today, the site is the object of a request for declassification made by a promotor who, in good faith, obtained authorization from the ministère de l'Énergie et des Ressources to mark off and explore the site with a view to possible extraction of quartzite. It seems that the MER did not receive the notice of classification, and therefore did not suspect that such a servitude existed. The Advisory Committee, which was asked to look into the matter, examined the cultural importance of the site and the social repercussions of its disappearance. The Committee feels that the decision to classify the site should take precedence over its exploitation, given the site's special historical, anthropological, cultural and social character.

The Advisory Committee sent a notice to the Commission des biens culturels requesting that it recommend that the Minister of Cultural Affairs maintain the site's classification. The Committee feels that the fait accompli, in this case the issuing of a development permit, does not justify the exploitation of this cultural property. The Committee also forwarded a request to the Minister of Recreation, Fish and Game and the Minister of Industry, Commerce and Tourism, asking that the recommendations of the Service du patrimoine autochtone regarding development of the site's archeological wealth be implemented. In addition, the Committee informed the Minister of Energy and Resources and the Minister of Cultural Affairs of the steps it has taken, and asked the Minister of the Environment to see that the mining project is subjected to the social and environmental impact assessment and review procedure.

### 3.7 Administrative considerations

The organization of the secretariat, in particular the administrative agreement and the staffing problem, could not be settled to the satisfaction of the Committee during the financial year. The secretariat still has only one permanent employee, and the additional person-year for a temporary position granted it for 1981-1982 will not be renewed for 1982-1983.

An administrative agreement that resulted from discussions among representatives of the Committee and the ministère de l'Environnement was ratified in the summer of 1981 by the Advisory Committee, but the agreement has not been acted upon by the Department. The agreement governed the management of the secretariat's financial and human resources, which was to be the responsibility of the Department but under the direction of the Committee.

The secretariat's limited staff prevented it from using its entire allocation of 75 000,00\$, which includes salaries.

In the area of communications, the Advisory Committee obtained the Department's approval to use its own visual identification on its correspondence and publications, rather than that of the gouvernement du Québec. The compelling argument was that the Committee is a tripartite organization separate from the government and obligated to conserve its neutrality.

As regards the information program on Chapter 22 of the Agreement, which was to be prepared jointly by Québec, Canada and the Cree Regional Authority, the matter was still at a standstill in 1981-1982, thus prompting the Committee to approach

one of the parties in an effort to make some progress. The Committee recommends that the project be abandoned if there are no obvious signs of progress.

On a different subject, the Advisory Committee met with the Director-General of the Chapais-Chibougamau regional economic community, who wished to draw the Committee's attention to the importance of local participation.

The Director-General pointed out that the advisory and decision-making bodies created under the James Bay and Northern Québec Agreement are composed largely of persons from outside the James Bay territory. For their part, the Committee members took note of the willingness of the local people to participate, especially in view of the complex and distant nature of the Agreement's mechanisms. They noted that regional economic development ranks high among the objectives of this participation. The Committee members also noted that very often the structures put into place by the Agreement are perceived incorrectly and that they overlap procedures of general application. They acknowledged that there is little room in the various processes for local people, unless they are Native.

After study, it was agreed that the Advisory Committee would be in the best position to accept a local person. In accordance with internal regulations, the Director-General of the CCREC was invited to attend three Committee meetings as an observer. In 1982-1983, the Committee intends to propose a more permanent solution to this representation problem.

As for the organization of the Advisory Committee itself, the year 1981-1982 saw the creation of an executive sub-committee

made up of the Chairman and Vice-Chairman of the JBACE and two other members. This sub-committee, whose mandate is basically administrative, has helped make the Advisory Committee's operations considerably more efficient.

Lastly, in 1981-1982 the Committee undertook the planning of its activities and began study of the following: public health matters relating to the environment, monitoring of the major hydroelectric projects, the draft regulations, the public forest management plans and administration of the social and environmental impact assessment and review procedure. These will constitute the main activities of the JBACE for 1982-1983. The Committee will have a budget of 90 000,00\$, an increase of 15 000,00\$ over 1981-1982, including salaries.

#### 4. ADMINISTRATION OF THE PROCEDURE

##### 4.1 Application of the social and environmental impact assessment and review procedure

Parallel to the consultation carried out by the Advisory Committee, the Agreement provides for a social and environmental impact assessment and review procedure. The promoter of a development project subject to assessment and review must obtain authorization with respect to the environment before beginning work.

The promoter of such a project must give notice of his plans and provide the competent officer with the pertinent information so that the Evaluating Committee may decide as to the type and extent of studies needed, based on the scope of the proposed development. Once completed, the impact study is forwarded to the Review Committee, which studies it and recommends either its acceptance or rejection as well as any conditions to be attached to the authorization.

The Evaluating Committee is a tripartite body (Québec-Canada-Crees) that studies proposed projects submitted to it by the provincial administrator (the Deputy-Minister of the Environment, the federal administrator and the local administrators of each of the territory's eight Cree communities), depending on the level of jurisdiction for each particular project.

In the case of "grey-area" projects (projects neither obligatorily subject to nor exempt from the procedure), the Evaluating Committee considers their possible environmental impact assessment and review procedure during the 1981-1982 year.

PROJECTS SUBJECTED TO THE PROCEDURE DURING 1981-1982

4.1.1 Mining projects

Bachelor Mines Inc.  
Radiore Mine no. 2  
Joe-Mann joint project  
Mining exploration of lac Shortt  
Norbeau Mine  
Devlin Deposit  
Access road to the mines

4.1.2 Transportation infrastructure

Landing strip at Fort-Rupert  
Towing ramp at Eastmain  
Winter road to Eastmain  
Opening of channels on the James Bay coast

4.1.3 Hydroelectric projects

Grande-Baleine complex  
Chapais-Obalski 161-kV high-tension line

4.1.4 Forest roads

4.1.5 Solid waste

4.1.6 Sills on the Opinaca and Eastmain Rivers

4.1.7 Other projects

N.B. The terms and conditions constituting the recommendations made to the administrator by the EVCOM for the issuing of permits are available at the secretariat.

#### 4.2 Expenses of members appointed by the CRA to the Evaluating and Review Committees

During the preceding financial year, the Advisory Committee had expressed the opinion that the Evaluating Committee should be subject to the same provisions as the Review Committee with respect to the reimbursement of the expenses of members appointed by the Cree Regional Authority. The Deputy-Minister had replied that the Minister was not in a position, at least at the time, to reimburse the expenses incurred by these persons. In March 1981, the Committee requested that their statute be at least clarified, even if it meant that reimbursement of their expenses would only be governed by a later agreement. Despite a reminder in June 1981, no action was taken in this matter.

As regards members of the Review Committee appointed by the CRA, the law already provides for the reimbursement of their expenses. However, the CRA had been defraying these expenses, in accordance with its administrative policies, and then sending the claims to the Review Committee. This resulted in an incompatibility between the policies the CRA and the gouvernement du Québec concerning reimbursement of expenses. In order to simplify this problem, to speed up the processing of claims and to prevent the attribution of considerable sums to the very end of the financial year (or to a subsequent year), the Committee recommended that the ministère de l'Environnement and the CRA implement Directive 7-74 of the Conseil du trésor concerning reimbursement of the travelling expenses of persons hired

on a contract basis. This directive is applicable to members of Committees or commissions. The Committee's recommendation was approved by the Department and the CRA.

#### 4.3 Administration of the procedure

The Advisory Committee's principal mandate is to oversee the administration of Chapter 22 of the James Bay and Northern Québec Agreement. As stipulated in paragraph 3 of section 140 of the Environment Quality Act, one of the functions of the Advisory Committee is to study the mechanisms and procedures for the assessment and review of social and environmental repercussions.

The year 1981-1982 was the fourth year in which this procedure has been applied. Many comments, some positive, others suggestive of difficulties or irregularities in the administration of the procedure, were received by members of the Committee during this period. Believing the procedure's break-in period to be over, the Committee resolved to begin review of matters previously submitted to it, but only on an administrative level. The Committee is unable to determine whether the decisions made are appropriate from the environmental point of view unless a considerably more detailed study is carried out.

The Committee informed provincial, federal and local officials of its intention.

The work to be done involves drawing up a list of development projects that have been subjected to the procedure along with their promoter's interpretation of the notions of subjection

and preliminary information. The way in which the procedure has been administered will have to be examined for each project. This includes compliance with the various steps and deadlines, the role of the various parties involved, the nature of the recommendations made and follow-up to these recommendations.

The chief aspects of the administration of the procedure to be covered will be links between the mandates of the committees and administration of the procedure, the manner in which these mandates have been exercised, the problems encountered, the way in which the Committees have controlled their operations, and the contributions made by Québec, Canada and the CRA to the smooth operation of the Committees. The direct cost of administering the procedure must be determined, as must the difficulties encountered, their causes, and the action actually taken of that could have been taken to bring about worthwhile changes.

This mandate will be entrusted to a working group and a considerable amount of information will have to be gathered. This information includes the dates of the transmission of notices of intention, preliminary information and impact studies, repercussions identified in studies and corrective measures planned, the object and content of communications between administrators and the Committees, the substance of Committee recommendations, decisions rendered by officials in comparison to these recommendations, any other requirement of procedure to which the project was also subjected, and finally, any request for more time and any extension granted.

#### 4.4 Participation of the Hunting, Fishing and Trapping Coordinating Committee

The Hunting, Fishing and Trapping Coordinating Committee notified the Advisory Committee of its intention to take part in assessing the effects on wildlife of the development projects. The Act respecting hunting and fishing rights in the James Bay and New Québec territories authorizes the Coordinating Committee to participate in this assessment process (R.S.Q., c. D-13.1, s. 78, par. c.). The matter of participation by the Coordinating Committee was first studied by the Executive. The members feel that no special action is necessary to enable the Coordinating Committee to participate and that it is free to do so. The matter of the Grande-Baleine complex will give the Coordinating Committee the opportunity to take part in the impact assessment and review procedure.

#### 4.5 Application of the procedure to the Grande-Baleine complex

In January 1982, the members of the Advisory Committee appointed by the CRA presented the Committee with a document pointing out irregularities in the handling of the matter of the Grande-Baleine complex by the Deputy-Minister of the Environment. The allegations included:

- the Deputy-Minister sent the promoter a "preliminary" directive concerning the detailed impact study before consulting the Evaluating Committee;
- the Deputy-Minister was intransigent regarding deadlines;

- the Evaluating Committee was not consulted after its recommendations were modified;
- the impact study was split up into a number of separate studies, none of which is at the same stage as regards administration of the procedure;
- the Deputy-Minister accepted as partial submission of the detailed impact study, a document prepared before directives were issued;
- the preliminary information of preliminary study stage for certain aspects of the complex, in particular the airports, was omitted.

In addition, the members appointed by the CRA expressed their desire that the federal government participate in the procedure, seeing as certain allocations to the complexe and certain of its infrastructures are under federal jurisdiction. Further, the CRA members wish to see the Hunting, Fishing and Trapping Coordinating Committee participate in the study of the complex, and would like the work of agencies from the North and the South to be coordinated.

A special meeting of the Advisory Committee was called in February 1982 to study this matter. In accordance with Resolutions 82.01.82 and 82.01.83, adopted at this meeting, two letters were sent to the Deputy-Minister of the Environment, one inquiring as to the real status of the document submitted by Hydro-Québec as a detailed impact study, and other pointing out the irregularities observed. In particular, the Committee mentioned the transmission of the directive on the preliminary

study in the form of an Evaluating Committee recommendation, even though the directive contained certain modifications made without any new consultation of the Committee. The Committee noted a similar situation in the case of the directive concerning the detailed study. Finally, the Committee deplored the transmission of a "preliminary" directive before the Evaluating Committee was consulted. Although some of these irregularities do not directly contravene the provisions of the Environment Quality Act, they have nevertheless left the Committee concerned as to their effects on the procedure, particularly in regard to its objectives and the special status conferred on the Cree by the Agreement.

The Committee expressed the opinion that more consideration should be given to the role and contribution of the Evaluating Committee, which is one of the essential elements of the procedure and is designed to ensure Cree participation in this mechanism for environmental planning. The Committee also recommended that promoter administrator and administrator Committee communication during the various stages of the procedure should be more formal. The Committee feels that this would clarify the procedure and that the parties involved would be better informed of what is expected of them.

The Deputy-Minister replied to the first letter, stating that the document sent to his was considered by Hydro-Québec to be incomplete, and that a complementary report would be prepared from its directives. The detailed study would be composed of all this documentation. To the second letter, the Minister replied that the Deputy-Minister's decisions have always respected the spirit and scope of the Evaluating Committee's recommendations, and that the transmission of a "preliminary" directive did give the Evaluating Committee all the latitude it needed to make the recommendations that it considered the most appropriate.

#### 4.6 Waste water treatment at Fort-Rupert

This matter was brought to the attention of the Advisory Committee by two of its members, one appointed by Québec and the other by the CRA. The matter concerns the building of a water collection, treatment and disposal system for the Cree community of Fort-Rupert. The system will apparently not be built in accordance with the initial plans, and the action taken could jeopardize the health of the inhabitants of this community. By Resolution 81.33.75, the Advisory Committee informed the federal, provincial and local administrators of its great concern regarding the progress of the impact assessment and review procedure, and asked the competent authorities to ensure that the work carried out at Fort-Rupert will not pose a threat to community health. The Deputy-Minister of the Environment followed up this resolution by asking the local administrator to refer the matter to the Evaluating Committee, in accordance with section 166 of the Environment Quality Act, and by asking the Department's Regional Director for Nouveau-Québec to help deal with this matter. In May 1982, the Regional Director will hold a meeting at which the principal parties involved will be able to consider what action should be taken in connection with the Advisory Committee's resolution.

#### 4.7 Training of local administrators

The training program for local administrators, prepared in 1980-1981, was held during the summer and fall of 1981. The program was funded by the ministère de l'Éducation du Québec and by Employment and Immigration Canada. The Cree Regional Authority also collaborated in the project by making resource

persons available to program officials. However, at the end of the training period the funds that were to cover the salaries of local administrators in each of the Cree communities were not yet available and at the end of the financial year the situation had not yet been regularized.

APPENDICES

- I Resources of the JBACE in 1981-1982
  
- II Meetings of the Committees in 1981-1982
  
- III Membership of the Committees in 1981-1982
  
- IV Principal resolutions of the JBACE in 1981-1982
  
- V Provisions governing the mandate and operation of the JBACE
  
- VI Map of the territory in which the various environmental protection regimes are administered

## APPENDIX I

Resources of the James Bay Advisory Committee on the Environment in 1981-1982

a) Budget

Salaries	45 296,39\$
Communications	10 881,09\$
Professional services	3 110,74\$
Rent	968,60\$
Supplies	320,29\$
Equipment	<u>343,44\$</u>
	<b>60 920,55\$</b>

The expenses of the Evaluating Committee are included in the above amounts. Under section 150 of the Environment Quality Act, secretarial services for the Evaluating Committee are provided by the Advisory Committee.

In accordance with paragraph (b) of section 139 of the Act, the Québec Minister of the Environment claimed half the above sum -- 30 460,27\$ -- from the Government of Canada.

b) Personnel

In 1981-1982, the personnel of the secretariat included the following persons:



## APPENDIX II

### Meetings of the Committees in 1981-1982

#### JAMES BAY ADVISORY COMMITTEE ON THE ENVIRONMENT

20th meeting: May 21, 1981, in Montréal  
21st meeting: July 7, 1981, at Chisasibi  
22nd meeting: September 10, 1981, in Montréal  
23rd meeting: November 12, 1981, at Val-D'Or  
24th meeting: January 21, 1982, in Sainte-Foy

FIRST SPECIAL ASSEMBLY: May 15, 1981, in Montréal

#### EVALUATING COMMITTEE

40th meeting: April 3, 1981, in Sainte-Foy  
41st meeting: May 1, 1981, in Montréal  
42nd meeting: June 3, 1981, in Sainte-Foy  
43rd meeting: July 29, 1981, in Montréal  
44th meeting: August 4, 1981, in Sainte-Foy  
45th meeting: August 10, 1981, in Montréal  
46th meeting: August 20, 1981, at Val-D'Or  
47th meeting: September 1, 1981, at Val-D'Or  
48th meeting: September 14, 1981, in Sainte-Foy  
49th meeting: November 4, 1981, in Montréal  
50th meeting: December 17, 1981, in Sainte-Foy  
51st meeting: February 11, 1982, in Montréal  
52nd meeting: March 5, 1982, in Sainte-Foy  
53rd meeting: March 10, 1982, in Sainte-Foy

PROVINCIAL REVIEW COMMITTEE

16th meeting: May 5, 1981, in Sainte-Foy  
17th meeting: May 11, 1981, in Sainte-Foy  
18th meeting: May 13, 1981, in Sainte-Foy  
19th meeting: May 19, 1982, in Sainte-Foy  
20th meeting: May 29, 1981, in Sainte-Foy  
21st meeting: June 5, 1981, in Montréal  
22nd meeting: June 10, 1981, in Sainte-Foy  
23rd meeting: June 15, 1981, in Montréal  
24th meeting: June 18, 1981, in Sainte-Foy  
25th meeting: June 30, 1981, in Montréal  
26th meeting: October 2, 1981, in Sainte-Foy  
27th meeting: October 6, 1981, in Sainte-Foy  
28th meeting: October 20, 1981, in Montréal  
29th meeting: November 9, 10, 11, 1981, at Poste-de-la-Baleine  
30th meeting: December 9, 1981, in Sainte-Foy  
31st meeting: December 21, 1981, in Montréal  
32nd meeting: January 15, 1982, in Sainte-Foy  
33rd meeting: February 17, 1982, in Sainte-Foy

FEDERAL REVIEW COMMITTEE

One meeting: October 21, 1981, at Fort-Rupert

### APPENDIX III

#### Membership of the Committees in 1981-1982

In 1981-1982, the membership of the various committees governed by Chapter 22 of the James Bay and Northern Québec Agreement was as follows.

a) James Bay Advisory Committee on the Environment

MEMBERS APPOINTED BY THE CREE REGIONAL AUTHORITY

**Philip Awashish**

Vice-President

Cree Regional Authority

**Alan Penn**

Technical Advisor

Cree Regional Authority

**Henry Mianscum**

Director

Traditional Pursuit Agency

Cree Regional Authority

**Goerge Wapachee**

Chief

Nemaska Band

MEMBERS APPOINTED BY THE LIEUTENANT-GOVERNOR IN COUNCIL

**Jeannine Auger** (as of February  
1982)

Administrative Assistant

Service du Nouveau-Québec

et des Communautés autochtones

Ministère des Affaires Sociales

**Huguette Bisailon** (up to May 1981)

Director

Service du Nouveau-Québec et des

Communautés autochtones

Ministère des Affaires Sociales

**Goerges Gantcheff**

Director  
Direction de l'Aménagement  
et de l'Environnement de la  
Baie-James

**Jean Piette\*\*\***

Director  
Service juridique  
Ministère de l'Environnement

MEMBERS APPOINTED BY THE GOVERNOR GENERAL IN COUNCIL

**Jean-Claude Dubé**

Director of Resource Management  
Québec Regional Branch  
Fisheries and Oceans Canada

**Yves Leclerc**

Assistant Director  
Research and Evaluation  
Department of Indian and Northern  
Affairs

**Gilles Lamoureux**

Special Advisor  
Office of the Senior Assistant  
Deputy Minister  
Environment Canada

**Benoît Taillon**

Director  
James Bay and Northern  
Québec Office  
Environment Canada

b) Evaluating Committee

MEMBERS APPOINTED BY THE CREE REGIONAL AUTHORITY

**Allan Loon (up to June 1981)**

Project Manager  
Traditional Pursuit Agency  
Cree Regional Authority

**Alan Penn**

Technical Advisor  
Cree Regional Authority

**Michel Payant (as of July 1981)**

Technical Advisor  
Traditional Pursuit Agency  
Cree Regional Authority

MEMBERS APPOINTED BY THE LIEUTENANT-GOVERNOR IN COUNCIL

**Michel Beaulieu**

Biologist  
Direction des évaluations  
environnementales  
Ministère de l'Environnement

**Jacques Giguère**

Senior Advisor  
Cabinet du sous-ministre  
Ministère de l'Environnement

MEMBERS APPOINTED BY THE GOVERNOR GENERAL IN COUNCIL

**Ginette Brulotte**

Social Studies Officer  
James Bay and Northern  
Québec Office  
Environment Canada

**Claude Saint-Charles**

Impact Assessment Officer  
James Bay and Northern  
Québec Office  
Environment Canada

c) Provincial Review Committee

MEMBERS APPOINTED BY THE CREE REGIONAL AUTHORITY

**Harvey Feit**

Technical Advisor  
Cree Regional Authority

**Henry Mianscum (as of July 1981)**

Director  
Traditional Pursuit Agency  
Cree Regional Authority

**David Cliche (Up to July 1981)**

technical Advisor  
Great Whale Band

**Michel Payant (as of July 1981)**

Technical Advisor  
Traditional Pursuit Agency  
Cree Regional Authority

MEMBERS APPOINTED BY THE LIEUTENANT-GOVERNOR IN COUNCIL

<b>Michel Beaulieu</b>	<b>Jacques Giguère*</b>
Biologist	Senior Advisor
Direction des évaluations environnementales	Cabinet du sous-ministre Ministère de l'Environnement
Ministère de l'Environnement	

**Michel Lagacé**  
Biologist  
Direction de la recherche faunique  
Ministère du Loisir, de la Chasse  
et de la Pêche

d) Federal Review Committee

MEMBERS APPOINTED BY THE CREE REGIONAL AUTHORITY

<b>Harvey Feit</b> (as of July 1980)	<b>Allan Loon</b> (as of July 1980)
Technical Advisor	Project Manager
Cree Regional Authority	Traditional Pursuit Agency Cree Regional Authority

MEMBERS APPOINTED BY THE GOVERNOR GENERAL IN COUNCIL

<b>Ginette Brulotte</b>	<b>Gilles Turmel</b>
Social Studies	Environmental Protection
James Bay and Northern Québec Office	Technologist
Environment Canada	Transport Canada, Air

**Claude Saint-Charles\***  
Impact Assessment Officer  
James Bay and Northern  
Québec Office  
Environment Canada

(\*). Indicates the Chairman and (\*\*). the Vice-Chairman of the Committee.

