



la Convention
de la Baie-James
et du Nord québécois

**Comité consultatif
pour l'environnement
de la Baie-James**

ᐆ.ᐅ ᓂ. ᐱ Δ UJ
ᐱ ᓂ ᓂ
ᐅ ᓂ. ᐅ ᐅ ᓂ

Siège social:
Baie-du-Poste
Lac Mistassini, via Chibougamau, Québec
G0W 1C0

Secrétariat et correspondance générale:
Édifice Marly
3900, rue de Marly, 4^e étage,
boîte 50,
Sainte-Foy (Québec)
G1X 4E4
(418) 643-8388 ou 7974

**MINUTES OF THE 54TH MEETING
OF THE JAMES BAY
ADVISORY COMMITTEE ON THE ENVIRONMENT
ADOPTED**

DATE : October 19, 1990

LOCATION : Environment Canada
1179 de Bleury, 2nd floor
Montréal, Québec

PRESENT : Hubert Marcotte, Chairman, Canada
Jean-Guy Charest, Canada
Louis-Edmond Hamelin, Canada
Marie Lessard, Québec
Alain Soucy, Québec
Robert Daigneault, Québec
Alan Penn, CRA
Paul Wilkinson, CRA
James Bobbish, CRA
Bernard Labonté, HFTCC
Hervé Chatagnier, Secretary

ABSENT : Yvan Vigneault, Canada
Gilles Frisque, Québec
Willie Iserhoff, CRA

OBSERVER : Pierre Marchand, Fisheries and Oceans
Canada



1. PRELIMINARIES AND ADOPTION OF THE AGENDA

The Chairman called the meeting to order at 10:45 a.m. The following agenda was proposed by Louis-Edmond Hamelin, seconded by Paul Wilkinson and adopted unanimously:

1. Preliminaries and adoption of the agenda
2. Adoption of the minutes of the 52nd and 53rd meetings
3. Business from previous meetings
 - 3.1 Environmental authorization of the Great Whale complex
 - 3.2 Commission parlementaire sur l'énergie électrique au Québec
 - 3.3 Board of inquiry on hazardous wastes
 - 3.4 Meeting with the Conseil de la conservation et de l'environnement
4. Hydroelectric development and environmental assessment
5. Five-year forest management plans: adoption of the Committee report
6. Land use plan: preparation of an action plan
7. Bill to establish a federal environmental assessment process (C-78)
8. Impact assessment of spanning water bodies within the review procedure for transmission line projects
9. Draft regulation on drinking water
10. Forest fires on James Bay territory: letter from the Coordinating Committee dated July 5, 1990
11. Ecological monitoring network for hydroelectric projects
12. Language policy for the impact assessment and review procedure
13. "Rapport synthèse: Évolution des teneurs en mercure des poissons du complexe hydro-électrique La Grande, Québec (1978-1989)"
14. Internal management:
 - 1989-1990 annual report
 - Replacement of Claude Gignac
15. Date and location of next meeting

2. ADOPTION OF THE MINUTES OF THE 52ND AND 53RD MEETINGS

Following some changes, the minutes of the 52nd and 53rd meetings were adopted. The minutes of the 52nd meeting were adopted unanimously following a motion by Marie Lessard, seconded by Jean-Guy Charest. The minutes of the 53rd meeting were adopted unanimously following a motion by Bernard Labonté, seconded by Robert Daigneault.

3. BUSINESS FROM PREVIOUS MEETINGS

3.1 Environmental authorization of the Great Whale complex

Committee members observed that no response had yet been received to the letters sent to Me Jean Piette, MENVIQ and Carol Martin, Federal Environmental Assessment Review Office, on July 23. These letters, which were sent following the July 17 meeting, indicate the Committee's understanding of the assessment procedure as applied to the Great Whale project and ask the two representatives to confirm these items in writing. Given the representatives' failure to reply, the Committee decided to send a written reminder to each, stressing that the Committee is the privileged, official spokesperson for matters related to the implementation of the environmental and social protection regime.

3.2 Commission parlementaire sur l'énergie électrique au Québec

Committee members observed that the Commission parlementaire sur l'énergie had not responded to the Committee's remarks or to its request to meet with Commission members during a trip to James Bay in August. This request was made in writing by the Committee Chairman on July 20. It was thus decided to send a second letter to the Commission parlementaire chairman to once again request a meeting and to stress that the Committee is the privileged, official spokesperson for matters related to the implementation of the environmental and social protection regime.

3.3 Board of inquiry on hazardous wastes

Committee members were informed that the final report of the Board of inquiry on hazardous wastes is now available. Given the cost of this report, the Secretary was asked to send photocopies of any relevant excerpts to the members.

3.4 Meeting with the Conseil de la conservation et de l'environnement

The Chairman informed the members that he had recently met with Bertrand Tétrault, chairman of the Conseil de la conservation et de l'environnement, to plan a future meeting between the Conseil and the Committee. The two chairmen agreed that Committee members could first meet with the Conseil chairman to discuss possible areas of cooperation between the two delegations. Mr. Tétrault will, in theory, be participating in the next Committee meeting.

4. HYDROELECTRIC DEVELOPMENT AND ENVIRONMENTAL ASSESSMENT

Alan Penn tabled a memorandum entitled "Hydro-Electric Development and Environmental Impact Assessment: A survey of issues requiring intervention by the James Bay Advisory Committee on the Environment", dated October 19, 1990. He outlined the content of this report, which raises several problems pertaining to the application of the environmental and social impact assessment and review procedure to hydroelectric projects. According to CRA members, the application of this procedure to major hydroelectric projects could become a serious enough concern for the Committee to have to step in. The following issues were raised:

- It appears that Hydro-Québec has completed its studies on the Great Whale access infrastructures, and is completing its studies on development options, without having received study guidelines from the administrators of Section 22 of the JBNQA.

-
- It seems that the Provincial Administrator of Section 22 of the JBNQA received preliminary information on the NBR project in July, but this information has not yet been transmitted to COMEV for an impact study guideline recommendation. Furthermore, Hydro-Québec has apparently already completed the first year of on-site study as part of this project. If this situation continues, it will be too late for COMEV to direct the on-site studies which are to begin in 1991. The Crees thus fear that, as in the case of the Great Whale project, COMEV and the Provincial Administrator run the risk of being presented with a fait accompli, in the sense that it will become increasingly difficult to use the impact assessment and review procedure to determine the content of the proponent's impact studies.
 - The Laforge-1 and Eastmain-1 projects and the twelfth transmission line: the CRA members wondered if these three projects as they are currently taking shape comply sufficiently with those described in the JBNQA. If not, they should be assessed under Section 22 of the JBNQA. Moreover, the Crees are concerned that negotiations could be held between the proponent and MENVIQ to apply section 22 of the Environment Quality Act (EQA) to these projects, without the Cree communities first being consulted.
 - Following the recent decision handed down by the National Energy Board (NEB), it appears that public assessments carried out by FEARO are necessary for the NBR, Great Whale, LA-1, LA-2 and EM-1 projects. The Cree members feel that the Committee should participate actively to see how the assessment procedure is applied to these projects. They also feel that the Committee should take a stand on the application of the federal procedure to these projects as set out in Section 22 of the JBNQA.

Given these four points, the Cree members expressed the opinion that Hydro-Québec is not respecting the assessment procedures as set out in Section 22 of the JBNQA and that the administrators of this regime, as

well as the Committees concerned, appear powerless to do anything about it.

Other Committee members responded that these were very serious accusations which would have to be thoroughly justified. To this end, the Committee decided to take the following steps:

- The CRA members will prepare a supporting document to justify their statements and submit it to the Committee for analysis;
- The Chairman will write to the Provincial Administrator to obtain information on:
 - 1) the negotiations under way to apply section 22 of the EQA to the LA-1 and Eastmain-1 projects and the twelfth transmission line;
 - 2) the stand taken by the Provincial Administrator on the application of Section 22 of the JBNQA to these same projects;
- The Secretary will distribute copies of the NEB's decision.

Also, Committee members agreed to invite the Provincial Administrator and the COMEV and COMEX chairmen to an upcoming meeting to discuss the application of the procedure to the hydroelectric projects. However, it was agreed to analyze the supporting document of the Cree members before sending out these invitations.

5. FIVE-YEAR FOREST MANAGEMENT PLANS: ADOPTION OF THE COMMITTEE REPORT

Committee members were informed that the sub-committee responsible for preparing the Committee's report had not yet finished its work. Changes still had to be made to the report submitted by the consulting firm Del Dégan, Massé et Ass., and an executive summary prepared. This summary will include Committee recommendations. A memorandum was tabled detailing eleven recommendations which could be adopted by the

Committee. Committee members read these recommendations and asked the sub-committee to complete the report as soon as possible. It was agreed that the report would be submitted to the Committee for adoption before being forwarded to MER.

6. LAND USE PLAN: PREPARATION OF AN ACTION PLAN

Alan Penn tabled a document containing recommendations concerning the land use plan submitted by the Ministère des Affaires municipales. It should be recalled that the proposed public land use plan for the southern James Bay region was drawn up by MER. It determines territorial sites and units and defines their use.

The Committee studied the recommendations and requested that the sub-committee, composed of Marie Lessard and Alan Penn, draw up a report based thereon. The sub-committee was also asked to conduct research on the mandates of the James Bay Municipality and the James Bay Development Corporation (JBDC) as concerns land management.

7. BILL TO ESTABLISH A FEDERAL ENVIRONMENTAL ASSESSMENT PROCESS (C-78)

The Committee received, following the last meeting, an information booklet prepared by the Federal Environmental Assessment Review Office concerning Bill C-78 respecting the implementation of the Federal Environmental Assessment and Review Process (FEARP), which includes a number of reforms to FEARP which will be entrenched in an act.

The Committee was informed that a special committee on the preliminary review of Bill C-78 would be holding public hearings in Ottawa in October and November. All briefs dealing with this subject were to be received by the Committee before November 21. Given the importance of this bill and its potential impact on the application of the environmental protection regime described in Section 22 of the JBNQA, the Committee decided to submit a brief and to participate in the public hearings. A sub-committee composed of Paul

Wilkinson, Robert Daigneault and Jean-Guy Charest was mandated to prepare a brief for adoption by the Committee. The Secretary was also asked to make the necessary arrangements so that the Committee could participate in the public hearings.

8. IMPACT ASSESSMENT OF SPANNING WATER BODIES WITHIN THE REVIEW PROCEDURE FOR TRANSMISSION LINE PROJECTS

Alan Penn tabled a memorandum respecting the above. According to him, spanning bodies of water is one of the main impact-causing components of transmission line projects. Ways of building transmission lines over bodies of water which have the least impact on the aquatic environment must therefore be found. The regulation respecting forest management, which arises from the Forest Act, establishes standards governing means of spanning bodies of water. Under this regulation, means of spanning which use the bed of lakes or rivers, such as wooden bridging for example, are prohibited. In some cases, however, this may be precisely the means that has the least impact on the aquatic environment. According to Mr. Penn, this issue could create problems for the Review Committee (COMEX), given that COMEX's Québec government members feel that government legislation must be respected, regardless of the possible environmental consequences. It was thus suggested that the Committee study this question in order to formulate recommendations to MENVIQ and MER.

The Committee decided to await the receipt of a written request from COMEX confirming this situation, before studying the issue.

9. DRAFT REGULATION RESPECTING DRINKING WATER

On July 19, the Committee received draft amendments to the regulation respecting drinking water. These draft amendments were submitted to the Committee by Simon Théberge, MENVIQ drinking water branch. These amendments consist mainly in calling for disinfection as a basic process for all surface water used to supply drinking water to communities; having all disinfection preceded by filtering to reduce turbidity and ensure

more efficient elimination of microorganisms; gradually making the trihalomethane standard more rigid in accordance with the recommendations of Health and Welfare Canada; and reducing consumer exposure to carcinogenic substances present in chlorinated water. Also, quality control of drinking water is increased, as are the fines for violating the regulation.

In his letter, Mr. Théberge mentioned that the Committee's remarks on this draft regulation were to be transmitted before the end of August. However, the Secretary informed the Committee that he had agreed with Mr. Théberge that the Committee should submit its remarks before the end of October.

Following discussion, the Committee decided to comment on:

- action to be taken when the water does not conform with the standards;
- the need to adopt transitional measures until community drinking water plant operators obtain the necessary authorization.

10. FOREST FIRES ON JAMES BAY TERRITORY: LETTER FROM THE COORDINATING COMMITTEE DATED JULY 5, 1990

The Committee received a letter from the Chairman of the Hunting, Fishing and Trapping Coordinating Committee on July 5 concerning forest fires on James Bay territory. The Coordinating Committee expressed its concern over the impact that the many forest fires occurring on the territory in the last two years could have on the hunting, fishing and trapping regime.

As proof of the interest and involvement of the Advisory Committee and the Coordinating Committee in the area of forest fires, the latter expressed its desire to work jointly with the Committee through information exchanges and, possibly, concerted action to avoid duplication.

Following explanation of the context of the letter, Committee members decided to send a letter to the Chairman of the Coordinating Committee informing him of their interest in future cooperation, but that they had not yet studied the issue as such.

11. ECOLOGICAL MONITORING NETWORK FOR HYDROELECTRIC PROJECTS

The CRA members tabled a memorandum concerning the situation of the ecological monitoring network of hydroelectric projects on James Bay territory. It appears that the Evaluating Committee (COMEV) was recently informed that Hydro-Québec submitted a proposal to MENVIQ for the integration of the follow-up of Phase II of James Bay into that of Phase I. The CRA members were of the opinion that the Committee must participate in the analysis of this proposal for an integrated follow-up program. They also suggested that the Committee ensure that this proposal would not infringe upon the COMEX mandate, since it is this Committee that approves follow-up programs. The Cree delegation observed that Hydro-Québec had still not replied to a COMEX recommendation that the follow-up program for the Brisay station project be submitted to MENVIQ for approval. This recommendation was included in the MENVIQ certificate of authorization dated September 1989.

After discussion, the Committee decided to first obtain the following information from MENVIQ:

- a copy of the certificate of authorization for the Brisay station project;
- information on the nature and scope of Hydro-Québec's proposal concerning the establishment of an integrated monitoring network.

The resulting steps to be taken, if any, will be determined following analysis of this information.

12. LANGUAGE POLICY FOR THE IMPACT ASSESSMENT AND REVIEW PROCEDURE

The Cree delegation tabled a memorandum respecting the language problem arising from the impact assessment and review procedure. Due to lack of time, this item was postponed to a subsequent meeting.

13. "RAPPORT SYNTHESE, ÉVOLUTION DES TENEURS EN MERCURE DES POISSONS DU COMPLEXE HYDRO-ÉLECTRIQUE LA GRANDE, QUÉBEC (1978-1989)"

Copies of the above report were tabled. Due to lack of time, this item was postponed to a subsequent meeting.

14. INTERNAL MANAGEMENT

1989-1990 annual report - The Secretary informed the Committee that the report is being printed and will be available shortly.

Replacement of Claude Gignac - Committee members read Mr. Gignac's letter of resignation and his proposal respecting the methods of operation of the JBACE, COMEV and COMEX. Following a motion by Louis-Edmond Hamelin, it was unanimously agreed to write to Mr. Gignac, thanking him for his services and his contribution to the Committee and wishing him good luck in his new duties.

15. DATE AND LOCATION OF THE NEXT MEETING

The Committee decided to hold its next meeting November 8. The location will be determined at a later date.

HERVÉ CHATAGNIER
Secretary