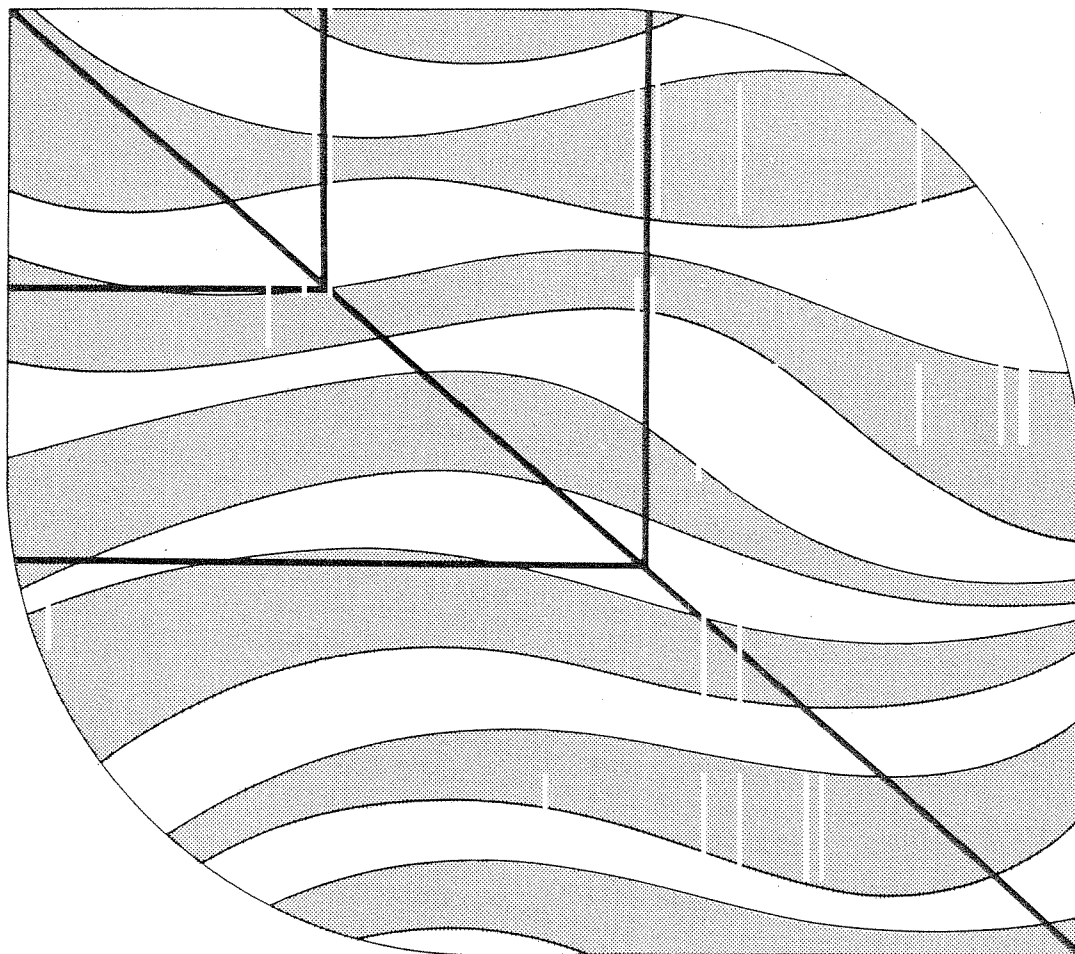

the James Bay
and Northern
Québec Agreement



**The James Bay
Advisory Committee
on the Environment**

Annual Report 1989-1990

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Québec 

ANNUAL REPORT

1989 - 1990

JAMES BAY ADVISORY COMMITTEE

ON THE ENVIRONMENT

GAWESHOUWAITEGO ASGEE WESHOUWEHUN

Additional copies in french or english are available
by contacting the secretariat at the following address:

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October 1st, 1990

The Hon. Pierre Paradis
Minister of the Environment
Ministère de l'Environnement
3900 Marly, 6th floor
Sainte-Foy, Québec
G1X 4E4

Dear Sir,

I have the honour of presenting the report of activities of the James Bay Advisory Committee on the Environment for the year ended March 31, 1990.

Respectfully submitted,

HUBERT MARCOTTE
Chairman

October 1st, 1990

The Hon. Robert de Cotret
Minister of the Environment
Ottawa, Ontario

Dear Sir,

I have the honour of presenting the report of activities of the James Bay Advisory Committee on the Environment for the year ended March 31, 1990.

Respectfully submitted,

HUBERT MARCOTTE
Chairman

October 1st, 1990

Matthew Coon Come
Grand Chief
Grand Council of the Crees of Québec
Nemaska, Québec

Dear Sir,

I have the honour of presenting the report of activities of the James Bay Advisory Committee on the Environment for the year ended March 31, 1990.

Respectfully submitted,

HUBERT MARCOTTE
Chairman

CHAIRMAN'S MESSAGE

It was a source of pride and pleasure for me to act as chairperson of the James Bay Advisory Committee on the Environment during the latter part of 1989/90.

I have participated in several of the committees created by the James Bay and Northern Quebec Agreement. One recurrent weakness that I have noted is that the members of those committees often consider their role to be exclusively to defend positions defined in advance by the parties that appointed them. Such an attitude is not appropriate to committees of experts and, fortunately, it is not one that is shared by the members of the James Bay Advisory Committee on the Environment.

Each member recognizes, of course, that his or her principal responsibility is to advocate the positions and to defend the interests of one of the three constituent parties. At the same time, however, each member is aware that it is the duty of an "expert" to weigh impartially the arguments of others and, if appropriate, to take a position that might not be in perfect accord with that of the party that named him or her.

It is to the credit of the Government of Quebec, the Government of Canada and the Cree Regional Authority that they appointed persons of high calibre and granted them the independence required to act as experts. It is equally to the credit of the members themselves that they took full advantage of the opportunities offered to them.

No committee can operate efficiently without an able and dedicated secretariat. I offer my personal thanks and the thanks of the entire committee to Hervé Chatagnier, Claude Gignac and all the other persons who contributed towards the efficient operation of the committee.

PAUL WILKINSON
Chairman, 1989/90

CHAPTER I

THE JAMES BAY ADVISORY COMMITTEE
ON THE ENVIRONMENT

GAWESHOUWAITEGO ASGEE WESHOUWEHUN

MANDATE OF THE JBACE

The James Bay Advisory Committee on the Environment (JBACE) is a body established under Section 22 of the James Bay and Northern Québec Agreement (the "Agreement"). It is governed by the Environment Quality Act (R.S.Q., c. Q-2) and the Northern Québec Native Claims Settlement Act (S.C. 1976-1979 c. 32).

The JBACE is the preferential, official forum for the Québec and Canadian governments as well as for the Cree Regional Authority, Cree village corporations, native bands, the Regional Zone Council and territorial municipalities when they wish to formulate laws and regulations relating to the environment and social milieu of the territory governed by the James Bay and Northern Québec Agreement. The territory in question is bounded to the north by the 55th parallel, to the west by the borders of Ontario and the Northwest Territories, to the east by the 69th meridian, and to the south by a line that coincides with the southern limit of the Cree traplines as determined under the Act respecting hunting and fishing rights in the James Bay and New Québec territories (c. D-13.1), as well as Category I and II lands for the Cree of Whapmagoostui.

The Committee is also mandated to monitor the environmental regime set up under Section 22 of the Agreement and Chapter II of the Environment Quality Act. Among other things, this duty entails formulating recommendations on:

- the adoption of laws, regulations, and other measures whose purpose is to ensure greater protection of the environment and social milieu;
- laws, regulations, and administrative procedures relating to the environment, the social milieu and land use;
- environmental and social impact assessment and review procedures and mechanisms.

The Committee is consulted by the Québec and Canadian governments, the Cree Regional Authority and Cree village corporations on major issues respecting the implementation of the environmental and social protection regime applicable to the territory in question as well as land use measures.

It also comments on general and five-year forest management plans for crown forest located in the James Bay territory before such plans are approved by the Minister of Energy and Resources.

In addition, when so requested, the Committee provides the Cree village corporations and native bands with information, technical and scientific data, advice or technical assistance that it obtains from the federal or provincial government or a government agency.

Finally, the Committee provides administrative support for the Evaluating Committee, which was also created under Section 22 of the Agreement and whose report of activities for 1989-1990 is included herein.

All decisions and recommendations formulated by the Committee are communicated to either the Québec and Canadian governments, the Cree Regional Authority, the Cree village corporations, the bands, the Regional Zone Council or the municipalities for their consultation, consideration and comments.

COMPOSITION OF THE JBACE

The James Bay Advisory Committee on the Environment is a three-party body composed of thirteen members, four of which are appointed by Québec, four by Canada and four by the Cree Regional Authority. The thirteenth member, the Chairman of the Hunting, Fishing and Trapping Coordinating Committee, is a member ex officio of the JBACE. However, where the chairman of the said Coordinating Committee is appointed by the Makivik Corporation, the Second Vice-Chairman is a member ex officio of the Advisory Committee.

Each year, Québec, Canada and the Cree Regional Authority take turns appointing a Chairman and Vice-Chairman. The terms and conditions of rotation are determined by the parties appointing these members.

In 1989-1990, the composition of the Committee changed significantly. At year-end the JBACE was composed of the following members:

Paul Wilkinson, Chairman
Paul Wilkinson Inc. (Cree Regional Authority)

Willie Iserhoff, Vice-Chairman
Director, Environment and Land Management (Cree Regional Authority)

James Bobbish
Cree School Board of Chisasibi (Cree Regional Authority)

Alan Penn
Scientific Advisor (Cree Regional Authority)

Robert Daigneault
Legal Advisor, Ministère de l'Environnement (Québec)

Gilles Frisque
Director, Centre multirégional de recherche en foresterie,
Université du Québec (Québec)

Marie Lessard
Vice-Dean, Faculté de l'aménagement, Université de Montréal
(Québec)

Alain Soucy
Director General, Institut national de la recherche scientifique
(Québec)

Jean-Guy Charest
Manager, Statutory Obligations, Indian and Northern Affairs (Canada)

Louis-Edmond Hamelin
Geographer (Canada)

Hubert Marcotte
Director, Gestion J.H. Marcotte enr. (Canada)

Yvan Vigneault
Director, Department of Fisheries and Oceans (Canada)

George Lameboy
Member ex officio, Hunting, Fishing and Trapping Coordinating Com-
mittee.

MEETINGS

For various technical, administrative and political reasons, the JBACE had not held an official meeting since May 11, 1987; however, activities started up again in 1989-1990. The will of the new members and the bodies which appoint them, as well as the hiring of a secretary to fill the position left vacant since January 1989, all contributed to the Committee's revival.

The Committee held four regular meetings between April 1, 1989 and March 31, 1990, on the dates and at the locations mentioned below:

- 47th meeting: Institut national de la recherche scientifique, Sainte-Foy, December 20, 1989;
- 48th meeting: Cree Regional Authority, Montréal, January 31 and February 1, 1990;
- 49th meeting: Cree Regional Authority, Montréal, February 26, 1990;
- 50th meeting: Federal Department of Fisheries and Oceans, Québec City, March 29, 1990.

In addition to these regular meetings, several subcommittee meetings were held during the year.

JBACE ACTIVITIES FOR 1989-1990

Introduction

Given the major changes in the Committee's composition and the fact that no meetings had been held since spring 1987, the Committee's first task was to define the general approach it planned on taking to fulfill its various mandates. These mandates, as previously set forth, are broad and, unfortunately, the Committee does not yet possess the financial and human resources necessary to carry them out. It thus decided to make the federal and Québec governments aware of the importance of providing it with the necessary tools. At the Committee's 47th meeting, it was decided that, until this problem has been resolved, the Committee would continue carrying out its mandates while recognizing that research activities and the hiring of outside consultants would have to be limited.

Review of five-year forest management plans for administrative region 08:

One of the first mandates the Committee dealt with in 1989-1990 was to study the five-year forest management plans for administrative region 08 in the James Bay territory.

Section 144 of the Environment Quality Act stipulates that "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 contemplated in section 133. The Advisory Committee must transmit its comments, if any, within ninety days." Given the importance of James Bay forests for the Cree and their traditional way of life, the Committee made this particular matter a priority. Moreover, this is one of the only means currently available for studying the environmental and social impact of forest operations, given that not all logging conducted under plans provided for under the Forest Act (c. F-4.1) is subject to the environmental and social impact assessment and review procedure.

In December 1989 and January 1990, the Committee received the sixteen five-year plans submitted by the Ministère de l'Énergie et des Ressources (MER) for all of administrative region 08. Most of these plans, however, cover only the first two years of forest operations. They were provided by the new holders of Timber Supply and Forest Management Agreements (TSFMA). Under the current Forest Act, these plans partially replace the management plans provided for under the JBNQA.

At its 48th meeting, the Committee met with Assistant Deputy Minister Rémy Girard and other MER representatives to discuss the content of the five-year plans and the regulations governing them. The clarifications provided by the MER representatives were useful in the Committee's subsequent analysis of the plans.

Given the amount of work involved in studying the five-year plans, the Committee decided to apply to the Indian and Northern Affairs Canada for financial assistance so it could hire outside consultants. The Committee was happy to learn that DIAND approved the application with a subsidy in the amount of 18 000 \$. This money allowed the Committee to hire the services of an expert advisor to analyze the plans, under the supervision of an ad hoc subcommittee on forestry created by the Committee.

In addition, following a request by the Committee, Forestry Canada, Québec Region, commissioned one of its representatives, Gilbert Aubin, to participate in the Committee's analysis of the five-year plans.

On March 28, 1990, the Committee submitted a preliminary report on the analysis of the sixteen five-year forest management plans for administrative region 08 to Mr. Girard. Given that most of the sixteen plans cover only two years of forest operations, the Committee notified MER that it would not be submitting its complete analysis until all data regarding forest operations have been received, sometime in late 1990.

The Committee's preliminary observations deal, among other things, with the following points:

- 1) Nature of the five-year plans: the Committee noted that the plans do not present an overall view, nor do they deal with issues other than forestry. It therefore recommends that these plans be further researched and, in particular, integrated into a regional context.
- 2) Nature of inventory data on the composition of forest stocks and the dynamics of northern forests: the basic data available for the territory having served as model for logging intensity are very limited. Consequently, this lack of precision directly affects the management strategies available. The Committee recommends that, for the next ten years, special consideration be given to gathering data so as to make a preliminary validation of management measures possible.
- 3) Impact of north-south forest management policies: the Committee's first impression with respect to this issue indicates a tendency to consider the forest north of Matagami as a complementary source of wood for forest operations conducted south of the management unit. This could signify that forest management

efforts through reforestation, etc. would be concentrated in the southern portion of the management unit. Essentially, management activities planned for the northern sector of the territory will be limited to so-called regeneration protection cutting. This strategy is supported by the assumption that northern forests will regenerate naturally, with no major intervention other than reasonable efforts aimed at protecting existing seedlings. Given this situation, the Committee feels there is ample reason to take the necessary measures to permit validation of management assumptions regarding regeneration of northern forests.

- 4) Advanced growth regeneration protection cutting: this type of logging is the cornerstone of extensive forest management in the northern forests of the James Bay territory. For this reason, based on applicable regulations, winter logging should be given priority in the wetter sectors to provide even greater protection of advance growth. However, given the difficulties encountered by the beneficiaries when trying to adapt forest operations accordingly, a significant volume of wood from the northern sectors would be recovered during spring and fall, which would lead to a marked decrease in advanced growth regeneration as well as greater perturbation of the soil. The Committee therefore feels that regeneration protection cutting techniques used in the northern regions should be studied thoroughly and reviewed on a regular basis.
- 5) Long-term decrease in forest land capability: according to the hypotheses on which the potential was calculated, the nature of regrowth would seem to indicate a decrease in the forest land capability of northern forests given the lack of more intensive management measures. Consequently, the Committee notes the difficulties involved in applying the principle of sustained yield and voices concern as to the effects of management practices in northern regions. These practices will inevitably lead to slow regeneration and to soil depletion, despite the efforts deployed to minimize perturbations caused by machinery.
- 6) Nottaway-Broadback-Rupert project: the Committee is concerned about the wood recovery deadlines proposed in Hydro-Québec's development plan for 1990-1992. Considering the reservoirs for this vast hydroelectric complex are slated for completion in six to seven years, it will be very difficult to optimize wood recovery within the reservoirs from either an economic or ecological perspective. The Committee intends to study this problem further.

A detailed analysis report will be submitted to MER in the summer of 1990. However, a complete analysis of the five-year plans will be conducted once all forest operations data are available, particularly the data for the past three years of

operation. Only then will the Committee study the Cree's use of the territory within the context of the five-year plans.

Environmental impact study of the Great Whale hydroelectric complex

Given that the Great Whale hydroelectric development project may undergo several environmental and social impact study procedures, the federal government consulted the Committee on the possibility of standardizing the procedures.

This gave the Committee a much-appreciated chance to participate in the consultations on the application of assessment procedures for the project. This is one of the first major hydroelectric development projects to be subjected in its entirety to the procedures established under the James Bay and Northern Québec Agreement. It is therefore important that the guidelines set forth in paragraph 22.2.4 of the Agreement be respected in full.

The federal government proposal was submitted by David Cliche, James Bay Affairs Coordinator, at the 48th meeting. The proposal is part of the application of the procedures (Cree and Inuit regimes) provided for in Chapter II of the Environment Quality Act, the federal procedures described in sections 22 and 23 of the Agreement, the federal environmental impact assessment review procedure and, more specifically, the public study procedure established under sections 20 to 32 of the «Environmental assessment and review process guidelines order» (P.C. 1984-2132, June 21, 1984).

On March 21, 1990, the Committee followed up on this proposal by submitting the following comments to the federal and Québec ministers of the Environment:

- 1) Should the project be subject to several assessment procedures, the Committee feels that, where possible, procedures should be standardized. However, paragraph 22.6.7 of the JBNQA must be enforced. In this respect, it is important that all parties retain full powers. The Committee therefore endorses the initiatives taken by the federal government in this respect.
- 2) The Committee is of the opinion that the necessary efforts must be taken to ensure that project assessment encompasses all repercussions related thereto. In this respect, the possibilities offered under section 208 of the EQA and section 25 of the above-mentioned guidelines order could be put to advantage.
- 3) The Committee also supports the initiatives aimed at ensuring public participation in the project assessment. Public consultations should be held during the formulation of impact study

guidelines as stipulated in section 30 (2) of the above-mentioned guidelines order. In addition, public hearings should be held during project assessment, especially in the native communities directly affected. Finally, the possibility of holding public hearings or technical analysis sessions in certain urban centres of Québec warrants serious consideration to ensure the participation of other parties concerned by the project.

The Committee underlines the importance of pooling resources required for the project study. To this end, it would be advantageous to plan only one impact study guideline, one impact study and a single series of public hearings.

- 4) One of the difficulties arising from the enforcement of the procedures established under sections 22 and 23 of the JBNQA is the lack of resources needed to make the procedure accessible to the public. In order to favour greater public participation, it will be important to ensure that relevant information is properly disseminated at all stages.

In the Committee's opinion, a secretariat must be created to oversee translation of project information into native languages, French and English, as well as simultaneous translation during hearings. The secretariat's general responsibilities will be to disseminate any information that might be necessary to the complete understanding of the project and the established assessment procedure. The secretariat will provide services to all bodies established under sections 22 and 23 of the JBNQA.

Finally, the Committee would stress the importance of making sufficient resources available to the public to ensure adequate participation of all interest groups, as in the case of the planned low-altitude flights, for which \$500 000 was earmarked. Technical specialists must also be made accessible as resource people for the committee(s) studying the project. To this end, section 8 of a document prepared by the FEARO entitled «Environment assessment panels: Procedures and rules for public meetings» should be consulted.

- 5) The Committee views environmental monitoring and follow-up as playing a greater role in the assessment of major hydroelectric development projects. As a result, the procedures applicable to such projects should include the implementation of a follow-up and monitoring mechanism in keeping with the guidelines established in sections 22 and 23 of the JBNQA. Results should be forwarded to all interest groups. In accordance with its mandates, the JBACE and the Kativik Environmental Advisory Committee (KEAC) could be the appropriate bodies for recommending possible measures providing for follow-up and monitoring activities once the project has been authorized.

As of March 31, 1990, negotiations were continuing between the parties concerned with a view to standardizing the various procedures applicable to the project. The Committee will continue studying this issue during the coming year.

Commission parlementaire de l'économie et du travail
public hearings on electricity in Québec:

Beginning May 8, 1990, the Commission parlementaire de l'économie et du travail of the Québec government will be holding public hearings on electricity in Québec. Some of the issues to be discussed include:

- the aims and possible means for meeting the growing demand for electricity in Québec;
- Hydro-Québec's proposed means for carrying out its mandate under its development plan;
- the means for reconciling Québec's electricity needs with environment quality and sustainable development.

Given the importance of these issues for the James Bay territory, at its 50th meeting the Committee decided to take part in the public hearings and raise the following points:

- the repercussions of advancing the implementation of James Bay hydroelectric projects on the environmental and social impact assessment and review procedures;
- the scope and methodology of the study on cumulative social and environmental impact;
- consideration of environmental objectives in the formulation and optimization of hydroelectric projects;
- the need for a policy respecting the diversion of rivers and integrated development of watersheds;
- the role of demand management in the justification of hydroelectric projects and the need for a public debate on an energy policy.

Commission d'enquête sur les déchets dangereux:

The Québec government set up the Commission d'enquête sur les déchets dangereux in 1989. One of the Commission's mandates is to hold a major public forum on all matters related to the disposal of

hazardous waste based on the most complete and objective information possible. In May and June 1990, the Commission will hold hearings on the aims proposed in its consultation document.

The Committee invited Éric Gourdeau, special advisor to the Commission and former director of the Secrétariat aux affaires gouvernementales en milieu amérindien et inuit (SAGMAI), to its 50th meeting to find out how it could participate in the hearings and on a possible special consultation for Québec's aboriginal peoples. The Committee was informed of the Commission's intention to hold special hearings aimed specifically at aboriginal peoples. The Committee therefore decided there was reason to participate in this hearing as well as the regular hearing in Val d'Or.

Consultations by the subcommittee on forestry
of the standing committee on forestry and fisheries:

The Committee was informed of a series of consultations by the subcommittee on forestry of the federal Standing Committee on Forestry and Fisheries on the roles and mandates of the new federal minister of Forests. The subcommittee in question examines Forestry Canada's mission within the context of the policy respecting sustainable development and integrated forest management. At the Committee's 50th meeting, it agreed to submit a memorandum for the hearings, in particular to explain the environmental protection scheme applicable to the James Bay territory and to underline the importance of ensuring that the Cree's traditional use of the territory is compatible with the industries' logging programs.

SECRETARIAT

The Committee's Secretariat is located in the offices of the Ministère de l'Environnement du Québec in Sainte-Foy. By virtue of an administrative agreement with the MENVIQ, the latter provides the human and material resources to the Committee.

Mr. Hervé Chatagnier, Geographer, has been the Committee's secretary since September 1989. The Secretariat benefits from the services of a researcher, Mr. Claude Gignac, chemist, and a secretary, Murielle Falardeau. These three people divide their time between the JBACE, the Evaluating Committee and the Review Committee. It should be pointed out that under provisions of the JBNQA and the Environment Quality Act, the Advisory Committee provides the Evaluating Committee with the necessary secretarial services. The Secretariat maintains a record of all decisions made by the Committee as well as any related information. These records are available for public consultation.

FUNDING

Each Committee member is remunerated, if necessary, and any expenses incurred for attending meetings are reimbursed by the delegation which appointed the member. The budget for the Secretariat is allocated by Québec, which is allowed to claim half this amount from the Government of Canada under paragraph 22.3.19 of the James Bay and Northern Québec Agreement and paragraph 2 of section 174 of the Environment Quality Act.

At the 48th meeting, the Committee met with Harvey-L. Mead, Assistant Deputy Minister of the MENVIQ, and Yves-L. Page, Director of Environmental Assessment with the same Department, to express its disappointment at the budget allocated for 1990-1991. Given the nature of its mandates and translation needs, the Committee informed the MENVIQ that this budget was not enough to meet its commitments. Despite the government's current cutbacks, the MENVIQ remained open to a possible readjustment in the Committee's finances. The Committee will continue to pursue the issue in the near future.

Expenditures of the Secretariat for the fiscal year ended March 31, 1990 are shown in Table I. It is important to note that these expenditures also cover expenses incurred by the Evaluating Committee in compliance with section 150 of the Environment Quality Act.

**Table I: Secretariat of James Bay Advisory Committee
on the Environment and Evaluating Committee**

Statement of receipts and expenditures for 1989-1990:

A) Expenditures

Salaries (wages and fringe benefits):

| | |
|-----------------------|---------------------|
| - Secretary | 22 573,60 \$ |
| - Researcher | 23 936,89 \$ |
| - Secretarial officer | <u>13 382,10 \$</u> |

Subtotal: 59 892,59 \$

B) Misc. expenses

| | |
|---------------------------------------|--------------|
| - Translation | 2 972,25 \$ |
| - Travel expenses: | |
| . Cree members of COMEX and COFEX: | 163,70 \$ |
| . moving expenses for secretary: | 14 166,18 \$ |
| . COMEV and JBACE secre- tary: | 2 417,28 \$ |
| . COMEV and JBACE resear- cher: | 2 356,31 \$ |

- Office space 9 605,68 \$

- Telephone 1 487.19 \$

- Office supplies 349.97 \$

- Printing and photocopying 518.11 \$

Subtotal: 34 036.67 \$

TOTAL: 93 929.26 \$

A P P E N D I X 1

LEGAL PROVISIONS ON ENVIRONMENTAL
AND SOCIAL PROTECTION IN THE
JAMES BAY TERRITORY

A P P E N D I X 1**LEGAL PROVISIONS ON ENVIRONMENTAL AND SOCIAL PROTECTION IN THE JAMES BAY TERRITORY:**

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

Bodies for the protection of the environment of James Bay and Northern Québec (O.C. 433-79, February 14, 1979); Environment Quality Act (1972, c.49. s. 124 and 240 a and b);

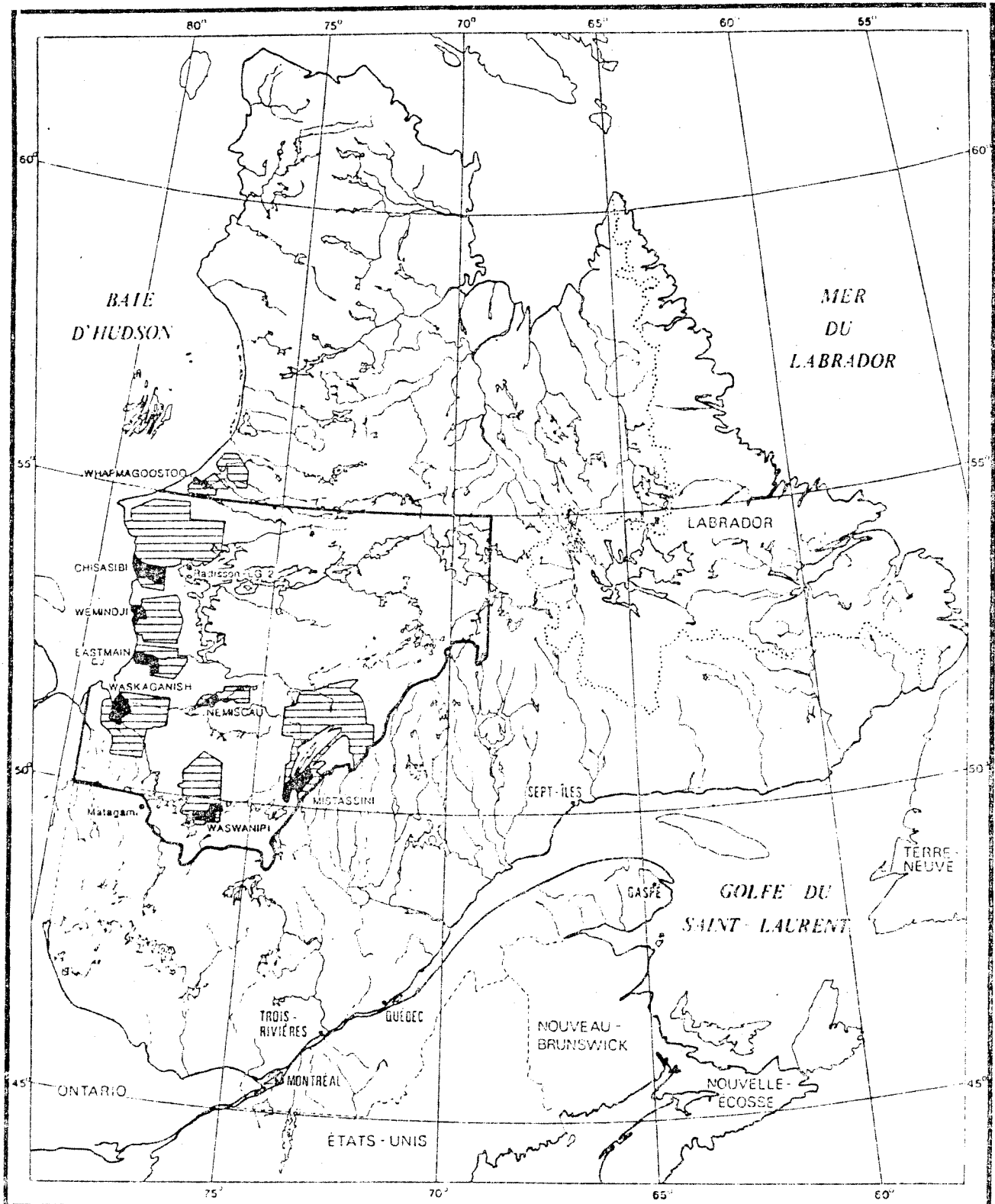
Assessment of effects on the environment in the territory of James Bay and Northern Québec region (O.C. 3452-79); Environment Quality Act (R.S.Q., c. Q-2);

Rules of internal management of the James Bay Advisory Committee on the Environment (c. Q-2, r. 21); Environment Quality Act (R.S.Q., c. Q-2, s. 140);

Northern Québec Native Claims Settlement Act (S.C. 1976-1979, c. 32).

A P P E N D I X 2

MAP INDICATING APPLICATION OF 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 CBJNO

| TERRES CATÉGORIE | (LANDS) (CATEGORY) |
|---------------------------------|-----------------------|
| I [diagonal lines] | I |
| II [horizontal lines] | II |
| III [vertical lines] | III |

— LIMITES D'APPLICATION DU CHAPITRE 22



CHAPTER II

EVALUATING COMMITTEE

GAWESHOUWAITAGO DAN DJEIS NANDOU TSHEYTAKNUCH ASGEE JE'ESPEICH

CHAIRMAN'S MESSAGE

This past year (1989-1990) has been stimulating one for the Evaluating Committee. As shown in this report, the agenda was full, with a number of major projects.

Much of the Evaluating Committee's time was devoted to the preparation of a comprehensive directive for the assessment of the Great Whale hydro-electric project. This exercise revealed the complex, inter-disciplinary task involved in preparing directives for a multiple-component hydro-electric complex.

The Great Whale hydro-electric project, however, is just one of many developments connected with further hydro-electric development that the Evaluating Committee has had occasion to assess. Transmission line routes and their evaluation were an important part of the Committee's work. It was possible, however, to take advantage this time of the valuable field experience acquired during the building of the Radisson/Nicolet/Des Cantons direct current transmission line.

I should mention as well the development of road infrastructure for forestry operations in the southern James Bay territory. This is a key element in the implementation in the region of Quebec's new Forest Act, and inevitably gives rise to a broad range of concerns about the cumulative impacts of forestry operations on the economy of the Cree communities and their land and resource base. No less than seven such forestry infrastructure projects came before the committee in 1989/1990.

ALAN PENN
Chairman 1989/1990

ROLE OF THE EVALUATING COMMITTEE

The Evaluating Committee (COMEV) is a three-party (Québec-Canada-Cree) agency created under section 148 of the Environment Quality Act (EQA) and section 22.6.1 of the James Bay and Northern Québec Agreement (JBNQA).

In addition to the mandates of the JBACE described earlier, the environmental and social protection regime established under the James Bay and Northern Québec Agreement provides for an environmental and social impact assessment and review procedure. The COMEV's mandates fall within the context of this procedure.

In many cases, proponents of development projects for the James Bay territory must obtain, before beginning construction, an authorization with respect to the environmental and social repercussions of the project. The JBNQA and EQA define two categories of projects, i.e. projects which are automatically subject to the environmental and social impact assessment and review procedure (JBNQA, Chapter 22, Schedule 2; EQA, Schedule A) and projects which are automatically exempt from this same procedure (JBNQA, Chapter 22, Schedule 1; EQA, Schedule B).

For projects automatically subject to the assessment and review procedure, the Evaluating Committee formulates impact study guidelines and decides whether to recommend a preliminary study, a detailed study, or both.

With regard to "grey zone" projects, that is, projects which are neither automatically subject to nor automatically exempt from the environmental and social impact assessment and review procedure, the Evaluating Committee recommends, depending on the project's potential impacts, that they be subjected to or exempted from the procedure.

Proponents of projects subject to the procedure must make known their intention and provide the administrator concerned with the relevant information in order to enable the Evaluating Committee to define the nature and scope of the necessary impact studies based on the nature of proposed development. The relevant information is forwarded to the federal, provincial or local administrator depending on whether the project falls under federal, provincial or local jurisdiction. The current federal administrator is the chairman of the Federal Environmental Assessment Review Office, while the Québec administrator is the Minister of the Environment. Projects falling under local jurisdiction are forwarded to the local environmental administrator of the native Band in question. Each Band appoints its own local administrator, who carries out duties related to the assessment and review procedure. The administrator receives recommendations from COMEV, COMEX and the Fede-

ral Review Committee (COFEX), and issues all authorizations resulting from the procedure to the proponents.

Once the impact study has been completed according to the COMEV's recommended guidelines, it is forwarded to either the COMEX or the COFEX, depending on the jurisdiction, which analyzes it and then recommends its refusal or authorization, in which case it also recommends any conditions for such authorization. In all cases, the committees act as advisors to the administrator concerned.

EVALUATING COMMITTEE ACTIVITIES

Calendar of Evaluating Committee Meetings for 1989-1990:

| Meeting no. | Date | Location |
|-------------|------------|-----------------------|
| 98 | 1989.05.25 | Val d'Or |
| | 1989.05.26 | Val d'Or |
| 99 | 1989.06.14 | Montréal |
| | 1989.06.15 | Sainte-Foy |
| 100 | 1989.07.13 | Whapmagoostui |
| | 1989.07.14 | (Poste-de-la-Baleine) |
| 101 | 1989.09.07 | Montréal |
| | 1989.09.12 | Montréal |
| 102 | 1989.10.06 | Sainte-Foy |
| 103 | 1989.10.27 | Montréal |
| 104 | 1989.11.16 | Montréal |
| | 1989.11.17 | Montréal |
| 105 | 1989.11.24 | Montréal |
| 106 | 1989.11.29 | Montréal |
| 107 | 1989.12.18 | Montréal |
| | 1989.12.19 | Montréal |
| 108 | 1990.01.29 | Montréal |
| | 1990.01.30 | Montréal |
| 109 | 1990.03.01 | Sainte-Foy |
| 110 | 1990.03.28 | Sainte-Foy |
| | 1990.03.29 | Montréal |
| | 1990.03.30 | Montréal |

Several working meetings and conference calls also took place to complete COMEV files.

Projects reviewed by the Evaluating committee:

In 1989-1990, the Evaluating Committee received 34 requests concerning proposed projects on the James Bay territory.

Moreover, 16 projects were issued of impact assessment guidelines after being subjected the impact assessment and review procedure. Below is brief a description of two of the most important projects studied by the Committee: the Great Whale hydroelectric complex and the proposed northern road between Chibougamau and Némiscau. It should be noted however that the Committee also spent considerable time reviewing power transmission lines and forestry infrastructure projects.

A - The Great Whale Complex

On June 2, 1989, the Committee received a request from then Deputy Minister of the Environment Jean-Claude Deschênes to update the October 1981 guideline on the scope of the impact study to be conducted for the Great Whale hydroelectric development project. The Great Whale project had been the subject of a preliminary review by the COMEX and the Kativik Environmental Quality Commission (KEQC) in the early 1980s; no decision had been reached as to its environmental and social acceptability given that the project was eventually postponed. However, Hydro-Québec recently stated its intention to proceed with the project and the Committee was mandated to update the 1981 guideline.

On March 30, 1990, the Committee sent the Minister of the Environment a document aimed at identifying to the MENVIQ the expectations regarding the impact study to be produced under the provincial review procedure. The document was not designed to replace the initial directive, but rather to complement and specify its aims and better define the tools required to analyze and understand the environmental issues at stake. It deals with both the development options and access (and lodging) infrastructures components of the project. In the Committee's opinion, the impact study should focus, among other things, on the development options of the project (project design with and without diversion of Little Whale River, for example) and how to optimise it environmentally. Again in the opinion of the Committee, this implies that the project's design should integrate the ecological and social objectives inherent to sustainable development.

B - Northern Road: Chibougamau/Némiscau

In September 1989, the Cree Construction Company Ltd. submitted a project notice for a permanent road between Chibougamau and the Albanel power station near Némiscau. The proposed road will have a total length of approximately 217 kilometres. The main impacts of this large-scale project will be created by the opening up of the territory: the existence of such a road could facilitate mining, forest, hydroelectric and tourist operations in the territory, which in turn could have major repercussions on the Cree's traditional use of the land. The proponent must therefore carry out a detailed assessment of this situation.

Some of the topics retained by the Committee during the formulation of the guideline include the importance of justifying the project, the relation between this project and other projects, notably the Nottaway-Broadback-Rupert (NBR) complex, a detailed assessment of the proposed road alignment at certain locations, a detailed environmental assessment of major river crossings, such as on the Rupert and Broadback rivers and a socioeconomic impact assessment of the road on Abitibi's regional economy.

C - Miscellaneous Projects

In addition to the two projects mentioned above, the Evaluating Committee formulated many additional impact assessment guidelines. Forestry roads, for example, are common projects north of the 49th parallel.

It should be mentioned that a number of projects reviewed by the Committee will directly affect the Cree communities; among them, the fish processing plant in Waswanipi.

Projects reviewed and COMEV decisions:

| <u>Project Title and name of proponent</u> | <u>Date Received</u> | <u>Date of recommendation to administrator</u> | <u>Decision</u> |
|--|----------------------|--|--|
| <u>A) MINING PROJECTS</u> | | | |
| Mining exploration in Corner Bay (Flanagan McAdam) | 89.05.02 | 89.06.01 | Subjected to the review procedure |
| <u>B) HYDROELECTRIC POWER STATIONS AND POWER TRANSMISSION LINES</u> | | | |
| Nikamo-Brisay transmission line (Hydro-Québec) | 89.01.29 | 90.02.12 | Subjected to the procedure and updating of guidelines. |
| 12th transmission line* (Hydro-Québec) | 89.02.08 | 89.04.12 | Forthcoming* |
| Exploration camps for the Great Whale project (Hydro-Québec) | 89.04.12 | 89.04.29 | Exempted from the procedure |
| Laforge 2 power station (Hydro-Québec) | 89.05.12 | 89.11.22 | Subjected to the procedure (updating of 1981 guidelines) |
| Great Whale hydroelectric project (Hydro-Québec) | 89.06.02 | 89.08.07 | Information |
| | 89.11.28 | 90.03.30 | Updating of impact study guidelines |
| Lemoyne-Tilly transmission line (Hydro-Québec) | 89.09.14 | 90.03.06 | Subjected to the procedure |

* Project submitted for comment only

| <u>Project Title and name of proponent</u> | <u>Date Received</u> | <u>Date of recommendation to administrator</u> | <u>Decision</u> |
|---|----------------------|--|---------------------------------------|
| <u>C) FOREST INFRASTRUCTURES</u> | | | |
| Forestry road N-822, (J.E. Therrien) | 89.04.04 | 89.07.06 | Subjected to the procedure |
| Construction of a bridge across the Maicasagi river (Produits forestiers Saucier) | 89.10.26 | 89.11.22 | Subjected to the procedure |
| Sawmill (Gagnon & Frères) | 89.07.18 | 89.09.21 | Subjected to the procedure |
| Forestry road L-209 Sud (Barrette-Chapais) | 89.12.05 89.12.14 | Forthcoming 90.06.06 | Supplementary information forthcoming |
| Forestry camp at Waconichi lake (Barrette-Chapais) | 89.08.24 | 89.09.21 | Exempted from the procedure |
| Upgrading of forestry road N-823 (Scierie Amos) | 89.09.25 | 89.11.22 | Subjected to the procedure |
| Forestry camp at Evans lake (Domtar) | 89.09.25 | 89.11.22 | Subjected to the procedure |
| Forestry road N-836 (Normick Perron Inc.) | 89.12.18 | 90.03.26 | Subjected to the procedure |
| Disposal of ash from the Chantiers Chibougamau burner | 89.12.18 | Forthcoming | Forthcoming |

| <u>Project Title and name of proponent</u> | <u>Date Received</u> | <u>Date of recommendation to administrator</u> | <u>Decision</u> |
|---|----------------------|--|--------------------------------|
| <u>C) FOREST INFRASTRUCTURES (Cont'd...)</u> | | | |
| Forestru road N-827 north of Montreuil lake (Domtar) | 90.03.23 | Forthcoming | Forthcoming |
| Disposal of woody waste from Chantiers Chibougamau | 90.03.19 | Forthcoming | Forthcoming |
| <u>D) WASTE</u> | | | |
| In-trench waste disposal site at Chisasibi (JBEC) | 89.06.02 | 89.09.22 | Subjected to the procedure (*) |
| Septic tank at Chisasibi (Chisasibi Band Council) | 89.05.25 | -- | Request withdrawn (*) |
| Addition of aerated pond in Waswanipi (Waswanipi Band Council) | 89.09.11 | 89.09.21 | Subjected to the procedure |
| Landfill site for sludge from septic tanks in Chapais and Chibougamau (James Bay Municipal Corp.) | 89.09.25 | 89.11.22 | Subjected to the procedure |
| In-trench disposal site for solid waste, (Stone-Consolidated, Div. Gagnon) | 89.10.25 | 89.11.29 | Subjected to the procedure |

| <u>Project Title and name of proponent</u> | <u>Date Received</u> | <u>Date of recommendation to administrator</u> | <u>Decision</u> |
|---|----------------------|--|---------------------------------|
| <u>E) ROADS</u> | | | |
| Northern road Chibougamau-Nemiscau (Cree Construction Co) | 89.09.14 | 89.11.22 | Subjected to the procedure |
| Repairs to Matagami/LG2/Brisay road (JBEC) | 90.02.12 | 90.03.14 | Exempted from the procedure |
| <u>F) BORROW PITS</u> | | | |
| Paving of LG2-Chisasibi road (JBEC) | 89.05.03 | 89.06.05 | Exempted from the procedure (*) |
| Borrow pits and installation of bituminous cement plant for LG2/Chisasibi road (JBEC) | 89.05.24 | 89.06.05 | Exempted from the procedure (*) |
| Operation of borrow pits LG1-155N and LG1-155S (JBEC) | 89.05.30 | 89.06.05 | Exempted from the procedure (*) |
| <u>G) MISC. PROJECTS</u> | | | |
| Stinging insect control program at LG1 camp (JBEC) | 89.05.25 | 89.06.01 | Exempted from the procedure |
| Hydroplane base at LG2, digue 9, (Propair) | 89.04.15 | 89.06.02 | Supplementary information |

| <u>Project Title and name of proponent</u> | <u>Date Received</u> | <u>Date of recommendation to administrator</u> | <u>Decision</u> |
|--|----------------------|--|-----------------------------|
| <u>G) MISC. PROJECTS (Cont'd)</u> | | | |
| Waswanipi fish plant (Waswanipi Band Council) | 89.05.03 | 89.02.22 | Exempted from the procedure |
| Hydroplane base on Attila lake (Air Wemindji) | 89.06.29 | 89.07.28 | Exempted from the procedure |
| Reopening of camp Fontanges (JBEC) | 90.03.27 | Forthcoming | Forthcoming |
| Hydroplane base at Radisson, digue D-12A (Propair) | 90.03.23 | Forthcoming | Forthcoming |

* Request from local administrator

** Involves local and provincial administrators

The above projects that fall under the authority of the local administrator are marked with an asterisk; the remaining projects are under the authority of the provincial administrator.