



**ANNUAL REPORT**

**1990-1991**

**JAMES BAY ADVISORY COMMITTEE**  
**ON THE ENVIRONMENT**

**GAWESHOUWAITEGO ASGEE WESHOUWEHUN**

Additional copies of this report are available  
in English and French. Contact the Secretariat  
at the following address:

James Bay Advisory Committee  
on the Environment  
3900 de Marly, 5th floor  
Box 50  
Sainte-Foy, Quebec  
G1X 4E4

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March 30, 1992

The Honourable Pierre Paradis, Minister  
Department of the Environment  
3900 de Marly, 6<sup>th</sup> floor  
Sainte-Foy, Quebec  
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 ending March 31, 1991.

Respectfully submitted,

PAUL F. WILKINSON  
Chairman

March 30, 1992

The Honourable Jean J. Charest, Minister  
Department of the Environment  
Terrasses de la Chaudière, 28<sup>th</sup> Floor  
10 Wellington Street, Tour du Nord  
HULL, Quebec  
K1A 0H3

Dear Sir,

I have the honour of presenting the report of activities of  
the James Bay Advisory Committee on the Environment for the  
year ending March 31, 1991.

Respectfully submitted,

PAUL F. WILKINSON  
Chairman

March 30, 1992

Matthew Coon Come  
Grand Chief  
Grand Council of the Crees of Quebec  
Nemaska, Quebec  
JOY 3B0

Dear Sir,

I have the honour of presenting the report of activities of the James Bay Advisory Committee on the Environment for the year ending March 31, 1991.

Respectfully submitted,

PAUL F. WILKINSON  
Chairman

CHAIRMAN'S MESSAGE

For the James Bay Advisory Committee on the Environment, 1990-1991 was a very busy year, with some 11 regular meetings, 4 briefs submitted to the governments of Quebec and Canada, and an in-depth study of the five-year forest management plans for the territory governed by the JBNQA.

Some of the issues dealt with by the Committee this past year involved briefs presented to the Commission parlementaire de l'économie et du travail, the Commission sur les déchets dangereux, the House of Commons Subcommittee on Forestry and the commission of inquiry into Bill C-78. In these briefs, the Committee expressed its concerns regarding the protection of the environment and the social milieu. For the five-year forest management plans, the Committee called on the expertise of external consultants to help conduct an in-depth study of the methods used to formulate the plans.

Another very important issue took up a great deal of the Committee's time: the Great Whale hydroelectric development project. Because this project will undoubtedly have a major impact on both the environment and the social milieu, it will be subject to several environmental impact assessment and review procedures. As the preferred, official forum for the Quebec and Canadian governments and the Cree Regional Authority, the JBACE expressed an opinion aimed at ensuring a fair assessment of the project and the standardization of the various assessment procedures. There was also a significant amount of correspondence between the Committee and the Quebec and federal ministers of the Environment, the Cree Regional Authority and the Grand Council of the Crees.

In the coming year, the Advisory Committee intends to continue its efforts in monitoring the environmental and social protection and advising government authorities as established under the James Bay and Northern Quebec Agreement.

In conclusion, I would like to thank the members of the Advisory Committee for their sustained efforts in studying these matters and for their expertise which, in my opinion, is vital to the effective functioning of the Committee.

J. HUBERT MARCOTTE  
Chairman, 1990-1991

CHAPTER 1

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 Quebec Agreement (the "Agreement"). It is governed by the Environment Quality Act (R.S.Q., c. Q-2) and the Northern Quebec Native Claims Settlement Act (S.C. 1976-1979 c. 32).

The JBACE is the preferred, official forum for the Quebec 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 falling under the James Bay and Northern Quebec 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 corresponds to the southern limit of the middle area and the Cree traplines located to the south of this area as determined under the Act respecting hunting and fishing rights in the James Bay and New Quebec territories (c. D-13.1), as well as to 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 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 may be consulted by the Quebec 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 on land use measures.

It also comments on general and five-year forest management plans for public 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 occasionally obtains from the federal or provincial government or a government agency.

Finally, the Committee provides administrative monitoring for the Evaluating Committee, which was also created under Section 22 of the Agreement and whose activity report for 1990-1991 is included herein.

All decisions and recommendations formulated by the Committee are conveyed to either the Quebec or 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 Quebec, 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 said Coordinating Committee is appointed by the Makivik Corporation, the Second Vice-Chairman is a member ex officio of the Advisory Committee.

Each year, Quebec, 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 1990-1991, the composition of the Committee remained virtually unchanged. At the end of the year, the JBACE was composed of the following members:

Hubert Marcotte, Chairman  
President, Terrane Ressources et Environnement inc.

Robert Daigneault, Vice-Chairman  
Lawyer, Lapointe Rosenstein inc. (Quebec)

Paul F. Wilkinson  
Paul F. Wilkinson and Associates inc. (Cree Regional Authority)

Willie Iserhoff  
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)

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

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

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

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

Louis-Edmond Hamelin  
Geographer and professor emeritus, Université Laval  
(Canada)

Pierre Marchand \*\*  
Scientific Advisor, Fisheries and Oceans Canada  
(Canada)

Bernard Labonté  
Member ex officio, Hunting, Fishing and Trapping  
Coordinating Committee

\*\* Pierre Marchand replaced Yvan Vigneault on November  
22, 1990.

MEETINGS

Committee activities started up again in 1989-1990 and intensified in 1990-1991 as a result of both the complex nature of several issues on the agenda (e.g. Great Whale) and the members' will to fulfil the mandates of the Committee.

The Committee held 11 regular meetings between April 1, 1990 and March 31, 1991, on the dates and at the locations mentioned below:

- 51st meeting:            May 2 and 3, 1990, Grand Council of  
                                 the Crees office, Montréal
- 52nd meeting:            June 27, 1990, Institut national de la  
                                 recherche scientifique, Sainte-Foy
- 53rd meeting:            July 17, 1990, Ministère de  
                                 l'Environnement du Québec, Sainte-Foy
- 54th meeting:            October 19, 1990, Environment Canada,  
                                 Montréal
- 55th meeting:            November 8, 1990, Institut national de  
                                 la recherche scientifique, Sainte-Foy
- 56th meeting:            November 13, 1990, Ministère de  
                                 l'Environnement du Québec, Sainte-Foy
- 57th meeting:            November 22, 1990, Institut national  
                                 de la recherche scientifique, Sainte-  
                                 Foy
- 58th meeting:            December 13, 1990, Grand Council of  
                                 the Crees office, Montréal
- 59th meeting:            January 17, 1991, Indian and Northern  
                                 Affairs, Quebec City
- 60th meeting:            February 20, 1991, Grand Council of  
                                 the Crees office, Montréal
- 61st meeting:            March 21, 1991, Institut national de  
                                 la recherche scientifique, Sainte-Foy

In addition to these regular meetings, several subcommittee meetings were held during 1990-1991.

## JBACE ACTIVITIES FOR 1990-1991

### Environmental impact study of the Great Whale hydroelectric development project

Several developments regarding the environmental assessment of the Great Whale hydroelectric development project warranted Committee action during the year.

Several impact assessment procedures were applied to the Great Whale project under the James Bay and Northern Quebec Agreement and government legislation and guidelines. In 1989-1990, the Committee submitted several recommendations to the federal and Quebec ministers of the Environment regarding the standardization of these procedures. These recommendations are summarized in the 1989-1990 annual report.

On May 2, 1990, the chairman of COMEV sent the chairman of the JBACE a notice from Quebec's Deputy Minister of the Environment to the effect that the planned roads and airports for the Great Whale project and the development options for the complex itself should be assessed and authorized separately. According to the Deputy Minister, this decision was made following a legal opinion issued by the Ministère de la Justice concluding that any road network contemplated for a new development is not considered to be associated works as defined under paragraph c) of Schedule A of the Environment Quality Act. Rather, it is considered a separate project under paragraph p) of the same Schedule.

Given its mandate to monitor the enforcement of the environmental protection regime, and given that it foresees major repercussions from this decision, the Committee studied the issue and sent a recommendation to the Minister of the Environment on June 19, 1990, asking him to review his decision in order to determine the terms and conditions of a possible overall assessment of the Great Whale complex, including its transportation network. In the Committee's opinion, separate authorization for different components of the same project is not in keeping with the spirit of the assessment procedures established under Section 22 of the JBNQA.

Furthermore, this decision by the Quebec government significantly altered the discussions between the two levels of government, whose purpose was to standardize the various assessment and review procedures for the project.

Subsequent to this decision, proposals from either government level targeting standardization of the assessment and review procedures excluded roads and airports from the initial review provided for under sections 10 to 17 of the "Environmental assessment and review process guidelines order" (P.C. 1984-2132, June 21, 1984) and, where applicable, from a public review procedure established under sections 20 to 32 of said order.

Another factor complicating the impact assessment and review of the Great Whale project was the Government of Canada's decision to exempt the Great Whale project from the federal impact assessment and review procedure established under sub-sections 22.5 and 22.6 of the James Bay and Northern Quebec Agreement. This decision was a result of the Government's legal interpretation of "project under federal jurisdiction" as expressed in the JBNQA. Fearing the repercussions of this decision, the Committee issued a notice on July 23, 1990, recommending that the federal procedure established under the JBNQA be included in the agreement on standardization of the procedures. The Committee believes that this would not make it any harder to reach an agreement, especially if the parties made use of the provisions of paragraph 22.6.7 of the JBNQA to combine the federal and provincial review committees. In addition, this would apparently eliminate the need for a ruling from a court of competent jurisdiction to determine which position is valid.

Given the seriousness of the decisions mentioned above, the Committee did its best to assume its responsibilities related to the project by requesting a meeting with the federal and Quebec ministers of the Environment and the Grand Chief of the Grand Council of the Crees for clarifications on each party's position so as to help the Committee formulate its own opinions and recommendations on the project. Meetings were held with representatives from the federal, provincial and Cree delegations in order to fully understand their intentions and positions regarding the project's assessment and review. Following these meetings, the Committee issued, on November 27, 1991, a notice to the Grand Chief and the two Environment ministers setting forth the following recommendations:

1. That Canada, Quebec and the Crees make a commitment to fully respect the assessment principle established under Section 22 of the James Bay and Northern Quebec Agreement (JBNQA). This assessment must be based on a global, integrative view of the environment. As well, it must respect the principles set forth in Section 22, particularly as concerns the protection of the rights, culture and economy of the Crees and the

preservation of the ecosystems on which the Crees depend.

2. That there be only one assessment for all components of the Great Whale project, including the roads and airports. The Committee is firmly convinced that Section 22 does not provide for a separate assessment of the roads and airports, since the only reason they are being built is to serve the complex. Adequate environmental protection and the rules of environmental assessment require that all the components of a single project be assessed as a whole.
3. That the Cree/Canada assessment procedure established under Section 22 be applied to the Great Whale project. The Committee's position in this regard stems from its concern for ensuring a reasonable degree of environmental protection, which includes the native communities. In the Committee's opinion, the essence and form of Section 22 allow no other interpretation.
4. Finally, common sense, the urgent need to protect the environment and the rightful interests of all parties concerned require that the various regimes pertaining to the project be applied simultaneously and uniformly. The principle and terms under which the regimes are standardized, however, must be approved by all the parties.

In December 1991, Quebec's Minister of the Environment submitted to the Review Committee, for recommendation, the impact study of the project's planned roads and airports. At the same time, the Government of Canada was conducting an initial review of the same project under the federal environmental impact assessment and review procedure. In late March 1991, the project was still being reviewed by both parties.

As for the review of the complex itself, a federal-provincial agreement was reached on February 12, 1991. This agreement provides for the standardization of the federal environmental impact assessment and review procedure and the provincial assessment and review procedures established under sections 22 and 23 of the JBNQA. The agreement covers neither the roads and airports nor the federal review procedure established under subsections 22.5 and 22.6 of the JBNQA.

In late March 1991, the agreement had still not been enforced as a result of the ongoing difficulties stemming from the decisions to assess the project components separately and not apply the federal procedure established under the JBNQA.

Although the Committee is extremely disappointed that its recommendations did not produce the desired results, it is continuing its efforts to see that all project components undergo global, stringent assessment.

Commission parlementaire de l'économie et du travail  
Public hearings on electricity in Quebec

In May 1990, the Quebec government's Commission parlementaire de l'économie et du travail held public hearings on electricity in Quebec. Some of the issues discussed during the hearings were the following:

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

Aware of the importance of these issues for the James Bay territory, the Committee presented a brief to the Commission on May 16, 1990, dealing with the following issues:

- 1) the advanced start-up schedules for the hydroelectric development projects;
- 2) the cumulative impact of development activities on the territory, particularly hydroelectric development projects;
- 3) the criteria selected for formulating and optimizing development projects;
- 4) river diversion practices and the use of all water resources from certain watersheds for energy production;
- 5) the importance given to demand management; and
- 6) the standardization of environmental and social impact assessment procedures.

The brief's conclusions can be summed up as follows:

The Committee hopes that the biophysical and social aspects of development projects and the importance attached to them will be placed on the agenda of a broader public debate on the establishment of major hydroelectric complexes that require the development of several watersheds in regions subject to major, and sometimes irreversible, physical and social impact.

Several steps need to be taken. First, a public consultation on Quebec's energy aims must be held in order to reach a consensus reflecting the wishes of Quebec society. This debate is necessary if we are to avoid calling hydroelectric megaprojects into question every time one is planned.

Second, a general development policy for watersheds and river diversion must be defined.

Third, environmental and social protection criteria must be taken into consideration right from the initial stages of hydroelectric megaprojects, as well as in their optimization.

Fourth, the environmental impact of a project must be assessed as a whole and, where necessary, the various assessment procedures applicable to a project should be standardized.

Finally, sufficient time must be allotted to conduct a full environmental and social impact assessment and review of megaprojects, using the well-defined concept of cumulative impacts.

**Bill C-78: Act to establish a federal environmental assessment process**

As part of its reform of the federal environmental impact assessment and review procedure announced before the House of Commons by the Minister of the Environment in June 1990, the Government of Canada set up the special committee on the preliminary study of Bill C-78. This bill defines a process for planning and implementing a federal environmental impact assessment procedure and will eventually replace the procedure established under the "Environmental assessment and review process guidelines order" (P.C. 1984-2132, June 21, 1984).

Like the guidelines order, Bill C-78 will, in some cases, apply to the James Bay territory insofar as it does not run counter to the provisions of Section 22 or any other provision of the James Bay and Northern Quebec Agreement.

In this respect, Bill C-78 was of great interest to the Committee, which tabled a brief on November 20, 1990 during the public hearings held by the special committee studying the bill.

In its brief, the Committee made eleven specific recommendations and numerous comments aimed at improving the bill. The recommendations deal with several issues, such as the planned schedule for the process and the financing of the parties involved. A copy of the brief is available on request.

In late March 1991, Bill C-78 was being studied by the House of Commons.

#### Five-year forest management plans

The Committee continued its study of the five-year forest management plans for the James Bay region.

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 Crees and their traditional way of life, the Committee made this particular matter a priority. Furthermore, this is one of the only means currently available for studying the environmental and social impact of forestry 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.

Last year, the Committee had made some preliminary recommendations to the ministère de l'Énergie et des Ressources (MER) regarding the first two years of the five-year forest management plans for administrative region 08. On February 27, 1991, the Committee submitted its final recommendations to the Minister for Forests, the Honourable Albert Côté. The Committee drew the Minister's attention to the following main points:

1. Based on our analysis of the first two years of the plans, it appears clearly that the five-year forest management plans do not respect the criteria and guiding principles governing the establishment of general management plans as defined in paragraphs 22.2.4 and 22.3.34 of the James Bay and Northern Quebec Agreement. It is also clear that the forest management plans were not designed to meet the

requirements established under the JBNQA with respect to the protection and guarantee of native rights.

The forest management plans meet the legal and legislative requirements for planning harvesting activities, silvicultural operations and forest management activities related to the awarding of Timber Supply and Forest Management Agreements (TSFMAs). The legal and legislative framework of the Forest Act, then, was not designed specifically to meet the requirements stemming from the James Bay and Northern Quebec Agreement or the concerns voiced by the representatives of Cree communities located in the southern portion of the territory.

2. The application of the Environmental Quality Act to the road infrastructure for forestry operations raises a number of difficulties.

Roads are planned and built in advance for the areas covered by the five-year management plans under the TSFMA régime. In the context of the James Bay territory, there is as yet no approved land-use designation plan, and there are no approved five-year plans for the region.

Strictly speaking, therefore, the forestry operations served by the road infrastructure are also subject to environmental impact assessment under the provisions of the James Bay and Northern Quebec Agreement and the Environmental Quality Act. In practice, however, the forestry operations have not been presented for review. This creates a dilemma in the case of the road infrastructure subject to authorization under the Environmental Quality Act. Should the roads be approved in the absence of (1) approved land-use plans, (2) approved five-year plans, and (3) impact assessments for the forestry operations themselves?

The members of the impact assessment and review committees appointed by the Cree Regional Authority have found it necessary to dissociate themselves from the recommendations for authorization of the forest roads presented in this context.

3. The land-use plans proposed for the James Bay territory were prepared after, rather than before, the negotiation and signing of the TSFMAs for the territory, raising important doubts about the implementation in the region of the Forest Act. Moreover, as discussed later in this report, the proposed plans proved a very inadequate representation of the regional interests of Cree society. Indeed the

plans served primarily to define the outer boundaries of the TSFMA districts and the floodlines of Hydro-Québec's proposal for the Broadback/dual diversion concept of the Nottaway-Broadback-Rupert hydro-electric project. Furthermore, the five-year plans themselves reflect a harvesting strategy which continues the 'north-south' policy established in the late 1970's. In other words, the northernly, more marginal units of the TSFMAs will be harvested preferentially over the next 30 - 50 years, after which the emphasis will again shift to the forests near the existing transformation plants. This long-range policy has important ecological and economic implications for the James Bay territory.

4. The absence of a regulatory or policy framework for dealing with the issue of compatibility between Cree hunting activities and tenurial arrangements, and commercial forestry operations, continues to be a major concern. The James Bay and Northern Quebec Agreement provides such a framework, but implementation is proving extremely difficult. There is no doubt that the policies incorporated into the Forest Act - including the delegation of management and environmental protection responsibilities to the TSFMA holder - will make it much more difficult to deal with this fundamental problem of compatibility.

In addition to these four items, the Committee submitted a number of technical recommendations to the Minister for Forests.

In December 1990 and January 1991, the government sent the Committee the documentation pertaining to the final three years of the five-year forest management plans for administrative region 08 and the management plans for region 02. The Committee plans to issue its recommendations in summer 1992.

#### Land use plan for public lands: Southern James Bay Region

On June 19, 1990, the Committee received the development proposal for lands in the southern portion of the James Bay territory, that is, the region located between the 49th and 52nd parallels. This proposal was formulated by MER as part of the application of the Act respecting lands in the public domain. Such proposals are a means of publicizing government plans for public land in Quebec and their purpose is to confer on lands in the public domain a role of resource conservation and development and to ensure that they are used in the most sensible way possible.

After studying the proposal at length, the Committee submitted its comments and recommendations to the Minister of Municipal Affairs, the Honourable Claude Ryan, on February 27, 1991. Unfortunately, the Committee was forced to conclude that the proposed development plans were inadequate. The Committee was particularly concerned by the following points:

1. The plans do not give sufficient consideration to the activities, interests and expectations of the Cree. In certain respects, the plans seem to treat the heart of Cree territory as virgin land, available for any use deemed appropriate.
2. The plans seem to have been established with total disregard for the James Bay and Northern Quebec Agreement. Yet the Agreement provides for a number of mechanisms targeting consultation between the provincial government and the northern communities with regard to the implementation of any government policy in Northern Quebec (the JBACE is one of the bodies concerned). The authors of the plans are reluctant to consider either the spirit and intention of the Agreement or the specific roles of the public bodies created under said Agreement.

The Committee also expressed its disappointment that the plans were formulated after negotiations began on the Timber Supply and Forest Management Agreements and after the agreements were implemented, rather than before, as should have been the case. Proceeding in this manner for the implementation of the two key components of the legislation concerned (the Forest Act and the Act respecting lands in the public domain) is illogical and runs counter to the spirit of these acts.

In light of the above, the Committee issued an opinion to the effect that a review of land use in Northern Quebec is warranted.

Consultations by the subcommittee on forestry of the Standing Committee on Forestry and Fisheries

During the year, a series of consultations was held by the subcommittee on forestry of the federal Standing Committee on Forestry and Fisheries on the roles and mandates of the new federal department of forestry. The subcommittee in question was mandated to examine Forestry Canada's mission within the context of the policy respecting sustainable development and integrated forest management.

On April 16, 1990, the Advisory Committee submitted a brief to the subcommittee on forestry explaining the situation involved in developing the boreal forest in the James Bay territory and issuing the following recommendations in response to the questions raised by the subcommittee:

1. **A national strategy on sustainable development for Canadian forests, based on economic and environmental needs**

In the Committee's opinion, a national strategy on sustainable development must automatically be based on sustained yield and respect the forest management guide, as set forth in the Quebec Forest Act.

The need to ensure backlog regeneration across Canada is without question the cornerstone of sustainable development.

2. **Integrated forest management and multi-purpose use of forests**

The notion of sustainable development is clearly founded on integrated planning that respects both economic and environmental needs.

In the short term, Quebec has implemented measures to ensure forest regeneration and sustained yield. However, the development and conservation of forests involves more than mere protection or quantitative renewal of the resource.

For the Crees, sustainable development means safeguarding their traditional way of life and ensuring that logging programs are compatible with hunting, fishing and trapping activities, as defined in 1975 in the James Bay and Northern Quebec Agreement.

The Committee feels that everything possible should be done to favour better communication between all parties concerned, such as government or industry, decision makers and users of forest resources or the forest in itself.

For example, MER consults with Cree tallymen affected by logging before issuing any logging permits. It would be preferable if this was systematic practice throughout the territory. Consultation of this type enables the industries to incorporate mitigative measures into their logging programs.

3. **Areas in which the federal and Quebec governments could work jointly to establish and implement a national forest strategy**

The Committee feels there are five principal areas in which joint efforts between Ottawa and Quebec would be productive. Briefly, they are:

- The creation and establishment of a joint data base on the state and development of Canadian forests, including non-commercial forest zones.
- A shared-cost funding system for mandatory research and development activities required to increase our knowledge of forest ecosystems and allow for integrated, responsible management of all forest resources. In this respect, government bodies should make research into the boreal forest ecosystem a priority.
- The establishment of common, realistic objectives, with definite schedules, for the action methods to be used or banned with a view to the sustainable development of national forest resources. Multi-purpose use of the forest should be the focus of these objectives.
- The formulation and implementation of minimum standards to be respected as part of forest management, including respect for the traditional way of life of the native people.
- The development of close cooperation with those bodies involved in wildlife management so as to favour the preservation, development and diversity of wildlife habitats.

4. **Forestry Canada's potential role in a national forest strategy**

With regard to using northern forest resources to compensate for an anticipated lack of stock in southern forests, the Committee feels that any measure aimed at renewing federal-provincial agreements on forest development would be beneficial. These agreements will make it possible to reduce pressure on the forested areas inhabited and used by native communities, thereby preventing forest resources in these areas from being managed on the basis of depleting forest stocks.

### Commission d'enquête sur les déchets dangereux

The Quebec 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 held hearings on the aims proposed in its consultation document.

The Chairman and researcher of the Advisory Committee participated in the Commission's special hearings directed specifically at native people on May 8 and 9, 1990. Following the hearings, the Committee submitted a brief to the Commission in August 1990. This brief dealt with the problem of hazardous waste management in the James Bay territory and made the following recommendations:

#### A. Administration

That the physical presence of the Ministère de l'Environnement (MENVIQ) in the territory contemplated by the James Bay and Northern Quebec Agreement be reassessed;

That MENVIQ ensure greater consultation between the regional offices responsible for the territory in question and the bodies responsible for the application of Chapter II of the Environment Quality Act;

That MENVIQ consider the possibility of adjusting its administrative boundaries to take the Agreement's provisions more into account;

(Although these first three recommendations deal with activities that extend beyond hazardous waste management, the Committee nonetheless feels that they pertain directly to improved waste management for the territory in question.)

That the Commission study more specifically the problem of toxic waste management in small, isolated municipalities, and that the resulting conclusions be forwarded to the local Cree authorities in keeping with the provisions of the Cree-Naskapi (of Quebec) Act.

B. Hazardous waste

That an impact assessment be conducted for the mine tailing dumps located in the territory, with special attention being given to the transportation of heavy metals and cyanidation waste;

That MENVIQ implement a program for monitoring waste dump effluent, and that this program also target a better description of the unstressed aquatic environment;

That MENVIQ actively pursue the development of techniques for managing cyanided mining waste that protect the receiving body of water;

That monitoring activities specifically take into account the assessment of the toxicity of heavy metals in the aquatic environment as well as logistic and analytical constraints;

That MENVIQ proceed immediately with the decontamination of the industrial sites in Quévillon and control the flow of mercury into the Bell and Nottaway rivers;

That MENVIQ also undertake a description of the aquatic environment downstream of Quévillon with a view to assessing the potential long-term production of methyl mercury and the application of mitigative measures;

That used oil management policies be reviewed, taking into account the assessment of health risks and benefits, and the logistic constraints of Northern Quebec (according to CRA representatives only);

That the Commission take hydroelectric development into account when considering a monitoring program for environmental contamination from mercury (according to CRA representatives only).

The Commission submitted its final report to Quebec's Minister of the Environment in fall 1990. The report contained several recommendations dealing specifically with hazardous waste management in native and northern communities.

### Miscellaneous

The Committee discussed and/or issued an opinion on a number of other issues during the past year, including:

- Representation at consultations on the federal government's action plan entitled "The Green Plan, A National Challenge: A Framework for Discussion on the Environment";
- Meeting with the Conseil de la conservation et de l'environnement;
- Study of draft amendments to the Act respecting ecological reserves;
- Study of the language policy for the environmental protection regime established under Section 22 of the James Bay and Northern Quebec Agreement;
- General concerns regarding the application of the sustainable development concept in the James Bay territory;
- Study of the proposal for the establishment of a James Bay Northern Environmental Research Institute submitted by Thomas Kierans (Grand Canal Company Limited);
- Appointment of a member to the task force created to review the various components of the existing or planned environmental monitoring programs in connection with the La Grande complex. This task force also includes representatives from MENVIQ, the Review Committee and Hydro-Québec.

In addition, as part of its mandate to monitor the administration and management of the environmental protection regime, the Committee closely followed the application of the impact assessment and review procedure to such projects as Nottaway-Broadback-Rupert (NBR), the Route du Nord and Eastmain 1. The Committee approached the authorities concerned in a number of cases to express its opinion on how these projects should be assessed.

### SECRETARIAT

The Committee's secretariat is located in the offices of the Ministère de l'Environnement du Québec in Sainte-Foy. Under an administrative agreement with MENVIQ, the latter makes a number of human and material resources available to the Committee.

Geographer Hervé Chatagnier is the Committee's secretary. Members of the secretariat also include a technical advisor, biologist Éric Chainé, and a secretary, Johanne Gilbert. These three people divide their time between the JBACE, the Evaluating Committee and the Review Committee. It should be pointed out that under 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

All Committee members are remunerated where 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 Quebec, which is allowed to claim half this amount from the Government of Canada under paragraph 22.3.19 of the James Bay and Northern Quebec Agreement and paragraph 2 of section 174 of the Environment Quality Act.

Expenditures of the secretariat for the fiscal year ended March 31, 1991 are shown in Table I. These expenditures also cover expenses incurred by the Evaluating Committee in compliance with section 150 of the Environment Quality Act.

TABLE I:                    Secretariat of the James Bay Advisory  
Committee on the Environment

Statement of receipts and expenditures for 1990-1991

-	Salaries (wages and fringe benefits) for secretariat staff	71 420,25 \$
-	Translation	9 536,85
-	Travel expenses	4 199,03
-	Office space	9 608,01
-	Telephone	4 060,84
-	Printing and photocopying	1 547,43
-	Miscellaneous	528,41
		<hr/>
	<b>TOTAL</b>	<b>100 900,82 \$</b>
		<hr/> <hr/>

A P P E N D I X 1

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

APPENDIX 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 Quebec (O.C. 433-79, February 14, 1979); Environment Quality Act (1972, c.49. s. 124 and 240 a and b);

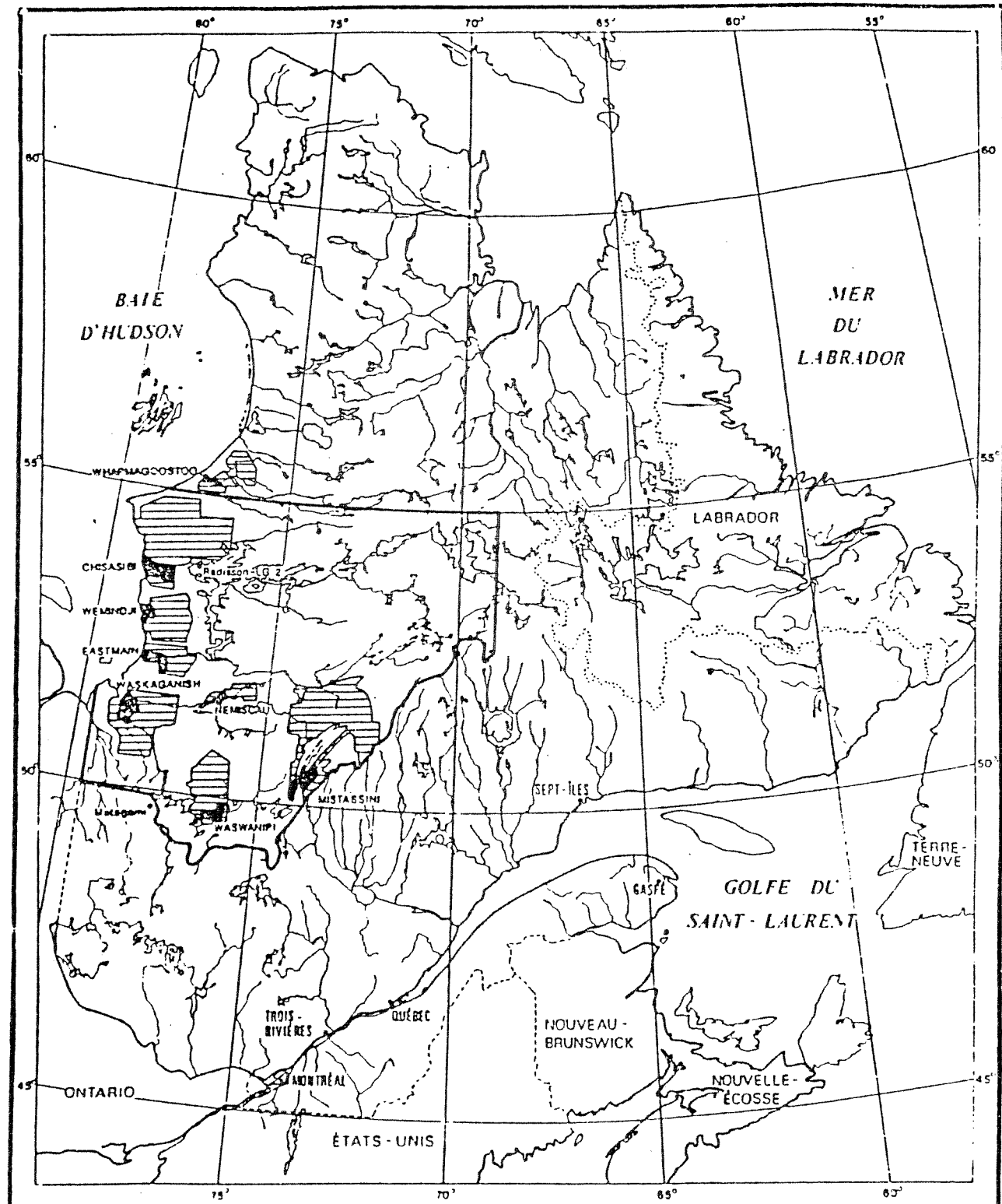
Assessment of effects on the environment in the territory of James Bay and Northern Quebec region (O.C. 3452-79); Environment Quality Act (R.S.Q., c. Q-2);

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

A P P E N D I X     2

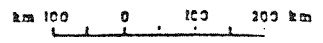
MAP INDICATING APPLICATION OF THE REGIME



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	(LAIS) (CATÉGORIE)
I . . . . .	I . . . . .
II . . . . .	II . . . . .
III . . . . .	III . . . . .

— LIMITES D'APPLICATION DU CHAPITRE 22



C H A P T E R      I I

THE EVALUATING COMMITTEE

GAWESHOUWAI'TEGO DAN DJEIS NANDOU TSHEYTAKNUCH  
ASGEE JE' ESPEICH

### ROLE OF THE EVALUATING COMMITTEE

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

The environmental and social protection regime established under the James Bay and Northern Quebec Agreement provides for an environmental and social impact assessment and review procedure, in conjunction with the JBACE activities described earlier. COMEV's mandates fall within the context of this procedure.

In many cases, proponents of development projects for the James Bay territory must obtain authorization with respect to environmental and social repercussions before going ahead with the work. 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 under Chapter II of the Environment Quality Act, the Evaluating Committee formulates impact study guidelines and rules on whether to recommend a preliminary study, a detailed study, or both.

With regard to "grey area" 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 that such projects undergo or be exempted from the procedure depending on their potential impact.

Proponents of projects subject to the procedure must therefore make known their intentions and provide the administrator concerned with the relevant information so that the Evaluating Committee can define the nature and scope of the necessary impact studies based on the degree of proposed development. The relevant information is forwarded to the administrator concerned depending on whether the project falls under federal, provincial or local jurisdiction. The current Federal Administrator is the Federal Environmental Assessment Review Office, while

the Quebec Administrator is the Minister of the Environment. Projects falling under local jurisdiction are forwarded to the Local Environmental Administrator for the native Band in question. Each Band appoints its own Local Administrator, who carries out duties related to the assessment and review procedure where projects are slated for Category 1 lands. Local administrators receive recommendations from COMEV, COMEX and the Federal Review Committee (COFEX), and issue any authorizations resulting from the procedure to the proponents.

Once the impact study has been completed in keeping with COMEV's recommended guidelines, it is forwarded to either COMEX or 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 in an advisory capacity to the administrator concerned.



EVALUATING COMMITTEE ACTIVITIES

Calendar of Evaluating Committee Meetings for 1990-1991

<u>Meeting No.</u>	<u>Date</u>	<u>Location</u>
111	1990.04.30	Montréal
	1990.05.01	Montréal
112	1990.05.29	Montréal
113	1990.06.21	Montréal
114	1990.07.19	Waswanipi
	1990.07.20	Waswanipi
115	1990.08.06	Montréal
116	1990.08.30	Sainte-Foy
	1990.08.31	
117	1990.10.25	Montréal
118	1990.11.19	Montréal
119	1990.12.05	Sainte-Foy
120	1990.12.20	Sainte-Foy
121	1991.01.15	Rouyn-Noranda
122	1991.03.01	Montréal
	1991.03.06	Conference call
123	1990.03.15	Sainte-Foy

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

### Projects reviewed by the Evaluating Committee

In 1990-1991, the Committee received 35 requests for recommendations on proposed projects for the James Bay territory.

Impact study guidelines were issued for seven projects subject to the impact assessment and review procedure.

The projects listed below bear witness to the diversity of development activities carried out in the James Bay territory. As well as hydroelectric, forest and mining development projects, there are a number of recreational/tourist-type projects, the majority of which are aimed at developing facilities related to recreational hunting and fishing activities (seaplane landings, rest areas, camps, etc.).

### Great Whale hydroelectric development project

The Great Whale project and its various components took up a major part of the Committee's time in 1990-1991. Four projects related to this hydroelectric development project were submitted for Committee recommendations in compliance with paragraph 22.5.14 of the JBNQA and section 158 of the Environment Quality Act:

- Roads and airports for the Great Whale complex
- Great Whale complex itself: development options
- 315-kV collector system for the Great Whale complex
- fourteenth 735 kV power transmission line

With respect to the two power transmission lines, i.e. the collector system and the 14th 735 kV power line, the Committee submitted recommendations regarding preliminary impact study guidelines dealing primarily with the choice of corridors to the Local Administrator. The first step, then, would be to establish a choice of corridors within which the actual transmission line route will be located.

Once the committees responsible have reviewed the preliminary impact study, the Evaluating Committee will make recommendations on guidelines for the actual transmission line route. This procedure is in keeping with the methods used by the proponent, which consist in gradually reducing the area of the target territory while increasing the level of detail of the components considered.

The Committee's assessment of the roads and airports and development options for the Great Whale project was not without problems. On March 30, 1990, the Committee sent the Minister of the Environment a recommendation for a guideline that dealt with both the transportation infrastructures and the development options for the complex. This recommendation was in answer to a request from the Provincial Administrator dated June 2, 1989.

On August 16, 1990, following a decision to assess and review the roads and airports and development options separately, the Administrator forwarded preliminary information on the access infrastructures to the Committee, requesting its recommendations for separate guidelines. A similar request for the development options was received on December 6, 1990.

Given the irreconcilable opinions of the various parties on the Committee as to what follow-up should be given the request of August 16, the Committee was unable to provide the Provincial Administrator with a unanimous recommendation. The Committee therefore passed on the position of each of the three parties.

At year-end, the Committee was discussing what kind of follow-up should be given the request of December 6.

Processing of Files and COMEV Decisions

<u>Project Title and Name of Proponent</u>	<u>Date Received</u>	<u>Date of Recommenda- tion to Administrator</u>	<u>COMEV Decision</u>
<b>A) <u>MINING PROJECTS</u></b>			
Mining exploration in Aux Dorés Lake (Westminster Canada Ltd.)	90.09.18	90.11.02	Exempt from review procedure
Bulk sampling on Troilus-Frotet land (Minnova Inc.)	90.11.16 90.12.11	91.01.17	Exempt
Mining project (Troilus-Frotet (Minnova Inc.)	90.12.11 91.01.07	91.03.19	Subject

**B) HYDROELECTRIC POWER STATIONS AND POWER TRANSMISSION  
LINES**

Roads and airports for Great Whale complex	90.08.16	90.11.22	(1)
Development options for Great Whale complex (Hydro- Québec)	90.12.06	Forthcoming	

- (1) Unable to reach a consensus as to project follow-up, COMEV decided to inform the Provincial Administrator of the position of all three parties on the Committee (Canada, Quebec, CRA).

Project Title and Name of Proponent	Date Received	Date of Recommendation to Administrator	COMEV Decision
<b>B) <u>HYDROELECTRIC POWER STATIONS AND POWER TRANSMISSION LINES</u></b>			
315 kV collector system for Great Whale complex (Hydro- Québec)	90.05.18	90.08.24	Subject Preliminary guideline
Fourteenth 735 kV power line (Hydro- Québec)	90.07.12	90.12.13	Subject Preliminary guideline
Eastmain 1 hydroelectric development project (Hydro- Québec)	90.11.08	90.12.18	(2)
Twelfth 315 kV power line, LG-2A to Radisson (Hydro- Québec)	90.04.18	90.05.30	Subject

- (2) As this project is not subject to the review procedure established under Section 22 of the JBNQA, COMEV submitted its comments on the reference guide proposed by MENVIQ with regard to the application of section 22 of the Environment Quality Act.

Project Title and Name of Proponent	Date Received	Date of Recommendation to Administrator	COMEV Decision
<b>C) <u>FOREST INFRASTRUCTURES</u></b>			
Disposal of woody waste (Les Chantiers Chibougamau)	90.03.19	90.05.16	Exempt
Disposal of burner ash (Les Chantiers Chibougamau)	89.12.18	90.05.16	Exempt
Reconstruction of coneshaped burner (Barrette- Chapais)	90.06.29	90.08.15	Subject
Extension of forest road N-827 north of Montreuil lake (Domtar)	90.03.23	90.05.16	Subject
Construction of a forest road and bridge between lakes Quenonisca and Opataouaga Filifor Inc.	90.03.02	90.05.16	Subject

Project Title and Name of Proponent	Date Received	Date of Recommendation to Administrator	COMEV Decision
<b>C) <u>FOREST INFRASTRUCTURES</u></b>			
Upgrading of forest road (Barrette- Chapais)	89.12.05 89.12.14	90.06.06	Request for additional information
<b>D) <u>CAMPS, REST AREAS AND SEAPLANE LANDINGS</u></b>			
Des Pins campsite at Radisson (James Bay Municipal Corp.)	90.07.16	90.07.25	Exempt
Reopening of Fontanges work camp (SEBJ)	90.03.27	90.05.16	Exempt
Mollet, Bienville and Bondésir mining camps in Great Whale region (Hydro- Québec)	90.05.03	90.06.06	Exempt
Reopening of rest stop at km 257 on Matagami/LG-2 road (James Bay Development Corporation)	90.05.22	90.07.04	Exempt
Baie Pénicouane campsite (MLCP)	91.02.11	91.03.31	Exempt

Project Title and Name of Proponent	Date Received	Date of Recommendation to Administrator	COMEV Decision
<b>D) <u>CAMPS, REST AREAS AND SEAPLANE LANDINGS</u></b>			
Reopening of Fontanges work camp (JBEC)	91.02.01	91.03.15	Exempt
Rest area at Waswanipi lake (James Bay Municipal Corp.)	90.03.19	90.09.29	Exempt
Wharves at Ledden Lake (Ministère des Transports du Québec)	90.07.24	90.09.23	Exempt
Seaplane landing at Allard Lake (Wapistan Outfitters)	90.06.06	90.07.04	Request for additional information
Seaplane landing at Radisson, Digue D12 A (Propair)	90.03.23	90.05.16	Exempt
Seaplane landing at Katatipawasa kakamaw Lake (Transport Baie d'Hudson inc.)	90.05.29	90.08.14	Exempt

Project Title and Name of Proponent	Date Received	Date of Recommendation to Administrator	COMEV Decision
<b>D) <u>CAMPS, REST AREAS AND SEAPLANE LANDINGS</u></b>			
Wharves for rest areas along LG3-LG4 road (James Bay Municipal Corp.)	91.02.28	91.03.31	Request for additional information
* Seaplane landing on Eastmain River (Eastmain Band Council)	91.06.20	91.07.31	Exempt

**E) MISC. PROJECTS**

Power generating plant at Chapais industrial park (Société de cogénéra- tion du Québec inc.)	90.10.31	91.01.15	Subject
Repairs to existing road and side roads on Matagami/LG2 to Brisay road (JBEC)	90.02.12	91.03.14	Exempt

\* Responsibility of the Local Administrator

Project Title and Name of Proponent	Date Received	Date of Recommendation to Administrator	COMEV Decision
<b>E) <u>MISC. PROJECTS</u></b>			
Spraying of biological insecticide on LG-2A, LG2 and Brisay construction sites (JBEC)	91.03.15	Forthcoming	
* Spraying of biological insecticide at LG1 construction site (JBEC)	91.02.07	Forthcoming	
* Soil decontami- nation at Eastmain diesel electric station (DIAND)	91.01.30	Forthcoming	
* Soil decontami- nation at Waskaganish diesel electric station (DIAND)	91.04.14	Forthcoming	

\* Responsibility of the Local Administrator

Project Title and Name of Proponent	Date Received	Date of Recommendation to Administrator	COMEV Decision
<b>E) <u>MISC. PROJECTS</u></b>			
* Changes to Eastmain drinking water treatment plant (Eastmain Band Council)	91.07.10	91.10.03	Exempt

Unless otherwise indicated, the above projects are under the jurisdiction of the Provincial Administrator. Those projects which are the responsibility of the Local Administrator are indicated by an asterisk.

\* Responsibility of the Local Administrator