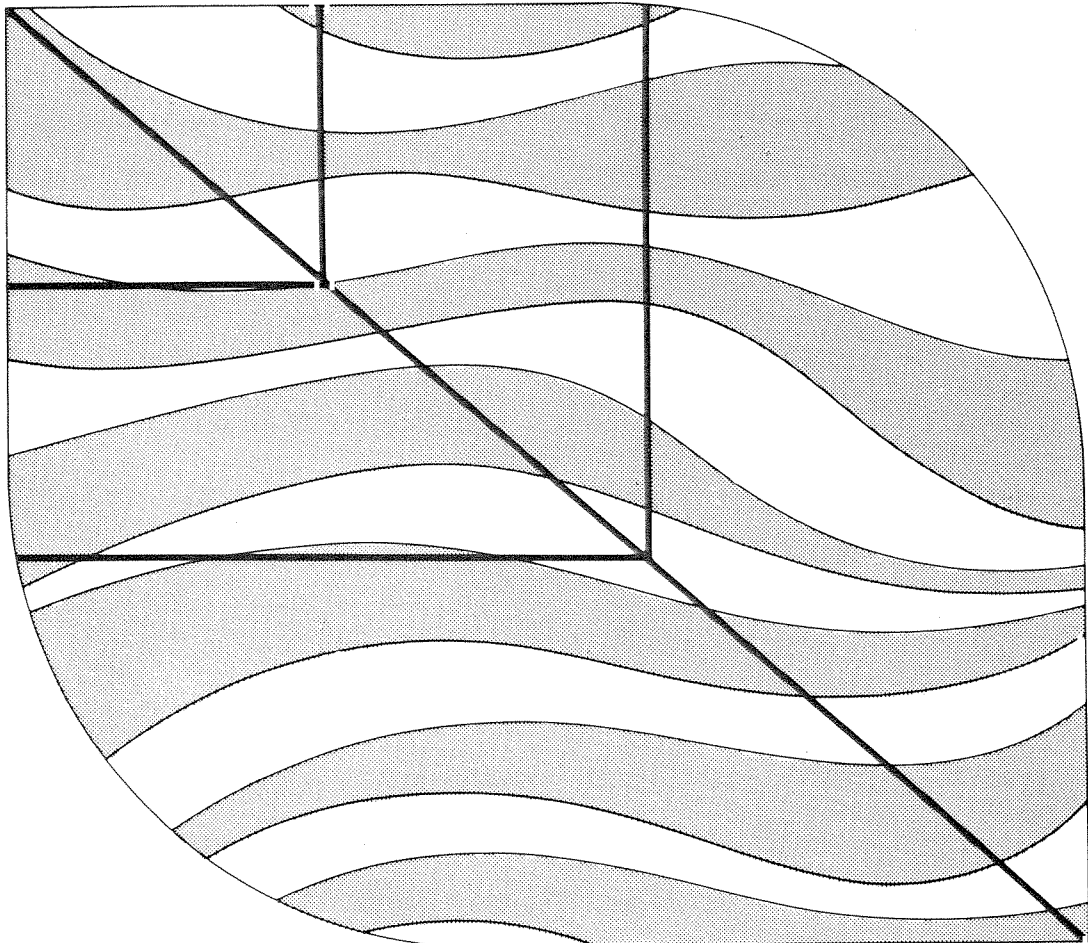


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the James Bay  
and Northern  
Québec Agreement



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

Annual Report 1994-1995

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**ANNUAL REPORT**

**1994-1995**

**JAMES BAY ADVISORY COMMITTEE  
ON THE ENVIRONMENT**

**GAWESHOUWAITEGO ASGEE WESHOUWEHUN**

French and English copies of this report are available  
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November 28, 1995

The Honourable Jacques Brassard  
Minister of Environment and Wildlife  
150, boul. René-Lévesque Est, 17e étage  
Québec (Québec)  
G1R 4Y1

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

November 28, 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,

A handwritten signature in cursive script, reading "Diane Morneau".

**DIANE MORNEAU**  
Chairperson

November 28, 1995

The Honourable Matthew Coon-Come  
Grand Chief  
Grand Council of the Crees of Québec  
2 Lakeshore Road  
Nemaska, Québec  
J0Y 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,

A handwritten signature in cursive script, appearing to read "Diane Morneau".

**DIANE MORNEAU**  
Chairperson

## CHAIRPERSON'S MESSAGE

Throughout 1994-1995, the James Bay Advisory Committee on the Environment (JBACE) geared its efforts towards ensuring its own survival. The year was particularly turbulent on several counts. For instance, much change occurred in the human and financial resources at its disposal.

From the standpoint of internal management, earlier in 1993, the JBACE had expressed its wish for greater autonomy to the Minister of the Environment, asking him to consider the possibility of merging the secretariats of the northern committees. His response of March 14, 1994 was in favour of the *status quo*.

With regard to human resources, two secretaries succeeded in turn to Hervé Chatagnier in 1994-1995. JBACE members were not involved in the selection process however; they were simply asked to endorse the choice of the Québec administrator.

Then, budgetary cuts ordered by the federal and provincial governments compromised JBACE operations, not to mention its very mission.

As a result of these events, a consensus of opinions among the members developed:

The JBACE must be able to fulfill, on all levels (human and financial resources, operation), its role and mission as provided for in the James Bay and Northern Quebec Agreement.

The members refuse to support and maintain a committee without the resources vital to carrying out its mission.

All enforcing authorities have been informed of the situation denounced by the JBACE.

The courage and independence shown by all members throughout the year in addressing the various issues discussed is worthy of mention.

As I approach the end of my short but eventful term as chairperson, I am strongly reminded of the sheer commitment by all JBACE members, myself included, to one day see the Advisory Committee play its role as environmental watchdog for the James Bay territory.

A handwritten signature in cursive script, reading "Diane Morneau".

**DIANE MORNEAU**  
Chairperson

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

GAWESHOUWAITEGO ASGEE WESHOUWEHUN

## 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 Québec 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 1994-1995, the Committee Chairperson, Diane Morneau, was appointed by Canada.

As of March 31, 1995, the JBACE was composed of the following members (the party appointing each member is indicated in parentheses):

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

Pierre Paulhus  
Consultant, Fisheries and Oceans Canada  
(Canada)

Philip Awashish  
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, Vice-Chairman  
Director, Environmental Law Department  
Attorney, Lapointe Rosenstein  
(Québec)

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

Jacques Lefebvre  
Director General, Centre écologique du Lac-Saint-Jean  
(Québec)

The *ex officio* member for the Hunting, Fishing and Trapping Coordinating Committee was Mimi Breton, also one of the members appointed by Canada.

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

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)

## MEETINGS

The JBACE held five regular meetings between April 1, 1994 and March 31, 1995, on the dates and at the locations indicated below:

**82nd meeting:** May 18, 1994, Cree Regional Authority, 1, Place Ville Marie, suite 3438, Montréal, Québec

**83rd meeting:** September 9, 1994, Indian and Northern Affairs Canada, 320, rue Saint-Joseph Est, Québec, Québec

**84th meeting:** November 4, 1994, Lapointe, Rosenstein, 1010, rue Sherbrooke Ouest, Montréal, Québec

**85th meeting:** December 15, 1994, Ministère de l'Environnement et de la Faune, 3900, rue de Marly, 3rd Floor, Sainte-Foy, Québec

**86th meeting:** February 24, 1995, ENTRACO, 500, boul. René-Lévesque Ouest, Room 600, Montréal, Québec

In addition to these regular meetings, the JBACE held several conference calls to discuss specific issues. *Ad hoc* subcommittees also met several times during the year (forest and energy issues).

## JBACE ACTIVITIES IN 1994-1995

### 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 1994-1995, the JBACE received general forest management plans for the management units of Windigo-Gouin (42) and Chibougamau (26). The plans were submitted to the JBACE by those responsible for management units within the Ministère des Ressources naturelles (forestry department) as they were received from logging companies.

From April 1994 to March 1995, the JBACE received the second series of five-year forest management plans (1994-1999) for the same management units.

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. This situation has prevailed for several years now because of the lack of additional resources to conduct this analysis. Nevertheless, the JBACE has undertaken an analysis of forestry operations in the James Bay territory within a larger framework and with available human resources.

Some members of the JBACE forestry subcommittee held informal discussions with the regional administrator of the Ministère des Ressources naturelles (MRN), forestry department. The MRN reiterated its interest in hearing the concerns of Native communities about the general and five-year forest management plans, as long as timetables established in accordance with the Forest Act are respected.

To enable the JBACE to undertake such an analysis, a request for a personnel loan was submitted to the Québec Minister of Environment and Wildlife. The services of a forest engineer were offered to the JBACE to carry out the mandate defined by the forestry subcommittee. This loan was for three months, from January till end of March 1995. In substance, the forest engineer was requested to chronicle forestry operations within the territory contemplated by Section 22 of the James Bay and Northern Quebec Agreement (JBNQA). Information considered from 1974 to 1994 dealt with forest possibilities, volumes allocated and volumes logged. With this the JBACE will be able to back up and complete its analysis of issues related to forestry operations in the James Bay territory.

### **1.2 Other issues related to the problem of forestry operations**

At the request of Gordon Blackned, Assistant Chief of the Waskaganish First Nation, the JBACE reviewed the situation with regard to a particular issue related to forestry operations in the James Bay territory, i.e., subjecting forestry infrastructures to the assessment and review procedure. The fact that forestry infrastructures included in a forest management plan are not subjected to the JBACE under Section 22.3.34 of the JBNQA was deplored by Mr. Blackned. Regulatory provisions encourage proponents to divide road construction into sections of 25 km or shorter, eluding in consequence the assessment and review procedure.

On this subject, the Ministère de l'Environnement et de la Faune (MEF) had written to a proponent to shed light on an interpretation of the Environment Quality Act (EQA) whereby camps included in five-year forest management plans (PQAF) were not subject to the assessment and review procedure. This interpretation by the MEF was based on paragraph h) of Schedule B of the EQA, stating that "all forestry development when included in plans provided for in the Forest Act (chapter F-4.1)" is automatically exempt from the procedure.

The JBACE questioned this interpretation by the MEF and found that it ran counter to MEF's own past interpretation. Ever since the James Bay and Northern Quebec Agreement (JBNQA) has been in application, the Ministère has always submitted

infrastructure projects related to forestry operations to the Evaluating Committee (COMEV) for recommendations on whether or not to subject such projects to the procedure. In this context, the JBACE is not convinced that identifying the infrastructures on a map included in a PQAF or a PGAF automatically exempts them from the procedure.

Given that this issue is one of major significance for the implementation of the environmental protection regime, the MEF should have consulted the Advisory Committee in accordance with sections 140 and 142 of the EQA.

On December 15, 1994, the JBACE met with the representative of the provincial administrator to obtain information on:

- subjecting an infrastructure (campsites, roads, etc.) to the procedure if included in a PQAF or PGAF;
- the possibility that forest roads presented in branches of 25 km in length or less may elude the procedure;
- the type of forest road automatically exempt from the procedure and the type of road falling within the "grey zone".

As confirmed by the MEF representative, the infrastructures should not be submitted to COMEV, as suggested by the legal advice obtained.

During fiscal year 1995-1996, the Advisory Committee will review MEF's position on the subject and consider the issue a priority.

## 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 (1996-1998) development plan

In 1991, Hydro-Québec was requested by the Government of Québec to prepare a development plan every three years. Since fall 1993, the JBACE has been involved in the consultation process targeting Hydro-Québec's development plan. 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 1993.)

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.

In 1994-1995, JBACE members took part in workshops on regional development, production means and the procurement policy.

JBACE's major concern, exposed in various letters and expressed at parliamentary commissions, addressed the need for Hydro-Québec's development plan to give more consideration to the environmental and social impacts of hydroelectric development in Northern Québec. Consultations on the development plan were suspended when the public debate on energy was announced.

### 2.2 Integrated enhancement policy

In March 1994, the JBACE looked at the integrated enhancement policy which was adopted by Hydro-Québec's board of directors in December 1993. Prior to the policy's adoption, Hydro-Québec had

consulted a number of organizations but omitted to consult the JBACE.

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 funneling 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.

In September 1994, the JBACE met with Hydro-Québec representatives, Denis Roux and Michel Blais, to get an update on the implications of the integrated enhancement policy for the Territory. The Advisory Committee subsequently wrote to André Laporte, Vice-président Autochtones et Collectivité, who did not reply, to raise the following points:

- The JBACE noticed the policy's lack of clarity with regard to residual impacts and the absence of measures concerning unforeseen impacts.
- The enhancement policy is based on the principle that residual impacts from Hydro-Québec projects justify specific actions. The JBACE wishes to know how Hydro-Québec will establish the parallel between the scope of residual impacts and the amount of the compensation measures allocated to

affected Native communities. This question is of major concern to the Committee.

- No integrated enhancement credits review or adjustment mechanism has been included in the policy in the event unforeseen impacts from the project occur following the signature of the enhancement agreements. However, it is possible impacts unforeseen during the assessment stage of some projects may arise. This is the case of the mercury freed from the banks downstream from LG-2 during phase I of the La Grande Complex. The JBACE is of the opinion that Hydro-Québec's policy must include a mechanism enabling it to adjust or review enhancement agreements depending on unforeseen impacts.
- Another JBACE concern relates to the definition of projects for which integrated enhancement credits will be allocated. Under item 1.1 of the policy, a project must undergo an environmental assessment as prescribed by the Environment Quality Act (EQA). According to some, this definition, as worded, could lead to the exclusion of projects like Eastmain I, despite the fact that major impacts on the territory and affected communities are sure to ensue. In addition, the JBACE wonders whether projects contemplated by section 22 of the EQA are among those for which an enhancement credit will be allocated.
- Finally, several other questions were raised by the JBACE with regard to the terms of application of the enhancement policy:
  - . the status of the James Bay Municipality (JBM) as it relates to the rules on integrated enhancement credit allocation;
  - . the interpretation of the major criterion of eligibility for receiving a credit following from the application of the present policy, i.e., the one according to which a community must be directly affected by a project. For example, the JBACE wonders if communities south of the territory covered by the James Bay and Northern Quebec Agreement would be eligible under projects such as Eastmain I or Great Whales. It is JBACE's intention to closely monitor Hydro-Québec's integrated enhance-

ment policy and its effects on the Territory during 1995-1996.

### 2.3 Energy debate

On February 7, 1995, the Minister of Natural Resources, François Gendron, announced a vast public debate on energy in Québec. A three-step approach was adopted: analysis and information; the debate per se; follow-up to the public debate. Themes selected address energy options, regulatory framework, research & development and regionalization.

Given the possible repercussions hydroelectric development may have on the Territory, and further to a review of the role and mandate of the JBACE, the Advisory Committee decided to take part in the energy debate and present a brief. However, members are in agreement that this participation should be restricted to the Territory and remain strictly within JBACE's mandate and expertise, steering away from larger provincial issues.

Members further agree that the Advisory Committee not address energy options directly but focus instead on environmental issues. The brief therefore must be examined within the perspective of the mandate given the JBACE in accordance with the Environment Quality Act and the James Bay and Northern Quebec Agreement. A JBACE energy subcommittee was set up to identify the themes to be dealt with in the brief.

The Advisory Committee took part in the energy workshop and in sessions to prepare the public debate on energy. It also applied for financial assistance for travel expenses of members who attended both events and for preparing the brief. In the latter case, the public debate secretariat denied assistance.

In 1995-1996, the Advisory Committee will go forward with these issues, particularly with the energy debate as it relates to the Territory.

### 3. 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

Pursuant to a request by the Wemindji Cree Nation, the JBACE examined various ways of implementing a code of ethics for research in the James Bay territory. Given the large number of research projects carried out in the Territory by various firms and the rare opportunity for local communities to comment the research methods and findings, the JBACE decided to investigate the issue.

In 1994-1995, the JBACE contacted the Association of Canadian Universities engaged in Northern Studies (ACUNS) and the Centre d'études nordiques de l'Université Laval to learn more about the use of codes of ethics for research conducted in the North, particularly in the case of consultants.

The ACUNS code of ethics, established in 1982, is mostly applied by university students and researchers. The main interest of this code is the issue of permits for the Northwest Territories. Such permits do not exist in Québec, however universities do apply the principles underlying the code of ethics in their research conducted in the North by working along with the communities.

The Advisory Committee learned that the Science Institute of the North West Territories based its own research approach on the ACUNS code of ethics but obtained no specific information on the use of the code by consultants.

In the next fiscal year, the JBACE intends to pursue this issue further.

#### . Review of Bill C-62

The JBACE reviewed the first draft of House of Commons Bill C-62. Under this bill, new standards may be substituted to certain regulations and administrative agreements in keeping with regulatory objectives may be made.

As noted by some JBACE members, the bill provides for the harmonization of federal and provincial standards. It also makes modification of the standards possible on an administrative rather than a legislative level, thereby eliminating a lot of red tape. Other members, however, had their doubts about the bill and questioned the reasons behind the insistence of the English press on the project.

Members agreed the Advisory Committee should examine the consequences of Bill C-62 for the James Bay territory.

#### . Great Whale hydroelectric project

The Advisory Committee monitored events concerning Great Whale up to November 18, 1994 when the Government of Québec decided to suspend the project, requesting that all related studies and expenses ceased until a decision as to its future has been reached.

#### . Complementary agreement no. 12

On August 1, 1994, the Cree Regional Authority, the Makivik Corporation and the Naskapi Landholding Corporation presented the JBACE with a proposal for the commercialization of caribou meat. The JBACE was asked by all three Native groups to modify the JBNQA to allow such an activity.

In substance, it was suggested that all projects to slaughter 1000 animals or more be automatically subject to the assessment and review procedure. Where less than 100 animals are involved, projects would be exempted from the procedure, while projects falling in between would be considered grey zone projects.

Since the adoption of the JBACE resolution of October 29, 1991, members continue to maintain their position on the issue. This JBACE resolution called for Schedules I and II of Section 22 of the JBNQA to be modified in compliance with the agreement entered into by the parties involved. However, the Advisory Committee informed JBNQA administrators that as long as said Schedules have not been modified, proposals to commercialize game remain grey zone projects which

must undergo the procedure's preliminary and mandatory steps, whatever size they may have.

#### 4. JBACE HUMAN AND FINANCIAL RESOURCES AND INTERNAL MANAGEMENT

##### 4.1 Internal management problems

JBACE members invested much effort in discussions and actions relating to human resources, budgetary issues and internal management throughout 1994-1995.

It should be reminded that under paragraph 22.3.1 of the JBNQA, the JBACE was "established to review and oversee the administration and management of the environmental and social protection regime..." Furthermore, the JBACE exercises control over the other committees, the environmental regime and the establishment of laws and regulations with an impact on the Territory.

Paragraph 22.3.22 of the Agreement allows the Advisory Committee to retain the services of outside specialists for council and assistance. However, with its limited financial resources, the JBACE was unable to avail itself of such a provision which would have enabled it to be more critical towards development in the Territory and given it time to examine the documents submitted, particularly in the area of forestry operations.

The financial problems and administrative constraints plaguing the Advisory Committee hinder its capacity to fulfill the mandate received by virtue of Chapter II of the Environment Quality Act (EQA) and Section 22 of the James Bay and Northern Quebec Agreement (JBNQA). As a result, the JBACE was unable to modify the JBNQA schedules despite a mechanism providing for such modifications to be made every five years.

Some JBACE members attempted to make federal and provincial authorities aware of the problems arising from the lack of human and financial resources.

To take stock of the situation, the JBACE wrote to the administrators to set up a meeting, but last

minute obligations prevented them from addressing JBACE members personally.

The JBACE finally met with the persons delegated by the administrators at its regular meeting of December 15, 1994: Bernard Forestell represented Michel Dorais (Canada), Brian Craik represented Grand Chief Matthew Coon-Come (CRA), and Pierre Lefebvre represented Deputy Minister Jean Pronovost (MEF). These federal and provincial spokespersons mentioned understanding JBACE's financial dilemma but noted the present economic context made granting additional funds impossible.

The federal contribution was maintained at \$95,000/year over the next three years as part of the obligations stipulated in Sections 22 and 23, i.e., the financing of the JBACE/COMEV and KEAC. Québec recognized JBACE's problems and met the amount allocated by the federal. It also agreed to loan the JBACE, on an *ad hoc* basis, human resources to help it fulfill some of its obligations.

Letters were addressed to the federal Minister of the Environment and to the provincial administrators to make them aware of the problems met by the Advisory Committee in fulfilling its mandate due to the lack of human and financial resources.

In May 1994, the MEF sent the JBACE a report entitled "Évaluation du regroupement des secrétariats des différents comités et commissions prévus à la CBJNQ", which examined the possibility of grouping the secretariats of the northern committees together. Earlier on June 3, 1993, the JBACE had written to then Minister Pierre Paradis requesting that he evaluate this possibility. In his reply of March 14, 1994, Minister Paradis had informed the Advisory Committee that in light of the advantages and disadvantages of such a reorganization, he favoured the *status quo* for operational as well as financial reasons.

##### 4.2 Secretariat and funding

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.

Francine Marcotte was JBACE Secretary for 1994-1995. Following her departure, Denis Bernatchez took on the position on September 6, 1994. M. Bernatchez is also part-time Secretary of the Evaluating Committee (COMEV). The secretariat also includes a part-time technical advisor, a position filled in 1994-1995 by Hervé Chatagnier, who also performed the duties of Secretary of the Review Committee (COMEX) and technical advisor to COMEV. Finally, secretarial duties were performed by Diane Dussault, who divided her time between the JBACE, COMEV and COMEX.

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.

#### **. Training of human resources**

When the new JBACE Secretary was hired, members hoped training sessions aimed at informing him of northern issues would be made available to him. On November 10, 1994 the Secretary attended in Hull a workshop entitled "Les autochtones et la gestion intégrée des ressources". He later took part in a session given March 6 and 7, 1995 by Serge Bouchard, anthropologist, addressing Native realities (Sensibilisation à la réalité autochtone).

#### **. Funding**

Except for members appointed by Québec, all JBACE members 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 in conformity with 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 have been pursuing negotiations to reach a new administrative agreement. These negotiations will continue in 1995-1996.

Expenditures related to the secretariat for the fiscal year ended March 31, 1995 are shown in Table I. They also cover expenses incurred by the Evaluating Committee under section 150 of the Environment Quality Act.

**TABLE 1 : 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, 1995**

-	Salaries (wages and fringe benefits) for secretariat staff .....	\$121,273.49
-	Travel expenses .....	\$2,184.55
-	Translation .....	\$5,230.58
-	Office space .....	\$9,909.05
-	Telecommunications .....	\$5,303.76
-	Printing and photocopying .....	\$1,318.52
-	Forestry expertise .....	\$15,489.97
-	Miscellaneous .....	\$2,614.17
		<hr/>
	<b>TOTAL:</b>	<b>\$163,324.09</b>
		<hr/> <hr/>
-	5% administrative fees .....	\$8,166.20
	<b>GRAND TOTAL</b>	<b>\$171,490.29</b>
		<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);

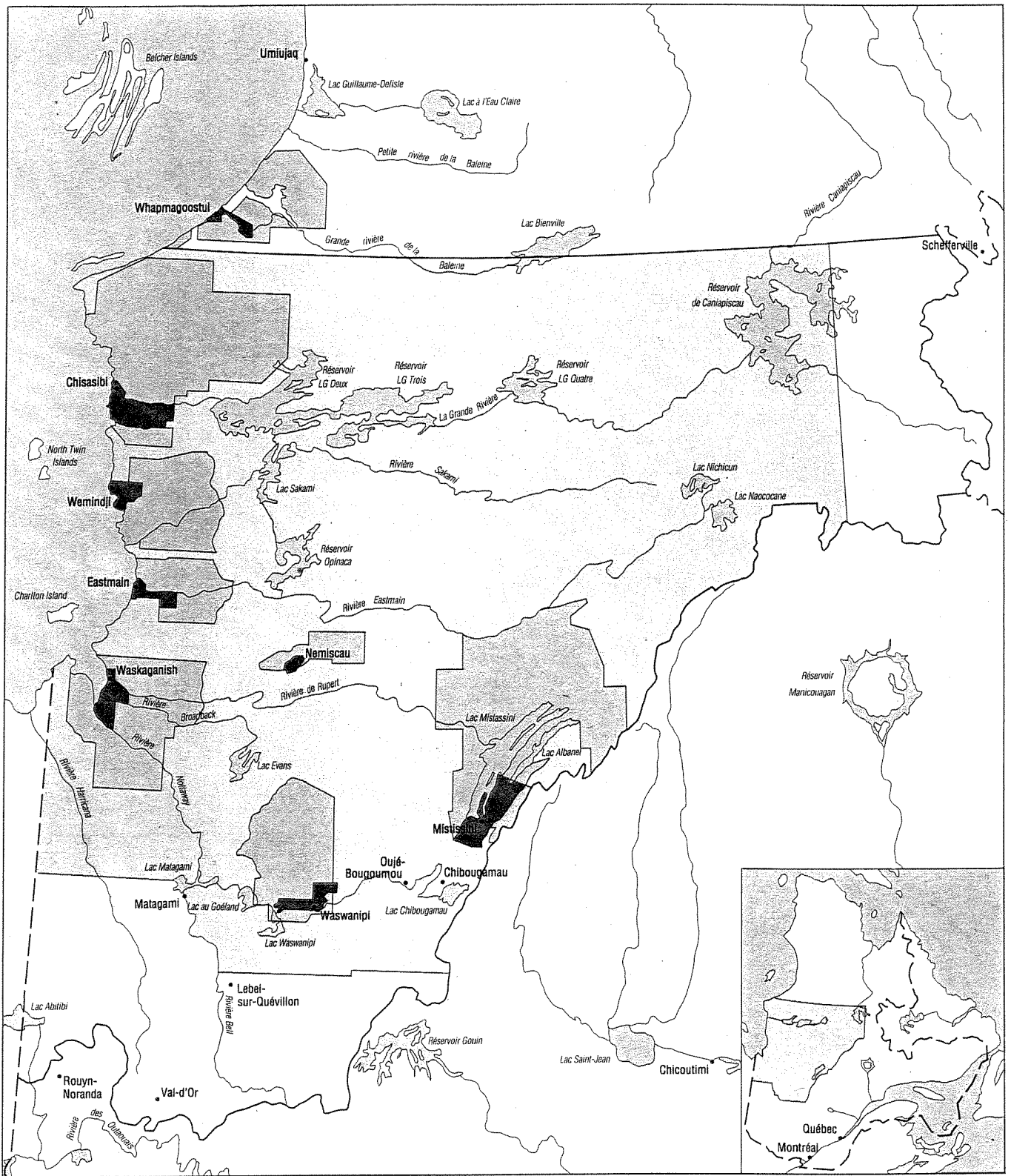
Rules of internal management of the James Bay Advisory Committee on the Environment (c. Q-2, r. 21); Environment Quality Act (R.S.Q., c. Q-2, s. 140);

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).

**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 crie.