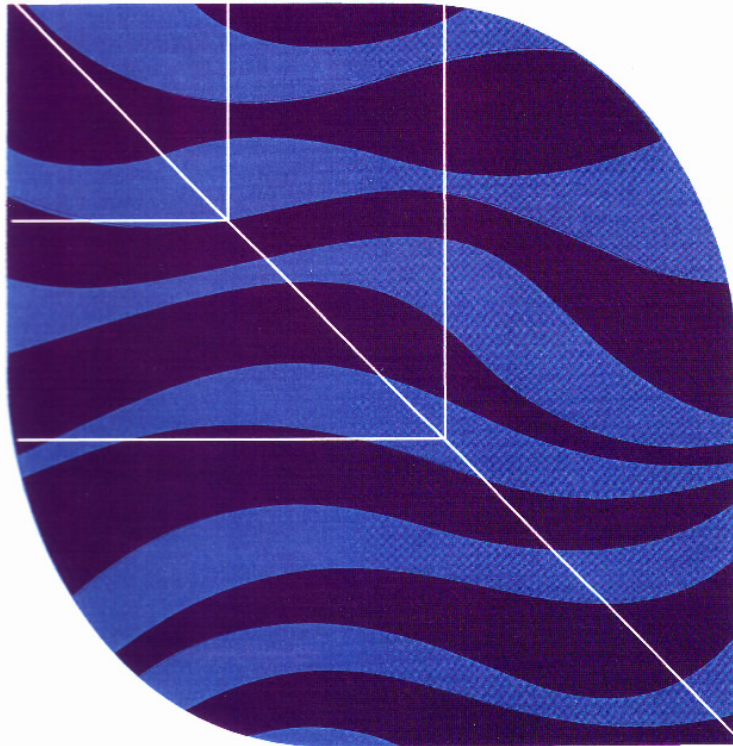


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The James Bay  
and Northern  
Québec Agreement



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

Annual Report 2001-2002

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**ANNUAL REPORT**

**2001-2002**

**JAMES BAY ADVISORY COMMITTEE  
ON THE ENVIRONMENT**

**GAWESHOUWAITEGO ASGEE WESHOUWEHUN**

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

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on the Environment  
383, rue Saint-Jacques, bureau C-220  
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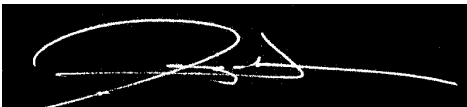
October 1, 2003

The Hon. Thomas Mulcair  
Minister of the Environment  
Édifice Marie-Guyart  
675, boulevard René-Lévesque est, B.P. 01  
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 ended March 31, 2002.

Respectfully submitted,

A black and white image of a handwritten signature, likely belonging to Diom Romeo Saganash, written in white ink on a black background.

**DIOM ROMEO SAGANASH**  
Chairperson

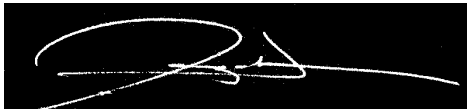
October 1, 2003

The Hon. David Anderson  
Minister of the Environment  
Les Terrasses de la Chaudière  
10, rue Wellington, 28<sup>e</sup> 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 ended March 31, 2002.

Respectfully submitted,

A black and white image of a handwritten signature, likely of Diom Romeo Saganash, written in white ink on a black background. The signature is stylized and cursive.

**DIOM ROMEO SAGANASH**  
Chairperson

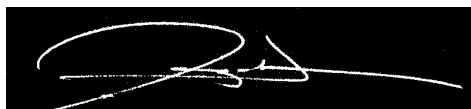
October 1, 2003

Mr. Ted Moses  
Grand Chief  
Grand Council of the Crees (Eeyou Istchee)  
277, rue Duke  
Montréal (Québec) H3C 2M2

Dear Sir:

I am honoured to present the activity report of the James Bay Advisory Committee on the Environment for the year ended March 31, 2002.

Respectfully submitted,

A black rectangular box containing a white, stylized handwritten signature.

**DIOM ROMEO SAGANASH**  
Chairperson

## MESSAGE FROM THE CHAIRMAN

Since the JBACE was first established, its members have consistently demanded that governments respect two principles: autonomy and adequate funding. In 2001-2002, both principles were transformed into reality, as the JBACE secretariat, now located in Montreal, is no longer managed by the *ministère de l'Environnement du Québec*. Moreover, both levels of government finally granted the JBACE sufficient financing to fully accomplish its mandate.

These changes coincide with the conclusion of the *Agreement Concerning a New Relationship Between the Gouvernement du Québec and the Crees of Québec*. For the first time, a Non-Native Government has negotiated with the Crees, nation to nation, to define management approaches for resources on the James Bay Territory. Much remains to be done to implement the *Agreement*, and as one of the organisations concerned, the JBACE has taken measures to facilitate a harmonious transition.

No turn of events could have better met the expectations of the signatories to the 1975 *James Bay and Northern Québec Agreement*. Unfortunately, other initiatives have been somewhat instrumental in impeding the *James Bay Agreement's* application. For instance, the *Canadian Environmental Assessment Act* provides for assessment procedures that overlap the impact review procedure stipulated in the *James Bay Agreement*. This has led to duplication of procedures, which confuses proponents and does nothing to facilitate environmental assessment of projects. This type of intervention upholds the important role played by the JBACE in monitoring legislation in effect, particularly its conformance with provisions of the *James Bay Agreement*.

In closing, I would like to thank our Executive Secretary Mr. Denis Bernatchez for the remarkable results achieved by the secretariat in the past eight years. Given the sometimes-difficult working circumstances faced by the JBACE during this period, I can assure you that when Denis takes his retirement this year, it will be well deserved.



**DIOM ROMEO SAGANASH**  
Chairman

October 1, 2003



**JAMES BAY ADVISORY COMMITTEE  
ON THE ENVIRONMENT**

GAWESHOUWAITEGO ASGEE WESHOUWEHUN

## COMMITTEE MANDATE

The James Bay Advisory Committee on the Environment (JBACE) was established in 1978 pursuant to the James Bay and Northern Québec Agreement (JBNQA). As an advisory body to the responsible governments, the JBACE is mandated to review and oversee the administration and management of the environmental and social protection regime established by Section 22 of the JBNQA.

The JBACE should be consulted by all levels of government (federal, provincial, regional and local) on any proposed legislation relating to the environmental and social protection regime applicable to the James Bay territory (the “Territory”). In studying laws or regulations affecting the Territory, the JBACE may recommend changes to bring them in line with the provisions of sections 22 and 24 of the JBNQA, which set out the participation mechanisms and the hunting, fishing and trapping rights guaranteed to Aboriginal people. The governments implement the JBACE’s recommendations where appropriate.<sup>1</sup>

The JBACE is responsible for the administrative supervision of the Evaluating Committee (COMEV). The Evaluating Committee studies development projects and, depending on whether or not they will have a significant impact, recommends that they be either subject to or exempt from the impact assessment and review procedure provided for in the environmental and social protection regime. The final decision regarding assessment and review falls to the regime’s administrators.<sup>2</sup> The goal is to ensure that development projects in the Territory have a minimum impact on the environment.

The JBACE also provides the Cree Regional Authority and local governments with the technical and scientific information that it obtains from the governments. It generally informs the governments, government corporations operating in the Territory and the committees established by the JBNQA of its decisions and recommendations. Every year, the JBACE submits a report of its activities to the Québec Minister of the Environment for tabling in the National Assembly.

---

1 JBNQA, paragraphs 22.3.24, 22.3.25 and 22.3.26

2 JBNQA, paragraph 22.1.1: the provincial, federal and local government administrators are currently the Québec Minister of the Environment, the President of the Canadian Environmental Assessment Agency and the Local Environment Administrator appointed by each of the Cree First Nations, respectively. Schedule 1 of Section 22 of the JBNQA defines the types of development projects that are automatically subject to impact assessment.

## **JBACE ACTIVITIES IN 2001-2002**

The James Bay Advisory Committee on the Environment is a tripartite body composed of representatives of the three parties to the James Bay and Northern Québec Agreement (JBNQA). Québec, Canada and the Cree Regional Authority each appoint four members. The tripartite nature of the JBACE is reflected in the rotating chairpersonship. In 2001-2002, the chairperson was appointed by the CRA.<sup>3</sup> Where necessary, the JBACE also forms subcommittees, such as the Administrative Committee, to study specific issues.

During the five meetings held in 2001-2002, the JBACE proved to be a veritable discussion forum: the Committee studied and submitted comments on the new Cree-Québec Agreement, water management, public land leases and the federal bill amending the Canadian Environmental Assessment Act. The JBACE also gained its administrative independence during the year by setting up a secretariat and hiring employees outside the Ministère de l'Environnement.

### **1. Cree-Québec Agreement and Forestry**

The "Agreement concerning a new relationship between the gouvernement du Québec and the Crees of Québec," known as the Cree-Québec Agreement,<sup>4</sup> gave new momentum to relations between the signatories and thereby created a new

dynamic within the JBACE. The Québec government and the Crees agreed to pursue the development of Northern Québec in three sectors: forestry, mining and hydroelectricity.

The Cree-Québec Agreement puts an end to the legal proceedings brought against the Québec government by the Grand Council of the Crees (GCC). Among other issues, this litigation dealt with forestry operations in the Territory. Disputes spread to the very operation of the JBACE: a consensus could not be reached on the Committee's mandate to review and study forest management plans and related amendments. As a result, the eight amendments submitted to the Committee in 2001-2002 went without comment.

This situation prevented the JBACE from adopting a clearly defined mandate for its forestry subcommittee. The members were also unable to agree on the review of the Regulation respecting standards of forest management for forests in the public domain (RNI). The proposed amendments, tabled in August 2001, promised positive changes for hunting and trapping in forested areas, such as mosaic cutting. However, the JBACE sought harvesting practices that are consistent with the guiding principles set out in Section 22 of the JBNQA, which stipulate the hunting, fishing and trapping rights guaranteed to the Crees. The members deemed that the forest management standards proposed by the MRN did not go far enough in this regard.

The Cree-Québec Agreement aims to satisfy the Cree demands with regard to forestry. It provides for an adapted forestry regime for the Territory that takes into account the hunting, fishing and trapping activities of the Crees. It also provides for greater participation of Cree forest workers and

---

3 For information on the composition and the appointment of the chairperson and vice-chairperson of the JBACE, see JBNQA, paragraphs 22.3.2 and 22.3.5.

4 The agreement, signed on February 7, 2002, is posted on the Web site of the Secrétariat aux affaires autochtones.

contractors in the benefits derived from forest management, through cutting rights and jobs.

The agreement provides for the establishment of new bodies with similar mandates to the JBACE; for example, the review and study of forest management plans and forest legislation is henceforth the responsibility of the Cree-Québec Forestry Board and the joint working groups established in each of the Cree communities. The JBACE wrote to the signatories to suggest provisional measures to facilitate implementation of the agreement's forestry provisions. Among other things, amendments to forest management plans resulting from the adapted forestry regime for the Territory would no longer be submitted to the JBACE for review, and a procedure for harmonizing the JBACE's sectors of activity with those of the new bodies would be established.

Provided the necessary government authorizations are obtained, the Cree-Québec Agreement enables construction of the Eastmain 1 hydroelectric project to begin. The generating station is scheduled to begin operations in 2008. The draft-design for the Eastmain 1-A project, including diversion of Rupert River to the Eastmain 1 reservoir, will be subject to the environmental and social impact assessment and review procedure established by Section 22 of the JBNQA. In accordance with its mandate, the JBACE intends to monitor both projects, as well as oversee the administration of the environmental and social protection regime established by the JBNQA.

The JBACE intends to review its forest management priorities in the light of the Cree-Québec Agreement. The devolution of major responsibilities to the newly

established bodies could allow the JBACE to study new environmental issues.

## **2. Drinking Water Study**

The Ministère de l'Environnement du Québec (MENV) adopted the Regulation respecting the quality of drinking water in May 2001. Since Cree communities are responsible for managing their own water supply, the Regulation made it necessary to update data on these systems. The directors of operations for the communities asked the JBACE to obtain a status report on existing drinking water supplies in the Territory.

The MENV regional office for Abitibi-Témiscamingue and Northern Québec sent the JBACE a letter saying that the assessment of drinking water systems on Category 1A land is the local governments' responsibility. Moreover, the Cree-Naskapi (of Quebec) Act allows Cree bands to make by-laws relating to water supplies. The MENV regional office considered that the Regulation respecting the quality of drinking water did not threaten use of the method used by Cree villages to test water quality, since that method was introduced through the federal procedure for Category 1A lands.

Soon after, the Walkerton tragedy attuned the public to the dangers of drinking tainted water and led Indian and Northern Affairs Canada (INAC) to undertake, in November 2001, a national assessment of Canadian First Nations' drinking water and wastewater treatment facilities. Under an agreement with the federal government, the CRA accepted to assess the water supply of the James Bay Cree communities. The consulting firm hired by the CRA used the opportunity to ascertain facility compliance with the Québec regulation. The study report mentions, among other things, a lack of training and

technical support for treatment plant employees and insufficient drinking water source protection.

### **3. Consultation on Policy for Allocating Rough Shelter Leases**

In November 2001, the Ministère des Ressources naturelles (MRN) undertook a consultation on its policy for allocating rough shelter leases. Rough shelters are huts without running water or electricity, generally located on public land and used for seasonal hunting activities. The purpose of the consultation, like the one on vacation leases to be held in 2003, was to collect information with a view to preparing the *Plan régional de développement des terres publiques* (PRDTP) for the Nord-du-Québec region.

The consultation provided the JBACE with an opportunity to voice its concerns regarding the allocation of public land leases. For example, development of the road network for logging and hydroelectric projects has opened up the Territory considerably and led to an increase in the number of leases issued.

Having similar concerns, two other committees established by the JBNQA, namely, the Kativik Environmental Advisory Committee (KEAC) and the Hunting, Fishing and Trapping Coordinating Committee (HFTCC), offered to work with the JBACE on the issue of rough shelter leases. The three committees met in Québec City on March 20 and decided to draw the MRN's attention to the following points: the validity and accuracy of data on land use and occupation of the Territory, and the impact of increased access to the Territory on the rights and guarantees granted to Native people under the JBNQA.

The Cree-Québec Agreement signed on February 7, 2002, partially addresses these concerns, at least for the James Bay territory: the agreement provides that, prior to the adoption of the first *Plan régional de développement des terres publiques* (PRDTP) for the Nord-du-Québec region, the Minister of Natural Resources must consult the CRA on all applications for a private vacation lease situated in the Territory, and all PRDTPs must be submitted to the joint working groups for consideration and comments prior to their approval (sections 3.13.1 and 3.13.2). The agreement also provides for a greater number of wildlife conservation officers in the Territory and for the training of Crees to serve as auxiliary wildlife territorial officers (sections 10.17 and 10.18).

The three committees wrote to Louise Ouellet, Associate Deputy Minister of Natural Resources, expressing their concerns. As follow-up, the JBACE, in conjunction with the bodies provided for in the Cree-Québec Agreement, intends to participate in the preparation of the *Plan régional de développement des terres publiques* for the Nord-du-Québec region.

### **4. Bill C-19, An Act to Amend the Canadian Environmental Assessment Act (CEAA)**

In 1999, during the five-year review of the CEAA, the JBACE pointed out the problems related to application of the federal environmental assessment and review procedure provided for in Section 22 of the JBNQA. The CEAA procedure duplicates that of the JBNQA, which the JBACE felt should take precedence. The Québec members did not like the wording of the JBACE's comments, which referred to

“development projects...involving federal jurisdiction” rather than to development projects involving “federal,” “provincial” or “joint” jurisdiction, as stipulated in paragraph 22.5.7 of the JBNQA.

Bill C-19 was tabled in the House of Commons in March 2001. It aims to address the concerns raised during the review of the CEAA, particularly with regard to public participation, the lengthy environmental assessment process, and harmonization of the environmental assessment procedures.

The House of Commons Standing Committee on Environment and Sustainable Development began reviewing Bill C-19 in February 2002. Given that the members failed to agree on a common position regarding the CEAA and the proposed amendments, the JBACE decided not to participate in the public review hearings.

## **5. Administrative Autonomy and Relocation of the Secretariat**

Since the JBACE’s creation in 1978, the Ministère de l’Environnement du Québec had supplied the Committee with the required staff, secretariat services and office space. This situation suited the JBACE for several reasons: first, the Direction des évaluations environnementales of MENV managed the Committee’s human and material resources using the Committee’s budget. Second, these arrangements facilitated information sharing between the JBACE and MENV, as well as collaboration on crucial issues.

However, this close cooperation also had its drawbacks: the JBACE wanted to be more independent in its operations and in the management of its human and financial resources. Following on the heels of other

committees established by the JBNQA, the JBACE sought administrative independence.

In January 2002, the JBACE secretariat moved out of the MENV offices in Québec City to join the secretariat of the Hunting, Fishing and Trapping Coordinating Committee (HFTCC) in Montréal. The two committees share office space and certain administrative services. The JBACE and HFTCC also jointly hired a secretariat officer, Louise Bélanger.

With Denis Bernatchez, JBACE executive secretary since 1994, about to retire, the Committee hired Marc Jetten to replace him. Mr. Bernatchez worked with Mr. Jetten from February to May 2002 to ease the transition by explaining files and helping set up the new secretariat.

## **6. Financial Resources**

The JBACE was not receiving anywhere near the financial resources needed to fulfil its mandate under the JBNQA. Fiscal year 2001-2002 marked an administrative turning point for the Committee, and it could not have happened in a more favourable context: for the past year, the funding governments have agreed to ensure the JBACE sufficient funding to carry out its mandate in a more meaningful manner. The JBACE received a subsidy of \$251 000 from the Ministère de l’Environnement du Québec (MENV), half of which is reimbursed to MENV by the federal government. In accordance with the Cree-Québec Agreement, the CRA will contribute half of MENV’s share of JBACE funding beginning in 2002-2003. Proper funding is all the more critical as environmental legislation and issues become increasingly complex. Examining this legislation and these issues requires considerable human and financial resources.

To ensure that these resources are managed soundly, the JBACE created a standing administrative committee to rework the administrative agreement proposed by MENV in January 2002. This agreement sets out the necessary funding arrangements to ensure the JBACE's smooth operation. The revised version proposed by the Administrative Committee and adopted by the JBACE would ensure the latter a stable budget in spite of unforeseen expenses arising from the activities of the committees under the JBACE's administrative control. For example, the JBACE wants the cost of secretariat services it provides to the Evaluating Committee (COMEV)<sup>5</sup> to be presented in a separate section of its budgetary proposal and does not want these costs to be paid for out of its budget. The JBACE is waiting for MENV's response to the revised agreement.

The summary statement of JBACE and COMEV expenditures (Appendix 1) shows the expenses incurred by the two committees in 2001-2002. At year-end, the JBACE posted a surplus of \$62 863, which will likely be used to study selected issues in greater depth. Also, the Committee has still not depleted the subsidies received from the MRN in 1998 and 1999 (see "Subsidies," Appendix 1).<sup>6</sup>

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5 Environment Quality Act (R.S.Q. c. Q-2), section 150

6 For an explanation of why these subsidies were not used, see the JBACE 1999-2000 Annual Report.

## CONCLUSION

The JBACE will be taking further control of its human and financial resources in 2002-2003. The imminent signing of an administrative agreement with MENV would confirm the Committee's autonomy by defining the terms of financial resource management. In terms of human resources, the JBACE would like to better equip its secretariat to study issues falling within its mandate.

Year-end 2001-2002 was marked by the first joint meeting of three northern committees with an environmental or wildlife management mandate.<sup>7</sup> The meeting showed that the committees have a lot to gain by working together on issues of common interest. The JBACE hopes to see more concerted action of this type.

Since the signing of the Cree-Québec Agreement, there has been a renewed willingness on the part of JBACE members to work together. As this opens the door to cooperation in achieving sustainable development in the James Bay territory, this is the spirit in which the members will be setting objectives and prioritizing issues for 2002-2003.

---

<sup>7</sup> See Section 3 ("Consultation on policy for allocating rough shelter leases," p. 5)



## APPENDIX 1

### SUMMARY STATEMENT OF JAMES BAY ADVISORY COMMITTEE ON THE ENVIRONMENT AND EVALUATING COMMITTEE EXPENDITURES FOR THE FISCAL YEAR ENDED MARCH 31, 2002

#### REVENUE

|                            |           |
|----------------------------|-----------|
| Subsidy received from MENV | \$251 000 |
|----------------------------|-----------|

#### EXPENDITURES

|  | JBACE          | COMEV         |                 |
|--|----------------|---------------|-----------------|
| Salaries and fringe benefits                             | \$83 275       | \$30 594      |                 |
| Telecommunications                                       | 1 592          | 64            |                 |
| Rent (office space)                                      | 18 785         | 5 582         |                 |
| Travelling expenses                                      | 6 705          | 529           |                 |
| Translation  | 1 663          | 1 025         |                 |
| Printing and photocopying                                | 317            | ---           |                 |
| Postage and courier expenses                             | 577            | 22            |                 |
| Office supplies, furniture and data processing equipment | 15 974         | ---           |                 |
| Consulting and meeting expenses                          | 10 545         | ---           |                 |
| Moving expenses (secretariat)                            | 3 297          | ---           |                 |
| Interest and bank charges                                | 36             | ---           |                 |
| <b>TOTAL EXPENDITURE</b>                                 | <b>142 766</b> | <b>37 816</b> | 180 582         |
| MENV administration fees (5%)                            |                |               | 7 555           |
|  |                |               | 188 137         |
| <b>EXCESS OF REVENUE OVER EXPENDITURE</b>                |                |               | <b>\$62 863</b> |

#### SUBSIDIES

| Source | Date       | Purpose  | Amount received | Amount spent | Balance   |
|--------|------------|----------|-----------------|--------------|-----------|
| MRN    | 18-03-1998 | Forestry | \$30 000        | \$22 812.44  | \$7187.56 |
| MRN    | 22-12-1999 | Forestry | \$100 000       | \$0          | \$100 000 |

## APPENDIX 2

### JBACE COMPOSITION

Each year, Québec, Canada and the Cree Regional Authority (CRA) alternate in appointing a chairperson and vice-chairperson of the JBACE. In 2001-2002, the chairperson and vice-chairperson, Diom Romeo Saganash and Jean-Paul Murdoch, respectively, were appointed by the CRA.<sup>8</sup>

In 2001-2002, the JBACE was composed of the following members:

***Members appointed by the CRA:***

Sam Etapp  
Forestry Coordinator

Willie Iserhoff  
Director, Environment and Land Management

Jean-Paul Murdoch, *Vice-Chairperson* (until November 2001)  
Legal Advisor

Alan Penn, *Vice-Chairperson* (as of November 2001)  
Scientific Advisor

Diom Romeo Saganash, *Chairperson*  
Director, Québec government relations

***Members appointed by Canada:***

Yves Désilets  
Indian and Northern Affairs Canada

Claude Langlois  
Environment Canada

Jacques Robert  
Natural Resources Canada  
Canadian Forest Service

Harm Sloterdijk  
Environment Canada

***Members appointed by Québec:***

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<sup>8</sup> Following Jean-Paul Murdoch's resignation, Alan Penn was appointed member and vice-chairperson on November 14, 2001. Mr. Penn took on the role of acting chairperson following the resignation of Diom Romeo Saganash on March 13, 2002.

Marian Fournier  
Ministère des Ressources naturelles du Québec

Carole Garceau  
Ministère de l'Éducation

Jacques Lefebvre  
Continuing Education Department  
Cégep de Saint-Félicien

Pierre Moses  
James Bay Municipality

The JBACE would like to thank all of its members for their valuable contribution.

## APPENDIX 3

### LIST OF JBACE SUBCOMMITTEE MEMBERS

In 2001-2002, the JBACE was supported by a standing subcommittee, the Administrative Committee, and three subcommittees mandated to study specific issues.

#### *Administrative Committee*

Carole Garceau (Québec)  
Claude Langlois (Canada)  
Dion Romeo Saganash (CRA), Chairperson  
Denis Bernatchez  
Marc Jetten, Executive Secretary

#### *Forestry subcommittee*

Marian Fournier (Québec)  
Jean-Paul Murdoch (CRA)  
Jacques Robert (Canada)  
René Dion (guest of HFTCC)  
Denis Bernatchez, Executive Secretary

#### *Annual report subcommittee (1999-2000 and 2000-2001 reports)*

Claude Langlois (Canada)  
Pierre Moses (Québec)  
Alan Penn (CRA)  
Denis Bernatchez  
Marc Jetten, Executive Secretary

#### *Rough shelter subcommittee*

Pierre Moses (Québec)  
Alan Penn (CRA)  
Jacques Robert (Canada)  
Marc Jetten, Executive Secretary

## **APPENDIX 4**

### **JBACE MEETINGS**

The JBACE is required to meet at least four times a year. The presence of seven members, including at least one member from each party, constitutes quorum.<sup>9</sup> During fiscal year 2001-2002, the JBACE held five regular meetings, including two by conference call.

|                      |  |
|----------------------|--|
| <b>121st meeting</b> | June 26, 2001 (conference call)                              |
| <b>122nd meeting</b> | July 11, 2001 (Environment Canada, Montréal)                 |
| <b>123rd meeting</b> | September 20, 2001 (conference call)                         |
| <b>124th meeting</b> | January 23, 2002 (Ministère de l'Environnement, Québec City) |
| <b>125th meeting</b> | March 13, 2002 (JBACE meeting room, Montréal)                |

---

<sup>9</sup> JBNQA, paragraphs 22.3.8, 22.3.9 and 22.3.16

## APPENDIX 5

### LEGISLATIVE PROVISIONS 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 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)];

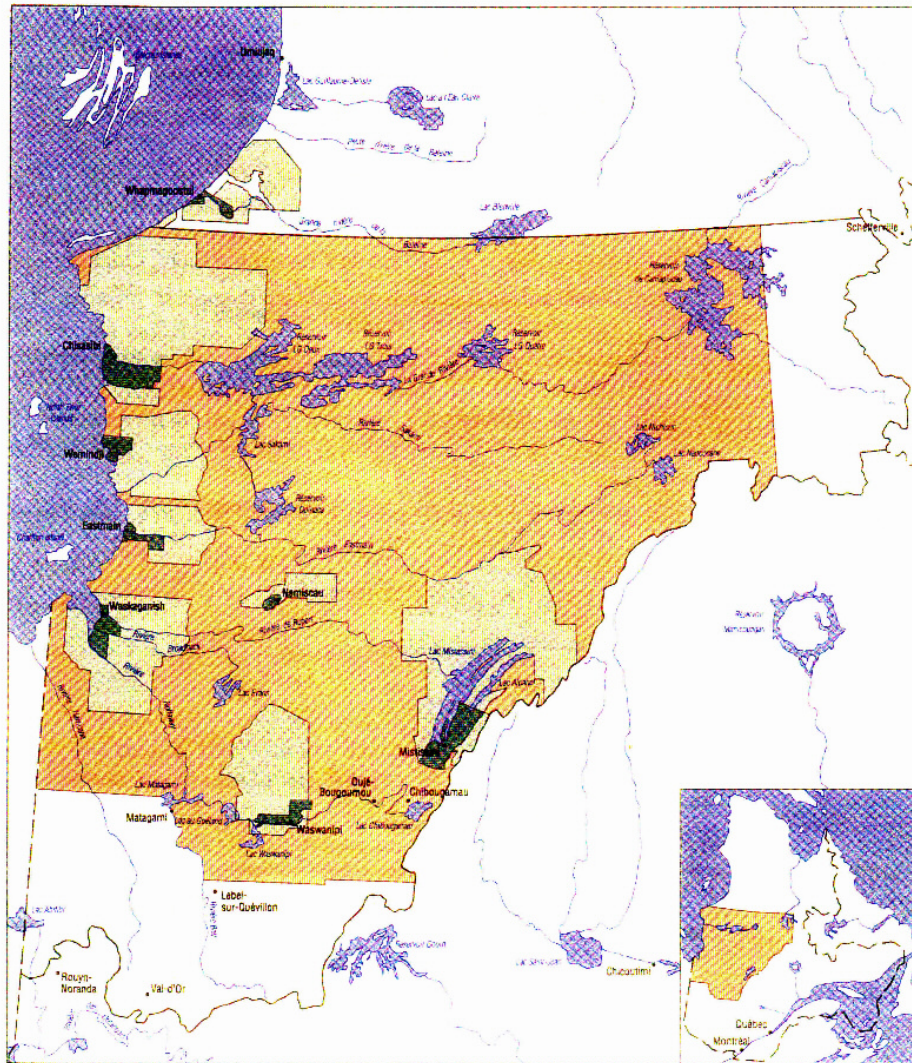
Environmental Assessment and Review Process Guidelines Order (P.C. 1984-2132, 21 June 1984);

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

Cree and Naskapi (of Québec) Act, 1984, c. 18: An Act respecting certain provisions of the James Bay and Northern Quebec Agreement and the Northeastern Quebec Agreement relating principally to Cree and Naskapi local government and to the land regime governing Category 1A and Category 1A-N land.

## APPENDIX 6

### MAP OF THE TERRITORY COVERED BY THE JBACE'S MANDATE



Map of the territory covered by the JBACE'S mandate

- Territory covered by the regime
- Cree Category I land
- Cree Category II land
- Boundaries of the JBNQA Territory
- Quebec Border

Cree Category I and II land is included in the territory covered by the regime.

The Crees do not recognize the southern limit of the regime territory as defined on this map.

Rédigé par le Bureau de la cartographie  
Ministère de l'Énergie et des Ressources  
Région du Centre-du-Québec / Gouvernement du Québec  
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1:400 000  
0 50 100 km

## APPENDIX 7

### COMPOSITION AND MEETINGS OF THE EVALUATING COMMITTEE

In 2001-2002, Michael O'Neill served as executive secretary of the Evaluating Committee. The Committee was composed of the following members:

|                  |                                      |
|------------------|--------------------------------------|
| Daniel Berrouard | Ministère de l'Environnement, Québec |
| Mireille Paul    | Ministère de l'Environnement, Québec |
| Brian Craik      | Cree Regional Authority              |
| Philip Awashish  | Cree Regional Authority              |
| Benoît Taillon   | Canada                               |
| Georges Mezzetta | Canada                               |

The Evaluating Committee held three regular meetings, on the dates and at the locations indicated below:

| <i>Meeting</i> | <i>Location</i> | <i>Date</i> |
|----------------|-----------------|-------------|
| 182nd          | Montréal        | 2001-06-15  |
| 183rd          | Montréal        | 2001-09-11  |
| 184th          | Québec City     | 2002-03-21  |



## APPENDIX 8

### SUMMARY OF PROJECTS REVIEWED BY THE EVALUATING COMMITTEE

1. Mid-Canada Line, Phase II, Kativik Regional Government (KRG)
2. Aquilon project, mechanical stripping of outcroppings, SOQUEM Inc.
3. Ramp water pumping, Lac Taché, Coop Extramine 2000
4. Operation of a quarry in McKenzie township, Jos. Ste-Croix et fils
5. Expansion of the dry materials disposal site in Nemiscau, Hydro-Québec
6. Radisson fish hatchery project, Corporation de développement économique de Radisson
7. Lift and ramp water pumping, Lac Laura, La Couvée inc.

#### **1. Mid-Canada line, phase II, Kativik Regional Government (KRG)**

Considering the request for additional information sent to the provincial administrator on March 8, 2001, and the concerns expressed by the Cree representatives on the Evaluating Committee, it was agreed that the project should undergo environmental and social impact assessment and review. In September 2001, COMEV sent the provincial administrator its recommendation on the scope of the impact statement to be prepared by the project proponent, the KRG.

#### **2. Aquilon Project, mechanical stripping of outcroppings, SOQUEM inc.**

COMEV was informed of this mining exploration project in early February 2001 and received additional information on February 28. The project is the continuation of a similar project that the Committee recommended be exempted from impact assessment and review on March 17, 2000.

The current project consists in mechanical stripping of 7 trenches, or a total area of 3500 m<sup>2</sup> and 5250 m<sup>3</sup> of earth. Site remediation must be completed within two years.

After studying the project information, COMEV recommended that the provincial administrator exempt the project from the environmental and social impact assessment and review procedure, while stressing the importance of the proponents' maintaining ties with the community of Chisasibi and the tallyman concerned, as well as considering hiring Cree workers through such organizations as the Mistissini Geological Centre.

### **3. Ramp water pumping, Lac Taché, Coop Extramine 2000**

This mining exploration project, located in the Chibougamau area, consisted in dewatering the existing mine ramp in order to collect ore and waste rock samples for the purpose of conducting metallurgical tests and verifying possible acid mine drainage generation. The final effluent, which does not need to be treated, will flow through a wetland before being discharged to a local brook. After reviewing the project, the Evaluating Committee recommended that it be exempted from the environmental and social impact assessment and review procedure. In its recommendation, COMEV stressed to the provincial administrator the importance for the proponent to meet with the tallyman whose territory encompasses the project site.

### **4. Operation of a quarry in McKenzie Township, Jos. Ste-Croix et fils ltée**

This project involved the operation of a 2.9-ha quarry in an existing sandpit in the area of Chibougamau. The discussions held in relation to the project brought to light the risk of acid mine drainage under certain quarrying conditions. In addition, the forms filled out by the proponent in its project application do not specify the chemical

nature of the rock to be quarried or the presence of sulphides.

COMEV recommended to the provincial administrator that this project be exempted from the environmental and social impact assessment and review procedure, while stressing that the planned review of the *Regulation respecting pits and quarries* could be used to introduce requirements respecting summary analysis of existing rock. COMEV will take this aspect into consideration when reviewing similar projects in the future.

### **5. Expansion of the dry materials disposal site in Nemiscau, Hydro-Québec**

This project entailed the expansion of Hydro-Québec's dry materials disposal site at Nemiscau in order to continue meeting the need to dispose of this type of waste: the existing disposal site had reached the surface area originally authorized in 1994. The community of Nemaska uses the site from time to time with Hydro-Québec's approval.

After reviewing the project information, COMEV recommended to the provincial administrator that the project be exempted from the environmental and social impact assessment and review procedure.

### **6. Radisson fish hatchery project, Corporation de développement économique de Radisson**

This pilot project, initiated by the Corporation de développement économique de Radisson, consisted in establishing and operating a fish hatchery using thermal waste energy from the Robert Bourassa generating station in order to determine the technical and economic feasibility. At

COMEV's request, the proponent submitted additional information on possible escapement and zoning for fish farms.

Satisfied with the project information, COMEV wrote to the administrator recommending that an attestation of exemption be issued to the proponent. However, should the project continue beyond the experimental stage, the proponent must submit a new application for authorization.

that the project be exempted from the environmental and social impact assessment and review procedure.

#### **7. Lift and ramp water pumping, Lac Laura, La Couvée inc.**

This "grey area" project, that is, the type of project not included in the lists of projects automatically subject to and exempt from impact assessment under the JBNQA, consisted in temporarily pumping the ramp in Lac Laura in order to measure groundwater infiltration with a view to pursuing studies on site remediation for uses other than mining. A maximum of 800 m<sup>3</sup> of water would be conveyed to an impoundment and then to the outlet of Lac Laura. The project would be carried out in compliance with MENV Directive 019 and have no impact of fish populations. After reviewing the project information, COMEV recommended to the provincial administrator