



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 51ST MEETING

**Meeting of the James Bay
Advisory Committee on the Environment**

(ADOPTED)

- DATE:** May 2 and 3, 1990
- LOCATION:** Grand Council of the Crees
1, Place Ville-Marie (Suite 3439)
Montréal, Québec
- PRESENT:** Hubert Marcotte, Canada
Louis-Edmond Hamelin, Canada
Yvan Vigneault, Canada
Robert Daigneault, Québec
Marie Lessard, Québec
Alain Soucy, Québec
Alan Penn, CRA
Paul Wilkinson, CRA
Bernard Labonté, HFTCC
Claude Gignac, Researcher, JBACE
Hervé Chatagnier, Secretary, JBACE
- ABSENT:** Jean-Guy Charest, Canada
Gilles Frisque, Quebec
Willie Iserhoff, CRA
James Bobbish, CRA
- OBSERVERS:** Ginette Lajoie, CRA
Roméo Saganash, Grand Council of the Crees

Following an invitation extended by the Grand Council of the Crees, several committee members attended a projection of the film "Our Children's Future". This film, made by the Crees, looks at the development of James Bay.

1. Opening of the Meeting and Adoption of the Agenda

The Chairman called the meeting to order at 10:30 a.m. The following agenda was proposed by Marie Lessard, seconded by Paul Wilkinson and adopted unanimously.

1. Adoption of the agenda
2. Adoption of the minutes of the 49th meeting (English version) and of the 50th meeting
3. Tabling of documents and business from previous meetings
4. Commission parlementaire de l'économie et du travail: hearings on electrical energy in Québec
5. Environmental authorization of the Great Whale development project
6. Board of Inquiry on Hazardous Wastes
7. Internal management:
 - 7.1 Committee annual reports
 - 7.2 Committee budget
 - 7.3 Priorities
8. Five-year forest management plans
9. The Green Plan, A National Challenge: A Framework for Discussion on the Environment
10. Government reports on the state of the environment
11. Date and location of the next meeting

2. Adoption of the Minutes of the 49th Meeting (English version) and the 50th Meeting

Due to the absence of the Cree members, the adoption of the English version of the minutes of the 49th meeting was postponed.

Minor amendments were made to the French version of the minutes of the 50th meeting. It was agreed to postpone their adoption, given that the English version is not available.

3. Tabling of Documents and Business from Previous Meetings

- #51.3.1 Message from the Secretary to the local administrators, dated April 18, 1990.
- #51.3.2 Letter from the Secretary to the Deputy Minister, dated April 18, 1990.
- #51.3.3 Letter from the Secretary to the Federal Administrator, dated April 18, 1990.

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- #51.3.4 Letter from Ian Juniper, HFTCC, to the Secretary, dated April 12, 1990.
 - #51.3.5 Memorandum from the Secretary to committee members, dated April 23, 1990.
 - #51.4.1 Brief from Lise Bacon, Deputy Prime Minister, concerning public hearings on electrical energy in Québec, dated March 13, 1990.
 - #51.4.2 Letter from Alan Penn to the Secretary, concerning the preparation of a report on the public hearings on electrical energy in Québec, dated March 31, 1990.
 - #51.4.3 Message from Jean Bédard, Secretary of the Commission de l'économie et du travail, concerning deadline extension for tabling reports, dated April 4, 1990.
 - #51.4.4 Letter from the Secretary to Jean Bédard, secretariat, Commission parlementaire de l'économie et du travail, concerning the JBACE report, dated April 4, 1990.
 - #51.4.5 Letter from Jean Bédard to the Secretary, dated April 19, 1990, acknowledging receipt of document #51.4.4.
 - #51.4.6 List of recognized consulting agencies for the Commission de l'économie et du travail.
 - #51.4.7 Letter from the Secretary to Jean Bédard enclosing the JBACE report entitled "Environmental and Social Considerations Concerning James Bay Hydroelectric Development", April 1990.
 - #51.4.8 "Submission of the Grand Council of the Crees (of Québec) and the Cree Regional Authority to the Commission de l'Économie et du Travail of the Assemblée Nationale du Québec", April 1990.
 - #51.5.1 Letter from the Secretary to Pierre Paradis, Minister of the Environment, concerning the Great Whale development project, dated April 4, 1990.
 - #51.5.2 Letter from Benoît Gauthier, Minister's Office, to the Secretary, dated April 19, 1990 and acknowledging receipt of letter #51.4.8.

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- #51.5.3 Letter from Lise Bacon, Deputy Prime Minister, to the Chairman, dated April 11, 1990 and acknowledging receipt of the copies of letters written to the Minister of the Environment (March 21, 1990) concerning the Great Whale project.
- #51.5.4 Letter from Michel Chevalier, COMEV Chairman, to the Advisory Committee Chairman, dated May 2, 1990 and concerning legal interpretation of separate authorizations for projects carried out in the Far North under the Environment Quality Act.
- #51.5.5 "La Guerre de la Grande Baleine", L'Actualité, May 15, 1990.
- #51.6.1 Letter from Yvon Charbonneau, Board of Inquiry on Hazardous Wastes, dated March 27 and enclosing the report "Les déchets dangereux au Québec, orientations, document de consultation", March 1990 (with English and French abstracts).
- #51.6.2 Letter from Yvon Charbonneau to the Secretary concerning forwarding of the reports, dated March 30, 1990.
- #51.6.3 Letter from Yvon Charbonneau to the Secretary inviting the JBACE to participate in a special public hearing for Québec's Native peoples, dated April 6, 1990.
- #51.6.4 Letter from Yvon Charbonneau to Matthew Coon Come, Grand Council of the Crees of Québec, concerning the public hearing for Québec's Native peoples, dated April 6, 1990.
- #51.6.5 Letter from the Chairman to Yvon Charbonneau, dated April 11, 1990 and confirming the presence of the JBACE at the special hearing for Native peoples.
- #51.6.6 Letter from Francine Cimon, Board of Inquiry on Hazardous Wastes, to the Chairman, dated April 20, 1990 and concerning forwarding of the reports.
- #51.6.7 JBACE draft report to the Board of Inquiry on Hazardous Wastes.
- #51.8.1 Letter from the Chairman to Rémy Girard, Assistant Deputy Minister, MER, dated March 28 and enclosing preliminary observations on the five-year forest management plans (Region 08).

- #51.8.2 Letter from Bruno Del Degan, Del Degan, Massé et Ass., to the Chairman, dated April 30, 1990 and enclosing the preliminary analysis report on the five-year plans.
- #51.8.3 Letter from Marc Toupin, Federal Forestry Sub-Committee, to Claude Gignac, dated April 3, 1990 and concerning sub-committee activities.
- #51.8.4 Letter from the Chairman to Marc Toupin, Federal Forestry Sub-committee, dated April 16, 1990 and enclosing the JBACE report.
- #51.9.1 "A Framework for Discussion on the Environment, The Green Plan: A National Challenge", Environment Canada.

4. Commission parlementaire de l'économie et du travail: Hearings on Electrical Energy in Québec

The Chairman and the Secretary summarized the committee's procedure for submitting a preliminary report to the Commission parlementaire de l'économie et du travail as part of the hearings on electrical energy in Québec. This committee report (document 51.4.7) was submitted April 17. Members discussed the need for preparing a final report, and concluded that the preliminary version could be presented to the Commission, with appropriate clarifications where necessary.

It was pointed out that the aspect of the natural evolution of the physical environment of the James Bay territory is not included in the JBACE brief. This aspect could be taken into account during the committee's presentation.

The committee mandated Alain Soucy, Louis-Edmond Hamelin, Paul Wilkinson, James Bobbish and the Chairman to give the presentation on behalf of the committee. The tentative date set by the Commission was May 16.

It was agreed that the committee should eventually conduct a more in-depth analysis of Hydro-Québec's development plan. Alan Penn proposed the preparation of a document to this effect, to be submitted to Yvan Vigneault and Alain Soucy who, along with Mr. Penn, will form a sub-committee to analyze the plan.

5. Environmental Authorization of the Great Whale Development Project

The committee read a letter from Michel Chevalier, COMEV Chairman (document 51.5.4) to the Advisory Committee Chairman, enclosing a letter from the MENVIQ Deputy Minister on the legal opinion concerning separate authorizations for projects carried out in Northern Quebec. In his letter, the Deputy Minister explained that the Minister of Justice had issued a legal opinion to the effect that the road network contemplated for a new development is not an associated work as stipulated in paragraph C, Schedule A of the Environment Quality Act, but rather a development contemplated separately in paragraph P, Schedule A. In light of this opinion, MENVIQ decided to issue authorizations specifically for the access road networks included in the Great Whale development project.

Given its mandate of monitoring the environmental protection regime, committee members agreed that this decision merited discussion. The following elements were mentioned:

- Regardless of legal opinions, the spirit and the objective of the assessment procedure must be respected, that is, assessing a project complete with all its components;
- The separate authorization of the two components (access road networks and development options) of the Great Whale project presents legal ambiguities and jeopardizes the correct, comprehensive assessment of all project impacts, in addition to affecting the Administrator's subsequent decision concerning the authorization of the design variants;
- It appears that, despite the legal opinion, MENVIQ appears to have the discretionary power to issue only one authorization.

The Chairman was asked to send a letter to the Deputy Minister expressing the committee's concerns over this matter.

Finally, the Secretary was asked to provide committee members with draft guidelines prepared by the Evaluating Committee (COMEV) and the Kativik Environment Quality Commission (KEQC). Committee members also wondered if COMEV has the necessary resources to produce guidelines for the assessment of large-scale projects (such as Great Whale).

6. Board of Inquiry on Hazardous Wastes

Claude Gignac gave an update on the preparation of a committee report to be submitted to the Board of Inquiry on Hazardous Wastes (see document #51.6.7).

Committee members agreed that the brief should focus on the hazardous waste situation and exclude other concerns such as acid rain, etc. The committee also agreed comment on the orientations proposed in the interim report of the Commission (document #51.6.1). The following themes were selected for the committee report:

- The cleanup of the effluent disposal site of Domtar's chlor-alkali plant in Lebel-sur-Quévillon. This is apparently one of the only cases in Canada where no agreement has yet been reached with Environment Canada concerning the cleanup of such sites;
- The quality of the effluent produced by the Domtar plant in Lebel-sur-Quévillon. Little information is available on the subject; therefore, the report must stress the importance of ensuring adequate control and monitoring of this effluent and of making the information available to those concerned;
- The problem of storing hazardous wastes in the region without adequate control and monitoring measures;
- The need to formulate a hazardous waste management policy specific to James Bay area work sites. Such a policy could stipulate that all hazardous wastes entering James Bay territory must leave it.

The committee decided that its report should be officially presented during the general hearings in Val-d'Or on June 7 and 8. Claude Gignac, Alan Penn, Hubert Marcotte, and Robert Daigneault/Marie Lessard were mandated to prepare a final version of the report. These individuals will participate in the Val-d'Or hearings.

As concerns the special hearing for Native peoples, held in Montréal May 7 and 8, it was agreed that the Chairman and the Researcher would participate but would not present a written report.

7. Internal Management

7.1 Committee Annual Reports

The Secretary explained to committee members that the last annual report published was that of 1985-1986. A preliminary version of the 1986-1987 annual report was prepared but never published: the committee had not met since March 1987.

The committee decided to prepare two separate annual reports, one covering the period from April 1, 1986 to March 31, 1989, and the other covering fiscal 1989-1990. Each of these reports will be published in both French and Cree. The Secretary was asked to prepare a preliminary version of these reports and first submit them to a sub-committee made up of the Chairman, Marie Lessard and Alan Penn.

7.2 Committee Budget

The committee must submit its 1990-1991 budget proposal to both government levels before August 1. The Secretary was asked to prepare a preliminary budget proposal for discussion and adoption at the next meeting. This proposal must respect the committee's priorities for the current year.

7.3 Priorities

The committee proposed several priorities for the current year. Exhaustive analysis of the application of the environmental and social impact assessment and review procedure was established as a top priority. Such an assessment could be based on the one carried out by MENVIQ in 1988 for the part of Quebec not covered by the JBNQA, the results of which were published in the report entitled "L'évaluation environnementale: Une pratique à généraliser, une procédure d'examen à parfaire" (Rapport Lacoste). It could also include an evaluation of the resources available to the committees in charge of project assessment (COMEV, COMEX, COFEX), and a review of schedules A and B of the Environment Quality Act and of appendices I and II of the JBNQA.

Other possible priorities are:

- Formulating a land development plan;
- Ecological monitoring of large-scale projects;
- Forest fire management;
- Preparing a guide for promoters;
- Analyzing the five-year forest management plans.

It was agreed to elaborate on committee priorities at the following meeting.

8. Five-Year Forest Management Plans

The preliminary version of the report by the Del Degan, Massé et Ass. consulting agency, analyzing the five-year forest management plans, was tabled. This agency was mandated by the committee to prepare an analysis of sixteen five-year forest management plans in Region 08, which were submitted to the committee in December 1989.

The committee noted that the sociocultural aspect of logging impacts is not sufficiently analyzed in the report and that this aspect should be included in an upcoming committee report to be submitted to MER.

Meanwhile, it was agreed to forward any comments on the preliminary report to the Federal Forestry Sub-committee (Alan Penn and Gilles Frisque) as soon as possible. This sub-committee was mandated to make the necessary changes to the preliminary report and submit an updated version for adoption at the next meeting.

9. The Green Plan, A National Challenge: A Framework for Discussion on the Environment

This is a federal project designed to inform the public of environmental problems and the programs, legislation and measures the government will be implementing to overcome them. To efficiently carry out this mandate, the government held nationwide public consultations. This document (#51.9.1) establishes a framework for discussion and summarizes the issues dealt with in "The Green Plan."

The federal delegation explained the context in which the consultations were carried out. Thirty-three Canadian cities were visited during these information sessions, and it would appear that attendance in Québec was somewhat disappointing. In addition to these information sessions, consultations will be held across the country in June. Québec's consultation is scheduled for the beginning of the month.

The committee agreed that it was important to participate in the consultations and designated Louis-Edmond Hamelin as its representative.

10. Government Reports on the State of the Environment

The Committee's Researcher mentioned that it was perhaps too late for the committee to contribute to the federal and provincial reports on the state of the environment. The committee does, however, intend to contribute to subsequent reports.

11. Date and Location of the Next Meeting

At Alain Soucy's invitation, the committee agreed to hold its next meeting in Québec City at the INRS, on May 30 or June 14 depending on the availability of the Cree members who were absent from this meeting. It was also agreed to hold the subsequent meeting August 9 and 10 in James Bay territory.

HERVÉ CHATAGNIER
Secretary