



la Convention  
de la Baie-James  
et du Nord québécois

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

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**MINUTES OF THE 90th MEETING  
OF THE JAMES BAY ADVISORY COMMITTEE  
ON THE ENVIRONMENT  
(DRAFT)**

**DATE:** December 4 and 5, 1995

**LOCATION:** Band Council office  
Nemaska (Québec)

**PRESENT:** Yves Désilets, Canada  
Susanne Hilton, CRA  
Willie Iserhoff, CRA, Chairperson  
Ginette Lajoie, CRA, Vice-Chairperson  
Jacques Lefebvre, Québec  
Diane Morneau, Canada  
Diom Roméo Saganash, CRA

Denis Bernatchez, Secretary

**ABSENT:** Louis Archambault, Québec  
Kenny Blacksmith, HFTCC  
Robert Daigneault, Québec  
Gilles Frisque, Québec  
Pierre Paulhus, Canada

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**1. CALL TO ORDER AND ADOPTION OF THE AGENDA**

Chairperson Willie Iserhoff welcomed everyone and then called the 90th meeting of the JBACE to order. He introduced Chief George Wapachee and invited him to address the Committee. Chief Wapachee happily welcomed the members to Nemaska and informed them that the community is extremely



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concerned about the environment. The Crees want to protect the environment as well as their traditional way of life. Logging is the main problem as far as the residents, and particularly the trappers, are concerned. Chief Wapachee explained that some people think the Crees should receive financial compensation for the adverse effects logging is having on their territory, although he himself, does not see this as a solution.

The Chairperson thanked Chief Wapachee and the following agenda was adopted.

1. Call to order and adoption of the agenda
2. Adoption of the minutes of the 89th meeting
3. Business related to the 89th meeting
4. Draft administrative agreement
5. Forestry issues
  - 5.1 Subcommittee on Forestry: progress report
  - 5.2 Legal opinion of M<sup>e</sup> Robert Daigneault on forest infrastructures subject to the environmental impact assessment and review procedure
  - 5.3 Chantier Chibougamau and Domtar as standard case for forestry: progress report
  - 5.4 Report by Pierre Dugas - required follow-up
6. Québec government document on biodiversity
7. 1996-1997 budget proposal
8. Solid waste management on the territory
9. Canadian Endangered Species Protection Act
10. Soil and groundwater decontamination
11. COMEV, COMEX and COFEX-South activity report
12. Tabling of documents
13. 1994-1995 annual report
14. Varia
  - 14.1 Secretariat
15. Date and location of next meeting

**2. ADOPTION OF THE MINUTES OF THE 89th MEETING**

The minutes of the 89th meeting were adopted with minor corrections.

**3. BUSINESS RELATED TO THE 89th MEETING**

The follow-up discussion on the 89th meeting began with the memo dated October 20, 1995. The Secretary informed the members that Robert

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Daigneault had said that he was available to work on the subcommittee studying the administrative agreement, but not on the subcommittee reviewing the environmental protection regime. The Cree members were critical of the fact that there is no Québec representative on this subcommittee and stressed the importance of being able to count on Québec's expertise with respect to this dossier. The JBACE is anxious that Section 22 of the JBNQA be reviewed and is counting on the members' involvement. Following a brief discussion, it was suggested that the Committee write to the Provincial Administrator, Jean Pronovost, to underline the Québec members' lack of availability and provide a profile of the type of people needed by the Committee. Mr. Pronovost will be invited to consult the Committee if deemed useful.

The JBACE would like to give Raymond Houle another forestry mandate. Ginette Lajoie will complete his job description based on the draft mandate prepared by the Secretary and then return it to the Secretary for approval by the members of the Subcommittee on Forestry.

**4. DRAFT ADMINISTRATIVE AGREEMENT**

Given that the subcommittee studying the administrative agreement had not met, it could not report on its activities. Yves Désilets will be contacting the members to schedule a meeting.

**5. FORESTRY ISSUES**

**5.1 Subcommittee on Forestry: progress report**

This matter was discussed as part of the business related to the 89th meeting.

**5.2 Legal opinion of M<sup>c</sup> Robert Daigneault on forest infrastructures subject to the environmental impact assessment and review procedure**

The members were very satisfied with the opinion, which clearly demonstrates that the Québec government cannot exempt roads and forest camps from the environmental impact assessment and review procedure.

However, the Cree members held reservations about M<sup>c</sup> Daigneault's conclusion that "the division of a road project into branches may legally exempt it therefrom [the procedure]". In their opinion, dividing a road into branches is unacceptable. If this particular point cannot be amended in the

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legal opinion, the Cree party will enclose a note with the letter to be sent to the Administrator, explaining why they are against the division of roads for the purpose of exempting a project from the impact assessment and review procedure. Roméo Saganash was mandated to discuss this issue with M<sup>e</sup> Daigneault.

**5.3 Chantier Chibougamau and Domtar as standard case for forestry: progress report**

Additional information regarding the "Chantier Chibougamau" project had been requested from the proponent, via the Ministère des Ressources naturelles (MRN), on November 17, 1995. The Committee will follow up on this dossier as soon as the requested information is received.

At the October 3, 1995 meeting of the Subcommittee on Forestry, it was agreed that Domtar would serve as a standard case for forestry issues. However, since the JBACE has so far been unable to obtain the SYLVA technical data requested from the MRN, it will take some time before this dossier can be prepared.

**5.4 Report by Pierre Dugas - required follow-up**

One of the problems with the report by Pierre Dugas stems from the fact that the JBACE was never able to obtain, examine or substantiate the content of the report or approve the directions taken by Mr. Dugas during the period he was seconded to the Committee. This situation is regrettable. For example, the members remarked that the title of the report does not reflect the content, that a number of technical data are obsolete, and that the conclusion is not relevant to the content. In addition, no mention is made of wildlife matters in relation to logging.

Consequently, the members agreed that the report cannot be disseminated and will be used for in-house purposes only.

**6. QUÉBEC GOVERNMENT DOCUMENT ON BIODIVERSITY**

The Secretary received no comments from the members regarding the document on Québec's strategy for implementing the convention on biological diversity. The members agreed that the brief prepared by Alan Penn (CRA) constitutes the JBACE's position on the strategy. It was agreed to write to Jean Pronovost with members' comments and to thank him for consulting the Committee on this matter.

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**7. 1996-1997 BUDGET PROPOSAL**

Ginette Lajoie suggested that the Committee change the way it submits its budget proposal. She proposed that the Committee identify projects and allocate a specific sum to each.

It is important to give priority to the JBACE's needs in relation to projects, and then to secretarial needs.

Examples of project needs include:

- reviewing Section 22 of the JBNQA;
- digitalizing maps of the hundred or so traplines;
- studying the general and five-year forest management plans (PQAFs);
- identifying the information needed to study the PQAFs;
- conducting an environmental assessment of the RNI;
- developing a sustainable forestry development policy;
- establishing public consultation procedures specific to the territory;
- formulating a general mining policy;
- establishing positions on the four dossiers for which MEF is to consult the JBACE.

A subcommittee composed of Ginette Lajoie, Yves Désilets and Denis Bernatchez will draft a budget proposal to be submitted to Pierre Lefebvre.

**8. SOLID WASTE MANAGEMENT ON THE TERRITORY**

Ginette Lajoie informed the members that COMEX is currently studying a municipal solid waste disposal project to be carried out on James Bay territory. The project is unprecedented in that the proponents intend to import waste from other regions in Québec in order to make the site profitable.

The project involves a sanitary landfill site and waste processing plant in Chapais and was initially to be carried out in three phases: a sanitary landfill with a capacity of 100 000 t/y, a demonstration waste processing plant that would further process 85% of the waste into briquettes which can be stored for conversion to energy, and a plant that would eventually serve as a prototype for similar processing plants should other proponents show an interest in the concept. The processing plant will be housed in one of the vacant buildings on a former mine site near Chapais. Given that the neighbouring municipalities do not generate sufficient solid waste, waste will be shipped in from outside the territory. The municipality of Chapais is the new project proponent.

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COMEX has problems with the project justification. First, the project does not comply with the "3Rs" principle, since the compostable solid waste is not sorted at source. Furthermore, the landfill is located within the municipal territory of Chapais and is likely to have environmental repercussions. The Oujé-Bougoumou Crees oppose the landfill project. The CRA contracted a firm to poll the local population of Chapais in relation to the project. The creation of jobs for the residents of Chapais is a major factor in their decision to approve the project, yet it would appear that the few jobs that will be created will go primarily to truckers who will transport waste in from other regions.

Ginette Lajoie feels that the JBACE could recommend postponing the project until the special hearing on waste management has been held. The Québec government has promised to hold this hearing so that Quebeckers can decide, as a society, what to do about the waste we generate.

COMEX is to render its decision on the landfill project on December 8, 1995. Given the lack of a clear policy with regard to interregional waste transport, it is important that the JBACE take a stand on this project. The resolution adopted by the JBACE will enable the Administrator to make a more enlightened decision.

**RESOLUTION 95-12-04-01**

**SUBJECT:** JBACE resolution regarding the importing of waste for disposal on James Bay territory

**WHEREAS** the James Bay Advisory Committee on the Environment (JBACE) is responsible for overseeing the administration and management of the environmental and social protection regime under paragraph 22.3.1 of the James Bay and Northern Québec Agreement (JBNQA);

**WHEREAS** the JBACE is charged with developing guidelines and policies and proposing legislation with regard to environmental and social protection;

**WHEREAS** the Review Committee (COMEX) was mandated to review a municipal waste management project planned for Chapais that would require the importing of waste from regions outside the James Bay territory and that this Committee must render its decision without the benefit of clear MEF policies in this regard;

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WHEREAS the Québec government is planning to hold special hearings on waste management and that interregional waste transport will be an important aspect of these hearings;

WHEREAS the importing of solid waste into the James Bay territory fosters neither reduction, reuse or recycling, nor the principles of sustainable development;

**IT IS HEREBY RESOLVED THAT:**

- an immediate moratorium will be placed on the importing of solid waste into the James Bay territory;
- this moratorium will remain in effect until the special hearings on waste management are over and until the JBACE has examined the issue of integrated solid waste management;
- the JBACE will participate in the hearings to ensure that the rights and interests of the Crees are taken into consideration, as provided for in the JBNQA;
- the JBACE will develop its own solid waste management policy for the James Bay territory based on the results of the public hearings;
- the JBACE will participate in all phases of the hearings process, from the establishment of the mandate and the guidelines to be submitted to the "body" in charge of the hearing, to the writing of the report and recommendations.

Moved by: Jacques Lefebvre (member appointed by Québec)  
Seconded by: Diane Morneau (member appointed by Canada)

Adopted unanimously.

**9. CANADIAN ENDANGERED SPECIES PROTECTION ACT**

The Secretary sent the members a copy of Jacques Brassard's position on the proposed Canadian Endangered Species Protection Act.

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The members agreed that the JBACE should limit its comments to the James Bay territory. However, since the Committee lacks the necessary resources for this project, it was suggested that it hire an outside expert in the person of Dr. Friket Berkes, who is familiar with both the JBNQA and the James Bay territory. The following resolution was adopted.

**RESOLUTION 95-12-04-02**

**SUBJECT:** Hiring of an expert to advise the JBACE on the Canadian Endangered Species Protection Act.

**WHEREAS** the Government of Canada requested the James Bay Advisory Committee on the Environment's opinion on the bill for the "Canadian Endangered Species Protection Act";

**WHEREAS** paragraph 22.3.24 of the JBNQA stipulates that the JBACE "shall be a consultative body to responsible governments";

**WHEREAS** the JBACE lacks the necessary resources to examine the above-mentioned bill;

**IT IS HEREBY RESOLVED THAT:**

- the JBACE will solicit the services of Dr. Friket Berkes, Professor and Director of the Natural Resources Institute of the University of Manitoba, to provide the Committee with his professional opinion and recommendations on the Canadian Endangered Species Protection Act.

The JBACE's Secretary was mandated to contact Dr. Berkes to invite him to submit a bid and enter into an agreement if the conditions are acceptable.

A copy of this resolution will be sent to Michel Dorais, Federal Administrator, and to Jean Pronovost, Provincial Administrator, for their information.

Moved by: Yves Désilets (member appointed by Canada)

Seconded by: Ginette Lajoie (member appointed by the CRA)

Adopted unanimously.

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10. **SOIL AND GROUNDWATER DECONTAMINATION**

Ginette Lajoie explained that a number of soil decontamination projects in the James Bay territory are submitted to the Evaluating Committee (COMEV) for review. These projects are considered "grey zone" projects, that is, COMEV is supposed to rule on whether or not they should undergo the environmental impact assessment and review procedure.

MEF has established decontamination criteria (A, B, C), and some cases may necessitate a range encompassing two criteria, e.g., A-B and B-C. COMEV has already met with MEF representatives to discuss the government's contaminated soil policy and examine the application of its criteria in northern and southern Québec.

COMEV has no set method of determining the decontamination level for each project. Since the land was virgin territory before it was contaminated, should it not be rehabilitated to its original state? However, COMEV is faced with the constraint of not being allowed to set conditions in its recommendations on projects that are not subject to the impact assessment and review procedure.

According to Ms. Lajoie, there are approximately 90 different contaminated sites on James Bay territory, 15 of which are located on Category I lands and require a comprehensive analysis. Hydrocarbons are the primary source of contamination.

In order to get a better idea of the situation regarding contaminated soil in the territory, it was agreed to write to Pierre Lefebvre to ask that the services of Hervé Chatagnier be loaned to the Committee. The Secretary was asked to draft a letter defining Mr. Chatagnier's mandate should the Committee's request be granted.

The Secretary will bring the various MEF documents on contaminated soil to the next meeting.

11. **COMEV, COMEX AND COFEX-SOUTH ACTIVITY REPORTS**

The adopted reports appear on the list of correspondence received.

Susanne Hilton will meet with Hervé Chatagnier to discuss how the JBACE can obtain a broader picture of COMEV's and COMEX's activities so it can have a better understanding of the issues involved and thus provide more relevant advice to the governments on the policy to be formulated.

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**12. TABLING OF DOCUMENTS**

The list of documents received since the last meeting has already been sent to the members. The Secretary will send the individual documents to those members who make the request.

Yves Désilets asked for a copy of the actual memorandum of understanding between the Québec government and the Crees, not just the framework for action. The Secretary will try and obtain a copy of the document and send it to all members.

**13. 1994-1995 ANNUAL REPORT**

The 1994-1995 annual report has been printed and the Secretary will send a copy to the members for information purposes, since it has not yet been approved by the National Assembly.

**14. VARIA**

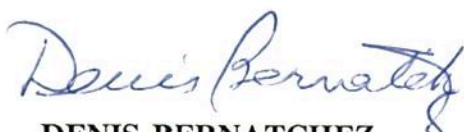
**14.1 Secretariat**

Denis Bernatchez asked that a performance review be conducted in relation to his services as JBACE Secretary. When he was hired on September 6, 1994, the members said that he was to undergo a performance review at the end of a one-year probationary period.

To enable the members to discuss the matter in private, the latter left the room. A subcommittee composed of Susanne Hilton and Diane Morneau was formed to establish a proposal to be submitted for the members' approval at the next meeting.

**15. DATE AND LOCATION OF NEXT MEETING**

The next meeting will be held in St-Félicien on March 13 and 14, 1996. Since field visits are planned, Jacques Lefebvre will contact the organizations in question to make the necessary arrangements.



**DENIS BERNATCHEZ**

Secretary  
96-01-26