

ANNUAL REPORT
1984-1985

THE JAMES BAY ADVISORY COMMITTEE ON THE ENVIRONMENT

GAWESHOUWAITEGO ASGEE WESHOUWEHUN

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Mr. Clifford Lincoln
Minister of the Environment
Parliament Buildings
Québec City, Québec

Dear Sir:

I have the honour to submit the report of the activities of the James Bay Advisory Committee on the Environment for the year ending March 31, 1985.

Yours very truly,

Pierre P. Marchand
Chairman of the Committee

Mr. Pierre Lorrain
Speaker of the National Assembly
Parliament Buildings
Québec City, Québec

Mr. Speaker:

I have the honour to submit the report of the activities of the James Bay Advisory Committee on the Environment for the year ending March 31, 1985.

Yours respectfully,

Clifford Lincoln
Minister of the Environment

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CHAIRMAN'S MESSAGE

In 1984-1985, one of the Advisory Committee's top priorities was to follow the development of government policies liable to affect the management and conservation of natural resources in the James Bay territory.

The Committee responded to the consultation document on Québec's forestry policy, prepared by the ministère de l'Énergie et des Ressources, by suggesting a number of guidelines concerning the socioeconomic and environmental impact of forestry operations in the southern region of the James Bay territory.

The drowning of the caribou in the Caniapiscou river in September 1984 raised questions about the environmental impact of management practices for hydroelectric installations the size of the La Grande complex. The Government of Québec's decision to create a permanent municipality at Radisson gave rise to an environmental and social impact assessment of this project. The opening of the territory and the creation of a Northern Québec regional administrative centre in Radisson were also included in the environmental assessment.

The federal government's adoption of the Cree-Naskapi (of Québec) Act instituted a new form of local administration and, among other things, gave the Cree Bands legislative power in environmental and land management matters. This decision proves to be fundamental to environmental quality protection. For this reason, the Committee analyzed the Act, and took steps that will enable the various Band Councils to adopt local legislation which is both adapted to the particular sociogeographic context and respects the principles of environmental protection.

As a general operational procedure, the Committee stressed a pragmatic rather than administrative or legal approach when drafting its recommendations and monitoring the development of the various issues. Furthermore, it tried to limit the number of dossiers treated so as to make a more complete analysis of what it considered priority issues.

JEANNINE AUGER

FOREWORD

The James Bay Advisory Committee on the Environment is a body that was set up pursuant to Chapter 22 of the James Bay and Northern Québec Agreement and Divisions I and II of Chapter II of the Environment Quality Act (R.S.Q., c.Q-2). Its main responsibilities are defined in section 140 of the Environment Quality Act. The Committee may act as the preferential and official forum and is consulted when the governments of Québec and of Canada, the Cree Regional Authority, the Cree village corporations, the Bands, the Regional Zone Council and the municipalities, each within its respective jurisdiction, draw up laws and regulations regarding environmental and social protection in the James Bay territory. It is also the Committee's duty, through free exchange of views and information, to oversee the application of Chapter 22 of the Agreement and to ensure administrative supervision of the Evaluating Committee.

The head office of the Advisory Committee is at Baie-du-Poste, Lac Mistassini. Administrative support for its secretariat in Québec City is provided by the Ministère de l'Environnement du Québec. The budget of the Committee's secretariat must be approved each year by the Minister and is financed by the National Assembly. The Minister is authorized to claim funds from the Government of Canada which provides half of the budget (s.139). The Advisory committee also provides the necessary secretariat services to the Evaluating Committee (s.150).

Four of the thirteen members of the James Bay Advisory Committee on the Environment are appointed by the Cree regional Authority, four by the Government of Canada and four by the Gouvernement du Québec. In addition, the Chairman of the Hunting, Fishing and Trapping Coordinating Committee, or its Vice-Chairman in certain cases, is an ex officio member of the Advisory Committee (s.135).

In 1984-1985, the Cree Regional Authority was to be responsible for appointing a Committee chairman and vice-chairman. However, unforeseen developments led the Regional Authority to ask provincial representatives to appoint a chairman for the second consecutive year. Their response was positive and the federal representatives agreed to delay their appointment of a chairman for a year; thus, the position of JBACE chairman was filled by a provincial member, and the position of vice-chairman by a federal member.

The year 1984-1985 was the Committee's seventh year in operation.

The Advisory Committee held five plenary meetings during the past year, and the Evaluation Committee, five.

Chapter One of this document describes the principal activities of the James Bay Advisory Committee on the Environment for 1984-1985, and Chapter Two, activities of the Evaluating Committee for the same period.

CHAPTER I

THE JAMES BAY ADVISORY COMMITTEE ON THE ENVIRONMENT

GAWESHOUWAITEGO ASGEE WESHOUWEHUN

THE JAMES BAY ADVISORY COMMITTEE ON THE ENVIRONMENT
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1.1 ROLE AND DUTIES OF THE JAMES BAY ADVISORY
COMMITTEE ON THE ENVIRONMENT

The James Bay Advisory Committee on the Environment (JBACE) is consulted as the preferential and official forum by the governments of Québec and of Canada, the Cree Regional Authority, the Cree village corporations, the Bands, the Regional Zone Council and the municipalities in the territory when they draw up laws and regulations each within its respective jurisdiction, concerning environmental and social protection in the James Bay territory (s. 175 of the Environment Quality Act). The Committee is also consulted on major issues regarding the implementation of the environmental and social protection regime and land use measures.

The Committee may make any recommendation it deems appropriate and communicates its decisions and recommendations to the governments and administrations concerned for their attention, consideration and appropriate action, as the case may be.

It is the Committee's duty to oversee, through free exchange of views and information, the application of Chapter 22 of the Agreement and to ensure the administrative supervision of the Evaluating Committee. For that purpose, it may, in particular:

- a) recommend the adoption of laws, regulations and other measures designed to improve the protection of the environment and of the social milieu (s. 140);
- b) consider and formulate recommendations concerning laws, regulations and administrative procedures dealing with the environment, the social milieu and land use (s. 140);

- c) consider and formulate recommendations concerning environmental and social impact assessment and review mechanisms and procedures (s. 140);
- d) transmit its comments, if any, within ninety days in regard to the management and development plans for public forests on Cree territory governed by the Agreement that the Minister of Energy and Resources must transmit to the Advisory Committee for consideration and comment before their approval (s. 144);
- e) upon request, put at the disposal of the Cree village corporations and the Bands the information, technical or scientific data and the advice and technical assistance it obtains from time to time from a government or a government agency (s. 146).

In 1979, the Committee adopted rules of internal management to govern its operation (R.R.Q., 1981, c. Q-2, r. 21). The rules were published in the Gazette officielle du Québec in 1982. The Committee also retains the services of specialists whose advice or expertise may be required.

The files pertaining to the Committee's terms of reference require expertise in several fields. Subcommittees have consequently been set up to examine questions related to municipal infrastructures, regulations, forestry and ecological monitoring. The subcommittees are composed of Committee members and, as the case may be, resource-persons who are not Committee members but who have expertise in the field in question. Subcommittees submit their recommendations to the Plenary Committee. Follow-up on Committee decisions and the administration of current business are ensured by the Executive Subcommittee, which is

composed of the Chairman and at least one member appointed by each of the two other parties.

1.2 **COMPOSITION OF THE JAMES BAY ADVISORY COMMITTEE ON THE ENVIRONMENT FOR 1984-1985**

For 1984-1985, the members of the JBACE were as follows:

Chairman: Mrs. Jeannine Auger
Government of Québec

Vice-chairman: Mrs. Ginette Lachance
Government of Canada

Other members: Mr. Philip Awashish
Cree Regional Authority

Mr. Daniel Berrouard
(until June 1984)
Government of Québec

Mr. Thomas Coon
Cree Regional Authority

Mr. Jean-Claude Dubé
Government of Canada

Mr. François Dorlot
Chairman of the Hunting, Fishing
and Trapping Coordinating Committee

Mr. Sam Etapp
(beginning November 1984)
Cree Regional Authority

Mr. Antonio Flamand
(beginning June 1984)
Government of Québec

Mr. Peter Foggin
Government of Québec

Mr. Léopold Gaudreau
(until June 1984)
Government of Québec

Mr. Louis-Edmond Hamelin
(beginning July 1984)
Government of Canada

Mr. Yves Leclerc
Government of Canada

Mr. Charles Martijn
Government of Québec

Mr. Alan Penn
Cree Regional Authority

Mr. George Wapachee
(until November 1984)
Cree Regional Authority

Secretary: Mr. Marc-Alain Côté

1.3 THE JAMES BAY ADVISORY COMMITTEE ON THE ENVIRONMENT'S ACTIVITIES FOR 1984-1985

1.3.1 MONITORING OF THE ASSESSMENT AND REVIEW PROCEDURE

As mentioned above, the James Bay Advisory Committee on the Envi-

ronment was mandated to monitor the application of the environmental and social protection regime procedures in the James Bay territory.

In view of this fact, it is the Committee's responsibility to keep itself informed of the operating procedures of the Evaluating Committee (COMEV), the Provincial Review Committee (COMEX) and the Federal Review Panel (COFEX), the latter being involved when proposed projects come under federal jurisdiction.

Since certain development projects are apt to affect the hunting and fishing activities of the Native people, interaction between the above-mentioned organizations and the Hunting, Fishing and Trapping Coordinating Committee, provided for under Section 24 of the James Bay and Northern Québec Agreement, may be particularly important (s. 135 of the Environment Quality Act).

1.3.1.1. Construction of municipal infrastructures in Cree villages

In 1983, the Committee had adopted a resolution directed at the Cree authorities, the federal Department of Indian Affairs and Northern Development (DIAND), the federal and provincial departments concerned, the Cree Housing Corporation and the ministère de l'Environnement du Québec (MENVIQ), to the effect that the municipal infrastructures established in Cree villages had been built without first undergoing the environmental impact assessment and review procedure. They could not, therefore, have been authorized. The DIAND responded to the Committee's decision by stating that "it acknowledges the general principle that environmental considerations should be included in the planning of projects it finances, and agrees that the required impact studies could be made an integral part of the project planning process

and, thereby, be financed by the Department following approval from the Treasury Board".

It was agreed that MENVIQ's Radisson office, in collaboration with the Cree Regional Authority, would carry out an inspection of the municipal infrastructures already in place. This inspection would permit the identification of measures to be taken before Local Administrator eventually issue a certificate of authorization. The inspection reports and final building plans would be reviewed by the Federal Review Panel (COFEX), which would then advise the Local Administrators.

1.3.1.2 Wastewater treatment in Whapmagoostui
(Poste-de-la-Baleine)

As suggested by the Cree delegation, the JBACE studied wastewater management practices at Poste-de-la-Baleine (Whapmagoostui).

In short, the Cree Housing Corporation (CHC) had begun a housing project for the Whapmagoostui Crees, requiring a drinking water supply. This community development project was approved by the Local Administrator; however, the Kativik Environmental Quality Commission stipulated that wastewater having its source in the Cree residential sector must be treated prior to its disposal in the former sanitary sewers located in the Inuit sector. It should be noted that wastewater from the Inuit sector is not treated; the wastewer is located on the beach facing Hudson Bay. A joint wastewater treatment system would, of course, offer the best long-term solution; however, installing such a system does not seem possible in the short term.

The JBACE intervened to facilitate an agreement between the various parties involved in this issue. After communicating with

the Whapmagoostui Band, MENVIQ and the CHC, the JBACE decided that it was the CHC's responsibility to install grating that would filter solid wastes from wastewater before its discharge from the Cree sector into Inuit sewers.

This provisional solution confirms the importance for the entire community of future consultation in matters of wastewater treatment and disposal.

1.3.1.3 Radisson: a permanent city

In October 1984, the Conseil des ministres had decided in principle to establish a new municipality in Radisson, and open the James Bay territory to the general public by making the Matagami-LG-2 highway accessible.

The JBACE seconded the Cree Regional Authority's suggestion that this project undergo the assessment procedure. Having accepted the role of proponent, the ministère des Affaires municipales then submitted this project to the Provincial Administrator, thereby commencing the assessment and review procedure.

1.3.1.4 Revision of Schedules A and B of the Environment Quality Act and Schedules 1, 2 and 3 of Section 22 of the James Bay and Northern Québec Agreement (JBNQA)

Under sub-section 22.5.1 of the James Bay and Northern Québec Agreement, the lists of projects automatically subject to, or exempt from, the environmental and social impact assessment and review procedure are to be reviewed every five years. These lists appear in Schedules A and B of the Environment Quality Act.

The Provincial Review Committee began studying the schedules with a view to revising them. The results of this study were examined by the JBACE.

Before officially recommending changes to the Cree Regional Authority which, in keeping with section 205 of the Act, then proposes amendments to the Lieutenant Governor-in-Council, the JBACE is waiting for proposals concerning forestry development and its infrastructure. These proposals are currently under study by a joint group composed of the Cree Regional Authority and MENVIQ.

It was also agreed that the revision of these schedules should include a critical study of Schedule III, Section 22 of the JBNQA and of regulation Q-2, r.11, which define the scope and content of an impact study.

1.3.1.5 Monitoring of operational Committees

Section 140c of the Environment Quality Act stipulates that the JBACE may consider and formulate recommendations concerning environmental and social impact assessment and review mechanisms and procedures. It is for this reason that the JBACE was anxious to meet with the chairmen of the operational Committees --the Evaluating Committee, the Review Committee and the Federal Review Panel-- before the end of the fiscal year.

The main issues raised during these meetings were as follows:

- the importance of emphasizing the analysis of various projects' social impact;

- the importance of respecting deadlines for receiving a project proposal, transmitting recommendations to the Administrator and issuing directives to the proponent;
- revision of Schedules A and B and of the Regulation respecting the environmental and social impact assessment and review procedure applicable to the territory of James Bay and Northern Québec (Q.2, r. 11);
- the need to establish a secretariat for the Review Committee, possibly by extending the mandate of the JBACE secretariat;
- the language of documentation;
- project follow-ups;
- the possibility of a conflict of interest for persons who are simultaneously members of both the JBACE and an operational Committee;
- the obligation of all proponents to submit their projects to the procedure;
- the roles and functions of the Local Administrators.

The JBACE would like to point out that the above issues were also raised during a more general review of the James Bay Agreement conducted in 1983 under the aegis of SAGMAI. The possible administrative amendments to Section 22 of the JBNQA and Chapter II of the Act will necessarily take into consideration the recommendations stemming from this review of the Agreement's implementation.

To facilitate the JBACE's monitoring the assessment and review procedure, the chairmen of the various operational Committees agreed to provide quarterly activity reports.

1.3.2 INFORMATION ACTIVITIES

The JBACE is aware of the importance of disseminating information on the environmental and social protection regime, and endorses any initiative taken to this effect.

A folder on the environmental and social protection regime was therefore drafted by a task force composed of representatives from MENVIQ, the Cree regional Authority and Environment Canada. This folder was sanctioned by the JBACE and distributed to the government departments and institutions directly affected by Section 22 of the Agreement.

A more detailed guide, designed especially for those concerned with the assessment and review procedure, will be published at a later date. It will cover changes made following the revision of Schedules A and B of Regulation Q-2, r. 11, and recommendations stemming from the study on the implementation of Section 22 of the Agreement.

1.3.2.1 The Cree-Naskapis (of Québec) Act

On June 8, 1984, the House of Commons adopted Bill C-46. This bill gave rise to Section 9 of the JBNQA, and replaces several provisions in the Indian Act to treat the Cree, notably with respect to local government for the Crees on Category IA lands.

The bill had not been submitted to the JBACE for study; however, the members felt it warranted close reading. Their attention was

first drawn to provisions 3 and 4, which define the application of general provincial legislation to Category IA lands.

The JBACE concluded that the application of Québec government legislation on environmental issues to Category IA lands is not defined clearly in the Cree-Naskapis (of Québec) Act; it therefore intends to seek legal council on this matter from the Department of Indian Affairs and Northern Development.

Furthermore, the JBACE decided that, given the local legislative powers granted the Crees under this Act (cf. section 45), local Cree authorities should begin adopting their own regulations on the key issues of local environmental management: solid waste management, wastewater disposal, management of pits and quarries. By taking these issues into their own hands, the local authorities would resolve problems arising when there is relative uncertainty about the application of provincial legislation to such matters.

Moreover, the JBACE maintains that the overlapping of the Cree Regional Board of Health and Social Services' and local Cree authorities' jurisdiction in matters of public health care may lead to confusion over the suitable sharing of responsibilities. It is to be hoped that the new act will clearly state these agencies' respective responsibilities.

1.3.2.2. Consultation with Cree Bands on provincial legislation

The previous year, the Advisory Committee had announced that a study would be conducted on this issue. This study has taken the form of a consultation, carried out by representatives from the Cree Regional Authority and MENVIQ. Its purpose is to meet with Cree community Band councils to explain current provincial legis-

lation and poll their opinion on the applicability of this legislation to Category IB, II and III lands and on the possibility of adopting legislation on the same issues for Category IA lands. Three provincial regulations in particular are the focus of this consultation: the regulation respecting pits and quarries; the Regulation respecting wastewater disposal systems for isolated dwellings; and the regulation respecting solid waste. The JBACE, in association with the Direction des communications et de l'éducation at MENVIQ, drafted popularized English versions of these three regulations to facilitate their use. Consultation began during the year and was still taking place at the close of the current fiscal year.

1.3.2.3 Current changes

This consultation document was prepared by the committee working on the inquiry on federal freshwater policy. The JBACE analyzed the document and, given the questions about federal-provincial jurisdiction raised by the issue of water management, it was decided that the JBACE would not immediately present a memorandum as such, but would continue to monitor the issue's development, even if it means intervening at a later date.

1.3.3 ECOLOGICAL MONITORING OF THE LA GRANDE COMPLEX

The JBACE continued reviewing the La Grande complex ecological monitoring network. Responsibility for this network will be transferred from the James Bay Energy Corporation (JBEC) to Hydro-Québec sometime during 1985.

Hydro-Québec submitted an ecological monitoring program for all of its hydroelectric plants to the Department. The program was analyzed by the JBACE, COMEV, COMEX and COFEX. With respect to

the La Grande complex, the program is designed for the period of transition, and will be revised according to network summary reports currently being prepared by the James Bay Energy Corporation. Recommendations from the JBACE and operational Committees centred on continued monitoring of mercury content in fish and a follow-up program for the lac Yasinski spawning bed.

The JBACE hopes to participate in the study of the JBEC's summary report and the drafting of MENVIQ recommendations for a longer term follow-up program.

1.3.3.1 Acid precipitation

The Committee kept up to date on the development of this issue. Overall, members of the JBACE noticed a significant lack of knowledge with respect to the impact of acid precipitation on the environment of Northwestern Québec, both in terms of the composition and sensitivity of surface waters and the availability of sufficient data on the quality of the precipitation and the freshwater ecosystems. The Committee intends to draw up relevant recommendations on the evaluation, at a later date, of the impact of acid precipitation on the James Bay territory.

1.3.3.2 Ecological reserves in the territory

There are currently no ecological reserves in the Nouveau-Québec territory falling under the Agreement. A number of sites, interesting for their flora, fauna, geography, history, or simply for their exceptional beauty, have been identified by various departments as potential ecological reserves.

As a result, MENVIQ's Direction des réserves écologiques et des sites naturels would like to see an ecological reserve, "La ré-

serve de Baie-du-Poste", created near the northernmost point of lac Waconichi. The Direction's reasons for establishing this reserve lie mainly in the preservation of particularly mature white spruce and Jack pine stands, located in a region of vast geographical diversity. This project was presented to the JBACE, which endorses the Department's overall aims on this issue.

This project, however, is automatically subject to the assessment and review procedure, and affects the Category IB lands located in Mistassini. The Direction des réserves écologiques et des sites naturels will submit its project to both the Provincial Administrator and the Local Administrator for Mistassini.

1.3.3.3 Drowning of caribou in the Caniapiscau river

It was with interest that the JBACE followed the issue of the mass drowning, on September 28 and 29, 1984, of nearly 10 000 caribou during their annual migration. The drowning took place as the caribou were attempting to cross the Caniapiscau river upriver from Calcaire falls, located at the river's 27.5-kilometre mark. It occurred during a period of exceptionally heavy rainfall, at a time when the Duplanter spillway for the Caniapiscau reservoir, located at the 462-kilometre mark of the Caniapiscau river, was partly open.

The JBACE shares the concern of various organizations which questioned the possible link between the drowning and management of the Caniapiscau reservoir and the Duplanter spillway in the summer of 1984.

Following talks, the JBACE sent a resolution to the Government of Québec and SAGMAI asking that an inquiry be held. The resolution emphasized the importance of adopting a rigorous, interdisciplinary approach when analyzing the hydrological, hydraulic and eco-

logical factors, and of enlisting the participation of the Native communities concerned. The resolution also dealt with the assignment of rights and duties to groups affected by the environmental aspects of the management of the La Grande complex as a whole.

Neither the inquiry nor the consultation proposed by the Committee were carried out. However, on behalf of the government, the Secrétariat des activités gouvernementales en milieu amérindien et inuit (SAGMAI) analysed the event. The Committee then decided to examine the report resulting from this analysis.

1.3.4 FORESTRY

1.3.4.1 Québec Government forestry policy

In 1984, the ministère de l'Énergie et des Ressources (MER) launched a public consultation whose objective was to adopt a new forestry policy.

The JBACE transmitted its comments on the consultation document to the MER. In its memorandum, the JBACE stressed the excessive granting of woodlands to lumbering firms in the James Bay territory, and the environmental and socioeconomic impact of the current policy for moving the logging concentration to the central James Bay territory. Moreover, the JBACE expressed the hope that the MER adopt new trends promoting diversified use of the forest, and stressing the importance of hunting, fishing and trapping activities as well as the consideration of wildlife habitats when drawing up land-management schemes. The Committee emphasized, in particular, that provisions in the JBNQA for Native rights and the environmental regime covering the territory stipulated in the Agreement should be respected. The Committee is currently waiting for the release of the MER's new forestry policy.

1.3.4.2 Forest management plan for Waswanipi and Mistassini
Category I lands

The JBACE Forestry Sub-committee analyzed management plans for forests located on Category I lands of the Waswanipi and Mistassini Creees. This analysis included a review of the land regime under the Cree and Naskapis (of Québec) Act and an analysis of forestry development projects as such. It led the Committee to study in greater detail the quality of surveys available, soil and drainage conditions in the assessment of soil productivity, and silviculture development techniques worth retaining. These land-management schemes will have to be re-examined in light of Québec's new forestry policy. The Committee is waiting for more details on this subject before making recommendations to the Bands concerned.

1.3.4.3 Special status for lakes Father and Doda

Following the Committee's suggestion, the ministère du Loisir, de la Chasse et de la Pêche (MLCP) and the MER sanctioned the principle of general-purpose management and special protection for the wooded strip surrounding lakes Father and Doda, which are located approximately 40 km southeast of Waswanipi, in the middle of a region with highly varied relief. The municipal councils and Band Councils consulted also endorsed the Committee's initiative.

The JBACE's Forestry Sub-committee was mandated to determine, in collaboration with the MER, cutting practices which would permit the milieu's preservation, both those areas currently being logged and those to be logged during the coming years by Kruger Inc. Moreover, the JBACE feels the archaeological potential of the area warrants assessment and consideration during the drafting of cutting plans for this sector.

1.3.4.4 Forest fire protection

The JBACE maintained its interest in the forest fire protection issue.

In the context of funding provisions under the Cree-Naskapi (of Québec) Act, the Department of Indian Affairs and Northern Development now allocates a budget to the Cree Regional Authority for the participation of Waswanipi and Mistassini in activities of their respective conservation societies. The remaining Cree communities are located outside the zones of intensive protection and are, therefore, directly affected by future policies covering the territory north of the intensive protection zone.

In view of this fact, the JBACE pursued its efforts to ensure that an adequate system of fire protection be maintained once the agreement providing for the protection of the La Grande complex's building sites and infrastructure by the Société de conservation du Nord-Ouest (Northwest Conservation Society) has expired. More specifically, the Committee took advantage of the Government of Québec's desire to create a municipality in Radisson and open the James Bay territory to reopen the debate on MER's responsibility for becoming directly involved in forest monitoring activities.

1.3.5 DRAFT POLICY FOR WASTEWATER TREATMENT NORTH OF THE 51ST PARALLEL

The JBACE made recommendations to MENVIQ that could modify and improve this draft policy, particularly with respect to adapting treatment methods to the specific characteristics of the northern milieu.

Initiated by MENVIQ's Radisson office, this draft proposal is aimed at the preliminary treatment of wastewater before its disposal in the environment.

1.3.6 REGULATION RESPECTING DRINKING WATER

The JBACE examined the regulation respecting drinking water released by the Minister of the Environment and adopted May 16, 1984. Although the JBACE was not previously consulted, the Committee felt it advisable to comment on the new regulation and send its recommendations to the Deputy Minister of the Environment and interim Regional Director in Radisson.

The JBACE recommended that bacteriological, physical and chemical analyses of water samples from Cree villages continue to come under the Department's authority, and that the latter continue to issue recommendations whenever necessary. It also suggested that the frequency of analyses for the smaller northern communities be modified. It appears that no changes will be made to the regulation following the above recommendations; however, the Radisson office has committed itself to carrying out the analysis of water samples and issuing recommendations as in the past.

The JBACE also recommended that MENVIQ authorize the Chisasibi hospital centre to carry out the bacteriological analysis of these waters, and that henceforth, the hospital centre should analyze water samples from Nemaska and communities located on the James Bay coast.

Along the same lines, the Committee also commented on modifications Hydro-Québec was planning to make to its directive on the installation of septic tanks. Comments and recommendations were sent to Hydro-Québec as well as MENVIQ.

1.3.7 LEGISLATIVE REVISION PROCESS

The Committee is an advisory body that should be consulted by the governments on legislation, regulations and environmental policies that they have put forth. Unfortunately, however, this prior consultation rarely takes place. The Committee therefore took the necessary measures to see that it was informed of all draft regulations and federal or provincial bills liable to have an environmental and social impact on the territory falling under the Agreement. In an effort to solve this problem, the Committee is currently studying the Canada Gazette, the Gazette officielle du Québec and the National Assembly's Order Paper and Notices, which it uses to keep up to date on legislative decisions and carry out its mandate as best it can. This does not, however, eliminate the respective duties of parties having signed the JBNQA.

1.3.8 RETROSPECTIVE

This report would be incomplete if the Committee did not mention certain hurdles which, for some years now, have proved an obstacle to operating effectively and carrying out satisfactory analyses of the dossiers presented to it.

In 1984-1985, the JBACE continued steps undertaken in 1981 to hire a researcher for its secretariat. Sub-section 22.3.19 of the James Bay Agreement recommends the establishment of a secretariat consisting of not more than five persons, with the hiring of any additional staff being subject to the prior approval of Agreement parties. The Committee feels that an on-staff position of researcher is imperative if a situation in which members are directly responsible for researching issues and preparing technical analyses for study by the Committee is to be avoided.

The Committee's initiatives were of no avail. To date, the progressive cutback in MENVIQ staff along with the accompanying budgetary cutbacks have contributed to a situation in which the Committee has not been granted its additional person-year. An attempt was made to establish a joint secretariat for the JBACE and the Provincial Review Committee (COMEX), on the condition that the secretariat be granted an on-staff researcher. At the moment, the Review Committee has no Department administrative support staff, excluding the participation of members appointed by Québec. The Committee, therefore, depends directly on the desire and availability of members to analyze files.

Similarly, the Committee feels that its role as "preferential and official forum" in the elaboration of laws and regulations concerning environmental and social protection (s. 140 of the Act) is generally not recognized by the provincial and federal departments involved. All too often, the Committee is consulted late or not at all when governments implement new environmental policies affecting the James Bay territory. Changes to the "Guide d'aménagement en milieu forestier" (Forestry management guide) constitute a prime example. Bearing this in mind, the Committee has made improved communication with the various federal and provincial departments one of its top priorities. In so doing, it hopes to encourage these departments to consult it before adopting policies, regulations and laws liable to concern it.

CHAPTER II

EVALUATING COMMITTEE

GAWESHOUWAITAGO DAN DJEIS NANDOU TSHEYTAKNUCH ASGEE JE' ESPEICH

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2.1 ROLE AND DUTIES OF THE EVALUATING COMMITTEE

The Evaluating Committee (COMEV) is a tripartite body (Québec-Canada-Crees) created under section 148 of the Environment Quality Act and section 22.6.1 of the James Bay and Northern Québec Agreement. The services of the Evaluating Committee's secretariat are provided by the secretariat of the James Bay Advisory Committee on the Environment, which is why this Annual Report includes a section on the Evaluating Committee's activities. The Evaluating Committee deals with projects referred to it by the provincial administrator, the federal administrator or local administrators of each of the eight Cree communities in the territory each within its respective jurisdictions.

The environmental and social protection regime in the James Bay and Northern Québec Agreement provides an environmental and social impact assessment and review procedure similar to that of the James Bay Advisory Committee on the Environment previously described.

Prior to carrying out work, promoters of development projects within the James Bay territory must obtain authorization with regard to their project's impact on the environment and the social milieu.

Promoters of such projects must therefore indicate their intention and provide relevant information to the administrator concerned so that the Evaluating Committee can define the nature and scope of the impact studies required in terms of the scale of the proposed project.

For projects that must be subject to the assessment and review procedure prescribed by Chapter 2 of the Environment Quality Act, the Advisory Committee sets guidelines for the impact study and determines whether a preliminary study, a detailed study or both will be carried out.

For projects in grey areas, namely those that are neither subject to nor exempt from the procedure, the Advisory Committee recommends in the light of the project's possible repercussions that it be subject to or exempt from the impact assessment procedure.

When completed, the impact study is sent to the Review Panel which takes it under consideration and recommends the acceptance or refusal of the project and the terms and conditions for its authorization, if applicable.

In every case, the committees act in an advisory capacity to the administrator concerned.

2.2 COMPOSITION OF THE EVALUATING COMMITTEE IN 1984-1985

| | |
|---------------------------------|--|
| Alan Penn Chairman | Cree Regional Authority (CRA) |
| Kenneth Sam Vice-chairman | Cree Regional Authority (CRA) until December 1984 |
| Michel Mongeon Vice-chairman | Cree Regional Authority (CRA) beginning December 1984 |
| Claude Saint-Charles | Government of Canada until July 1, 1984 |

| | |
|-----------------|--|
| Guy Gilbert | Government of Canada |
| Hubert Marcotte | Government of Canada beginning July, 1984 |
| Michel Beaulieu | Government of Québec |
| Jacques Giguère | Government of Québec |

Secretary: Marc-Alain Côté

2.3 EVALUATING COMMITTEE'S ACTIVITIES FOR 1984-1985

2.3.1 LIST OF PROJECTS SUBMITTED TO AND DEALT WITH BY THE EVALUATING COMMITTEE

1. Tow ramp and seaplane dock in Chisasibi. BJ-319
2. Borrow pit at Chisasibi. BJ-322
3. Eastmain sandpit. BJ-321
4. Temporary wharf in Waskaganish village (Fort-Rupert).
BJ-328
5. Reopening of Joe-Mann mine. BJ-326
6. Construction of a cyanidation reserve at the Cooper Rand
and Portage mines concentrator. BJ-327
7. Logging roads
. rivière Wetetnagami sector. BJ-330
. lac Duberger sector. BJ-331
8. Development of the borrow pits in the Nottaway-Broadback-
Rupert region. BJ-270
9. Opening of a snowmobile trail between Chisasibi and
lac de l'Astrée. BJ-323
10. Lac Chibougamau (baie de l'Ours) breakwater. BJ-332
11. New sanitary landfill site in Wemindji. BJ-A1-101
12. Logging road. Rivière Wetetnagami sector. BJ-330

13. Logging road. Lac Duberger sector. BJ-331
14. Quartz mining. Colline Blanche. BJ-274
15. Site development. Matagami-rivière Rupert highway. BJ-347
16. Camp Windy solid waste disposal site. BJ-348
17. Environmental monitoring of Hydro-Québec installations.
BJ-343
18. Baie-du-Poste ecological reserve. BJ-339
19. Northwestern Québec energy transmission network. 450-kV
power line - Radisson-Nicolet-Des Cantons "line 6".
BJ-325

2.3.2 FILE TRANSMISSION PROCEDURES FOR 1984-1985

| PROJECT TITLE | RECEIVED BY COMEV | COMEV RECOMMENDATION TO ADMINISTRATOR |
|---|----------------------------------|---------------------------------------|
| Tow ramp and seaplane dock at Chisasibi | March 14, 1984 | April 6, 1984 |
| Borrow pit at Chisasibi | March 30, 1984 | April 6, 1984 |
| Eastmain sandpit | March 22, 1984 | April 6, 1984 |
| Temporary wharf in Waskaganish village (Fort-Rupert) | July 19, 1984 | August 3, 1984 COMEX |
| Reopening of Joe-Mann mine | May 31, 1984 | June 29, 1984 |
| Construction of a cyanidation reserve at the Cooper Rand and Portage mines concentrator | June 4, 1984 | June 29, 1984 |
| Logging road Wetetnagami sector | August 14, 1984 | October 20, 1984 |
| Logging road lac Duberger sector | August 29, 1984 | October 2, 1984 |
| Development of the borrow pits in the Nottaway-Broadback-Rupert region | ---- | February 24, 1982 |
| Opening of a snow-mobile trail between Chisasibi and lac de l'Astrée | March 26, 1984 April 24, 1984 | April 10, 1984 July 6, 1984 |
| Lac Chibougamau breakwater | September 5, 1984 | September 21, 1984 |

2.3.2 FILE TRANSMISSION PROCEDURES FOR 1984-1985 (cont'd)

| PROJECT TITLE | RECEIVED BY COMEV | COMEV RECOMMENDATION TO ADMINISTRATOR |
|--|--------------------|--|
| New sanitary landfill site at Wemindji | July 19, 1984 | August 21, 1984 |
| Poste-de-la-Baleine wharf | June 15, 1984 | August 3, 1984 (French) August 21, 1984 (English) |
| Access road to Waswanipi Category IB lands | September 20, 1984 | September 28, 1984 |
| Stabilization of banks at mouth of rivière Maquatua | June 26, 1984 | July 4, 1984 |
| Quartz mining Colline Blanche | January 14, 1985 | January 25, 1985 |
| Site development Matagami-rivière Rupert highway | February 22, 1985 | April 4, 1985 |
| Camp Windy solid waste disposal site | March 21, 1985 | April 4, 1985 |
| Environmental monitoring of Hydro-Québec installations | January 25, 1985 | April 24, 1985 |
| Baie-du-Poste ecological reserve | October 29, 1984 | March 22, 1985 |
| Northwestern Québec energy transmission network. 450-kV power line - Radisson-Nicolet-Des Cantons "line 6" | August 27, 1984 | March 14, 1985 |

APPENDIX I

LEGAL PROVISIONS RESPECTING PROTECTION OF THE ENVIRONMENT AND THE SOCIAL PROTECTION IN THE JAMES BAY REGION

Environment Quality Act, sections 131 to 167, 205 to 214 and schedules A and B (R.S.Q., chapter Q-2).

Regulation respecting certain environmental and social protection organizations for Northern Québec and the James Bay territory. (Order-in-Council 433-79, February 14, 1979), Environment Quality Act (1972, c.49, s.124 and s.240a and b).

Regulation respecting the environmental and social impact assessment and review in the James Bay territory and Northern Québec. (Order-in-Council 3452-79), Environmental Quality Act (R.S.Q., chapter Q-2).

James Bay Advisory Committee on the Environment internal guidelines. (Chapter Q-2, r. 21), Environmental Quality Act (R.S.Q., chapter Q-2, s.140).

APPENDIX II

CALENDAR OF JAMES BAY ADVISORY COMMITTEE
ON THE ENVIRONMENT MEETINGS IN 1984-1985

| | |
|------------------------|--|
| Thirty-third meeting | April 11-12, 1984; Val-d'Or |
| Thirty-fourth meeting | June 12-13, 1984; Québec City |
| Thirty-fifth meeting | August 28-29, 1984; Lac Hélène (James Bay) |
| Thirty-sixth meeting | November 22-23, 1984; Baie-du- Poste - Lac Mistassini |
| Thirty-seventh meeting | March 12-13, 1984; Québec City |

APPENDIX III

CALENDAR OF EVALUATING COMMITTEE MEETINGS IN 1984-1985

| <u>Meeting No.</u> | <u>Location</u> | <u>Date</u> |
|--------------------|-----------------|--------------------|
| 72 | Québec City | April 4, 1984 |
| 73 | Québec City | June 28, 1984 |
| 74 | Québec City | September 20, 1984 |
| 75 | Montréal | December 5, 1984 |
| 76 | Québec City | January 25, 1985 |
| 77 | Québec City | February 21, 1985 |
| 78 | Québec City | March 7, 1985 |

Resolutions for several files were adopted over the phone, by mail or in person, but always on a three-party basis.

The significant decline in large-scale works in James Bay led to fewer COMEV meetings during the past fiscal year. However, a renewal of activities is expected next year, as Hydro-Québec has announced that it would be ahead of its predicted deadline for supplementing its hydro-electric plants with additional power.

APPENDIX IV

BUDGET ALLOCATED TO THE ADVISORY COMMITTEE IN 1984-1985

Salaries

| | |
|-----------------|--------------|
| Secretary | \$ 40 069.00 |
| Stenographer | \$ 12 856.80 |
| Fringe benefits | \$ 9 526.64 |

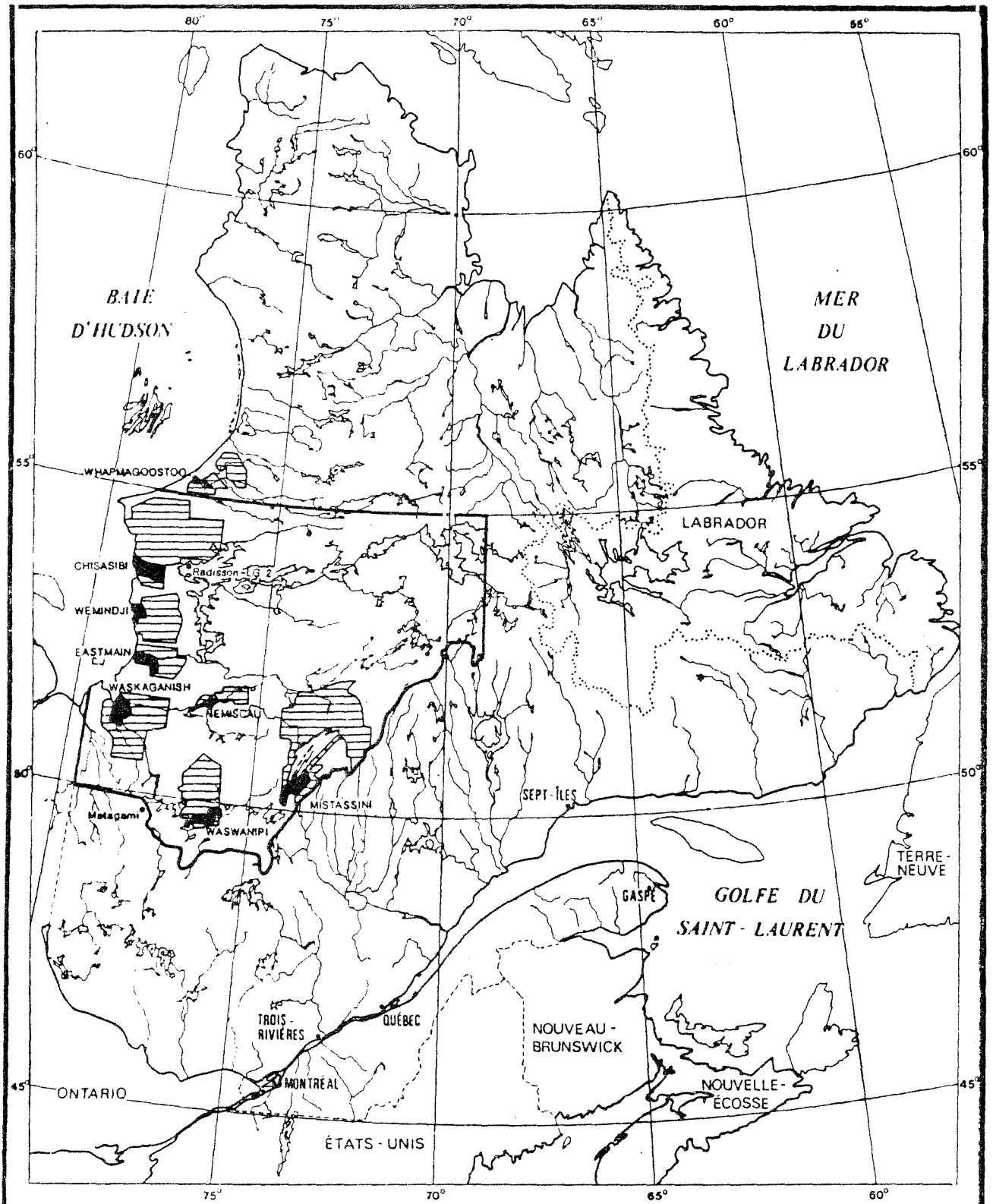
| | |
|-----------|--------------|
| SUBTOTAL: | \$ 62 452.44 |
|-----------|--------------|

| | |
|---------------------------|-------------|
| Professional development | \$ 735.00 |
| Travel expenses | \$ 4 349.06 |
| Office space | \$ 3 864.00 |
| Printing and photocopying | \$ 5 263.28 |
| Telephone | \$ 1 198.68 |
| Supplies | \$ 411.59 |
| Hall rental | \$ 70.00 |

| | |
|--------|--------------|
| TOTAL: | \$ 78 344.05 |
|--------|--------------|

APPENDIX IV

MAP OF THE TERRITORY COVERED BY THE REGIME



TERRITOIRE D'APPLICATION DE LA SECTION I DU CHAPITRE II DE LA LOI
 SUR LA QUALITÉ DE L'ENVIRONNEMENT ET DU CHAPITRE 22 DE LA CBJNQ

| TERRES CATÉGORIE | (LANDS) (CATEGORY) |
|---------------------|-----------------------|
| I | I |
| II | II |
| III | III |

LIMITES D'APPLICATION DU CHAPITRE 22

km 100 0 100 200 km