

ANNUAL REPORT

1993-1994

JAMES BAY ADVISORY COMMITTEE
ON THE ENVIRONMENT

GAWESHOUWAITEGO ASGEE WESHOUWEHUN

French and English copies of this report are available
from the Committee secretariat at the following address:

James Bay Advisory Committee
on the Environment
3900, rue de Marly, 5e étage
Boîte 50
Sainte-Foy (Québec)
G1X 4E4

Phone: (418) 643-8495

Fax: (418) 646-0266

Legal deposit
Bibliothèque nationale du Québec
National Library of Canada
ISBN 2-550-24582-2
ISSN 0714-7813

CONTENTS

Letter to the Québec Minister of Environment and
Wildlife iii

Letter to the federal Minister of the Environment iv

Letter to the Grand Chief of the Grand Council of the
Crees of Québec v

Chairman's Message vi

THE JAMES BAY ADVISORY COMMITTEE ON THE ENVIRONMENT

Mandate 1

Composition 4

Meetings 6

JBACE ACTIVITIES IN 1993-1994

1. ISSUES RELATED TO FORESTRY OPERATIONS IN THE JAMES
BAY TERRITORY 8

 1.1 Study of general and five-year forest
 management plans 8

 1.2 The Act amending the Forest Act and
 repealing various legislative provisions 9

 1.3 Land use plan for public-domain lands in the James
 Bay territory (between the 49th and 52nd parallels) 11

 1.4 Other issues related to the problem of forestry
 operations 12

2. ENERGY-RELATED DEVELOPMENT IN THE JAMES BAY
TERRITORY 13

 2.1 Consultations on Hydro-Québec's 1996
 development plan 13

2.2	Integrated enhancement policy	14
2.3	Great Whale hydroelectric project impact assessment and review	15
2.4	Creation of an Energy Board	15
3.	ENVIRONMENTAL ASSESSMENT IN THE JAMES BAY TERRITORY	17
3.1	Study of the impact assessment and review procedures established by Section 22 of the James Bay and Northern Québec Agreement (JBNQA)	17
3.2	Regulations respecting the application of the Canadian Environmental Assessment Act (CEAA)	18
4.	CREATION OF PARKS IN THE JAMES BAY TERRITORY	19
5.	MISCELLANEOUS	20
	SECRETARIAT	22
	FUNDING	23
Table I:	Statement of expenditures of the James Bay Advisory Committee on the Environment and the Evaluating Committee	24
Appendix 1:	Legislation governing environmental and social protection in the James Bay region	25
Appendix 2:	Map indicating the territory covered by the regime	26

May 10, 1995

The Honourable Jacques Brassard
Minister of Environment and Wildlife
3900, rue de Marly, 6e étage
Sainte-Foy (Québec)
G1X 4E4

Dear Sir:

It is my honour to present the activity report of the James Bay Advisory Committee on the Environment for the year ended March 31, 1994.

Respectfully submitted,



DIANE MORNEAU
Chairperson

May 10, 1995

The Honourable Sheila Copps
Minister of the Environment
Environment Canada
Terrasses de la Chaudière
10 Wellington Street, 28th Floor
Hull, Québec
K1A 0H3

Dear Madam:

It is my honour to present the activity report of the James Bay Advisory Committee on the Environment for the year ended March 31, 1994.

Respectfully submitted,



DIANE MORNEAU
Chairperson

May 10, 1995

The Honourable Matthew Coon-Come
Grand Chief
Grand Council of the Crees of Québec
2 Lakeshore Road
Nemaska, Québec
JOY 3B0

Dear Sir:

It is my honour to present the activity report of the James Bay Advisory
Committee on the Environment for the year ended March 31, 1994.

Respectfully submitted,



DIANE MORNEAU
Chairperson

CHAIRMAN'S MESSAGE

The year 1993-1994 saw intensive discussion of various important issues at the meetings of the James Bay Advisory Committee on the Environment (JBACE). It became apparent, however, that the limited financial and human resources available to the JBACE have seriously impeded it from fulfilling its mandates in a thorough, comprehensive and proper manner in accordance with Section 22 of the James Bay and Northern Québec Agreement (JBNQA) and the Environment Quality Act (EQA).

Forestry operations and related issues are quickly becoming priorities for and a grave concern to the James Bay Crees. The recent increase in forestry operations and the related forest roads and infrastructures in the James Bay territory have had serious social and environmental impacts on Cree trappers, their families and their traplines. As forestry operations are currently exempt from environmental and social impact assessment, the JBACE, by virtue of the James Bay and Northern Québec Agreement (JBNQA) and the Environment Quality Act (EQA), is one forum whereby the environmental and social impacts of forestry operations can be reviewed. A number of general and five-year forest management plans were submitted to the JBACE in 1993-1994. Due to insufficient financial and human resources, the JBACE was not in a position to study and comment on each individual plan as it is mandated to do by the JBNQA and the EQA. This is an issue of great concern to the JBACE.

Despite its limited resources, I am pleased that the JBACE has nevertheless been able to discuss and issue recommendations on many topics of importance to the Crees. I wish to reiterate the fact that the JBACE is a tripartite (Québec, Canada and the Cree Regional Authority) body created

to review and oversee the administration and management of the environmental and social protection regime established by and in accordance with Section 22 of the JBNQA. In this respect, I strongly urge the governments of Canada and Québec, as well as the Cree Regional Authority, to make full use of the JBACE as the preferential and official forum with respect to the environmental and social protection regime. With adequate and sufficient resources, the JBACE can be a useful, proactive committee.

I wish to express my gratitude to the members of the JBACE for their input, interest, and competence, which are important qualities that enable the JBACE to fulfil its mandate and roles with its limited resources.

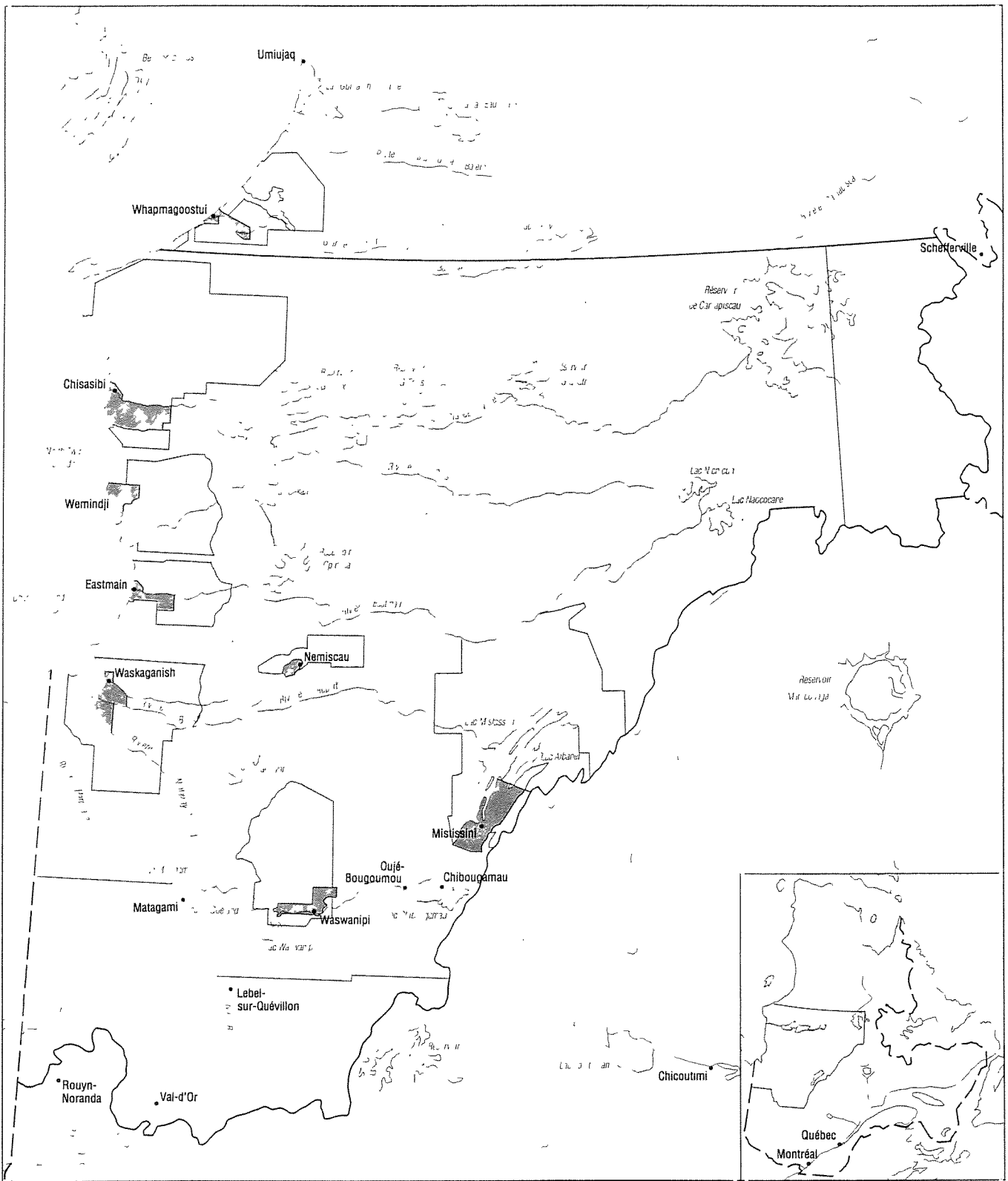
PHILIP AWASHISH
Chairman, 1993-1994

THE JAMES BAY ADVISORY COMMITTEE ON THE ENVIRONMENT






GAWESHOUWAITEGO ASGEE WESHOUWEHUN

APPENDIX 2

**MAP INDICATING THE TERRITORY COVERED
BY THE REGIME**



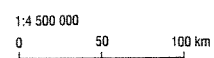
Carte d'application du régime de protection de l'environnement

-  Territoire d'application du régime
-  Terre de la catégorie I crie
-  Terre de la catégorie II crie
-  Limite du territoire de la Convention de la Baie-James et du Nord québécois
-  Frontière du Québec

Les terres de la catégorie I et II crie sont incluses dans le territoire d'application du régime.

La limite sud du territoire d'application du régime, tel que définie sur la carte, n'est pas reconnue par les cris.

Réalisé par le Service de la cartographie
 Ministère de l'Énergie et des Ressources
 Pour le Comité consultatif pour l'environnement de la Baie-James
 © Québec 1992, tous droits réservés



APPENDIX 2

Map indicating the territory covered by the environmental protection regime

Territory covered by the regime

Category I Cree lands

Category II Cree lands

Boundary of the territory governed by the James Bay and Northern Québec Agreement

Québec border

Category I and II Cree lands are included in the territory covered by the regime

The southernmost boundary of the territory covered by the regime, as shown on this map, is not recognized by the Crees.

MANDATE

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

The Committee is the preferential and 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 regional municipalities for formulating laws and regulations relating to the physical and social environment of the territory falling under the James Bay and Northern Québec Agreement (referred to as the "Territory"). This Territory refers to that area of Québec located south of the 55th parallel, excluding the area near Schefferville south of the 55th parallel, and west of the 69th meridian, including the Category I and II lands of the Whapmagoostui Crees, and whose southern boundary coincides with the southern limits of the Cree traplines as defined in the Act respecting hunting and fishing rights in the James Bay and New Québec territories (R.S.Q., c. D-13.1). Appendix 2 of this report contains a map showing the above territorial boundaries.

The JBACE is also mandated to oversee the administration and management of the environmental and social protection regime established by and in accordance with Section 22 of the James Bay and Northern Québec Agreement (JBNQA) and Chapter II of the Environment Quality Act (EQA). Among other things, this entails making recommendations on:

- the adoption of laws, regulations, and other appropriate measures related to the environmental and social protection regime;
- existing environmental and social laws and regulations relating to the effects of development, as well as existing land use regulations and procedures which may directly affect the rights of Native people established by and in accordance with Sections 22 and 24 of the JBNQA;
- environmental and social impact assessment and review mechanisms and procedures applicable to the Territory.

The Québec and Canadian governments, the Cree Regional Authority and Cree village corporations consult the JBACE on major issues involving the implementation of the environmental and social protection regime applicable to the Territory, and on land use measures.

As stipulated in the Environment Quality Act, the JBACE also comments on general and five-year forest management plans for public-domain forests in the Territory, before such plans are approved by the Minister of Forests.

Further, upon request, the JBACE provides Cree village corporations and Bands with information, technical/scientific data, and advice and technical assistance which it periodically obtains from the federal or provincial government or a government agency.

Finally, the JBACE exercises administrative control over the Evaluating Committee, which was also created by and in accordance with Section 22 of the JBNQA.

All decisions and recommendations formulated by the JBACE are forwarded to either the Québec or federal government, the Cree Regional Authority, the Cree village corporations, the Bands, the Regional Zone Council or the municipalities for their consultation, consideration and appropriate action, where applicable.

COMPOSITION

The James Bay Advisory Committee on the Environment (JBACE) is a tripartite body composed of thirteen members, four of which are appointed by the Cree Regional Authority, four by Canada and four by Québec. The thirteenth member, the Chairman of the Hunting, Fishing and Trapping Coordinating Committee, is a member ex officio of the JBACE, except when this individual is appointed from the members appointed by the Inuit party, in which case the Second Vice-Chairman is a member ex officio of the JBACE.

Each year, Québec, Canada and the Cree Regional Authority alternate in appointing a Chairman and Vice-Chairman of the JBACE. In 1993-1994, the Committee Chairman, Philip Awashish, was appointed by the Cree Regional Authority.

At year-end 1993-1994, the JBACE was composed of the following members (the party appointing each member is indicated in parentheses):

Philip Awashish, Chairman
Consultant
(Cree Regional Authority)

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

Alan Penn
Scientific Advisor, Cree Regional Authority
(Cree Regional Authority)

Paul Wilkinson
Consultant, Paul F. Wilkinson and Associates Inc.
(Cree Regional Authority)

Louis Archambault
President
Groupe-Conseil Entraco Inc.
(Québec)

Robert Daigneault
Director, Environmental Law Department
Attorney, Lapointe Rosenstein
(Québec)

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

Marie Lessard
Vice-Dean, Faculty of Urban Planning
Université de Montréal
(Québec)

René Boudreault
Consultant, Bernard Cleary et Ass.
(Canada)

Pierre Lauzon
Indian and Northern Affairs Canada
(Canada)

Diane Morneau
President, Cabinet d'affaires Morneau
Lawyer and Ph.D. Environmental Law
(Canada)

Pierre Paulhus
Consultant, Fisheries and Oceans Canada
(Canada)

The ex officio member for the Hunting, Fishing and Trapping Coordinating Committee was Willie Iserhoff, also one of the members appointed by the Cree Regional Authority.

The JBACE would like to thank the following members, who resigned during the year, for their valuable contribution.

Jean-Guy Charest

Manager, Statutory Obligations and Environment
Indian and Northern Affairs Canada
(Canada)

Pierre Marchand

Scientific Advisor, Fisheries and Oceans Canada
(Canada)

Hubert Marcotte

Geographer, Environmental Consultant
(Canada)

Alain Soucy

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

MEETINGS

The JBACE held six regular meetings between April 1, 1993 and March 31, 1994, on the dates and at the locations indicated below:

- | | |
|---------------|---|
| 76th meeting: | May 5, 1993, Institut national de la recherche scientifique, Sainte-Foy |
| 77th meeting: | June 15, 1993, Cree Regional Authority, Montréal |
| 78th meeting: | October 4, 5 and 6, 1993, Auberge Radisson, Radisson (James Bay) |
| 79th meeting: | November 2, 1993, Cree Regional Authority, Montréal |

80th meeting: December 10, 1993, Lapointe, Rosenstein,
Montréal

81st meeting: March 4, 1994, Cree Regional Authority,
Montréal

In addition to these regular meetings, the JBACE held several conference calls to discuss specific issues. Ad hoc sub-committees also met several times during the year.

During its 78th meeting, JBACE members took a guided tour of the LG-2A and LG-1 generating stations and related facilities and briefly toured the village of Chisasibi, including the drinking water plant and the banks of the La Grande River. These visits made members more aware of the problems stemming from hydroelectric development and the development and operation of drinking water and wastewater treatment facilities in Cree communities.

JBACE ACTIVITIES IN 1993-1994

1. ISSUES RELATED TO FORESTRY OPERATIONS IN THE JAMES BAY TERRITORY

1.1 Study of general and five-year forest management plans

One of the JBACE's principal mandates is to comment on forest management plans for the Territory.

Section 144 of the Environment Quality Act stipulates that: "The Minister of Forests shall transmit to the Advisory Committee, for consideration and comment, before approving them, the management and development plans for the forests in the public domain situated in the territory contemplated in section 133. The Advisory Committee must transmit its comments, if any, within 90 days." Given the importance of forests in the Territory for the Crees and their traditional way of life, the Committee considers this mandate to be of particular importance. Furthermore, the five-year forest management plans are theoretically one of the only means currently available for examining the environmental and social impacts of forestry operations on both the Territory and the local communities, given that logging under plans provided for under the Forest Act (R.S.Q., c. F-4.1) is not subject to the environmental and social impact assessment and review procedure.

In 1993-1994, the JBACE received general forest management plans for the management units of Mégiscane (84), Lac Abitibi (85), Harricana (87) and Quévillon (87). The plans were submitted to the JBACE by those responsible for management units within the Ministère des Forêts (MFO) as they were received from logging companies.

The JBACE Chairman attended a meeting organized by Stone-Consolidated Inc. on April 14, 1993, in Chibougamau. The purpose of the meeting was to inform the JBACE and the Mistissini and Oujé-Bougoumou Band Councils of the process and guidelines for formulating a general forest management plan.

In December 1993 and January 1994, the JBACE received the second series of five-year forest management plans (1994-1999) for the same management units. The Committee had issued several recommendations to the Minister of Forests on the first series of five-year plans (1989-1994) received.

Given the large number of plans submitted, the considerable amount of information included in each plan, the short time frame allotted to study them, and its limited human and financial resources, the JBACE was unable to study each plan in detail. Instead, it opted for a historical analysis of problems related to logging in the Territory. Funding in the amount of \$18,500 was requested from the Minister of the Environment and Wildlife to allow the JBACE to conduct this analysis. While the Minister was unable to grant this request, he did offer the services of a forest engineer to the JBACE, which intends to submit its report to the Minister of Natural Resources in 1994-1995.

1.2 The Act amending the Forest Act and repealing various legislative provisions

The JBACE studied the Act amending the Forest Act and repealing various legislative provisions (Bill 108), which was tabled before the National Assembly by Albert Côté, Minister of Forests, on October 21, 1993. The JBACE regrets the fact that it was not consulted in its capacity as "the preferential and official

forum" when these amendments were being drawn up, as provided for in paragraphs 22.3.24 to 22.3.28 of the James Bay and Northern Québec Agreement (JBNQA).

Many of the amendments contained in this legislation affect forest management in the Territory. Sections 25.2 and 25.3 of the Act henceforth allow the Québec government to implement in a "particular territorial unit, standards of forest management that differ from those fixed by regulation where the latter do not provide adequate protection of all the resources in that unit due to the characteristics of the forest in that unit and the nature of the project to be carried out." Standards of forest management that differ may also be implemented "where so justified by the characteristics of the forest in that unit and the nature of the project to be carried out."

The JBACE agrees that the government department responsible for forestry operations should have the administrative flexibility to be able to take specific regional features into account (be they ecological, socioeconomic or cultural) in the application of forest management standards. In the JBACE's opinion, the Forest Act, which was initially based on the principal of uniform forest management standards, was considerably overlegislated in this sense.

In this context, the JBACE recognizes that the amendments to the Forest Act could (in keeping with the reservations expressed above) provide this flexibility. However, it is unclear whether the amendments in question are actually designed to introduce regional adjustment policies in order to reflect features specific to a given region, e.g., Cree communities within the Territory.

In terms of access to the general and five-year plans, the JBACE notes that section 58.2 of the Act requires that an agreement holder consult those

individuals or groups who asked to be consulted within the first 20 days of the period stipulated in section 58.1. The JBACE feels that this is not long enough to allow potentially interested parties to acquire sufficient information on the content of the plans. Section 58.2 also requires that, regardless of any request for consultation, the agreement holder consult the regional county municipality (RCM) concerned. Since there is no RCM in the territory governed by the JBNQA and since the forest is of particular importance to the Crees, the JBACE recommends that section 58.2 of the Act be amended to require that the agreement holder consult the Cree Regional Authority (CRA) and the Band Councils. Consequently, the Committee asks that all general plans as well as the five-year plans for 1994-1999 be submitted to the CRA and the appropriate Band Councils for comments.

The Committee also looked at other amendments arising from Bill 108. For example, it is now possible for timber supply and forest management agreement (TSFMA) holders, with the Minister's authorization, to harvest timber not allocated under their Agreement. The JBACE recommends that it be consulted in advance on any such departure from the plans initially approved.

All of the JBACE's recommendations on this legislation were brought to the attention of the Minister of Natural Resources.

1.3 Land use plan for public-domain lands in the James Bay territory (between the 49th and 52nd parallels)

On February 27, 1991, the JBACE sent the Ministère des Affaires municipales and the Ministère de l'Énergie its observations and recommendations concerning the government's proposed land use plan for the Territory falling between 49°N and 52°N. There was no follow-up on these recommendations and, in fall 1993,

the JBACE learned that the plan had not yet been adopted by the government. However, the Committee's recommendations had nevertheless undergone preliminary study by the Ministère de l'Énergie.

Given the importance of such a plan for forest-related and other planning in the Territory, the Committee intends to monitor developments in this area in 1994-1995.

1.4 Other issues related to the problem of forestry operations

In 1993-1994, the JBACE acquired updates on various other issues related to forestry operations in the Territory.

The JBACE's June 1993 meeting was attended by a Ministère du Loisir, de la Chasse et de la Pêche representative, who explained the reasons for the moose decline in the Territory and provided information on the effectiveness of moose protection measures implemented under the Regulation respecting standards of forest management for forests in the public domain. While overharvesting would appear to be the principal cause of the decline, the Committee feels it important that Regulation criteria be adapted to the James Bay context to improve those provisions specifically targeting moose protection.

In response to an invitation from the Waswanipi Band, the Secretary and various committee members travelled to Waswanipi on June 21, 1993 to attend a general Band meeting and explain the nature of JBACE intervention in forestry operations targeting the Territory. During this meeting, trappers and Band representatives informed the JBACE of their concerns regarding logging operations. The JBACE noted a certain degree of frustration, especially on the part of the trappers, at not

having their concerns taken into account during the planning of forestry operations.

The JBACE also closely monitored the enforcement of the impact assessment and review procedure for planned forest roads, notably forest road N-836 in the region of Waskaganish and a work camp intended for the construction of forest road N-818 north of Waswanipi. When these projects were being assessed by the Review Committee, they raised specific questions as to which components were subject to the assessment and review procedure.

2. ENERGY-RELATED DEVELOPMENT IN THE JAMES BAY TERRITORY

The JBACE examined various issues related to energy development in the Territory.

2.1 Consultations on Hydro-Québec's 1996 development plan

Since fall 1993, the JBACE has been involved in the consultation process targeting Hydro-Québec's development plan for 1996. This is the second time public consultations are held in relation to a Hydro-Québec development plan. Given the plan's potential repercussions on development in the Territory, the JBACE continues to delegate several members to take part in the consultations. (The JBACE had submitted briefs on Hydro-Québec's development plan during the parliamentary commissions of 1990 and on March 16, 1993.) In 1993-1994, Committee members attended several workshops, assemblies and meetings held by Hydro-Québec in the context of consultations on its 1996 development plan.

Since the framework within which Hydro-Québec holds these consultations provides limited opportunities for the JBACE to intervene in areas related to its mandate, participation is not systematic. However, the JBACE receives and examines all documents resulting from the consultation process and participates on an ad hoc basis in those meetings it considers relevant.

2.2 Integrated enhancement policy

In March 1993, the JBACE looked at the integrated enhancement policy which was adopted by Hydro-Québec's board of directors in December of that year.

According to Hydro-Québec, the integrated enhancement policy:

- defines compensation measures for the residual impacts of its production, repair, transmission and distribution projects;
- presents the guidelines for funnelling this compensation into the communities affected by residual project impacts and for ensuring that it corresponds to the priorities identified by the local and regional communities;
- identifies the means necessary to enable the utility to apply the integrated enhancement policy in conjunction with the local and regional communities.

Among other things, the policy defines how integrated enhancement credits are awarded for production, repair, transmission and distribution projects subject to environmental assessment under Québec's Environment Quality Act. The policy also defines specific terms and conditions applying to Native communities.

The JBACE intends to meet with Hydro-Québec representatives to get an update on the implications of this policy for the Territory and intends to submit any recommendations it may have after the meeting.

2.3 Great Whale hydroelectric project impact assessment and review

Although it is not directly involved in the impact assessment and review of the Great Whale hydroelectric project, as part of its mandate to oversee the administration and management of the environmental protection regime, the JBACE is staying abreast of the project's review.

In December 1993, the Committee met with representatives of the Great Whale Public Review Support Office, an entity created under a memorandum of understanding signed by the governments, the Crees and the Inuit to coordinate the various assessment and review processes applying to the Great Whale project.

This meeting allowed the JBACE to better understand the Office's structure, budget, and scientific activities as well as the scope of the review of conformity conducted by the various committees and commissions with the Office's help. (Since the environmental impact statement was tabled in fall 1993, these committees and commissions have been working to analyze its conformity with the guidelines).

2.4 Creation of an Energy Board

In October 1993, representatives of the Ministère de l'Énergie et des Ressources (MER) met with JBACE representatives to initiate preliminary discussions on the JBACE's views on the relevance of establishing an "Energy Board."

According to MER representatives, their department had begun studying the desirability of creating an Energy Board after analyzing many of the briefs presented before the last parliamentary commission on Hydro-Québec's 1993-1995 development plan. At the meeting, possible mandates of such a Board were discussed, i.e., to review rate structures, to review demand forecasts, to determine whether environmental and external factors are being taken into account, etc.

The JBACE subsequently submitted the following recommendations to MER:

1. Rather than being restricted to analyzing energy policies and rate structures, the Board's mandate should include an environmental component focusing on important issues such as external (social and biophysical) factors, cumulative impacts and adoption of the principle of sustainable development. This approach would help reduce overlapping and duplication amongst existing review bodies.
2. Since Québec depends on hydroelectric energy produced on the ancestral lands of its various Native groups, particular effort should be made to have Native people properly represented on the Board.
3. Although the JBACE is not qualified to make recommendations on the Board's authority and mandate with respect to rate structures, it feels that the Board should be actively involved in analyzing rate policies and assessing rate proposals. The Board should be able to forecast energy demand and assess the advantages of demand management and integrated resource management objectives.

4. The Board must play a frontline role in coordinating policies arising from the various energy sectors. Although the current emphasis seems to be on electrical energy and natural gas, the JBACE would favour a broader mandate including other fossil fuels, energy sources (wind power, solar energy, demand management, etc.) and energy transmission.
5. The Board should be mandated to conduct periodic economic audits and retrospective assessments of energy development projects in Québec in order to determine the most appropriate means of meeting future demand.
6. The Energy Board could play a key role in initiatives leading to the drafting of a general environmental policy on hydroelectric projects.

3. ENVIRONMENTAL ASSESSMENT IN THE JAMES BAY TERRITORY

3.1 Study of the impact assessment and review procedures established by Section 22 of the James Bay and Northern Québec Agreement (JBNQA)

Paragraph 22.3.1 of the JBNQA establishes the JBACE to review and oversee the administration and management of the environmental and social protection regime established by and in accordance with Section 22 of the JBNQA. Furthermore, the Agreement states that this mandate embodies the unrestricted exchange of viewpoints, interests and information provided by the governments concerned.

Consequently, in 1992-1993 the JBACE had decided, in keeping with paragraph 22.3.27 of the JBNQA, to study the environmental and social impact assessment and review mechanisms and procedures for the Territory. Since these mechanisms

and procedures have been applied for more than 15 years now, the JBACE felt it was time to review how they are being enforced and, if necessary, propose changes.

Given the scope of the exercise, the JBACE asked the Minister of Environment and Wildlife for funding to allow it to hire a resource person to help carry out this mandate. Because of Québec government cutbacks, the Minister offered a resource person to the JBACE rather than provide actual financial assistance. Given this situation, the Committee decided to examine other ways to conduct its analysis, which it intends to begin in 1994-1995.

3.2 Regulations implementing the Canadian Environmental Assessment Act (CEAA)

In fall 1993, the JBACE obtained a prepublication copy of the four CEAA regulations, which were published in the Canada Gazette for a period of public consultation.

In past years, the JBACE had issued recommendations to the Federal Environmental Assessment Review Office (FEARO) on the CEAA and attendant regulations. During its study of draft CEAA regulations, JBACE members discussed whether they should express an opinion on the CEAA's application in James Bay territory.

Some members indicated that they felt this legislation should not apply to the Territory since a project assessment procedure already exists under the James Bay and Northern Québec Agreement (JBNQA).

Other members were of the opinion that the JBACE should not comment on the application of the CEAA, but would do better to suggest improvements to its regulations, based on the experience acquired through application of the JBNQA in the Territory. These same members also proposed that changes be made in this respect.

Consequently, the JBACE decided not to make recommendations on the four draft regulations. The Committee agreed that members wishing to make comments should do so on their own.

4. CREATION OF PARKS IN THE JAMES BAY TERRITORY

In summer 1993, the JBACE learned of a document published by the Ministère du Loisir, de la Chasse et de la Pêche (MLCP) entitled: "La nature en héritage : plan d'action sur les parcs." According to this document, several sites in the James Bay territory have been reserved as parkland.

The JBACE, which is mandated, among other things, to ensure that the assessment and review procedures under Section 22 of the James Bay and Northern Québec Agreement (JBNQA) are respected, is aware of the need to create new parks in the Territory and supports the MLCP in this endeavour.

However, after studying the action plan, the JBACE wrote to the Minister of Recreation, Fish and Game to point out that park proposals are subject to the assessment and review procedure by virtue of Schedule 1, subsection 5c of Section 22 of the JBNQA. The JBACE also noted that four of the eighteen sites reserved for parkland north of the 50th parallel are located on lands governed by Section 22 of the JBNQA. The JBACE issued an opinion recommending that

these four sites undergo preliminary assessment as provided for under paragraph 22.5.14 of the JBNQA and that, based on the results of this assessment, two sites be selected for further assessment. The JBACE recommended that the Minister of Recreation, Fish and Game submit a project notice to the Minister of the Environment as early as possible in the parks' planning stages. Section 155 of the Environment Quality Act stipulates that every person intending to undertake a project must submit a notice when studying possible options and a project's technical, economic and social implications.

The JBACE also pointed out to the Minister that under sub-paragraph 24.3.6 a) of the JBNQA, Native people continue to have the right to harvest wildlife in parks.

5. MISCELLANEOUS

The Committee discussed and/or issued opinions on a number of other matters during the past year, including:

Code of ethics for research in the North

The JBACE looked at whether it would be worthwhile recommending a specific code of ethics for research conducted in the James Bay territory. The JBACE has begun examining various existing research codes of ethics to determine whether they could be applied to the Territory. This examination will continue in 1994-1995.

Language policy for the environmental protection regime

For several years now, the JBACE has been trying to establish a language policy as regards the application of the environmental protection regime. The goal of this policy is to reconcile the need for the Crees to receive any information they might reasonably require in a language they can understand (Cree or English) with Québec's linguistic reality. Throughout the year, the JBACE had several discussions on this topic with the Cree Regional Authority.

Study of draft amendments to the Regulation respecting the quality of the atmosphere (R.R.Q., c. Q-2, r.20)

The JBACE received the draft amendments to the Regulation respecting the quality of the atmosphere (R.R.Q., c. Q-2, r.20) for its comments. After reading them, the Committee agreed that the proposed amendments would not affect the Territory.

Decontamination of groundwater in Chisasibi

The JBACE received a request for technical assistance regarding decontamination of groundwater in Chisasibi. According to the request, the use of septic tanks for the past ten years has led to contamination of the community's groundwater supply. Given the eventual construction of a sewer system, the Chisasibi Band is seeking means to lower and decontaminate the groundwater table. In follow-up to this request, the JBACE wrote to the regional director of Indian and Northern Affairs Canada to ask for data or technical assistance that would help the Chisasibi Band in this endeavour.

SECRETARIAT

The JBACE secretariat is located in the offices of the Ministère de l'Environnement et de la Faune du Québec in Sainte-Foy. Under an administrative agreement with the MEF, the latter makes human and material resources available to the JBACE.

Hervé Chatagnier, Geographer, M.Sc. was JBACE Secretary for 1993-1994. The secretariat also includes a part-time technical advisor, a position which remained vacant in 1993-1994. Secretarial duties were performed by Diane Dussault, who, along with Mr. Chatagnier, divided her time between the JBACE, the Evaluating Committee and the Review Committee.

It should be pointed out that under the JBNQA and the EQA, the JBACE provides the Evaluating Committee with the necessary secretarial services. The secretariat maintains a record of all JBACE decisions and a data bank on any related information. These records are available for public consultation.

In 1992-1993, the JBACE pursued discussions to have the current structure of its secretariat reviewed (office location, personnel, sharing with Review Committee, etc.) in order to establish alternatives. At the JBACE's request, the Honourable Pierre Paradis, Minister of Environment and Wildlife, sent the JBACE a report entitled "Évaluation du regroupement des secrétariats des différents comités et commissions prévus à la CBJNQ" on March 14, 1994. The Committee will analyze this report in 1994-1995.

In response to its request, the Minister also informed the JBACE that he had agreed to exempt the Executive Secretary from secretarial duties related to the Review Committee as of 1994-1995. He also followed up on a JBACE request to fill the position of technical advisor. In 1994-1995, the JBACE secretariat should be composed of:

- Francine Marcotte, Geographer/Environmentalist, M.Sc., Executive Secretary (full-time);
- Hervé Chatagnier, Geographer, M.Sc., Technical Advisor (part-time);
- Diane Dussault, Secretary (full-time).

FUNDING

All JBACE members except for those appointed by Québec are remunerated where necessary and any expenses incurred for attending meetings are reimbursed by the party 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 the second paragraph of section 174 of the Environment Quality Act. In 1987, the terms governing secretariat financing were established under an agreement between the Canadian and Québec governments. Since that agreement has expired, the two governments began negotiations in 1992 to reach a new administrative agreement. These negotiations are ongoing.

Expenditures related to the secretariat for the fiscal year ended March 31, 1994 are shown in Table I. They also cover expenses incurred by the Evaluating Committee under section 150 of the Environment Quality Act. Note that the JBACE/COMEV technical advisor position was vacant in 1993-1994.

**TABLE I: Statement of expenditures of the James Bay Advisory
Committee on the Environment and the Evaluating Committee**

Statement of expenditures for the fiscal year ended March 31, 1994

- Salaries (wages and fringe benefits) for secretariat staff	\$ 63,068.72
- Travel expenses	\$ 7,043.81
- Translation	\$ 3,137.37
- Office space	\$ 11,873.58
- Telecommunications	\$ 3,266.55
- Printing and photocopying	\$ 3,487.71
- Miscellaneous	\$ 2,760.17
	<hr/>
TOTAL	\$ 94,637.91
	<hr/> <hr/>

APPENDIX 1

LEGISLATION GOVERNING ENVIRONMENTAL AND SOCIAL PROTECTION IN THE JAMES BAY REGION

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

Regulation respecting 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);

Regulation respecting assessment of effects on the environment in the territory of James Bay and Northern Quebec (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).

Environmental Assessment and Review Process Guidelines Order (P.C. 1984-2132, June 21, 1984).