

# JBACE

## ANNUAL REPORT 2010-2011



Comité consultatif pour l'environnement de la Baie James  
James Bay Advisory Committee on the Environment

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# ANNUAL REPORT

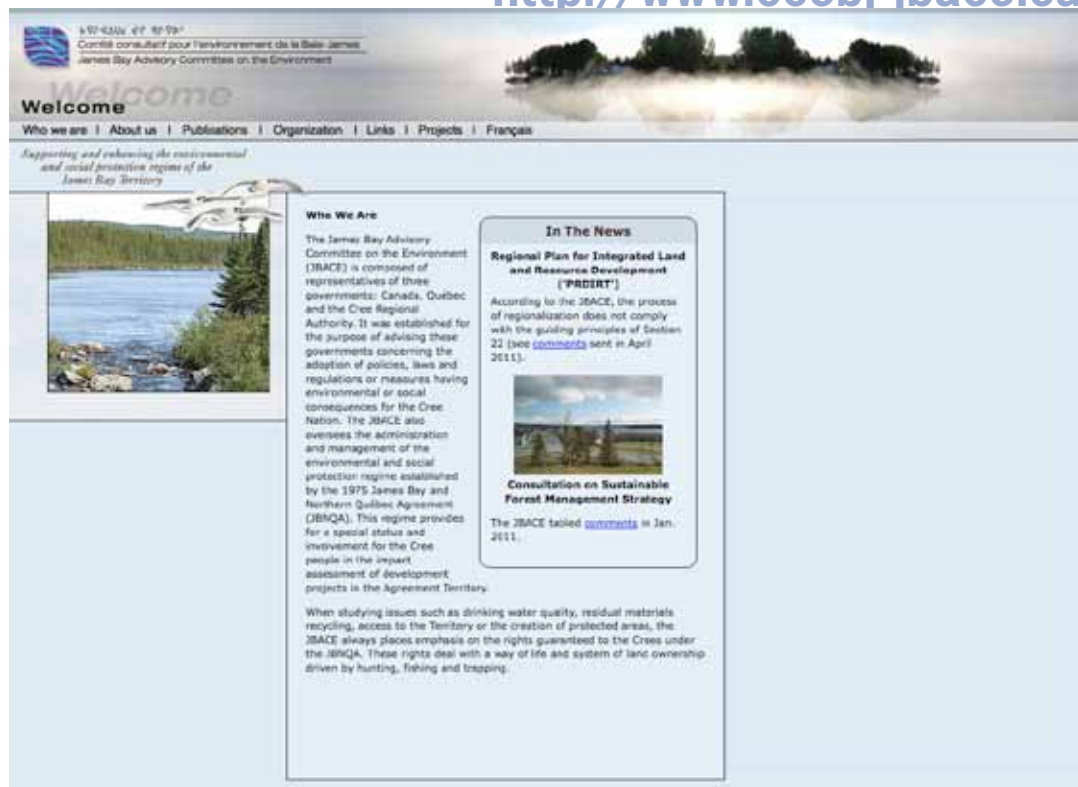
2010 – 2011

*James Bay Advisory Committee  
on the Environment*

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This report is available on the website of the James Bay Advisory Committee on the Environment (JBACE). The site contains a wealth of information on the JBACE, including its mandate and activities, in three languages.

<http://www.ccebj-jbace.ca>



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Comité consultatif pour l'environnement de la Baie James  
James Bay Advisory Committee on the Environment

Welcome

Who we are | About us | Publications | Organization | Links | Projects | Français

Supporting and enhancing the environmental and social protection regime of the James Bay Territory

**Who We Are**

The James Bay Advisory Committee on the Environment (JBACE) is composed of representatives of three governments: Canada, Québec and the Cree Regional Authority. It was established for the purpose of advising these governments concerning the adoption of policies, laws and regulations or measures having environmental or social consequences for the Cree Nation. The JBACE also oversees the administration and management of the environmental and social protection regime established by the 1975 James Bay and Northern Québec Agreement (JBNQA). This regime provides for a special status and involvement for the Cree people in the impact assessment of development projects in the Agreement Territory.

When studying issues such as drinking water quality, residual materials recycling, access to the Territory or the creation of protected areas, the JBACE always places emphasis on the rights guaranteed to the Crees under the JBNQA. These rights deal with a way of life and system of land ownership driven by hunting, fishing and trapping.

**In The News**

**Regional Plan for Integrated Land and Resource Development (PROIRT)**

According to the JBACE, the process of regionalization does not comply with the guiding principles of Section 22 (see [comments](#) sent in April 2011).

**Consultation on Sustainable Forest Management Strategy**


The JBACE tabled [comments](#) in Jan. 2011.

Copies of this report are also available from the secretariat:

**JBACE**

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 514-286-4400

 514-284-0039

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March 31, 2011

The Honourable Peter Kent  
Minister of the Environment of Canada

The Honourable Pierre Arcand  
Minister of Sustainable Development, Environment  
and Parks of Québec

Mr. Matthew Coon Come  
Grand Chief  
Grand Council of the Crees (Eeyou Istchee)

Gentlemen,

I am pleased to send you the Activity Report of the James Bay Advisory Committee on the Environment for the year ended March 31, 2011.

Respectfully submitted,



Maryse Lemire  
Chair



## MESSAGE FROM THE CHAIR



For some time, the Committee has seen a proliferation of activities in *Eeyou Istchee* along with an increase in the number of legal and regulatory amendments that may affect the territory.

The developments announced for Northern Québec have raised new strategic questions and overarching issues. In response, new tools will inevitably be required to ensure appropriate oversight of the territory as a whole and respect for the rights established under the *James Bay and Northern Québec Agreement* (JBNQA). In this context, the Committee continued its initiatives to promote a strategic environmental assessment of the Québec government's Northern Plan. Given the scope and multisector nature of the proposed plan, such an approach would examine environmental and socioeconomic issues in a comprehensive manner, upstream from implementation, and would take advantage of the opportunities created by an inclusive review of all questions raised.

Accelerated development in the territory will also place greater pressure on the environmental and social impact assessment and review procedure, as well as on the Crees' hunting, fishing and trapping rights, both of which are set out in the JBNQA, signed in 1975. Since then, however, the methods used for environmental assessment and public participation have evolved considerably, and it has become necessary to update the approach taken. The Committee therefore continued its efforts to support this shift and relies on support from the governments of Canada and Québec, as well as the Cree Regional Authority, to ensure the regime is brought up to date.

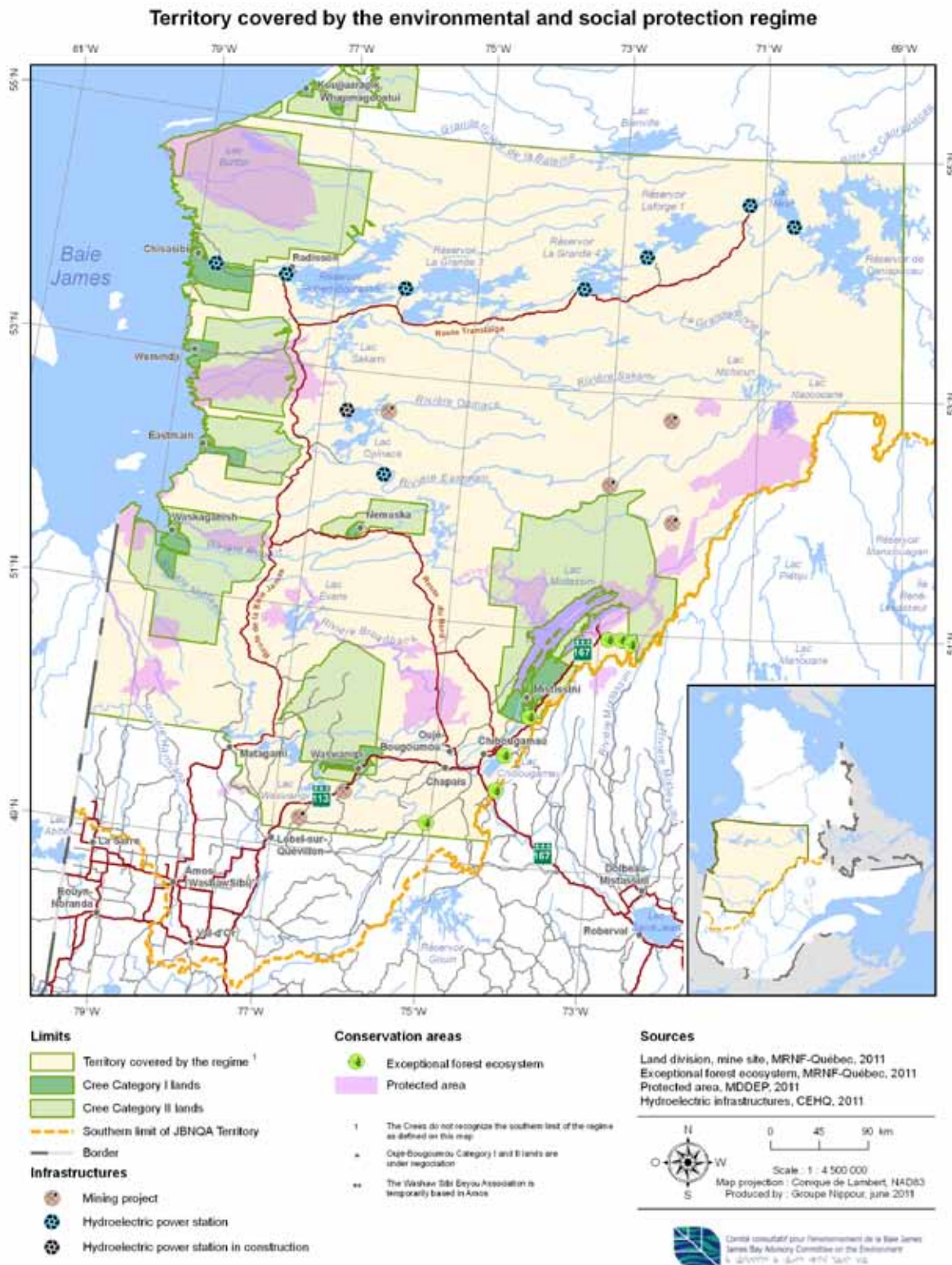
Finally, the years to come will be a period of transition in terms of the guidelines to be established for future development in James Bay. The Committee will therefore build on its efforts to ensure Section 22 is applied and will aim to work upstream from several government planning procedures affecting the James Bay territory. To fulfill its mandate, the Committee requires appropriate funding, as provided under the JBNQA, a matter that must be addressed.

A handwritten signature in blue ink that reads "Maryse Lemire". The signature is written in a cursive, flowing style.

Maryse Lemire  
Chair

March 31, 2011

# TERRITORY COVERED BY THE ENVIRONMENTAL AND SOCIAL PROTECTION REGIME (SECTION 22)





# INTRODUCTION

The role of the James Bay Advisory Committee on the Environment (JBACE) is to oversee administration and management of the environmental and social protection regime established by the *James Bay and Northern Québec Agreement* (Section 22). The objectives of the regime include allowing development in James Bay while protecting the environment and the Crees' rights in *Eeyou Istchee*, the James Bay territory, as recognized under the Agreement. The rights involve mainly hunting, fishing and trapping. The JBACE also oversees application of the environmental and social impact assessment and review procedure to development projects. In this regard, the regime provides for Cree participation, through their representatives, during project assessment and review.

Under the Agreement, the JBACE is recognized as the preferential and official forum for governments when they develop policies, laws or regulations that may have an environmental or social impact in the James Bay territory. The JBACE can submit any necessary recommendations or opinions to the governments to ensure that the guiding principles of Section 22 are taken into account and applied.

The JBACE consists of members appointed equally by the three parties covered by Section 22, namely the Cree Regional Authority (CRA), Québec and Canada. The position of Chair is held in turn by each party, to ensure balanced leadership. In 2010-2011, the federal government held this position.

The Northern Plan proposed by the Québec government was central to the JBACE's concerns in 2010-2011. These concerns involve the cumulative impacts of the proposed development projects as well as compliance with the consultation conditions set out in the Agreement. The JBACE also examined conservation issues, such as protected areas and woodland caribou. Lastly, the Committee reviewed mining development by submitting comments on the proposed revision of Québec's *Mining Act*, as well as follow-up on the dike failure at the former Opemiska mine.

# 1

## THE NORTHERN PLAN

Since the fall of 2008, when the Northern Plan was announced, the JBACE has been working to ensure recognition of the Native rights set forth in the Agreement. This ambitious plan for the economic and social development of Québec north of the 49th parallel may bring about major changes in the way of life of the Crees living in Eeyou Istchee, the James Bay territory, because of their special relationship with the territory and its environment. Even though the Northern Plan affects an area that has no development plan or land use plan, due consideration must be given to the more than 300 Cree family traplines that cover Eeyou Istchee, where the Crees have hunting, fishing and trapping rights recognized under the Agreement.

Over the past year, the JBACE has therefore continued its initiatives to ensure that the Northern Plan is developed and implemented in accordance with the guiding principles of the social and environmental protection regime pursuant to Section 22 and that it is based on regional governance that complies with the Agreement and gives the Crees fair representation.

### **a) Proposed strategic environmental assessment of the transportation sector**

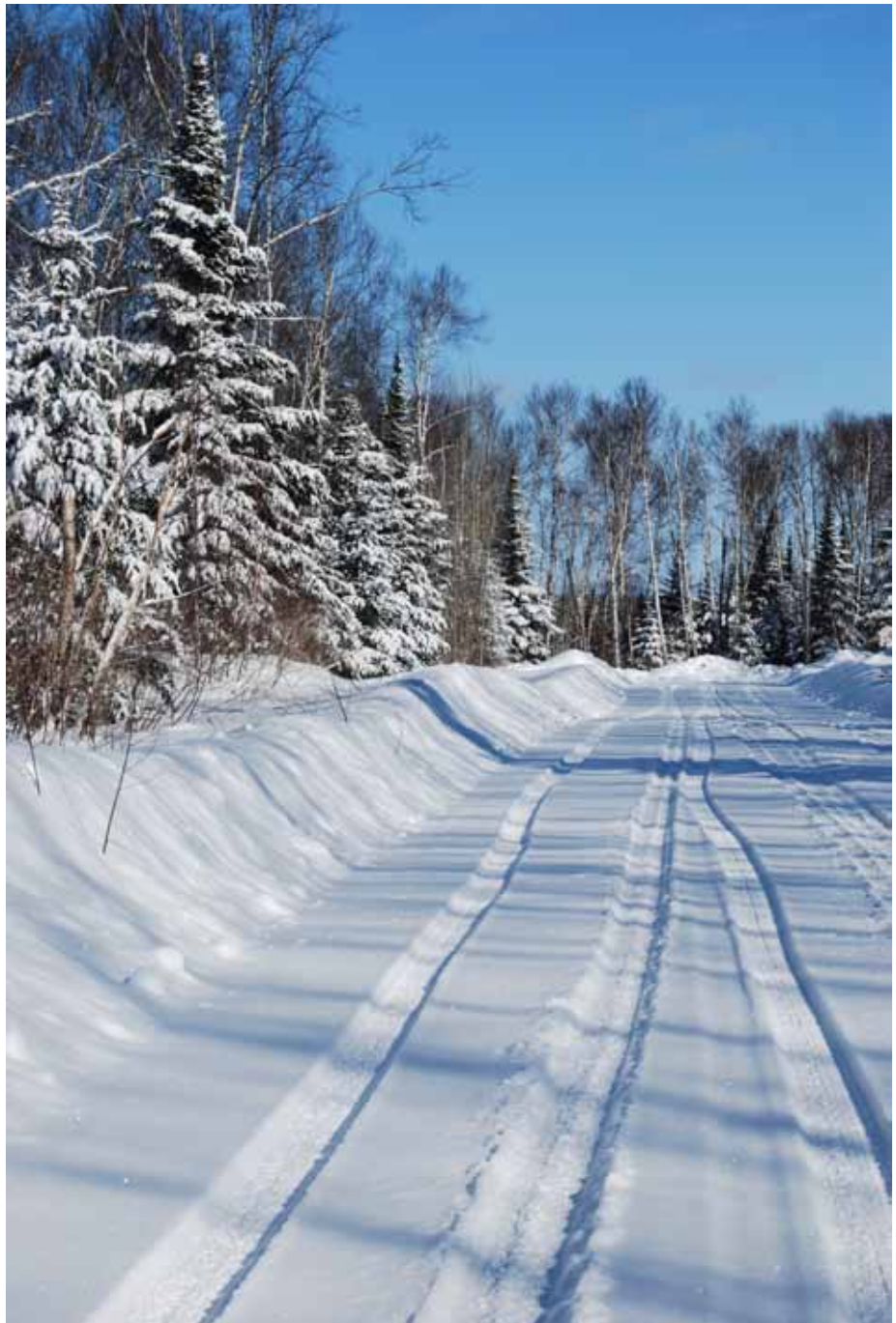
Given the scope and multisector nature of the announced developments (mining, energy, forestry, roads, recreation, tourism and protected areas), the JBACE believes that applying the environmental and social impact assessment and review procedure to each project would not address strategic considerations; nor would it take into account the cumulative or overall impacts of initiatives that will affect the territory and the way of life of its occupants and users. In February 2009, the Committee therefore recommended that the government carry out a strategic environmental assessment (SEA), a planning tool that can be incorporated into the development of plans, policies and programs. Such an initiative would have ensured that environmental and socioeconomic issues were taken into consideration in a comprehensive manner, upstream from development of the Northern Plan.

In the spirit of this proposal, the JBACE retained a specialist who prepared a draft scoping document with a view to an SEA of the transportation network in the James Bay territory. This document was appended to the opinion that the JBACE sent to the Minister responsible for the Northern Plan in the spring of 2010 and was thereafter submitted to the Working Group on Transportation and to the Sustainable Development Consultation Group of the Northern Plan. The Grand Chief of the Crees, the Association québécoise pour l'évaluation d'impacts (AQÉI) and several environmental groups endorsed the proposed SEA of Northern Plan's transportation sector.

The Minister responsible for the Northern Plan has not yet responded to the JBACE's proposal. The Committee is continuing its efforts to demonstrate the advantages of a strategic environmental assessment of the Northern Plan.

## **b) Territory protected from environmental development**

Under the Northern Plan, the Québec government has announced that it intends to protect 50% of the territory from industrial development. Owing to the impact of this decision on the environmental and social protection regime and land use, the JBACE asked to comment on the consultation paper submitted in November 2010 to the Partners' Discussion Table before it was made public. In particular, the JBACE wanted to comment on the definition of "industrial development" and the selection criteria for protected land. The Committee was informed that it would have to wait for the publication of an official consultation paper to express its point of view.



# 2

## CREATION OF NEW PROTECTED AREAS

The JBACE’s interest in protected areas did not begin with the Northern Plan. The Committee has been concerned about this matter from its earliest days because of the scope of the developments in the James Bay territory.

According to the JBACE, the planning of protected areas in the James Bay territory must comply with the principles of Section 22 and include, for example, establishment of a “special status and involvement for the Cree people over and above that provided for in procedures involving the general public through consultation or representative mechanisms” (para. 22.2.2c).

In this spirit, special attention must be paid to protected area proposals made by Cree communities. Moreover, in the context of the Crees’ ancestral occupation of the land, the cultural value of areas of interest should be taken into account just as much as their ecological value. This criterion is all the more relevant in the James Bay territory, where cultural sites are specific to each community and each family. The JBACE is also of the opinion that the objective of protecting 12% of the territory of each natural region must not take place at the expense of protection of 12% of the James Bay territory as a whole, nor at the expense of protection of areas with specific cultural importance.

It was in this context that the JBACE endorsed the protected area proposed by the Cree Nation of Nemaska and recommended that this area be set aside under the *Natural Heritage Conservation Act*. The *Chisesaakahiikan* territory includes the area around Lake Evans as well as a portion of the Broadback River. It also includes the former village and trading post of Nemiscau. Moreover, the area is used by a herd of woodland caribou, which is a threatened species.





## IMPACT OF PROPOSED FOREST ROADS ON WOODLAND CARIBOU

In its 2009 opinion on changes to the general forest management plans (GFMPs), the JBACE expressed concern about the planned construction of more than 4,200 km of forest roads from 2008 to 2013. The Committee believes the proposed roads may have a substantial impact on the Crees' physical and social environments. Disruption of woodland caribou habitat would undoubtedly be one of the most significant impacts.

### a) Woodland caribou habitat

Woodland caribou have the status of “threatened species” under Canada’s *Species at Risk Act* and “vulnerable species” under Québec’s *Act respecting threatened or vulnerable species*. Woodland caribou are also vital to the way of life of Québec’s Cree population. The health of the caribou, including the boreal population, has a direct impact on northern communities. The continuing critical decline of the woodland caribou population is cause for deep concern.

Scientific research tends to demonstrate that construction of forest roads, as well as the resulting forest development, has a sustainable impact on woodland caribou habitat and could cancel out any effort to ensure its conservation. In particular, the JBACE is concerned that an inability to identify critical caribou habitat will compromise the success of woodland caribou conservation measures. Major forest roads are subject to the assessment and review procedure under the Agreement, so the JBACE wanted to ensure that the administrators of the environmental and social impact assessment and review procedure (Section 22) would properly take into account the impacts of roads on woodland caribou habitat. The JBACE also contacted the federal authorities responsible for application of the *Canadian Environmental Assessment Act*.

In June 2010, the Committee asked that the review of forest road projects be suspended until woodland caribou data were provided by Québec’s Ministère des Ressources naturelles et de la Faune. The JBACE also contacted the MRNF directly to obtain the available information. The Committee deplores having had to use the *Act respecting access to documents held by public bodies and the protection of personal information* to seek information that the MRNF should have provided to it from the outset.

To fulfill its mandate, the JBACE must obtain from governments the information it needs to fully play its role of providing advice and oversight. We would like to reiterate that the Committee needs such information to perform its oversight mandate under the JBNQA, especially as regards protection of the Crees’ rights. Until the information is released, the JBACE believes the precautionary principle must prevail.



## **b) National recovery program**

The JBACE asked the Canadian Wildlife Service to present the status of woodland caribou herds as well as the Government of Canada's initiatives to ensure their recovery. The data show that woodland caribou herds have been in decline across Canada for a decade. Even though the species has been designated "threatened" since 2003, it appears that the adoption of a national recovery program and an action plan will take several more years.

The Grand Council of the Crees and several environmental groups also deplored the lack of concrete measures to conserve woodland caribou. Recovery of the species is of the utmost importance to the Crees because of their hunting rights under the Agreement.



# 4

## **IMPACT OF MINING DEVELOPMENT ON THE TERRITORY**

Mining has played a historic role in the development of the James Bay territory. With the recent run-up in the prices of metals, exploration and development projects are proliferating, especially in the case of gold and diamonds. The JBACE must also consider the impacts that former mines have on the territory.

### **a) Revision of the Mining Act**

After Québec's Bill 79, *An Act to amend the Mining Act*, was tabled, the JBACE submitted recommendations to ensure the impact of mining activities on the Crees' social and physical environments would be taken into account more effectively. The Committee first stressed how important it is that project proponents consult the Crees upstream from the environmental and social impact assessment and review procedure. This stage of consultation is especially important for the Cree tallymen and the families whose activities are affected by projects.

The JBACE also asked for the creation of a public register of mining activities to facilitate public access to information on mining titles, exploration projects, mines, follow-up programs and restoration plans. Such a register would facilitate access to information during the environmental and social impact assessment

and review procedure and, if necessary, during development and decommissioning. Exploration projects that are exempt from the procedure provided in Section 22 would be included, because they may also have an impact on the Crees' hunting, fishing and trapping rights.

## **b) Follow-up on the dike failure at the former Opemiska mine**

The JBACE is still concerned about the environmental and social impacts of the Opemiska dike failure. More than two years after the spill, mining residues are still found in the Waswanipi River basin, and the Crees who use this area are concerned about the quality of the river's fish, which are an important component of their diet.

### **i. Impact of the spill on fish habitat**

The Committee would like to correct an error in its 2009-2010 Annual Report, which stated that the MRNF had not done any follow-up studies on the dike failure's impact on fish habitat. In fact, the Department had done a characterization study of Slam Creek and its spawning beds (Tecsult – December 2008).

Even so, the JBACE recommends that follow-up studies on the impact on fish and their habitat have a far greater scope. In this regard, the findings of a characterization study made by the Cree Regional Authority (CRA) show that mining residues have been detected as far as 180 km downstream from the Opemiska site. The JBACE also recommends that the sampling parameters take into account the Crees' use of the area, particularly for drinking water, fishing and trapping. In this respect, the JBACE believes that the criteria in Directive 019, which applies to industrial zones, appear to be inadequate.

### **ii. Information for the community of Waswanipi**

Lastly, the Committee insisted that the MRNF directly inform the community of Waswanipi of the impacts of the dike failure on water and fish quality and of the restoration work in progress. Despite excellent communication between the MRNF and the Cree Regional Authority, the JBACE maintains that it is the MRNF's responsibility to inform the community, for it has the necessary expertise and information. Such an effort is crucial, considering the importance of fish in the Crees' traditional diet.



# 5

## FOREST MANAGEMENT IN THE JAMES BAY TERRITORY

### **a) Revised general forest management plans**

Under the Agreement, the JBACE has a mandate to comment on general forest management plans (GFMPs) before they are approved by the Minister of Natural Resources and Wildlife. Its mandate also includes study and analysis of changes to the GFMPs. The JBACE's analysis is carried out according to the guiding principles in Section 22, including significant participation by the Crees and compliance with hunting, fishing and trapping practices. In 2010-2011, four of the 15 plans covering commercial forest in the James Bay territory were revised.

#### **i. Recommendations concerning a revised general forest management plan**

The forest products company responsible for the GFMP for unit 26-64 submitted a revised version of its plan to take into account the new allowable cuts issued by the Chief Forester. The JBACE recommended that the Minister approve the revised GFMP as a result of the improvements to the Cree participation process. For example, the company filed a detailed participation report and plans to implement many harmonization measures so that its logging takes the Crees' traditional forest activities into account.

Even so, the JBACE recommended that the Crees' use of the territory be better documented in the revised GFMP. Given that this is a weak point observed in all plans since 2008, the Committee believes that the instructions for preparation of GFMPs, which are drawn up by the MRNF, should be more explicit in this regard. The JBACE also pointed out that the forest activities carried out in unit 26-64 gave rise to limited economic benefits for the Crees. The Committee asked the mandatory to maintain its efforts by putting in place a training program for the affected communities and a Cree hiring policy.

#### **ii. Suspended analysis of changes to general forest management plans**

In May 2010, the JBACE had to temporarily stop analyzing revised GFMPs because of a lack of human and financial resources. To perform this work, the Committee must have access to a technological platform that includes a geographic information system (GIS) and forestry specialists to assist it with analysis of the plans. The Committee therefore contacted the government authorities to obtain assistance with this aspect of its mandate. As of March 31, 2011, no additional resources had been given to the JBACE for GFMP analysis. The Committee is therefore unable to comment on the three other amended GFMPs submitted to it.

The situation is of considerable concern to the JBACE because a new series of forest management plans will be tabled between now and 2013 under Québec's new forest regime.

## b) Comments on the proposed Sustainable Forest Management Strategy

The MRNF presented its *Sustainable Forest Management Strategy*, which is part of the new forest regime implemented under the Sustainable Forest Development Act, adopted in March 2010. The main purpose of the strategy is to implement ecosystem-based management so that managed forests resemble natural forests as much as possible. The strategy would be put in place at the same time as the new series of forest management plans in 2013.

The JBACE believes that the consultation process put in place for the strategy and the regulation respecting sustainable forest development do not respect the mechanisms provided to ensure special involvement by the Crees (Agreement; paragraph 22.2.2). In the James Bay territory, the MRNF has delegated consultation to the Conférence régionale des élus de la Baie James (CRÉBJ), an entity that represents the non-Native communities in the territory. Even though the Cree communities are to be consulted by the MRNF after the CRÉBJ consultation, this type of consultation, which would take place after the main issues were discussed during the main consultation, does not respect the condition of special involvement by the Crees. Such an approach would not adequately take into account the Crees' rights under the Agreement. The JBACE therefore informed the MRNF of this important matter.

Implementation of ecosystem-based management implies, for instance, knowledge of the reference state of the preindustrial boreal forest. According to the MRNF, there is very little information on the James Bay territory, but studies of this subject are in progress and the findings will be available in the near future.

In addition, the Committee reiterated that the James Bay territory covered by commercial forest is subject to the adapted forest regime under the *Agreement Concerning a New Relationship between Québec and the Crees* (ANRQC). The JBACE believes that the new forest regime cannot apply to the James Bay territory without an agreement between the parties to amend the ANRQC. Finally, the Committee expressed its concern about the terms and conditions for transfers of power to the regions, given that the Crees are not represented among the authorities designated for the James Bay territory.



# 6

## **REVISION OF THE *CANADIAN ENVIRONMENTAL ASSESSMENT ACT***

In 2010, the Government of Canada began the process of revising the *Canadian Environmental Assessment Act* (CEAA). The JBACE has been asked to submit a brief to the Standing Committee on Environment and Sustainable Development of the House of Commons. The Committee has begun considering this matter with a view to preparing a brief for submission. It would like the CEAA to refer to the assessment and review procedure provided by the JBNQA, among other things.







## **MODERNIZATION OF THE ASSESSMENT AND REVIEW PROCEDURE**

Given its role of reviewing and overseeing management of the environmental and social protection regime, the JBACE believes it is necessary to update the environmental and social impact assessment and review procedure so that it continues to be relevant in light of changing knowledge and legislation and offers the required effectiveness and transparency. In 2010-2011, the JBACE paid special attention to reviewing the public consultation procedure and updating the list of projects that are subject to or exempt from the procedure.

### **a) Work on the public consultation procedure**

The JBACE continued its work to develop guidelines applicable to public consultations held pursuant to Section 22. Even though ad hoc public consultations are held for certain large projects, the JBACE would like to rectify the lack of a formal consultation procedure by developing guidance material that will ensure a more foreseeable public participation procedure. The Committee will take inspiration from recognized best practices for public participation.

Members of the Evaluating Committee, the provincial Review Committee and the federal Review Panel, and experts from the Ministère du Développement durable, de l'Environnement et des Parcs (MDDEP) are working with the JBACE Subcommittee on this matter. The JBACE will present its analysis and recommendations to the parties in 2011-2012.

### **b) Follow-up on recommendations for the revision of Schedules 1 and 2 of Section 22**

Section 22 includes appendices with lists of projects that are automatically subject to the assessment and review procedure (Schedule 1) or exempted from it (Schedule 2). To ensure this process works properly, the lists must be updated every five years with the mutual consent of the parties.

Given that the project lists have not been updated since the Agreement was signed, the JBACE began revising them in 2006, using the criteria of relevance, effectiveness, transparency and Cree involvement. If the recommendations submitted by the Committee in 2008 were implemented, they would substantially reduce the number of projects subject to the procedure. Several types of project would be exempt because they receive sufficient regulatory oversight or involve negligible impacts.

The JBACE discussed the updating of Schedules 1 and 2 at its meetings with the Provincial Administrator, the Federal Administrator and the Grand Chief of the Crees, who is also Chairperson of the Cree Regional Authority. They undertook to give effect to it.

# 8

## BUDGETARY REQUESTS BASED ON THE REQUIREMENTS OF THE MANDATE

Several years ago, the JBACE adopted a strategic plan in order to focus its activities on current and future issues and to identify priority issues in the context of its mandate to advise governments and to oversee the environmental and social protection regime under Section 22. At the same time, a proliferation of activity occurred in the territory along with an increase in legislative amendments, which considerably increased the number of matters requiring the JBACE's attention. In all likelihood, implementation of the Northern Plan will involve accelerated development in the territory and place greater pressure on the environmental and social impact assessment and review procedure as well as on the Crees' hunting, fishing and trapping rights.

In 2001-2002, the JBACE's grant was increased to \$221,000<sup>1</sup>. Since then, the grant has remained the same. Under the JBNQA, the Committee's Secretariat may perform its mandate with up to five people. The JBACE's Secretariat currently consists of the equivalent of two and a half persons, including one on a contractual basis. Moreover, to adequately assist the members with their work and to perform its mandate fully, the JBACE occasionally requires external expertise for complex matters, such as analysis of forest management plans, strategic environmental assessment of the Northern Plan or the study of draft legislation.

A breakdown of the Committee's expenses shows that 84% of its budget consists of compensation and operating expenses that cannot be reduced. It is therefore urgent that the grant provided to the JBACE be revised. The Committee has made considerable effort to ensure its funding is commensurate with the requirements of its mandate. In 2010-2011, the JBACE took steps to obtain an adequate level of funding. Meetings were organized and an official request was sent to representatives of the federal, provincial and Cree providers of funds. This matter will continue to be a priority in 2011-2012.

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<sup>1</sup> This amount does not include \$30,000 deducted from the JBACE's annual grant for the secretariat expenses of the Evaluating Committee (COMEV).

## CONCLUSION

In the year to come, the JBACE intends to continue its initiatives, including those regarding the Northern Plan, creation of protected areas and conservation of woodland caribou. The Committee would also like to complete certain mandates that are in progress.

At the end of the process to revise Schedules 1 and 2 in 2008, the JBACE was not able to determine whether mining exploration projects should be subject to or exempt from the review procedure. Given that mining exploration projects are neither subject to, nor exempt from, the procedure, the JBACE will work to clarify it so that it is more effective and transparent. At a time when a large number of mining exploration projects will undoubtedly arise under the Northern Plan, such clarification would be especially timely.

But it is probable that environmental assessment alone cannot oversee mining activities. The James Bay territory is still the only region of Québec for which the government has no plan covering the use of public lands. The JBACE will work to ensure that proposed development projects take place in a better-defined territorial framework. This exercise will have to rely on the existing structures: category I, II and III lands<sup>2</sup>, protected areas, traplines and sites of interest to the Crees. In this way, the JBACE intends to fulfill its mandate regarding land use.



<sup>2</sup> The JBNQA defines lands as Category I (reserved for the exclusive use of the Crees), Category II (lands where the Crees have exclusive hunting, fishing and trapping rights) and Category III lands (public lands where the Crees have exclusive rights over certain trapped species).

## Action taken by the JBACE on other issues

ISSUE	ACTION
<b>Impacts of climate change in James Bay and adaptation strategies</b>	The JBACE assisted with the training of Cree interviewers as well as revision of the final report and the Geoportal: <a href="http://www.creegeoportal.ca/geoportal/index_climate_change.php#">http://www.creegeoportal.ca/geoportal/index_climate_change.php#</a>
<b>Proposed outstanding geological site near Waskaganish</b>	The JBACE wrote to the MRNF to stress the importance of consulting the Crees beforehand, especially as the feather fen is on Category I land.
<b>Contaminated site at Pointe Louis XIV (Cape Jones)</b>	The JBACE undertook initiatives to characterize and rehabilitate the former Defence Canada radar site. Defence Canada is prepared to contribute to financing of site characterization, provided that the Québec government takes the initiative. For its part, Environment Canada has detected no regulated substances under the <i>Canadian Environmental Protection Act</i> , but has encouraged the JBACE to continue its initiatives.
<b>Federal sustainable development strategy</b>	The JBACE's opinion (July 2010) points out the need to refer to the guiding principles in Section 22 of the Agreement. Moreover, the strategy should give more consideration to social issues, given the important connection, for Native peoples, between environment quality and way of life.
<b>Regional Plan for Integrated Land and Natural Resource Development (PRDIRT)</b>	The JBACE wrote to the MRNF to ask that the regionalization procedure be reviewed to ensure significant participation by the Crees.
<b>Meeting with a delegation from the Cree-Québec Forestry Board (February 2011)</b>	The JBACE proposed this meeting to examine with the Board the possibility of collaboration on a study of the forest management plans expected between now and 2013.
<b>Proposed symposium on 35 years of implementation of the regime under Section 22</b>	The JBACE Subcommittee defined the content of the event and is seeking partners and funding.
<b>Communication activities</b>	<ul style="list-style-type: none"> <li>• Information meeting with four environmental groups in December 2010 (Canadian Boreal Initiative, CPAWS Québec Chapter, Nature Québec and Regroupement national des conseils régionaux de l'environnement du Québec;</li> <li>• Presentation by the JBACE at the Working Session on Free, Prior and Informed Consent and the Mining Sector (organized by the Canadian Boreal Initiative – March 2011).</li> </ul>

## COMPOSITION AND MEETINGS OF THE JBACE

### 1.1 Composition of the JBACE

Members appointed by the Cree Regional Authority (CRA):

Glen Cooper, CRA (until July 2010)

Ashley Iserhoff, CRA

Ginette Lajoie, CRA

Chantal Otter Tétreault, CRA

Norman Wapachee, Cree Nation of Oujé-Bougoumou (since August 2010)

Members appointed by the Government of Canada:

Annie Déziel, Canadian Environmental Assessment Agency (CEAA)

Maryse Lemire, Fisheries and Oceans Canada

Jean Picard, Environment Canada

James Yantha, Indian and Northern Affairs Canada (until August 2010)

Members appointed by the Gouvernement du Québec:

Serge Alain, Ministère du Développement durable, de l'Environnement et des Parcs  
(until December 2010)

Josée Brazeau, Ministère du Développement durable, de l'Environnement et des Parcs

Denyse Gouin, Gouvernement du Québec (since September 2010)

Pierre Moses, City of Rouyn-Noranda

### 1.2 Composition of the subcommittees

#### 1.2.1 ADMINISTRATIVE COMMITTEE

Josée Brazeau

Ginette Lajoie

Maryse Lemire

Jean Picard

#### 1.2.2 SUBCOMMITTEE ON FORESTS

Serge Alain

Chantal Otter Tétreault

Jean Picard

#### 1.2.3 SUBCOMMITTEE ON PROTECTED AREAS

Josée Brazeau

Annie Déziel

Chantal Otter Tétreault



- 1.2.4 SUBCOMMITTEE ON THE PUBLIC CONSULTATION PROCESS  
Josée Brazeau  
Annie Déziel  
Ginette Lajoie  
Experts from the committees under Section 22 and the MDDEP
- 1.2.5 SUBCOMMITTEE ON THE 35 YEARS OF IMPLEMENTATION OF SECTION 22  
Josée Brazeau  
Glen Cooper  
Ginette Lajoie  
Chantal Otter Tétreault  
Jean Picard  
James Yantha  
Carole Lévesque (INRS)
- 1.2.6 SUBCOMMITTEE ON THE REVISION OF THE *CANADIAN ENVIRONMENTAL ASSESSMENT ACT*  
Annie Déziel  
Denyse Gouin  
Ginette Lajoie  
Maryse Lemire
- 1.2.7 SELECTION COMMITTEE FOR THE ANALYST POSITION  
Serge Alain  
Ginette Lajoie  
Jean Picard

### **1.3 Secretariat**

Marc Jetten, Executive Secretary  
Louise Bélanger, Secretariat Officer  
Geneviève Dionne, Environmental Analyst (until July 2010)  
Jessica Labrecque, Environmental Analyst (August to October 2010)  
Graeme Morin, Environmental Analyst (since November 2010)

### **1.4 JBACE meetings**

The Committee met five times in 2010-2011:

163rd meeting Montréal, April 21-22, 2010;  
164th meeting Quebec City, June 17, 2010;  
165th meeting Ottawa, September 28-29, 2010;  
166th meeting Montréal, December 2, 2010;  
167th meeting Montréal, February 23, 2011.

## STATEMENT OF FINANCIAL ACTIVITIES FOR THE YEAR ENDED MARCH 31, 2011

(Unaudited – See Notice to Reader\*)

<b>INCOME</b>	
Subsidy paid to the JBACE	\$ 221 000
Evaluating Committee Secretariat (COMEV)	30 000
<b>Total Income</b>	<b>\$ 251 000</b>
<b>OPERATING EXPENDITURES</b>	
Salaries, benefits	\$ 140 551
Telecommunication	4 795
Rent (office space)	26 837
Travel expenses	4 306
Translation	25 081
Photocopying	8 331
Messenger services, postage	967
Office supplies, furniture and computer equipment	6 335
Expert opinions, meeting expenses	729
Insurance	443
Dues, fees, memberships, conferences	218
Professional fees	1 639
Advisory expenses	17 911
Training	863
Web site expenses	223
Interest, bank charges	294
Amortization	1 656
Subtotal - JBACE	241 179
Expenditures attributable to COMEV Secretariat	30 000
<b>Total operating expenditures</b>	<b>\$ 271 179</b>
<b>OTHER FINANCIAL ACTIVITY</b>	
Interest income	\$ 774

\*The Financial Statements and Notice to Reader, prepared by RUEL GIROUX, Chartered Accountants, may be available on demand.

**APPENDIX 3**  
**COMPOSITION AND MEETINGS OF**  
**THE EVALUATING COMMITTEE (COMEV),**  
**PROVINCIAL REVIEW COMMITTEE (COMEX)**  
**AND FEDERAL REVIEW PANEL (COFEX-SOUTH)**

<b>COMMITTEE</b>	<b>MEMBERS</b>		<b>MEETINGS</b>		
<b>COMEV</b>	<b>Appointed by:</b>		<b>No.</b>	<b>Date</b>	<b>Place</b>
	CRA	Philip Awashish Brian Craik	240	2010-05-28	Montreal
			241	2010-09-17	Montreal
	Canada	Élizabeth Boivin Kambale Katahwa	242	2010-10-27	Montreal
			243	2011-01-12	Montreal
	Québec	Daniel Berrouard Mireille Paul			
	Executive Secretary	Michael O'Neill			
<b>COMEX</b>	<b>Appointed by:</b>		<b>No.</b>	<b>Date</b>	<b>Place</b>
	CRA	Philip Awashish Brian Craik	268	2010-04-29, 30	Gatineau
			269	2010-05-20, 21	Montreal
	Québec	Daniel Berrouard Pierre Mercier Robert Lemieux	270	2010-06-17	Montreal
			271	2010-07-14	Quebec City
			272	2010-09-08	Montreal
			273	2010-10-22	Montreal
			274	2010-12-15	Montreal
	Executive Secretary	Michael O'Neill	275	2011-02-18	Montreal
			276	2011-03-16	Montreal
<b>COFEX-South</b>	<b>Appointed by:</b>		<b>No.</b>	<b>Date</b>	<b>Place</b>
	CRA	Philip Awashish Ginette Lajoie (until December 2010) Kelly Leblanc (since January 2011)	N/A	2010-04-07	Montreal
				2010-06-18	Montreal
				2010-09-08	Montreal
				2010-09-24	Montreal
				2010-10-20	Montreal
				2010-10-29	Quebec City
				2010-11-15	Quebec City
	Canada	Benoît Taillon Anne-Marie Gaudet Jacques Grondin (replacing A.-M. Gaudet for the Matoush project) Claude E. Delisle		2010-11-24	Chibougamau
				2010-12-15	Montreal
			2011-01-19	Montreal	
			2011-02-07	Montreal	
			2011-02-22-23	Montreal	
			2011-03-10	Montreal	
	Executive Secretary	Benoît Théberge			

**APPENDIX 4**  
**TABLE OF PROJECTS SUBMITTED TO**  
**THE EVALUATING COMMITTEE (COMEV),**  
**PROVINCIAL REVIEW COMMITTEE (COMEX)**  
**AND FEDERAL REVIEW PANEL (COFEX-SOUTH)**  
**April 2011**

PROJECT	PROPONENT	COMEV Recommendation	COMEX Recommendation	COFEX-SOUTH Recommendation
<b>Mining projects</b>				
<b>Advanced uranium exploration</b>	<b>Strateco Resources</b>	Directive issued	In progress (additional information received in October 2010)	In progress
<ul style="list-style-type: none"> <li>• <i>Operation of borrow pits –Otish Mountains</i></li> <li>• <i>Temporary storage of contaminated soil</i></li> <li>• <i>Reuse of the Eastmain winter road</i></li> </ul>		Not subject (January 2011)		
		Not subject (July 2010)		
		Not subject (November 2010)		
<b>Proposed Eleonore gold mine</b>	<b>Opinaca Mines Ltd.</b>	Directive issued	In progress (additional information received in January 2011)	
<ul style="list-style-type: none"> <li>• <i>Underground decline</i></li> <li>• <i>Operation of an 11-hectare borrow pit</i></li> </ul>		Not subject (December 2010)		
		Directive issued	Project authorization (April 2010)	

<b>PROJECT</b>	<b>PROPONENT</b>	<b>COMEV Recommendation</b>	<b>COMEX Recommendation</b>	<b>COFEX-SOUTH Recommendation</b>
<b>Renard project:</b> Development of a diamond deposit on the Foxtrot property	<b>Les Diamants Stornoway (Canada) Inc.</b>	Directive issued (June 2010)	In progress (additional information received in March 2010)	
Bulk sampling of 5,000 tonnes of gold-bearing ore	<b>Métanor Resources Inc.</b>	Not subject (November 2010)		
900,000 tonnes of gold-bearing ore from the underground mine		In progress (project notice received in February 2011)		
Development of an iron-titanium-vanadium deposit	<b>BlackRock Metals Inc.</b>	Directive issued (November 2010)		
<b>Lac Rocher mining project</b>	<b>Victory Nickel Inc.</b>	Directive issued	In progress (request for additional information in March 2011)	
<b>Troilus mine:</b> closure plan	<b>Inmet Mining Corporation</b>		Comments and recommendations (July 2010)	
<b>ENERGY</b>				
<b>Eastmain-1-A – La Sarcelle – Rupert diversion hydro-electric project</b>	<b>Hydro-Québec</b>			
Monitoring of 45 authorization conditions			4 changes to conditions of authorization certificates	
Land-use plan for redevelopment 2010			Authorization of land-use plan for 2010 (July 2010)	



<b>PROJECT</b>	<b>PROPONENT</b>	<b>COMEV Recommendation</b>	<b>COMEX Recommendation</b>	<b>COFEX-SOUTH Recommendation</b>
<b>Transportation</b>				
Extension of Highway 167 North	<b>Ministère des Transports du Québec (MTQ)</b>	Directive issued (April 2010)	In progress	
"E Ouest" forest road	<b>Barrette-Chapais</b>	Directive issued	In progress (public hearings in June 2010 and additional information received in December 2010)	
"L-209 Nord" forest road	<b>Barrette-Chapais</b>	Directive issued	In progress	
"H section ouest" and "I" forest roads	<b>Matériaux Blanchet inc.</b>	Directive issued	In progress (addenda to the impact assessment received in November 2010)	
Construction of "J" forest road	<b>Domtar Inc.</b>	Directive issued (April 2010)	In progress (impact assessment received in February 2011)	
"H est" forest road	<b>Domtar Inc. Eacom Timber Corp.</b>	Directive issued	In progress (revised impact assessment filed in February 2011)	
Operation of nine borrow pits to maintain the Wemindji access road	<b>MTQ</b>	Not subject		
Seaplane base at Mattawashish Lake	<b>Air Saguenay Schefferville</b>	Not subject (Nov. 2010)		
Boat access ramp	<b>Cree Nation of Chisasibi</b>	Directive issued (Sept. 2010)	Impact assessment not received	Impact assessment not received

<b>PROJECT</b>	<b>PROPONENT</b>	<b>COMEV Recommendation</b>	<b>COMEX Recommendation</b>	<b>COFEX-SOUTH Recommendation</b>
<b>Soil contamination</b>				
Rehabilitation of contaminated soil at N23-70 (Lac Mézière)	<b>Hydro-Québec</b>	Not subject (October 2010)		
Soil decontamination	<b>Club de motoneige de Chapais</b>	Not subject (November 2010)		
Soil decontamination–Fontanges airport	<b>Hydro-Québec</b>	In progress (project notice received in February 2011)		
<b>Conservation</b>				
Albanel-Témiscamie-Otish Park	<b>MDDEP</b>	Directive issued	In progress (additional information received in February 2011)	
Obalski regional Park	<b>City of Chibougamau</b>	Not subject (October 2010)		
<b>Miscellaneous projects</b>				
Bank stabilization at Eastmain, phase 3	<b>Cree Nation of Eastmain</b>	Not subject (January 2010)		
Wastewater treatment system	<b>Cree Nation of Eastmain</b>	In progress (clarifications requested in February 2011)		

PROJECT	PROPONENT	COMEV Recommendation	COMEX Recommendation	COFEX-SOUTH Recommendation
Solid waste management – Mining exploration Otish South and Camie-River Beaver Lake	<b>Cameco</b>	Not subject (February 2011)		
Project to control stinging insects in the locality of Radisson	<b>GDG Environment</b>	Not subject		



