

ANNUAL REPORT

1998-1999

**JAMES BAY ADVISORY COMMITTEE
ON THE ENVIRONMENT**

GAWESHOUWAITEGO ASGEE WESHOUWEHUN

French and English copies of this report are available
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September 7, 1999

Mr. Paul Bégin
Minister of the Environment
Édifice Marie-Guyart
30^e étage, boîte 02
675 boulevard René-Lévesque Est
Québec, Québec G1R 5V7

Dear Sir,

I am honoured to present the activity report of the James Bay Advisory Committee on the Environment for the year ending March 31, 1999.

Respectfully submitted,

CLAUDE LANGLOIS
Chairman

September 7, 1999

Mr. David Anderson
Minister of the Environment
Environment Canada
Les Terrasses de la Chaudière
10 Wellington, 28^e étage
Hull, Québec K1A 0H3

Dear Sir,

I am honoured to present the activity report of the James Bay Advisory Committee on the Environment for the year ending March 31, 1999.

Respectfully submitted,

CLAUDE LANGLOIS
Chairman

September 7, 1999

Mr. Ted Moses
Grand Chief
Grand Council of the Crees (of Québec)
2 Lakeshore Road
Nemaska, Québec J0Y 3B0

Dear Sir,

I am honoured to present the activity report of the James Bay Advisory Committee on the Environment for the year ending March 31, 1999.

Respectfully submitted,

CLAUDE LANGLOIS
Chairman

CHAIRMAN'S MESSAGE

While the members of the James Bay Advisory Committee on the Environment (JBACE) focussed on many issues in 1998-1999, their efforts were overwhelmingly devoted to the forestry file. The JBACE has a critical role to play in forestry-related matters, particularly in reviewing management plans for forests and forestry operations. Under the James Bay and Northern Québec Agreement (JBNQA), forestry development is exempt from environmental impact assessment when included in government-approved management plans, provided they have been forwarded to the JBACE for comment. Unfortunately, the Committee has made little progress from past annual reports in terms of the financial and technical resources available for properly dealing with forestry issues.

Sustainable forest management in the James Bay territory must guarantee protection of its Native people, their societies, communities and economy, notably by protecting their hunting, fishing and trapping rights. In the debate arising from the film "L'erreur boréale", released in early 1999, forest management has all too often been discussed from the viewpoint of protecting the timber resource. Yet, the forest is also a wildlife habitat and living environment for people. We must ensure that forest management goes beyond simply protecting jobs related to forest operations and that it guarantees the preservation and use of all forest resources, especially vegetation, wildlife and forest ecosystems.

The JBACE's adoption, in September 1998, of a "Proposal for the First Approximation of Criteria and Indicators of Sustainable Forest Management" is an important step toward integrated, comprehensive management of the Territory's forest resources. However, its implementation will require the close collaboration of the Ministère des Ressources naturelles, the forest industry and the Cree communities concerned, a process which has already been begun by a multipartite working group that has selected 14 indicators to be integrated into the general forest management plans currently being prepared. These stakeholders will have to work even more closely together in the years to come to ensure the sustainability of the Territory's forest ecosystems.

Among the other files that the JBACE dealt with this year was the consultation on water management in Québec, which, in January 1999, the Minister of the Environment mandated the Bureau des audiences publiques sur l'environnement (BAPE) to head. Early on, the JBACE entered into discussions with the Commission on water management in Québec to ensure that the James Bay Crees

would be properly consulted on this issue of major importance for the James Bay territory. Among other things, the JBACE considers it essential that public hearings be held in the Cree communities, that they be held under the joint auspices of the JBACE and the BAPE and that the stakes specific to the James Bay territory be reflected in these consultations.

The Québec and Canadian governments regularly consult the JBACE (in 1998-1999: forest system update, water management, senate subcommittee on boreal forest, etc.). However, the JBACE often intervenes only once a policy or draft legislation has already been developed. To properly play its role of “advisor to the responsible governments”, the JBACE should be involved further upstream of projects, so as to fuel deliberations that would result in new policies or regulations. However, this role requires extensive consultation of the Cree communities and of the Territory’s different interests to enable the JBACE to better define local and regional concerns. In the current budgetary context, the JBACE lacks the financial and technical resources that would enable it to fulfil this role.

We must, therefore, hope that the responsible governments will increase their financial support for the JBACE in order to give it the means to fully carry out its mandate of “reviewing and overseeing administration and management of the environmental and social protection regime”.

CLAUDE LANGLOIS
Chairman

**JAMES BAY ADVISORY COMMITTEE
ON THE ENVIRONMENT**

GAWESHOUWAITEGO ASGEE WESHOUWEHUN

COMMITTEE MANDATE

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

The JBACE is the preferential and official forum for the Québec and Canadian governments, the Cree Regional Authority (CRA), the Cree village corporations, Native bands, the Regional Zone Council and James Bay territory municipalities for formulating laws and regulations relating to the physical and social environment of the territory covered by the James Bay and Northern Québec Agreement (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 delimiting this territory.

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 JBNQA and Chapter II of the *Environment Quality Act* (EQA). Among other things, this entails making recommendations on:

- the adoption of legislation, 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 respecting the

implementation of the environmental and social protection regime applicable to the Territory, and on land use measures.

Pursuant to the *Environment Quality Act*, the Minister of Natural Resources must submit the general and five-year forest management plans for public forests in the Territory to the JBACE, for consideration and comment, before such plans are approved by the Minister.

Upon request, the JBACE also provides Cree village corporations and bands with technical and scientific information, and advice or technical assistance which it periodically obtains from the federal or provincial government or a government agency.

Finally, the JBACE supervises the administration of the Evaluating Committee, also established by Section 22 of the JBNQA.

All decisions and recommendations formulated by the JBACE are forwarded to either the Québec or Canadian 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 is a tripartite body composed of thirteen members, four of which are appointed by the Cree Regional Authority (CRA), four by the Government of Canada and four by the Québec government. The thirteenth member, the Chairman of the Hunting, Fishing and Trapping Coordinating Committee (HFTCC), is a member ex officio of the JBACE, except when he or she is chosen from the members appointed by the Inuit party, in which case the Second Vice-Chairman of the HFTCC 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 1998-1999, the Committee Chairman, Claude Langlois, was appointed by the federal government. Ginette Lajoie, appointed by the CRA, was Interim Vice-Chairperson.

In 1998-1999, the JBACE was composed of the following members:

Luc Bouthillier
Faculty of Forestry and Geomatics
Université Laval
(Québec)

Yves Désilets
Indian and Northern Affairs Canada
(Canada)

Susanne Hilton
General Manager of the Waswanipi Cree Model
Forest
(Cree Regional Authority)

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

Ginette Lajoie, *Interim Vice-Chairperson*
Environmental Coordinator
(Cree Regional Authority)

Claude Langlois, *Chairman (as of July 16, 1998)*
Environment Canada
(Canada)

Jacques Lefebvre
Continuing Education Department
Cégep de Saint-Félicien
(Québec)

Diom Romeo Saganash
Consultant
(Cree Regional Authority)

Harm Sloterdijk (*as of July 16, 1998*)
Environment Canada
(Canada)

Paul Chénard (from September 1, 1997 to July 16,
1998)
Consultant
(Canada)

Carol Martin (from September 1, 1997 to July 16,
1998)
Consultant
(Canada)

The ex officio member for the Hunting, Fishing and
Trapping Coordinating Committee was:

Yves Désilets
Indian and Northern Affairs Canada
(Canada)

The JBACE would like to thank all of its members for
their valuable contribution throughout the year,
particularly Paul Chénard and Carol Martin
(Canada), whose mandates ended on July 16, 1998.

MEETINGS

The JBACE held five regular meetings, one ad hoc
meeting and two conference calls between April 1,
1998 and March 31, 1999, on the dates and at the
locations indicated below:

103rd meeting June 2-3, 1998 (Université Laval);

104th meeting September 24, 1998 (conference
call);

105th meeting November 12, 1998 (Cree
Regional Authority);

106th meeting November 27, 1998 (Édifice
Marie-Guyart);

107th meeting January 13, 1999 (Cree Regional
Authority);

108th meeting February 11, 1999 (Cree Regional
Authority);

109th meeting March 22, 1999 (conference call).

In addition to regular JBACE meetings, the following
ad hoc subcommittees also met on several
occasions during the year: forestry subcommittee
and sustainable forest management criteria and
indicators working group. Their composition appears
in Appendix 3 of this report.

JBACE ACTIVITIES IN 1998-1999

1.0 FORESTRY DEVELOPMENT IN THE JAMES BAY TERRITORY

1.1 Background

As indicated in the JBACE's previous annual reports, forestry is of critical importance in the James Bay territory. 1998-1999 was no exception and the JBACE was particularly active in files related to forestry development. The following is a summary of the main files related to forestry that were dealt with in fiscal 1998-1999.

1.2 Study of general and five-year forest management plans

Under paragraph 22.3.34 of Section 22 of the JBNQA, the responsible government department must forward "management plans for Crown forests and forestry operations" to the JBACE for its consideration and comments. The Committee has 90 days before the Minister approves the plans.

Every year, the JBACE receives numerous amendments to forest management plans and it was noted, once again, that its limited human and financial resources do not allow it to conduct a detailed, satisfactory study of the various forest management plans submitted to it for comment.

Consequently, the MRN decided to more appropriately support the JBACE in this task, providing the Committee with technical assistance by making presentations on the amendments to the five-year forest management plans submitted for our comments. These presentations definitely helped the JBACE better understand the amendments submitted, but did not give it a proactive overview of changes in forestry development in the Territory using traplines as the unit of reference. The JBACE's need for human resources is so great that, despite the MRN's information sessions, the Committee is without the technical wherewithal to be able to quickly follow-up on the proposed amendments submitted, thereby delaying forestry work in the field. This situation will persist as long as the resources we have requested for so long, both from the MRN and the MEF in our budget proposal, are not forthcoming.

To offset this shortcoming, the MRN agreed on several occasions to provide the JBACE with human and/or financial resources without delay, particularly for matters related to forestry. We approached Jean-

François Gravel, Coordinator of Native Affairs (MRN), and Rémy Girard, Associate Deputy Minister (MRN), in this regard. However, as fiscal 1998-1999 drew to a close, the JBACE had still not received the resources promised. Once again, we have no choice but to conclude that fiscal 1998-1999 failed to post tangible progress concerning the JBACE's lack of resources in the forestry file. This file will be monitored closely and given top priority at the beginning of the next fiscal year.

1.3 Model guidelines for forest management plans

It has always been difficult for the JBACE to comment on the management plans and changes thereto since the documents submitted by the TSFMA holders and the MRN are unclear and incomplete.

To remedy this situation, the JBACE drafted interim guidelines for submitting forest management plans. This document was sent to Associate Deputy Minister (MRN) Rémy Girard so that he could ensure that all forest management plans forwarded to the JBACE follow these guidelines.

The interim guidelines consist of a series of minimal measures designed to ensure that forestry development in the Territory reflects the spirit of the JBNQA. Some are:

- traplines must be indicated on all maps and plans tabled;
- the accompanying documents must include a clear, precise description of the sectors affected, the work performed and its impact on Cree hunters and trappers. They must also mention economic spinoffs for the Crees in terms of jobs and services rendered. Where applicable, mitigation measures must be described;
- summary maps must be enclosed and indicate trapline boundaries;
- the names of TSFMA holders and responsible management agents must appear on the maps and accompanying documents submitted. The name of the community affected must also be indicated, as well as the number of the trapline, name of the tallyman and names of persons consulted in the community or communities involved.

Based on its experience in using these interim guidelines, the JBACE will modify their content and scope to reflect the feedback it gets from the Crees

and suggestions made by forest interests, in keeping with the guiding principles of Section 22. The JBACE has noted that, more and more, the MRN is using these interim guidelines for the amendments submitted to the JBACE for comment.

1.4 Technical support to Cree communities on general forest management plans

The Territory's Native communities affected by forest operations have observed major changes in their traditional way of life. They have also noted that nothing has been done to correct this situation, which has been denounced for several years now, since there does not appear to be any political will to solve the problem. The communities need support to understand the issues at stake where forestry is concerned. If the JBACE were to receive requests from the Cree communities to hold hearings on the forest management plans, it would no doubt be open to this request, provided it was given the means required. The JBACE could envisage its eventual forestry resource-persons taking part in information sessions in the Territory's Cree communities, a form of technical support that they would certainly greatly appreciate.

1.5 Forestry subcommittee

The forestry subcommittee met twice in 1998-1999. The April 24, 1998 meeting was devoted mainly to discussions on the social, cultural and economic criteria and indicators to integrate into the general forest management plans. The September 10, 1998 meeting provided an opportunity for examining the JBACE'S document on criteria and indicators in greater depth, beginning deliberations on the best strategy to adopt in order to meet with the forest industry on this subject.

In other meetings with the JBACE, the MRN provided information on the amendments to general forest management plans prepared by various TSFMA holders. On the whole, the content of these presentations was satisfactory and the MRN was clearly using the JBACE's interim guidelines. While the process certainly leaves something to be desired, it must be seen as a step in the right direction. However, the main problem is the JBACE's lack of resources to properly oversee forestry activities and ensure satisfactory follow-up to the amendments submitted to it for comment.

1.6 Development of forestry criteria and indicators

Currently, the forest management plans submitted to the JBACE for comment more or less reflect the guiding principles, special status and special involvement reserved for the Crees, as expressed in the JBNQA.

To help timber supply and forest management agreement (TSFMA) holders, the JBACE developed social, cultural, economic and biophysical criteria and indicators that are discussed in the document "*Proposal for the First Approximation of Criteria and Indicators of Sustainable Forest Management for Eeyou Istchee*". The JBACE adopted this document on October 2, 1998. This exercise will enable the JBACE to comment forest management plans in terms of specific criteria and indicators and to propose the measures to adopt to have these plans reflect the spirit and letter of the JBNQA.

In order to define an implementation plan for integrating the proposed criteria and indicators into the general forest management plans currently being prepared by forest companies, the JBACE formed a multidisciplinary working group composed of the representatives whose names appear in Appendix 3.

The working group studied all of the criteria, indicators, objectives and measures contained in the base document submitted to it. Then, it identified those elements that could be integrated into the new generation of general forest management plans in the short term. The criteria, indicators, objectives and measures were studied carefully and some were reformulated to make them clearer and more specific. In all, 14 elements were selected for short-term integration into the next general forest management plans. The other measures studied by the working group will be integrated in the medium or long term, i.e. in the next generation of five-year forest management plans in some cases. The JBACE was very pleased with the work done and the climate of cooperation among working group participants.

1.7 Forest system update

In a letter dated September 24, 1998, Guy Chevrette, Québec's Minister of Natural Resources, released a consultation document on the review of Québec's forestry system which will, notably, result in the tabling of draft amendments to the *Forest Act*. The Minister has asked the regional development councils to organize regional consultations.

Given the JBACE's mandate and, more specifically, its advisory role, the Minister asked the JBACE to read and comment the document. The JBACE's comments on the forestry system review were forwarded to the Minister of Natural Resources, Jacques Brassard, on January 11, 1999. The following are highlights from the JBACE's brief:

- Public consultation: The JBACE recommends that the Ministère des Ressources naturelles institute a consultation process that enables those Cree communities and trappers directly affected by forestry development to understand and evaluate the full impact of forest operations on their traditional way of life and lands.
- Allowable cut and the boreal forest ecosystem: The JBACE recommends that the annual allowable cut in the James Bay territory be thoroughly reviewed.
- Protected areas: The JBACE recommends that the MRN use its influence over the other government departments concerned (Environment, Wildlife and Parks) to have the Québec government adopt a conservation policy aimed at creating more protected areas in the James Bay territory.
- A separate forest system for the James Bay territory based on the following principles: priority of the Crees' right to harvest throughout the Territory, recognition of the sustainable management criteria as prescribed in the 1996 *Forest Act*; respect for and maintenance of the Cree's traditional land tenure system (based on traplines); direct Cree involvement in decision-making related to forest resource allocation and management; Cree access to the economic benefits derived from forest operations; Cree involvement in managing territorial access and land use; implementation of a separate forest system.
- Additional measures and monitoring: increase existing knowledge on the scope and quality of forest-related data in the Territory.

1.8 Senate subcommittee

The Standing Senate Committee on Agriculture and Forests formed a subcommittee on the boreal forest mandated primarily to study Canada's progress in achieving national sustainable forest management objectives and protecting biodiversity.

The JBACE was asked to make a presentation to this subcommittee in Ottawa. One representative from each JBACE party, plus the secretary, were delegated to meet with the senate subcommittee, which they did on December 2, 1998 to present the JBACE's brief. JBACE representatives used this opportunity to present the JBACE's role and mandate, the principles underlying the JBNQA, the process involved in developing sustainable forest management criteria and indicators for the James Bay territory and the special status granted the Crees under the JBNQA.

The senators in attendance were able to ask questions on forestry development in the James Bay territory and on various aspects related to changes to the Cree way of life resulting from forest operations. The JBACE's document on forestry criteria and indicators was tabled along with a map indicating the territory covered by the environmental protection regime and the summary map of forest disturbances in the James Bay territory. Subcommittee members were delighted with the participation of the JBACE representatives.

2.0 VARIOUS MEETINGS

2.1 Meeting between the JBACE and Denis Vandal

On June 3, 1998, the JBACE met with Denis Vandal, Interim Director of the Direction régionale Nord-du-Québec (DRNQ), to discuss a number of issues related to JBACE operations and the environmental and social protection regime provided for in Section 22 of the JBNQA.

The JBACE used this opportunity to reiterate its desire to cut administrative ties with MEF. Mr. Vandal confirmed that while MEF was favourable to the JBACE's aim, no funding was available to implement it. Given the members' insistence, he committed to making MEF authorities aware of the issue and of the need to find funding to enable the JBACE to comment on the forest management plans submitted to it. The JBACE also indicated that its Québec delegation was incomplete and that vacant positions needed to be filled as soon possible. Once again, Mr. Vandal confirmed that this message would be transmitted to the proper authorities.

2.2 Meeting between the JBACE and the provincial administrator

On November 27, 1998, the JBACE met with Diane Gaudet, Deputy Minister of the Environment and administrator of Section 22 of the JBNQA, to discuss various issues related to administration of the procedure provided for in Section 22 and to the operations of its secretariat. Given the importance of the subjects discussed during this first meeting between the JBACE and Madame Gaudet, the JBACE feels it is useful to include a brief summary of the main issues raised and the conclusions reached.

Review of Section 22 of the JBNQA: In her August 13, 1998 letter to the JBACE, Madame Gaudet indicated that the review of Section 22 should occur in the context of a Memorandum of Understanding (MOU), which is an agreement signed jointly by the Québec government and the Grand Council of the Crees (of Québec) (GCCQ). Madame Gaudet questioned the relevance of having the JBACE study the contents of Section 22 of the JBNQA and indicated that she did not wish the JBACE to work on this file.

During this meeting, Madame Gaudet confirmed that the Québec government had not begun deliberating on the review of Section 22 and that the issue was not currently on the government's agenda. She indicated that she did not want the JBACE to waste its time by giving it the go-ahead on this file since the government, a signatory to the JBNQA, did not wish this review to be carried out at the present time. However, she did not exclude the possibility that the government would eventually reinstate the issue.

According to Madame Gaudet, since the government did not wish to see the JBNQA reviewed, there was no need to allocate resources to this project. Resources would be forthcoming if the governments showed an interest in it. Madame Gaudet did not deny that the JBACE had the authority to review Section 22 of the JBNQA of its own accord. In the current context, she could not allocate resources for such a review, given the government's position.

Rivière Mégiscane: In its June 29, 1998 letter to Madame Gaudet, the JBACE showed that partial diversion of the Rivière Mégiscane would impact on the James Bay territory and that, despite MEF's opinion to the contrary, the project was subject to the procedure stipulated in Section 22 of the JBNQA. In her response of October 26, 1998, Madame Gaudet stated that the JBACE's arguments in favour of applying the procedure had been studied carefully and that MEF was open to these arguments.

Madame Gaudet mentioned in her letter that Hydro-Québec had suspended its project. This decision is supposed to hold until the Native communities affected by the project reach an agreement on it with the proponent.

Although Hydro-Québec had tabled its project notice and MEF had issued a directive stating that only the Southern procedure applied to this project, Madame Gaudet felt there was no need to contact the proponent in this regard since the project has been suspended. However, it will be possible for MEF to change its position on this issue as soon as the proponent reinstitutes the project. The JBACE must, therefore, keep a very watchful eye on whether Hydro-Québec eventually reinstitutes this project.

CCEBJ-MEF administrative agreement: In her August 13, 1998 letter, Madame Gaudet informed the JBACE that she had no objection to the Committee's services being rendered outside the facilities currently made available by MEF. However, it would depend on MEF's current budget.

When she met with the JBACE, Madame Gaudet informed the members that the Conseil du Trésor had been approached and asked to isolate a sum allowing the JBACE to be administered independently. She was studying the situation in order to give it the financial capacity to do so. She also wanted to find out whether the government would agree to give more money to the JBACE. She hoped that the issue would be settled by April 1999. If the government wished to increase its contribution, she hoped that the funds would come from budget items other than MEF's, whose means have already been reduced greatly. The problem is related to the means for implementing this process. Despite the Deputy Minister's commitments on this issue, we must admit that the situation did not change in fiscal 1998-1999. The JBACE will, therefore, have to take the issue up again with Diane Jean, the new Deputy Minister (MEF).

Forestry file: Madame Gaudet indicated that she was aware of the JBACE's obligation to comment the forest management plans submitted to it and that it lacked the resources to do so. She was studying the possibility of giving a skilled resource specifically to the JBACE to enable the Committee to do this work. Negotiations between MEF and MRN were progressing well. The main issue to settle was one of quantum and procedure. The issue was a priority for both MEF and the MRN. Despite this commitment, the JBACE had still not obtained the resources promised by the fiscal year-end.

Appointment of Québec members: Madame Gaudet was reminded that the Québec government had not yet appointed its members to the JBACE and that the vice-chairmanship had been assumed by the Cree party, since the Québec government had not appointed its officers. Madame Gaudet informed the JBACE that she had made this a short-term priority to be raised in upcoming Cabinet meetings. However, at the end of 1998-1999, the JBACE was still waiting for the Québec delegation to be completed.

When the meeting drew to a close, the parties agreed on the importance of such meetings and committed to repeating them on as regular a basis as possible.

3.0 JBACE COMMUNICATIONS POLICY

Over the years, the members have noted that it is very difficult for the JBACE to properly monitor the recommendations contained in the reports and briefs it sends to the governments and the resolutions it adopts. The JBACE's brief, resolutions and annual reports are often forgotten after they are sent to the responsible individuals.

To change this situation, the JBACE plans to adopt a communications policy reflecting its role, status and mandate where the governments are concerned. While the JBACE does not wish to become militant, it does feel strongly about having the information circulate and being able to explain and justify its position on the major issues on which it takes a stand. It also plans to issue press releases when the need arises.

4.0 MISCELLANEOUS

Waskaganish access road

To facilitate hearings on the guidelines for the proposed road providing access to the community of Waskaganish, the JBACE granted financial assistance in the amount of \$855 to the Evaluating Committee (COMEV). The JBACE was informed that about 60 people from the community of Waskaganish took part in the public consultation organized by COMEV. This consultation was successful in that it gave participants an opportunity to voice their concerns about the project. JBACE members hope consultations will be held on guidelines for all major projects in the Territory.

Consultation on Directive 019 on the mining industry

It will be recalled that on February 23, 1999, the Ministère de l'Environnement du Québec submitted Directive 019 on the mining industry to the JBACE for consultation. This file is complex and critical, given the fact that there are numerous mining projects throughout Territory. The JBACE formed a working group, which will draft a preliminary version of a brief on the orientations the new guidelines should take in order to reflect Section 22 of the JBNQA. See Appendix 3 for the list of working group participants. This file will be carried over into fiscal 1999-2000

Consultation on water management

On October 29, 1998, the Minister of the Environment, Paul Bégin, launched an extensive province-wide consultation on water management in Québec. JBACE representatives met with Bureau d'audiences publiques sur l'environnement (BAPE) commissioners to determine how the consultation could be organized in the James Bay territory. On March 11, the JBACE wrote to the Minister of the Environment to explain that the Committee should be a first-line player on this issue, given its mandate to review and oversee administration and management of the environmental and social protection regime in the James Bay territory.

On an issue as important as public consultation on water management, the JBACE feels that measures must be taken to meet with local populations. Consequently, we recommended that the public consultation, in which the Territory's Native and non-Native groups will be invited to participate, should be held in the following four Cree communities:

- Whapmagoostui (the Territory's northernmost community, which has no road access);
- Chisasibi (the Territory's largest community);
- Waskaganish (a community which has no road access);
- Oujé-Bougoumou (a community which is accessible to the residents of Waswanipi, Mistissini, Chibougamau and Chapais).

This file will continue to constitute a priority for the JBACE in fiscal 1999-2000.

5.0 HUMAN AND FINANCIAL RESOURCES AND JBACE OPERATIONS

5.1 Operating difficulties

As it did the year previous, the JBACE took numerous steps in fiscal 1998-1999 to obtain the human and financial resources needed to fulfil its mandate as defined in the JBNQA. Funding requests were made to MEF for the JBACE's general operations and to the MRN for mandates related to forestry in general.

Since its efforts were not very successful, the JBACE must face the fact that it is virtually impossible for it to obtain the funding needed to fulfil its mandate. However, the JBACE intends to maintain its stand and will do everything in its power to convince the governments of the moral and legal necessity of supporting it in its endeavours.

5.2 Secretariat

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

In 1998-1999, the JBACE's executive secretary was Denis Bernatchez. The executive secretary of the Evaluating Committee (COMEV) was Michael O'Neill, who was also the executive secretary of the Review Committee (COMEX). Secretarial duties were performed by Diane Dussault, who divided her time between the JBACE, COMEV and COMEX.

It is important to note that in accordance with the JBNQA and the *Environment Quality Act*, the JBACE provides the Evaluating Committee with the necessary secretarial services.

5.3 Funding

The secretariat is funded by the Québec government, which is reimbursed for the equivalent of 50% of its expenditures by the Government of Canada under paragraph 22.3.19 of the JBNQA and the second paragraph of section 174 of the *Environment Quality Act*. In 1987, the terms governing funding of the secretariat were established under an agreement between the Canadian and Québec governments. Since that agreement has expired, the two governments have begun negotiating a new administrative agreement. These negotiations will continue in 1999-2000.

Expenditures related to the JBACE secretariat for the fiscal year ending March 31, 1999 are shown in Table 1. It should be noted that these expenditures include expenses incurred by the Evaluating Committee under section 150 of the *Environment Quality Act*.

The JBACE would like to point out that the MRN also contributed financially to the development of forestry criteria and indicators. In fiscal 1998-1999, the JBACE received a total subsidy of \$46 250 from the MRN. The balance of this subsidy will be used for the JBACE's forestry-related activities in 1999-2000.

5.4 1999-2000 Budget proposal

On March 22, 1999 the JBACE made an exception in sending its 1999-2000 budget proposal to the Prime Minister of Québec, Lucien Bouchard. Its goal in doing so was to make the head of government aware of the JBACE's chronic funding problems. It explained to the Prime Minister that after paying the wages of an executive secretary, a secretary (a total of 1.5 person-years) and the amount charged by the Ministère de l'Environnement for the use of its offices, telecommunications and photocopying services, the JBACE was left with an annual operating budget of approximately \$17 000 to fulfil its mandate under the James Bay and Northern Québec Agreement.

It also reminded the Prime Minister that the Québec and Canadian government share financial responsibility for the JBACE and that the Ministère de l'Environnement, which is responsible for JBACE'S budget proposal, claims half of the expenditures incurred for Committee operations from the federal government.

The JBACE's 1999-2000 budget proposal is presented in two separate parts. Part One, totalling \$259 000, represents the secretariat's operating budget, which covers staff wages and operating expenses. This amount is essential to establish and maintain an independent secretariat and to enable the JBACE to exercise its duties independently.

Part Two of the budget proposal details the amount the JBACE needs to carry out its 1999-2000 action plan. The budget for this second part totals \$729 000 and covers expenses for various forestry-related projects, strategic planning related to social and environmental protection, and the consultation on water management. For fiscal 1999-2000, two projects require particularly urgent funding: study of the general forest management plans and consultation on water management in the James Bay territory.

TABLE 1: SUMMARY STATEMENT OF JAMES BAY ADVISORY COMMITTEE ON THE ENVIRONMENT AND EVALUATING COMMITTEE EXPENDITURES FOR THE FISCAL YEAR ENDING MARCH 31, 1999

- Salaries (wages and fringe benefits) for secretarial staff	\$105 512.00
- Travelling expenses	\$5 970.85
- Translation	\$13 522.14
- Office space	\$16 815.00
- Telecommunications	\$2 062.55
- Printing and photocopying	\$1 906.31
- Legal advisor	\$2 000.00
TOTAL:	<u>\$147 788.85</u>
- Administrative expenses of 5%	\$7 389.44
- GRAND TOTAL	<u>\$155 178.29</u>

Special MRN subsidy (forestry):	\$46 250
Miscellaneous expenditures throughout the year:	\$32 192
	<hr/>
Balance at March 31, 1999:	\$14 058

APPENDIX 1

LEGISLATIVE PROVISIONS GOVERNING 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;

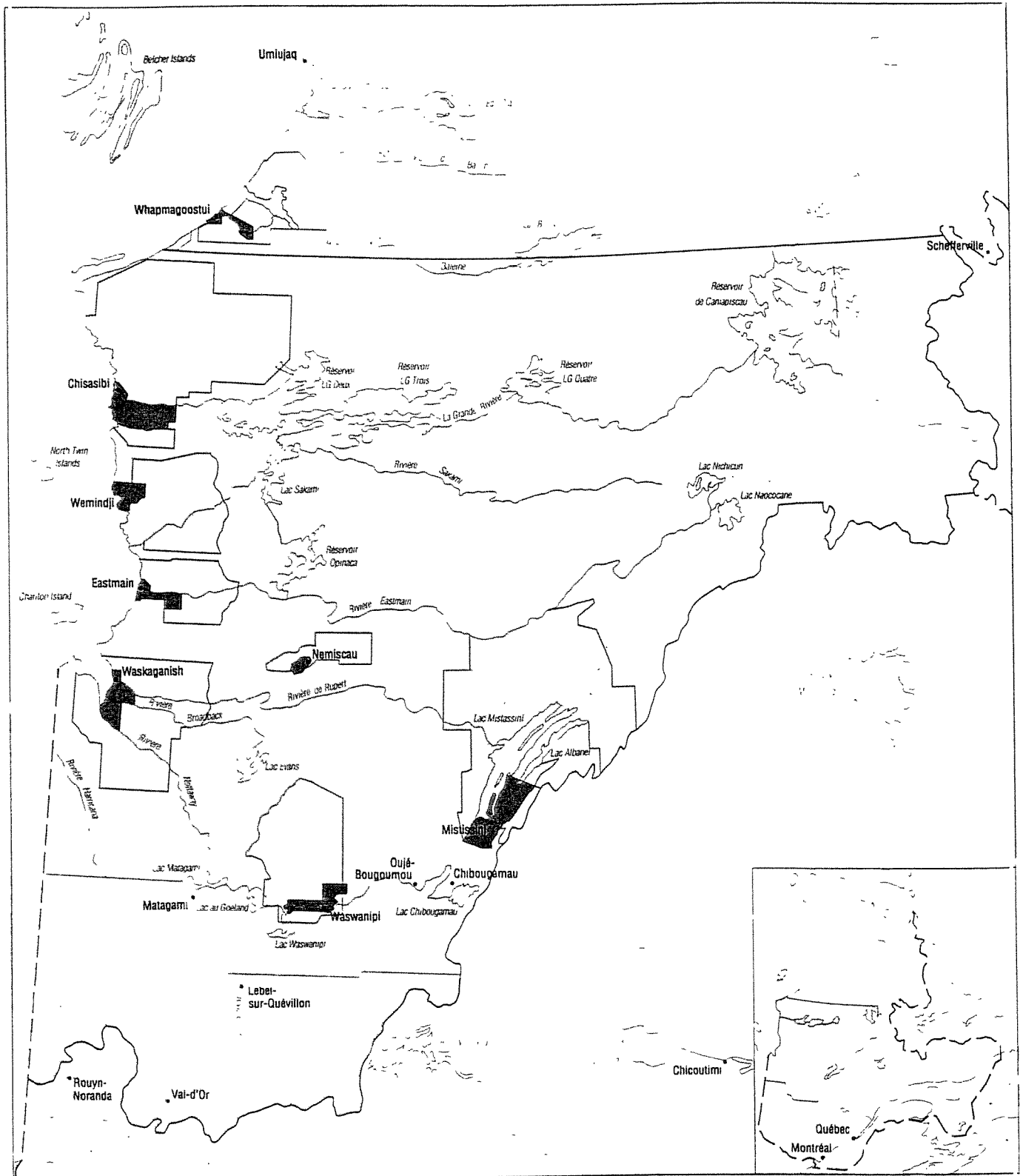
Regulation respecting certain bodies for the protection of the environment and social milieu of the territory of James Bay and Northern Quebec [O.C. 433-79, 14 February 1979, *Environment Quality Act* (1972, c. 49, s. 124 and 240 a and b)];

Regulation respecting the environmental and social impact assessment and review procedure applicable to the territory of James Bay and Northern Québec [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)];

James Bay and Northern Quebec Native Claims Settlement Act (S.C. 1976-1979, c. 32);

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



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.

APPENDIX 3

LIST OF SUBCOMMITTEE AND WORKING GROUP MEMBERS

The JBACE members of the **forestry subcommittee** were:

Denis Bernatchez	Ginette Lajoie
Luc Bouthillier	Jacques Lefebvre
Paul Chénard	Carol Martin
Yves Désilets	Diom Romeo Saganash
Susanne Hilton	

The following were invited to participate in forestry subcommittee meetings:

Robert Beaulieu (CRA)	Henrico Laberge (MRN)
Réhaume Courtois (MRN)	André W. Paul (MRN)
Gilles Fournier (MRN)	Marc Plante (MRN)
Jean-François Gravel (MRN)	Denise Tardif (MRN)

In 1998-1999, the forestry subcommittee met on April 24, 1998 and September 1, 1998.

The members of the **sustainable forest management criteria and indicators working group** were:

Denis Bernatchez (JBACE)	Carole Lévesque (INRS)
Pierre Blanchette (MEF)	Lothar Marzell (MEF)
Michel Cantin (MRN)	Magella Morasse (MEF)
René Dion (CRA)	Marc Plante (MRN)
Gilles Fournier (MRN)	Sylvain Robichaud (Barrette-Chapais)
Susanne Hilton (JBACE)	Denise Tardif (MRN)
Ginette Lajoie (JBACE)	

The working group met on October 27-28, 1998 in Montréal, and on November 19-20, 1998 in Québec City.

The members of the **Directive 019 working group** were:

Denis Bernatchez (JBACE)
Claude Langlois (JBACE)
Alan Penn (CRA)