



MINUTES OF THE 227th MEETING OF THE JAMES BAY ADVISORY COMMITTEE ON THE ENVIRONMENT

DATE

March 22, 2023

LOCATION

Maison de la littérature, Québec City

PRESENT

Melissa Saganash, Cree Nation Government
Vanessa Chalifour, Québec
Brigitte Goulet, Québec
Mélanie Savoie, Québec
Manon Cyr, Québec (remote)
Alexandre-Guy Côté, Canada

Elisabeth Gill, Canada
Madeleine Green, Canada

Michèle Leduc-Lapierre, Executive Director
Eva Wolf, Secretariat Officer (remote)

ABSENT

Marc Dunn, Cree Nation Government

WELCOME AND ADOPTION OF THE AGENDA

The Chairperson welcomes the members.

On a motion by Mélanie Savoie, seconded by Elisabeth Gill, the agenda (see [appendix 1](#)) is adopted with a modification (moving the item “Human Resources”).

ADMINISTRATION

Adoption of the minutes of the 226th meeting

On a motion by Brigitte Goulet, seconded by Madeleine Green, the minutes are adopted with minor corrections.

Follow-up on actions from the 226th meeting

The Executive Director follows up on the actions from the 226th meeting. She mentions that some actions could not be achieved because of the work load resulting from the departure of the Analysts.

Follow-up on budget

The Executive Director presents the financial statement as of February 28, 2023. She mentions that the fiscal year ends soon and that the Secretariat will proceed with closing the financial year in April.

Production of the 2022-2023 Annual Report

The Executive Director reminds the members that the Annual Report has to be sent to the Administrator before the end of June. The Secretariat will prepare a first draft that will be sent to members for their review.

Chairperson and Vice-Chairperson for 2023-2024

The Executive Director mentions that the Chairperson and the Vice-Chairperson for 2023-2024 will be nominated by the Cree party. The nominations will be sent to the Secretariat as soon as possible.

Membership and subcommittees

The Executive Director mentions that there are opened position in some subcommittees.

The Chairperson mentions that his mandate as a JBACE member will end at the end of 2023-2024. In order to ensure a smooth transition, he asked for permission to be accompanied by his replacement for future meetings. The members agree.

Human resources

The Executive Director informs the members that the process for hiring a new full-time Analyst is on its way and that the Secretariat will be working with Perreault et Associés in this file.

The Chairperson mentions that he is in contact with a person who could help the committee with temporary mandates until the Analyst position is filled. He proposes to hold a courtesy meeting with the Executive Director, after which we could evaluate the possibility of working with him. The members agree.

Afterwards, the members discuss in closed session the remuneration of the Secretariat employees.

Next meetings

The Executive Director reminds the members that the next meeting will be held in Mistissini in June. Because of the commercial flight schedules, the meeting dates might be changed. She will send options to the members who will have to answer with their preferences. Afterwards, she will confirm the dates and will begin planning the meeting.

The members identify the dates and location for the next meetings:

Meeting 229: September 6, 2023 in Québec City

Meeting 230: November 15, 2023 in Montréal

The Executive Director will also prepare recommendations for the date and location of the 231st meeting (March 2024) and will share them at the June meeting.

CARIBOU WORKSHOP DEBRIEF

The Executive Director presents a summary of the presentations and the discussions that were held during the caribou workshop the day before.

Federal government

The discussion focused on the preparation of an Order in Council for the protection of caribou. Following the Minister's recommendation, the Governor in Council has three options, either to implement the recommendation in its entirety, implement it in part or not implement it at all. At the moment, efforts are focused on exchanges with First Nations. The question is whether protection mechanisms are necessary for the protection of the species, and if so, what are the implications of applying or not applying a decree. The Quebec strategy (note: strategy for woodland and mountain caribou under development) will be considered in the decision. If the Governor in Council decides to make an Order in Council, its implementation will take some time given the protected areas that will have to be delimited and the study of the economic impacts within the communities. A decree lasts for five years and can be amended or lifted if necessary. It should be noted that if there is no decree, collaboration will continue between the parties involved.

The JBACE can be involved by participating in the round tables. If there is a decree, the JBACE will probably be consulted. The regulatory process and a possible revision of the recovery program process could also be subject to consultation.

Cree Nation Government

The main existing agreements between the Cree Nation and the various governments were presented. Recent activities were then described, as well as the main key messages:

- Large cuts are not an option;
- The desired recovery target is 100%, not 65%;
- Road management is very important;
- Not having to choose between caribou and moose;
- Need more resources in the territory for protection;
- General concern that Quebec legislation is inadequate to protect threatened species.

The recommendations for increasing self-sufficiency of populations are part of a new approach to caribou. The recommendation would be that protected areas be based on traplines. Thus, if in the trapline there is a part that is critical habitat, the whole trapline should be part of the protection.

The presentation concluded with a discussion on the Grand Alliance feasibility study. In relation to caribou, it was mentioned that the information provided by the CNG was included in the feasibility study as well as the concerns heard during the consultations.

The Executive Director will share Martin-Hugues St-Laurent's recently tabled report which includes eight recommendations on habitat restoration, analysis of forest fire rates, monitoring indicators and participation in the development of the Quebec caribou strategy.

Discussion on the involvement of the JBACE in the file

The members discussed the position of the JBACE in this matter, namely whether it is preferable to wait for the adoption of the Quebec strategy planned for June 2023 or to be proactive. The members are of the opinion that it is important to consider the internal resources currently available to the JBACE and that it is too early to begin an analysis. Indigenous communities will be consulted well before June on the Quebec strategy and if the JBACE is to be called upon, it will be to focus on the process in general and those aspects that are related to Section 22. It is therefore preferable that the committee focus on an oversight role for the implementation of the protection regime.

CLIMATE CHANGE WORKSHOP DEBRIEF

The Executive Director presents a summary of the presentations and the discussions that were held during the climate change workshop the day before.

Federal Government

ECCC has developed an online platform for communities and Indigenous organizations to access existing programs.

The Indigenous Climate Leadership initiative is a collaborative program between Indigenous Peoples and Canada with three objectives: to transfer the program to Indigenous authorities, collaborative upstream climate decision-making and support for climate leadership. Recommendations will be made to Treasury Board for implementation of the program in 2025.

Other programs include increasing community resilience to climate change, developing community-led climate monitoring projects, building the capacity of indigenous peoples to participate in policy making and supporting renewable energy and efficiency projects.

Funding will be provided for the establishment of a committee under the national adaptation strategy.

Provincial Government

There were two presentations. First, the Direction des affaires autochtones (DAA) of the MELCCFP presented the mandate of the department.

Subsequently, other MELCCFP representatives made an update of the Green Economy Plan 2030 (Plan pour une économie verte – PEV in French).

The implementation plan of the PEV is five-yearly and updated every year. A review of the implementation plan is scheduled for 2025. Funding is increased annually in order to optimize the most relevant programs.

The main action stemming from the PEV are:

- Indigenous climate leadership (support for community projects by the Cree);
- Mapping of carbon sinks;
- The biodiversity monitoring network throughout Quebec to detect the effects of climate change;
- Assessment of connectivity corridors in protected areas;

- Indigenous food security;
- Renewable energy projects for off-grid communities;
- The forthcoming publication of a fact sheet on just transition.

The next steps are to strengthen the collaboration with the different organizations, ensure coherence between the different initiatives, approval of the implementation of the Quebec-Cree Nation agreement to support Indigenous climate leadership.

Cree Nation Government

Firstly, the five priorities resulting from the Regional Forum held in November 2018 in Eastman were presented: improving coordination and communication between the regional and local levels, increasing knowledge transfer and monitoring, adjusting climate change management practices, and increasing the local workforce. Subsequently, it was announced that a permanent Climate Change Manager position has been created within the Cree Nation Government. The position is scheduled to start in April 2023.

The current activities at the Cree Nation Government are:

- Funding for an audit of the organizational GHG emissions with the objective of improving energy efficiency;
- Meteorological data gap analysis project and addition of weather station(s);
- Creation of a Cree-English lexicon on climate change terminology;
- Creation of a climate change portal of information;
- Project of a climate change advisory committee composed of representatives of different communities and important groups;
- Construction of autonomous energy houses respecting GHG reduction;
- Ice monitoring surveillance project.

Discussion on the involvement of the JBACE in the file

The members discuss what the committee can do on this issue, apart from producing comments, and possible projects to be put in place in the short or medium term.

The members underlined the great relevance of the workshop given the presence of the different parties. It was possible to see that the themes of each of the parties were similar. The JBACE has played an important role in bringing together and mobilizing people around the issue of climate change, and the creation of the workshop made it possible to forge links between the stakeholders. The current challenge lies in the capacity of the Cree Nation Government to respond to the various programs proposed by the federal and provincial parties. Much work is needed to develop a strategic plan to carry out all the projects. The members are of the opinion that it would be relevant to repeat a workshop with the three parties present, but to wait until the Cree Nation Government finishes building its team and organizing its internal resources

One member suggests the idea of setting up a permanent forum on climate change focused on finding concrete results and the means to achieve them.

Members also discuss the different funding opportunities and whether the way applications are made is similar from one program to another. One member points out that the federal government is moving towards a much lighter administrative process, making funding applications and reporting more efficient. If more than one program applies, a single report could be made for the entire project submitted. This is the beginning of a new fiscal relationship between the federal government and First Nations, with the goal of minimizing constraints

The Executive Director recalled the recent involvement of the JBACE in the climate change issue, namely the consultation for the PEV in 2019 and the creation of the climate change fact sheet. The subcommittee could meet and discuss the possibility of creating other fact sheets.

FILES

Legislative and regulatory portrait

The Executive Director mentions that the report prepared by Ms. Choquette and Mr. Gauthier was received at the beginning of February. It is available to members on the cloud. She added that she had had a discussion with Ms. Choquette following receipt of the report. Due to the technical nature of the report and the high level of legal language, Ms. Choquette will take care of the translation of the report. She will send a submission before proceeding. Once the report has been adopted by the JBACE and published on the committee's website, Ms. Choquette will share the link on her website. There is also an openness to participate in events to share information.

Members discuss their impressions of the report. The report reflects the information that was given in December but it is much more diluted than the presentation. It focuses more on theoretical aspects related to governance than on the philosophy of the convention itself and the JBACE is not mentioned. A difference between the theory and the reality on the ground is underlined by some. This will be a point to be discussed with Ms. Choquette. There are also questions about the accuracy of certain elements.

Before adopting and publishing the report, the subcommittee will meet with Ms. Choquette. In the meanwhile, the members will validate the legislative and regulatory inventory.

Mining Act

The Executive Director mentions that a meeting had been held with the members of the subcommittee and the MRNF at which a draft regulation was confirmed to modify the authorizations for mining exploration projects, but which would not affect the camps, which would be covered by a separate authorization. She adds that a consultation on the harmonious development of mining activity will be held on Friday, April 14, 2023. The objective is to take a step back and seek social acceptability with the Aboriginal communities. The subcommittee will plan a meeting to prepare for this.

Cumulative effects

The Executive Director mentions that the Analyst had given her a good summary before she left. She reminds members that there were four strategies that had been identified and the first strategy - the data strategy - had already been approved by the sub-committee and could therefore be implemented. The Analyst had started work on the regional planning strategy and this would be the next one to be developed. A meeting of the subcommittee will be scheduled. The last two strategies - directive and regional policy - will be discussed later.

PAFIT

The Executive Director recalls that the report was sent to the Minister in February following its adoption. She asks the members about the need to translate the report into English and Cree before publication. The members discuss this point and decided to translate the entire report into English and the summary into Cree. The Executive Director will coordinate the translation.

The Executive Director then mentions that a follow-up would be done with the MRNF when the adopted PAFITs are published. She adds that the subcommittee will have to decide on the role of the JBACE in this file in the future and make a recommendation to the members. In preparation for the sub-committee's discussion, the Executive Director will contact the CQFB to discuss the issue.

Fisheries Act

The Executive Director explains that there is no immediate work to be done on this issue. There may be an analysis to be done on the draft *Prescribed Works and Waters Regulations* in 2023, but we do not know when. She adds that when the subcommittee is complete, a meeting will be organized to assess the situation. A feedback meeting may be requested from DFO later this year.

Marine pollution

The Executive Director mentions that Transport Canada had issued a document for comment regarding marine pollution. She adds that the Analyst had reviewed the file before he left. This issue appears to be outside the mandate of the JBACE, and it would not be necessary to comment. However, it would be necessary to ensure that the appropriate stakeholders were aware of the initiative. The Director will contact EMR to see if they have been informed.

Thereafter, members discuss environmental emergencies in the Territory and the bodies responsible for responding to these emergencies. Fire management is one of the major concerns and there is a willingness on the part of the communities to become more involved. Some updates of emergency procedures are underway, but there is still a lot of work to be done to coordinate everything. One of the members proposes to organize a meeting with the Fire Chief in Chibougamau during the next visit on the Territory in June. The Executive Director will check the possibilities with the planned transportation

Draft regulatory omnibus

The Executive Director notes that the comment period for the draft regulatory omnibus is open until April 8. She adds that the Analyst had analyzed the file before she left. Many of the regulations are modified, but in general they are corrections to ensure concordance, and some regulations are not applicable in the territory or do not really have an influence on the Section 22 regime. In the case of the regulations affecting the territory, these are of a very technical nature. The recommendation from the briefing note is not to comment on the draft regulatory omnibus but that it is important to acknowledge the effort of the MELCCFP in providing the preparation documentation that facilitated the work of the analyst. The Executive Director suggests that a letter be sent to thank them and that a presentation on the REAFIE be organized. Members volunteered to review the draft letter.

STRATEGIC PLAN

The Executive Director presents the summary table summarizing the axes, objectives, indicators and targets for the 2023-2028 strategic plan and reminded members that the documents had been made available to members on the cloud.

The subcommittee has met several times and has opted to merge some of the axes and objectives. There are two areas of activities. The first contains four objectives and the second axis contains three objectives

Area of activity 1- JBNQA Section 22 Environmental and social protection regime

Objective 1.1 Evaluate the legislative framework of the environmental and social protection regime

The Executive Director informs the members that the JBACE will receive the report of Mrs. Catherine Choquette which presents the legislative and regulatory portrait on the Territory. It is a good start to reflect on the interactions between the different levels of government and a good starting point for the analysis and evaluation of the legislative framework. The work will also identify areas/sectors where the JBACE may wish to make recommendations.

The Executive Director notes that with the departure of the Analyst, consideration should be given to revising the first year's objectives. Two options are considered: whether to budget for the first year to hire an external resource to achieve the 25%, or to wait until Ms. Choquette's report is completed. The members agree to push back the targets for the objective by one year and to add an indicator in the first year 2023-24 for preparatory work.

Objective 1.2 Evaluate the transparency of the environmental and social impact assessment and review process

The Executive Director reminds members that the purpose of this objective was to assess the need to recommend improvements to the transparency of the process. Difficulty in accessing certain data and lack of clarity in the process for some were points that were raised, and the JBACE can play a role in this improvement.

There are no changes to be made to this objective but members agree to review the strategic plan annually at the time of the production of the activity report, and a note should be made to this effect.

Objective 1.3 Evaluate the follow-up and monitoring of authorized projects

The Executive Director clarifies that this objective would identify both gaps and opportunities for improvement in monitoring and follow-up and make appropriate recommendations. This would require presentations and discussions with the ministries responsible for monitoring and follow-up activities, and the assessment of the need to issue recommendations could include consultation with stakeholders. She clarifies that the JBACE will focus on monitoring and surveillance, but not on control. Two years of preparatory work are needed, followed by two years of analysis.

The members are of the opinion that some clarification should be made in the strategic plan on the type of projects and their field. The preparatory work could include the preparation of a list of projects and specify the level of intervention of the JBACE.

Objective 1.4 Provide recommendations for the consideration of cumulative effects in the environmental and social impact assessment and review process

This objective affects all of the JBACE's work on cumulative effects. The Executive Director explains that the JBACE has already identified the solutions and that recommendations will be issued for each one. The preparatory work is to develop strategies for each of the options and the ultimate goal is to issue recommendations for each of the four options.

The members decide to modify the indicator by specifying that the implementation of each of the strategies can be done every year and that the development of the four strategies will be done at the latest in the last year.

Axe 2 – Partnerships and communications

Objective 2.1 Strengthen the JBACE's network with the community and the Territory

The Executive Director mentions that connections with the community and the Territory are an essential element of the success of the JBACE and one way of strengthening these links is to have meetings (virtual or in person) with the various stakeholders.

The members agree to modify the targets of this objective. With regard to the target, it is decided to reduce the indicator to four meetings per year, mentioning that this is a minimum of four meetings per year. Virtual meetings can be taken into account in the calculation. Since the objective is to target the territory's environment, the members also agree not to list the meetings of the ministries and not to include them in the list of meetings.

Objective 2.2 Improve the visibility and communications of the JBACE

The Executive Director reminds the importance of developing effective and accessible communication tools so that the CCEBJ can fulfill its mandate and strengthen its partnerships. The implementation of a communication plan will allow the optimization of tools such as the website, social media, the production of a semi-annual newsletter, but will also involve the CCEBJ in conferences and congresses. In parallel, other activities could be put forward such as the production of promotional material and information sheets.

The communication plan will be developed in the first year and finalized in the second year. This is an important step and will allow us to analyze the target audience of the JBACE.

Objective 2.3 Improve JBACE knowledge of the Territory's issues

The Executive Director explains that it is necessary for the JBACE to increase its knowledge of the issues that are important for the Territory in order to be more efficient when producing comments and to be aware of what is happening. She emphasized that by priority issues, we must think of the major issues (e.g., mining, forestry, climate change, waste, etc.) and not of specific files, which change according to government initiatives. The goal is for the JBACE to be up to date on these issues, i.e., to collect up-to-date information and/or to know the contacts in the various ministries and departments for any questions.

Members discuss how to measure the currency of knowledge and whether it should be shared. Members conclude that this is an internal tool and does not need to be included in the strategic plan, but the JBACE will still work on the list. Objective 2.3 is therefore removed from the strategic plan.

ADJOURN

As this is the last meeting of the outgoing Chairperson as Chairperson, the members thank him for his work and underlined his commitment.

The meeting is then adjourned.

***Prepared by Eva Wolf, Secretariat Officer and Michèle Leduc-Lapierre, Executive Director
Adopted on June 13, 2023***



227th meeting of the JBACE

March 22, 2023

Maison de la littérature, 40, rue Saint-Stanislas, Québec City, G1R 4H1

<https://us06web.zoom.us/j/86416217416> OR 438-809-7799, meeting ID 864 1621 7416

- 9:00 Welcome and adoption of the agenda
- Roundtable – introductions
- 9:15 Administration
- Adoption of the minutes from meetings 226 and follow-up on actions
 - Follow-up on budget
 - Production of the 2022-2023 Annual Report
 - Chair and Vice-Chair for 2023-2024
 - Membership and subcommittees
- 9:45 Debrief from the climate change workshop
- Summary of the presentations and discussions
 - Discussion JBACE work in this file
- 10:15 *Break*
- 10:30 Debrief from the caribou workshop
- Summary of the presentations and discussions
 - Discussion JBACE work in this file
- 11:00 Files
- Legislative and regulatory portrait
 - Cumulative effects
 - PAFIT
 - *Fisheries Act*
 - *Mining Act*
- 11:45 *Lunch*
- 13:00 Human resources
- 13:30 Strategic Plan (*break to be taken when appropriate*)
- Presentation of the new draft
 - Discussion on areas of activities, objectives, indicators and targets
 - Next steps and timeline
- 16:00 Adjournment