



MINUTES OF THE 224th MEETING OF THE JAMES BAY ADVISORY COMMITTEE ON THE ENVIRONMENT

DATE

June 16, 2022

LOCATION

Hybrid (Québec City and videoconference)

PRESENT

Melissa Saganash, Cree Nation Government
Marc Dunn, Cree Nation Government
Kelly LeBlanc, Cree Nation Government
Vanessa Chalifour, Québec
Brigitte Goulet, Québec
Mélanie Savoie, Québec
Suzie Boudreau, Canada

Alexandre-Guy Côté, Canada
Elisabeth Gill, Canada

Michèle Leduc-Lapierre, Executive Director
Graeme Morin, Environmental Analyst
Eva Wolf, Secretariat Officer

ABSENT

Flora Weistche, Cree Nation Government
Manon Cyr, Québec
Madeleine Green, Canada

GUESTS

Cédric Paitre, Environment and Climate Change Canada, for subitem "Caribou" under item #7

WELCOME AND ADOPTION OF THE AGENDA

The Chairman welcomed the members and went over the agenda.

The addition of a follow-up item (IAIA 2022) and the movement of an item (contaminated soils) on the agenda is proposed. On a motion by Melissa Saganash, seconded by Mélanie Savoie, the modified agenda (see appendix 1) is adopted.

ADMINISTRATION

Minutes of meeting 223 and follow-up on actions

The Executive Director presents the follow-up of actions stemming from meeting 223. She mentions that several changes to the minutes are required and proposes to postpone their adoption until next meeting. The members concur.

Financial statement

The Executive Director reminds members that the financial statements are available on the cloud. She then presents a summary of the finances for the fiscal year ending March 31, 2022.

Expenditure and payment approval process

The Executive Director presents a revised process for authorizing expenditures and payments. The Administrative Committee has reviewed the process and recommends its adoption. The process will improve the processing of payments, particularly during the annual change in Presidency and Vice-Presidency. It will also afford greater flexibility for the Executive Director, while maintaining an appropriate level of control.

The Executive Director presents the resolution outlining the process. On a motion by Vanessa Chalifour, seconded by Suzie Boudreau, resolution 2022-16-06-01 (see Annex 2) is adopted.

Internal communication

The Executive Director explains that in order to keep members informed of all requests for comments, the Analyst has developed a new two-page format for information notes. The first page summarizes the file, the issues and the objectives to be considered, and the second page includes the decision-making process, the impact on the Territory, and the advantages and disadvantages of JBACE involvement. The Analyst mentions that the new format is primarily designed to help the committee easily determine if it should pursue deeper analyses of a given file. It was suggested to add a section that specifies if a subcommittee is already in place for the file. The new format will be used henceforth, and adapted based on needs and experience.

The Executive Director also asked the members about the quantity and quality of the emails they receive from the Secretariat. The members congratulate the Executive Director on the quality of the weekly review, which is a valuable tool that they readily share externally.

STRATEGIC PLANNING

List of issues and files

The Executive Director mentions that a list of issues and files was first developed in 2020, but that it was decided to wait for an in-person meeting of the members to finalize the list. The document will be used during the development of the 2023-2028 strategic plan. She also reminds the members that a short version of the mission statement was adopted in 2021, and that the long version remains to be finalized.

2023-2028 Strategic Plan

The Executive Director proposes that a subcommittee be created for the development of the strategic plan. After discussion, the members propose that a workshop be held at the next committee meeting in September 2022. The secretariat will plan the workshop and a subcommittee will be created at that time. The goal is to adopt the new strategic plan during the March 2023 meeting.

The Executive Director underscores that the current plan offers a sound basis. However, among a number of other changes, the addition of indicators would be a significant improvement. A review of the 2018-2023 Strategic Plan will be prepared and the list of issues and files will be available to members by mid-July 2022.

Communication plan

The Executive Director summarizes the actions undertaken to develop a new communication plan. During the last meeting, it was decided to reallocate the budget for an intern to the hiring of a communications firm in order to proceed with the project. The Executive Director presents the comparison of the two bids received to date. The first step of the project would be to take stock of our situation and determine the committee's target audience. The second step would be to develop a communication plan with an option for the redesign of the website.

The members opt to hold the discussions regarding communications at the same time as those on the strategic plan during the workshop to be held in September 2022. This approach would facilitate the determination of the committee's communication objectives in line with the strategic orientations, and should also clarify the need to rely on an outside firm. The Executive Director will prepare a review of the use of the current tools (website, social media) and proposals for the redesign of the website.

PERFORMANCE REVIEWS

This point is discussed in closed session.

FILES

Caribou

The Chairman introduces Mr. Cédric Paitre of Environment and Climate Change Canada (ECCC), who is active on the caribou file.

Mr. Paitre explains that a number of the Minister of Environment and Climate Change Canada's recent statements may influence boreal habitat planning and management in the Territory.

He further explains that the federal government has an obligation to protect the boreal caribou nation-wide, under the *Species at Risk Act* (SARA), and that certain protective and recovery measures are already in place on federal lands. This obligation includes the discretion to evaluate protective measures implemented by provincial governments to ensure effectiveness. The Minister of Environment and Climate Change Canada has therefore embarked on an information gathering exercise in order to form an opinion and conduct an analysis on the existence of laws and agreements that effectively protect boreal caribou in its critical habitat in Quebec.

The next step is for Environment and Climate Change Canada to send a letter to the JBACE to obtain information on how the legislative measures in place under the James Bay and Northern Quebec Agreement (JBNQA) protect boreal caribou and/or its critical habitat in the territory subject to Section 22 of the JBNQA.

Mr. Paitre explains that there was a one-year agreement in 2018 and a five-year agreement in 2019 for federal and provincial collaboration on species at risk with a funding agreement for the protection of boreal caribou. This agreement expires in 2022, such that all of the discussions and information gathering is aimed at finding a way for this funding agreement to continue this year.

The Chairman mentions that the subcommittee has already compiled all information on the interventions that the JBACE has had to make in the past on the caribou file. The JBACE will therefore be able to respond quickly to the ECCC's written request. Mr. Paitre states that the deadline for responding to this letter is mid-July 2022 so that the Minister can form an opinion quickly.

The Analyst will prepare the documents to be ready to send when the formal letter from ECCC is received. The Chairman suggests that the JBACE's recent letter with recommendations for the *Commission indépendante sur les caribous forestiers et montagnards* should also be attached.

Legislative and regulatory portrait

The Chairman presents the project to prepare a legislative and regulatory portrait. He mentions that at meeting 223, the work specifications had been presented by the Executive Director. This project will serve to draw up a global picture of the federal, provincial and local legislative and regulatory regime that applies in the territory subject to Section 22.

The Chairman mentions that, after some research, the Executive Director had found a partner to carry out the work for the JBACE: Catherine Choquette, a professor at the Université de Sherbrooke's Faculty of Law and director of the Groupe de recherche sur les stratégies et les acteurs de la gouvernance environnementale (SAGE), a multidisciplinary research network focused on environmental governance. The Chairman announces that the project is officially underway, and that the subcommittee will work with Ms. Choquette's team. The deadline for completing the first phase of the inventory of laws and regulations is January 2023, and the doctoral student who will be working on the project will have the fall of 2022 to complete the work. A budget of \$3000 is allocated to the project.

Members discuss the issue of intellectual property and wish to ensure that the information generated by the project in its second analysis phase may be used by the JBACE in the future. The Executive Director will follow up with Ms. Choquette and ensure that this is the case when the second phase is launched.

On a motion by Marc Dunn, seconded by Mélanie Savoie, resolution 2022-16-06-02 (see Annex 3) is adopted by the members.

Contaminated soils

The Executive Director reminds the members that the JBACE received an invitation from the MELCC to comment on two items, the draft 2022-2027 Contaminated Soil Action Plan and the draft Regulation respecting fees to encourage the treatment and reclamation of excavated contaminated soil. She mentions that an information session was held on May 26, 2022, and that an information note is available on the cloud. The Executive Director states that the JBACE should not comment at this stage in the process, but that the JBACE could be involved in the development of the implementation plan. She suggests that a subcommittee be created. After discussion, the members agree to form a subcommittee composed of Brigitte Goulet, Alexandre-Guy Côté and Kelly Leblanc. The members also decide that the parties could designate and invite people with expertise who are not members to help advance the work of the subcommittee.

Following a proposal by the Executive Director, it is decided that the JBACE should invite the MELCC to a future meeting in order to present the Action Plan when it is completed and made public.

Fisheries Act

The Analyst explains that the secretariat had completed several surveys, including a survey on the framework for ecologically significant areas. The Analyst informs the members that the Executive Director attended several meetings during his absence.

The Analyst mentions that the subcommittee is preparing a letter on the position statements regarding the death of fish kills and existing facilities and structures. The drafts are final for adoption and the subcommittee will be ready in time. The next meeting of the subcommittee will be held on June 21, 2022.

PAFIT

The Analyst informs the members that the summary of the April 13, 2022 workshop is now available for review on the cloud. He is now working on the summary of the April 14, 2022 workshop (JBACE internal meeting).

The Analyst mentions that, in the short term, the focus is on revising the review parameters for the next subcommittee meeting. The Executive Director reiterates the importance of being prepared in time for the external consulting firm's review. The Analyst also informs the members that he is working on the production of a project calendar to keep track of the different stages of the process.

The Chairman highlights the excellent work of the Analyst regarding the April 2022 workshops.

Cumulative effects

The Analyst summarised the developments in the file, stating that a meeting with COMEV and COMEX members will be held on 27 July 2022 at 9:00 am. The presentation is already prepared.

IAIA

The Analyst informed the members that he had attended the IAIA conference in Vancouver from May 4-7, 2022.

The Executive Director explains members that the International Association for Impact Assessment (IAIA) is, an international association of professionals involved in impact assessment. The Analyst mentions that this is the second time that JBACE has participated, once in 2017 in Montreal and this year in Vancouver. An information note is available on the cloud outlining the content of the conference.

The Analyst confirms for the members that he completed a training course on cumulative effects. He explained the various cumulative impact assessment processes, the complexity of which is influenced by the size, nature and evolution of the project.

Waste Management

The Executive Director mentioned that she had received an email advising the JBACE that the two regulations regarding the modernization of the deposit and collective collection systems would soon be in effect. She underlines the earlier implication of the JBACE in the initiative (i.e., comments on the draft regulations and participation in certain working groups that were created in the summer of 2021). The regulations were adopted following the adoption of Bill 65 which amended the Environment Quality Act (EQA) in the fall of 2021.

The secretariat will track the evolution of the file.

NEXT MEETING

The members decide that the next JBACE meeting will be held on September 13-15, 2022 in Waskaganish. The Executive Director will prepare an itinerary with cost estimates for the members. She will be put in touch with a community representative for the logistics. The JBACE will also request a general presentation from Niskamoon / Hydro-Québec (a member will coordinate this with the Executive Director).

The members also agreed on the next meeting dates:

- Meeting 226 will be hold on November 30, 2022, in Montréal;
- Meeting 227 will be held on March 21-23, 2023 in Mistissini and the JBACE will invite the Administrators to participate;
- Meeting 228 will be held on June 14, 2023, in Québec City.

SECRETARIAT NEEDS

The Executive Director explains that the JBACE is increasingly solicited. Although positive, the secretariat's current workload is appreciable and is posing a challenge for treating files in an efficient and appropriate manner. She proposes that the JBACE hire a part-time Analyst.

Members discuss and support the proposal. The Administrative Committee will prepare a job description and present it to the members at the next JBACE meeting.

ADJOURN

Prepared by Eva Wolf, Secretariat Officer and Michèle Leduc-Lapierre, Executive Director

Reviewed by Graeme Morin, Environmental Analyst

Adopted on September 15, 2022



RESOLUTION 2022-16-06-01 EXPENSES AUTHORIZATION AND PAYMENT PROCESS

Resolution 2022-16-06-01 adopting the [Expenses Authorization and Payment Process](#).

WHEREAS the members of the JBACE adopted an expenses authorization and payment process at the September 15, 2020 meeting;

WHEREAS according to this process, two signatures are required for any banking transaction;

WHEREAS this process is not optimal for the current operations of the JBACE, particularly in terms of the annual change of signatories and the technical constraints related to the double signature;

WHEREAS following its meeting of June 9, 2020, the Administrative Committee reviewed the process and recommends the adoption of the revised process to improve the efficiency of operations;

On a motion by Vanessa Chalifour, seconded by Suzie Boudreau:

It is unanimously resolved to adopt the Expenses Authorization and Payment Process as described in Appendix 1.



Revised Expenses Authorization and Payment Process

An initial expenses authorization and payment process was adopted by the JBACE members on September 15, 2020. This initial process assumed that payments would be made with two signatures. Since then, the Administrative Committee (AC) has reviewed the effectiveness of such a system and has concluded that it is not optimal. The AC is proposing a new process that reflects current realities and will facilitate the processing of expenses and payments.

Payment process

Only one signature will be required to make payment for banking transactions. The Executive Director will be the primary signatory. The Chair and Vice-Chair may also be signatories in the event that the Executive Director is unable to do so.

Expense authorization

Current expenses

The majority of these expenses are recurrent. This category includes (but is not limited to): rent, office supplies, telecommunications, bank fees, accountant's fees, costs related to the production of the annual report, meeting costs, etc.

Expenses of less than \$5000 will be authorized by the Executive Director.

For expenses of \$5000 and over, authorization from the Administrative Committee will be required.

The Executive Director will inform the members of the Administrative Committee of the expenses incurred on a monthly basis at the close of the month's accounts.

Travel expenses

The travel expenses cover expenses made for travelling for JBACE meetings, working meetings related to current files, and participation to meetings and events stemming from current work of the Secretariat.

The expenses of the Secretariat staff shall be authorised by the Executive Director.

Expenses of the Executive Director shall be approved by the Chair.

One-time expenses

One-time expenses incurred for, for example, the purchase of computer equipment or the hiring of a consultant shall be approved by the Administrative Committee.

Any special project and its associated budget will be approved by the members. Expenses incurred during the course of the project that fall within the budget approved by the member will be approved by the Executive Director.

Timeline

The first phase of the project will take place mainly in the fall of 2022. It is expected that the inventory will be completed and presented to the CCEBJ by January 2023 at the latest. Prior to the completion of the first phase, a work plan will have to be developed jointly by representatives of the JBACE and the SAGE. To ensure the follow-up of the project, periodic meetings will be held between the executive director of the JBACE and the representatives of SAGE.

Cost

Since the regulatory inventory was carried out as part of Mr. Gauthier's doctoral research, the cost to the JBACE for the production of the final report by Ms. Catherine Choquette and Mr. Charles Gauthier will be only \$3,000.