



MINUTES OF THE 195th MEETING OF THE JAMES BAY ADVISORY COMMITTEE ON THE ENVIRONMENT

(ADOPTED)

- DATE:** December 9, 2015
- PLACE:** Salle Saint-Laurent, Embassy Suites, 208 rue Saint-Antoine, Montréal
- PRESENT:** Andy Baribeau, Cree Nation Government (CNG)
François Boulanger, Canada
Pascale Labbé, Québec
Ginette Lajoie, CNG
Jean Picard, Canada
François Provost, Québec
Melissa Saganash, CNG, Chairperson
Monique Lucie Sauriol, Canada (by phone)

Marc Jetten, Executive Secretary
Graeme Morin, Environmental Analyst
- ABSENT:** Manon Cyr, Québec
Jean-Pierre Laniel, Québec
Rodney Mark, ex-officio member, Hunting, Fishing and Trapping Coordinating Committee (HFTCC)
Chantal Otter Tétreault, CNG, Vice-Chairperson
Jean-Yves Savaria, Canada
- GUESTS:**
- For Item 8:** Aurora Hernandez, mining engineer, CNG
- For Item 9:** Chris Beck, Coordinator, Land Use Unit, CNG

1. **ADOPTION OF THE AGENDA**

On motion by Ginette Lajoie, seconded by Jean Picard, the agenda was adopted as presented.

2. **ADOPTION OF THE MINUTES OF THE 194TH MEETING (SEPTEMBER 21, 22 AND 23, 2015)**

On motion by Pascale Labbé, seconded by François Boulanger, the minutes of the 194th meeting (Oujé-Bougoumou, September 21, 22 and 23, 2015) were adopted as amended.

3. **PRIORITIES FOR 2015-2017**

a. *Reflection on strategic environmental assessment*

The JBACE held its second workshop on strategic environmental assessment (SEA) on December 8. The workshop was moderated by Michel A. Bouchard. Anastasia Lintner presented the Far North Project, Ontario's equivalent of the Plan Nord, and James Oliver of the Canadian Environmental Assessment Agency explained SEA as applied by the federal government. The workshop highlighted the importance of conducting an SEA of

Québec government policies, plans and programs (PPP) that could affect northern regions, such as a public land use plan.

SEA can also be applied to land use planning initiatives of the Eeyou Istchee James Bay Regional Government and the Cree Nation Government, such as the Regional Plan for Integrated Land and Resource Development (or “PRDIRT”). The JBACE will share the results of the workshop with the regional governments to raise awareness about the relevance of SEA to land use planning. Moreover, the directions of the workshop could inform the JBACE’s recommendations on the anticipated bill to modernize the environmental authorization regime under the *Environment Quality Act*.

A member asked at what stage the Cree should get involved in an SEA of a PPP to ensure maximum input. Some members agreed that the Crees could get involved from the screening or scoping stage to help determine the SEA parameters.

b. *Cumulative effects study*

The prospective researcher for the study is supposed to submit a proposal by the end of 2015. The goal is to study the consideration given to cumulative effects in the impact statements and directives of five projects submitted to the Section 22 assessment and review procedure and then determine the extent to which consideration, or not, of cumulative effects influenced the decision regarding the project. The researcher’s analysis will be grounded in best practice principles in cumulative effects assessment.

The members suggested adding two mining projects to the list of projects to be studied. The consideration of cumulative effects under the *Canadian Environmental Assessment Act* will be examined for two projects submitted to both environmental assessment processes.

c. *Knowledge of impact statements and monitoring studies: draft letter*

The members suggested changes to the draft letter to major proponents in the Eeyou Istchee James Bay territory and the list of recipients.

d. *Approach for reviewing forest development plans*

The JBACE workshop on the review approach for tactical plans for integrated forest development (IFDP-T) is slated for February 24, 2016, in Québec City. The morning will be devoted to presentations to bring all of the members up to speed on the matter; for example, Québec’s new forest regime, the impact of logging on the trapline system, wildlife and threatened species. The afternoon will be devoted to discussions to define the approach the JBACE will adopt.

4. NEXT MEETING

The JBACE will hold its next meeting in Québec City on February 25, 2016, the day after the workshop on the review approach for forest development plans.

5. ADMINISTRATION

a. *Approval of the Administrative Committee’s updated mandate*

After making one change, the members approved the proposed update of the Administrative Committee’s mandate.

b. *Option to move the secretariats*

The chairperson and the secretary explained the option of moving the JBACE and HFTCC secretariats to another office space in the World Trade Centre Montréal. The space would be big enough to accommodate the recent increase in the committees' staff in addition to having a small room that could be used for meetings.

The secretary will let the HFTCC and the lessor know it is interested. As soon as he knows the exact cost of moving, he'll inform the members. The JBACE wants to maintain the clause in the current lease that allows it to terminate the lease with six months' notice.

6. FILE UPDATE

a. *Secondary objectives of the priorities for 2015-2017*

- i. Meetings on public participation with COMEV, COMEX and COFEX-South (Oct. 2 and 7, 2015)

In follow-up to the meetings, the analyst prepared an implementation table for the JBACE's recommendations regarding public participation. The table shows the progress made and the remaining gaps. Its purpose is to inform the signatory parties to Section 22 as well as the general public.

The chairperson and the members wish to improve relations with COMEX, including between the secretariats. Ideally, the JBACE should meet with the evaluating and review committees on a regular basis to explain its mandate and report on its work.

- ii. Collaboration with research centres: Ouranos

Ouranos is offering a seat on the Northern Environment program committee. It would provide an opportunity to help define the directions of northern research. The members think the Cree Nation Government should appoint a representative if it so wishes.

- iii. Reflection on the collaboration between the BAPE and JBACE commissions on issues related to uranium development

The members of the JBACE Commission on issues related to the uranium industry will revise the post-mortem report. After being adopted by the JBACE, the report will be sent to the signatory parties. Elements of the report may be relevant to the JBACE's future recommendations regarding modernization of the authorization process under the *Environment Quality Act*.

b. *Collaboration with the Société du Plan Nord*

The members want to learn more about the functioning and directions of the Société du Plan Nord. The Committee will write to the President and CEO, Robert Sauvé, to propose a meeting. The JBACE secretariat will try to improve information sharing and collaboration with the Société's staff.

c. *Sustainable Mobility Plan for the Nord-du-Québec*

The secretary will contact the Nord-du-Québec coordination office (Transports Québec) to see if it could give a presentation on the Sustainable Mobility Plan. The Office plans to launch the public consultation on the plan for the Nord-du-Québec administrative region in 2016.

d. *Study on fish habitat in the impact zone of the Opemiska tailings dam failure*

According to the director of mine site restoration, the Ministère de l'Énergie et des Ressources naturelles (MERN) has completed its restoration work in the impact zone of the 2008 tailings dam failure. It now falls to the Ministère de la Faune, des Forêts et des Parcs and the Ministère du Développement durable, de l'Environnement et de la Lutte contre les changements climatiques to monitor impacts on fish habitat and water quality.

The secretary will request a copy of the PowerPoint presentation the MERN put together for the community of Waswanipi.

e. *Characterization study of the Cape Jones (Pointe Louis XIV) contaminated site*

A member for Québec will try to get an update on the work carried out by the consulting firm hired by the MDDELCC.

7. MERN'S PROPOSED ABORIGINAL COMMUNITY CONSULTATION POLICY

The JBACE will write to the MERN to express its interest in commenting on the proposed Aboriginal community consultation policy. The policy is a requirement under the amended *Mining Act* (2014), but the JBACE has received no information as yet. A member explained that the MERN wants to consult Aboriginal communities first and then the advisory bodies.

8. PRESENTATION BY AURORA HERNANDEZ ON THE REPORT ON ABANDONED MINE SITES

Aurora Hernandez, a mining engineer at the Cree Nation Government (CNG), explained that the purpose of the report is to round out the information on abandoned mine sites presented in 2006. The new report incorporates data shared by the MERN, among other information. The CNG identified 427 mineral exploration sites in the Eeyou Istchee James Bay territory¹ since 1950. Given that each exploration project can include several drill sites, it means there are more than 5000 disturbed sites in the territory.

Given the magnitude of the task, the CNG focused on 192 former exploration sites that could have a significant impact on Cree activities, thus considered as priority for clean-up. Presently, there is no way of knowing if restoration work has been performed, or to what extent, because proponents don't normally disclose this information. Only through on-site evaluation/characterization will this be known.

The CNG identified around 20 former mine sites to be restored in Eeyou-Istchee. Roughly half of them are considered as restored by MERN, whereas Ms. Hernandez thinks that the work was limited to making the sites safe (e.g. sealing drill holes and installing fences around the site to prevent accidents). As is the case with the exploration sites, the restoration work plans for these mine sites are not public and it is thus impossible to know precisely what type of restoration was done. Furthermore, since there is no forum of exchange for these types of activities there is no way of ensuring restoration according to Cree future use of the territory. Some land users have reported places where water is discoloured and drains into the nearest drainage basin. Ms. Hernandez said

¹ On Category III lands only. Mining is prohibited on Category I and II lands.

that most of these restoration works were carried out before the amendment of the Mining Act in 2014, which introduced stricter standards. However, the MERN has made public their plan of investment in restoration of the abandoned sites.

In Ms. Hernandez's opinion, the restoration of the old Principale mine near Chibougamau is a laudable example of Cree involvement. The project was subjected to a specially-adapted environmental and social impact assessment procedure in order to ensure Cree participation. In this special case, a Steering Committee where Cree representatives actively and significantly participate in the decision making process was determined to be the exchange forum for this project.

9. PRESENTATION BY CHRIS BECK ON THE CREE REGIONAL CONSERVATION STRATEGY

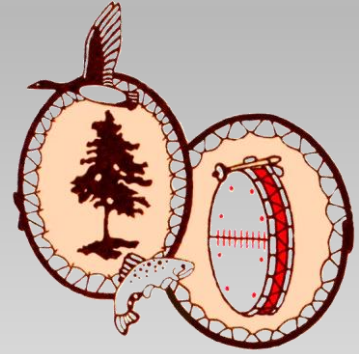
In October 2015, the Cree Nation Government (CNG) unveiled its newest version of the Cree Regional Conservation Strategy. The Strategy serves to guide the work of Cree Nation to protect key habitat areas to conserve wildlife populations and ensure food security and the continuance of traditional pursuits (hunting, fishing, trapping, gathering).

The Eeyou Protected Areas Committee (EPAC) is a Cree forum for discussion of conservation issues. The Cree Regional Conservation Strategy was developed by the CNG, through work with the EPAC. The CNG and the local Cree First Nations are working collaboratively with the MDDELCC on identifying areas to be protected. Under the Plan Nord, the Québec government pledged to protect 20% of the area north of the 49th parallel by 2020; today, roughly 12% of the area is protected. Aligning Cree initiatives with MDDELCC initiatives is a challenge, because the MDDELCC criteria for establishing protected areas, particularly in terms of biodiversity and representativeness, aren't necessarily the same as the Crees'. The purpose of the Eeyou Protected Areas Committee is also to promote Cree participation in the protected areas designation process. During the first phase of establishing protected areas in the Eeyou Istchee James Bay territory, that is, from 2003 to 2009, Cree participation was good for some projects, but poor for others.

Establishing protected areas in the territory is challenging in terms of the planning scale, particularly at the watershed level. The CNG encourages communities to coordinate their conservation initiatives in this regard. For example, the proposed protected areas of Chisesaakahiikan (Nemaska) and Mishigamish (Waswanipi) are adjacent in the Broadback River watershed. A member asked if the EPAC and CNG coordinate their work with the Eeyou Marine Region Planning Commission. Mr. Beck replied in the affirmative, citing the example of the Tawich marine region, a protected area proposed by the community of Wemindji.



Marc Jetten
Executive Secretary
March 4, 2016



Mining Restoration Needs in Eeyou-Itchee

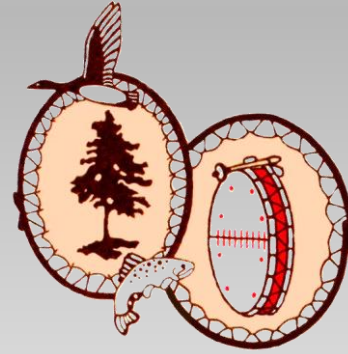
BY AURORA M. HERNANDEZ

Outline

- Objective
- Abandoned Exploration (update)
- Abandoned Exploitation
- Non Abandoned Sites
- Conclusion

Objective

- Exchange information on Restoration needs in the territory
 - Work Jointly
 - Efficiency



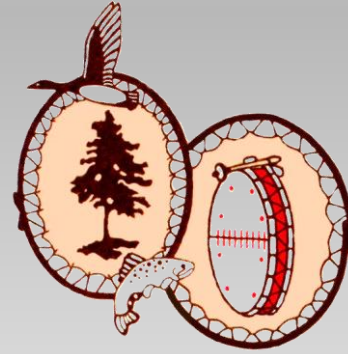
Abandoned Exploration (Update)

1. Report in 2006

- Category A (High impact) and B (low impact)
- Signaled by land users
- Does not include Washaw-Sibi

2. Update (2015)

- Verification of 2006 report data with MERN data
- Process to update periodically
- New sites (Category A)? (verify if practice is no longer done)



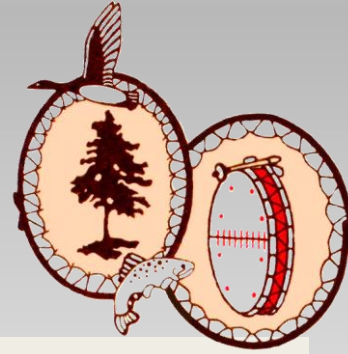
2006 Report - Site Classification



Category A



Category B



Update - Methodology

1. Validation

- Drill Sites-Trenching
- Only Category A sites
- Inconsistencies in MERN Data

2. Potential New sites

- Inactive since (2007-2008)

-- Cumulative Impacts? --

Company: Ressources Westmin LTEE ×
Activity: Drilling
Year: 1987
x_coordina: 404826
y_coordina: 5785659
Zone: 18
F7:
F8:

Consultati: E05/33C ×
Site_nm: ET/6-020
Site_Type: Mining exploration
Community: Eastmain
x_coord: 405043.182
y_coord: 5785647.213
Follow_up: Category A

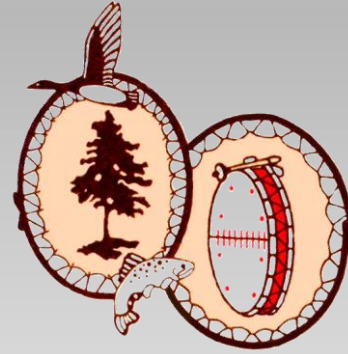
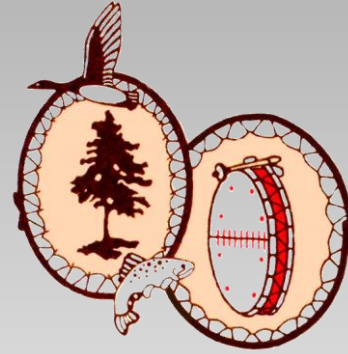


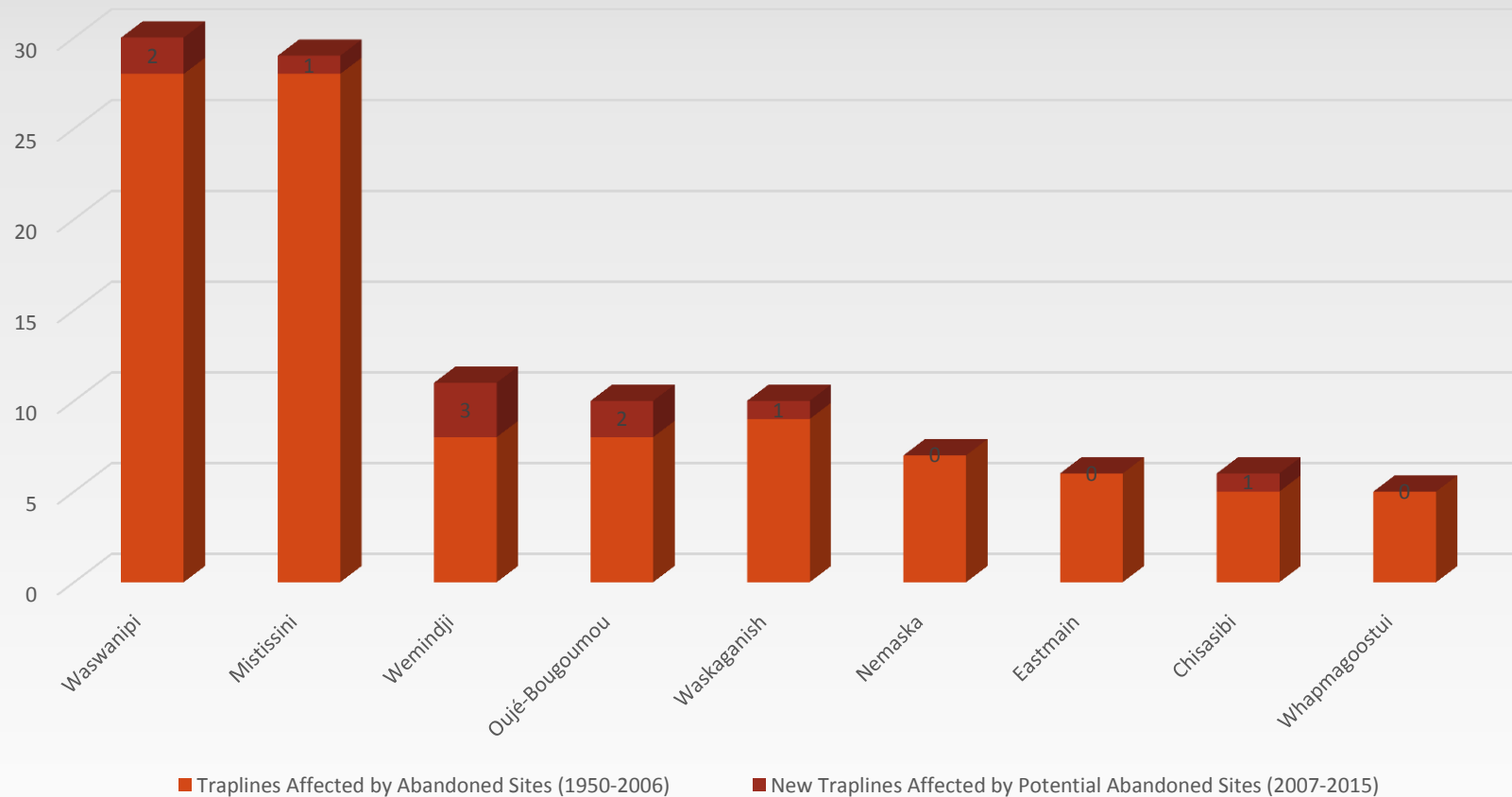
Table of Results

Type of Site	Mistissini	Waswanipi	Oujé Bougoumou	Nemaska	Eastmain	Chisasibi	Wemindji	Waskaganish	Whapmagoostui	Total
Category A Sites	84	38	18	14	12	11	8	5	2	192
Category B Sites	83	68	23	21	7	13	18	2	0	235
Category A Sites on Cat. I Land	0	0	0	0	0	0	0	0	0	0
Category A Sites on Cat. II Land	20	7	2	2	2	2	1	2	0	38
Drill Sites	2253	1106	504	382	413	249	341	71	249	5568
Drill Sites on Cat. I Land	0	3	3	0	0	0	0	0	0	6
Drill Sites on Cat. II Land	340	80	21	41	51	0	3	37	0	573

Results



Number of Traplines Affected by Abandoned Sites (1950-2015)



	Number of Projects
Inactive since 2007	59
Inactive since 2008	98
Total	157
Inactive projects that reported "High Impact" activities	81
Drilling Locations	436

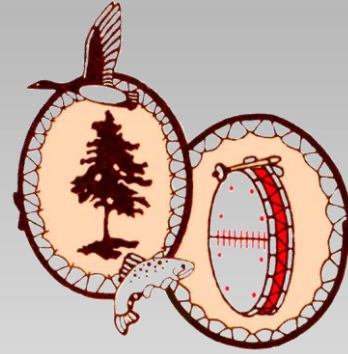
2. Abandoned Exploitation

A. Not clear (Number)

- Roughly 15
- Inconsistencies
- Works done mostly security (signalized as restored)
- No forum of exchange
- No public participation

Exception: Principale site (Special form of ESIA) & Opemiska (Working group)

3. Not Abandoned sites needing restoration



A. From Gestim:

- Roughly 10 on EIBJ
- Roughly 50 under JBNQA

B. No Forum of exchange to be informed

C. No public participation

- *Portage*
- *Bruneau Mine*
- *Cogniagas*
- -----
- *Poirier*
- *Geant Dormant*

Conclusion

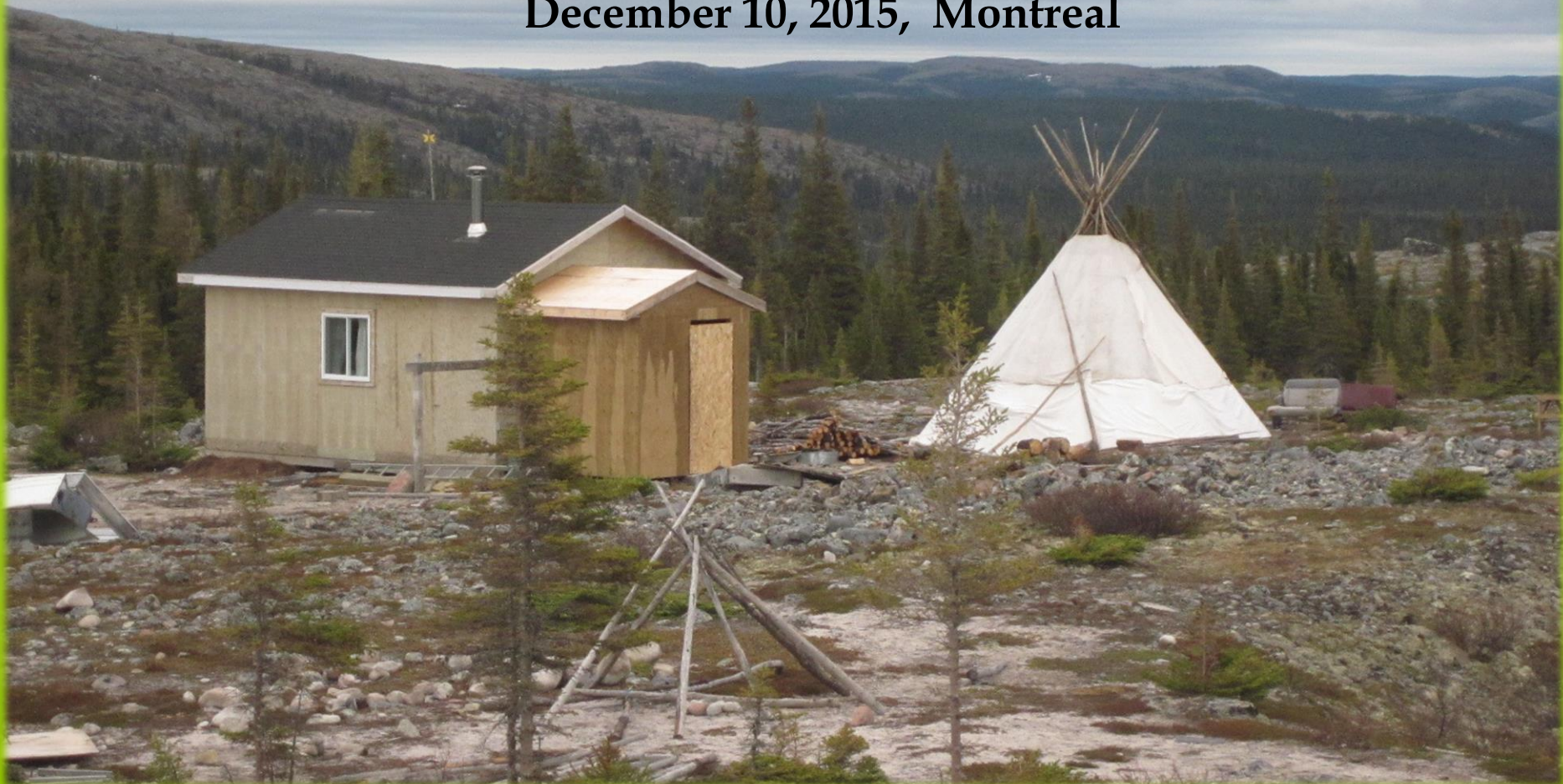
- Initiate discussion
 - Assess Sites (including the buffer zone)
 - Inform Communities
 - Public Participation ?
 - Consider mining activity cumulative effects in the territory

CREE REGIONAL CONSERVATION STRATEGY

Presentation to the James Bay Advisory Committee on the Environment

By the CNG Environment and Remedial Works Department

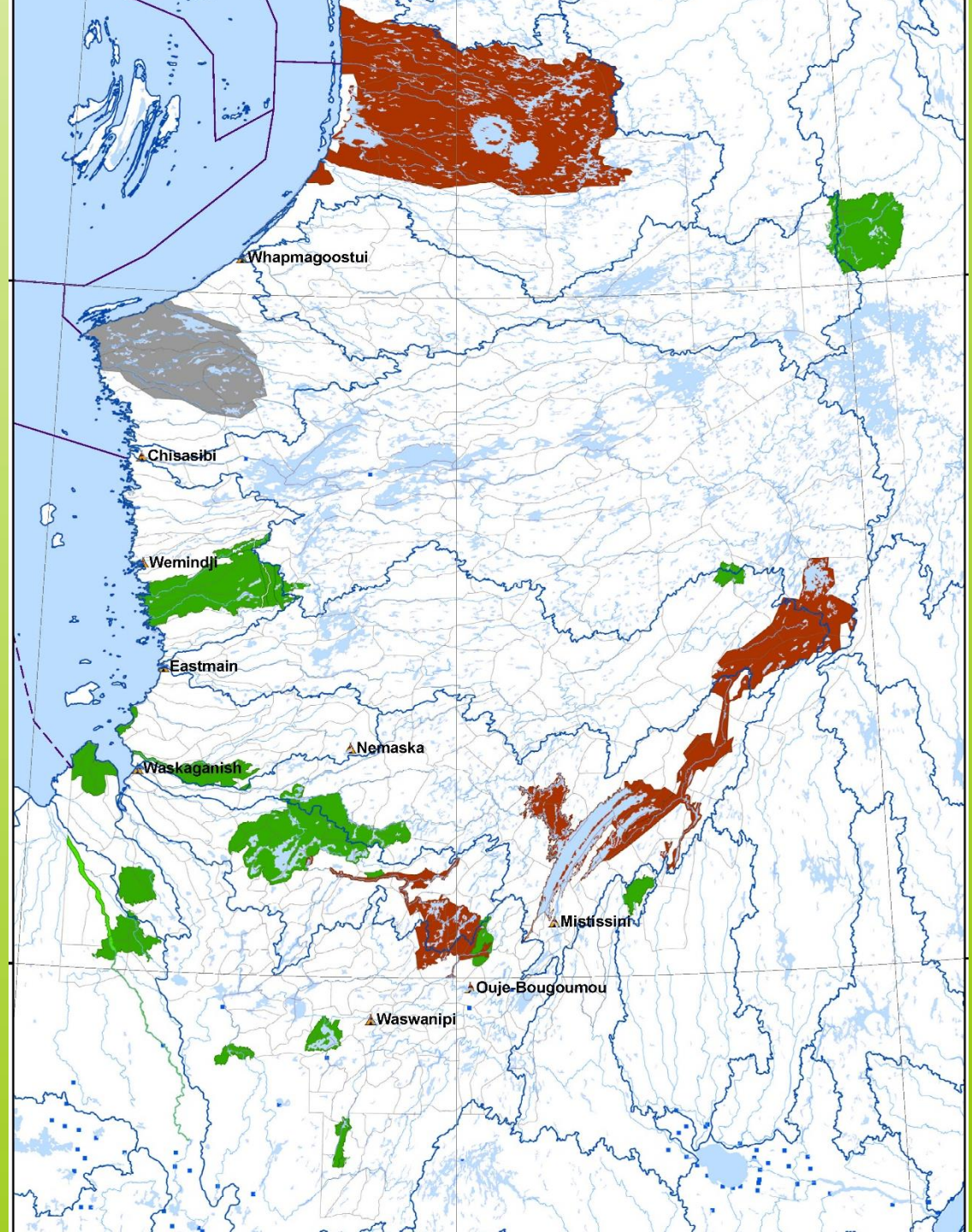
December 10, 2015, Montreal



BACKGROUND

- ❑ Protected areas (such as National Parks and Biodiversity Reserves) are areas designated by law where no industrial development (such as forestry, mining, hydro) is allowed
- ❑ Crees have the right to hunt, trap and fish and practice the Cree way of life in protected areas. These rights supersede or “come above” protected areas or parks legislation
- ❑ The powers to create protected areas rests with the Government of Québec (MDDELCC and MFFP for Parks)
- ❑ Most of the existing protected areas in Eeyou Istchee were established in the 2003–2009 period. In 2015, a few more areas were added to the network
- ❑ Some protected areas were developed in collaboration with the Crees, however many were done with inadequate consultation and Cree input into decision making

EXISTING PROTECTED AREAS IN EYYOU ISTCHEE



EYYOU PROTECTED AREAS COMMITTEE

- ❑ To address this issue, the GCC-CNG Council/Board passed a Resolution in 2012 creating the Eeyou Protected Areas Committee (EPAC), creating a coordinated regional approach for Cree engagement in protected areas planning
- ❑ This Committee has reps from all 10 Cree communities, the CTA, the Youth Council, and the CNG Environment and Cultural Depts. Has met 5 times
- ❑ CNG Environment Dept. provides coordination and technical support. The Cree Regional Conservation Strategy (CRCS) was developed working with the EPAC

CRCS: VISION

To maintain strong ties to the Cree cultural heritage and way of life, and sustain biodiversity by creating a large, interconnected network of conservation areas in Eeyou Istchee. This will be achieved through Cree leadership in conservation planning



CRCS: GOALS

1. To create an interconnected network of conservation areas of cultural and ecological importance for the safeguarding of biodiversity
2. To conserve wildlife populations and enhance food security for present and future generations
3. To ensure full Cree participation in conservation planning and management
4. To ensure that Cree knowledge, culture and land management systems play a central role in conservation initiatives

CRCS: GOALS

5. To build Cree capacity for conservation planning and management
6. To ensure that Cree Youth are engaged in all stages of the Strategy
7. To integrate conservation science principles and build in resilience to climate change
8. To ensure that the Strategy is adaptive and based on the best available knowledge



IMPLEMENTATION

COMMUNITY-LEVEL PLANNING

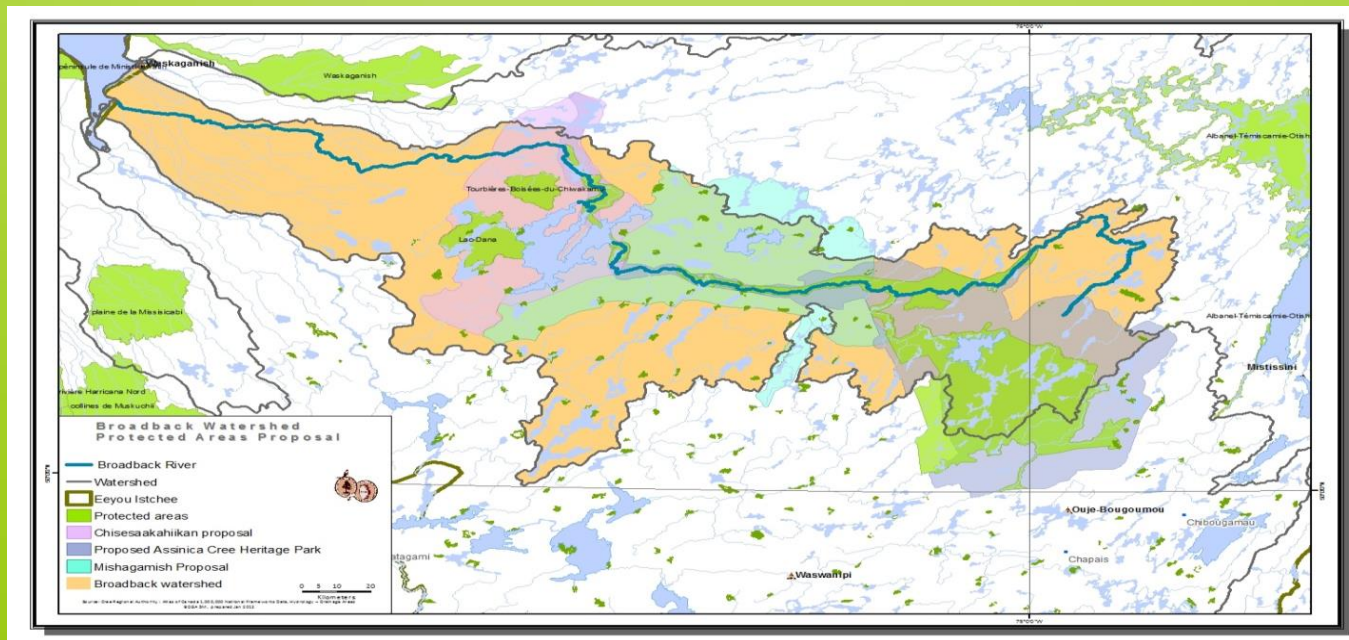
- ❑ Work with Chief/Council, tallymen, land users, Elders and others identify priority areas for protection
- ❑ Decisions about which areas are a priority for conservation comes from the community level. CNG provides technical and advisory support



IMPLEMENTATION

REGIONAL AND WATERSHED LEVEL PLANNING

- Eeyou Protected Areas Committee (EPAC) provides a forum for exchanging ideas, providing guidance and support for protected areas planning, inter-community initiatives, collaborating with neighboring aboriginal nations, regional governments, researchers, ENGOs etc. The CNG is providing support for this regional level work
- Opportunity exists to liaise with EIJBRG Natural Resources Committee on Cat. 3 protected areas initiatives



PARTNERSHIPS

- Example: CNG - Nature Conservancy of Canada collaboration to build GIS based conservation planning decision support tools.
- This provides options for discussion for both regional and community level protected areas planning

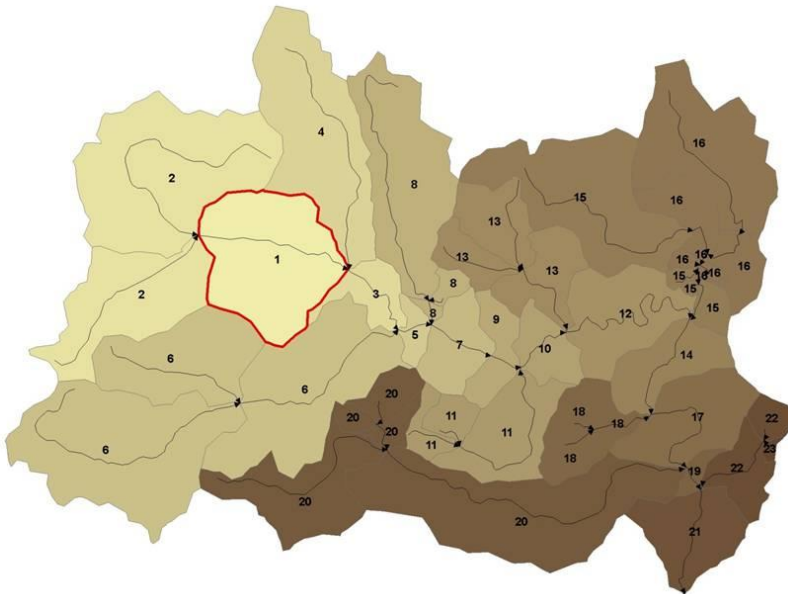
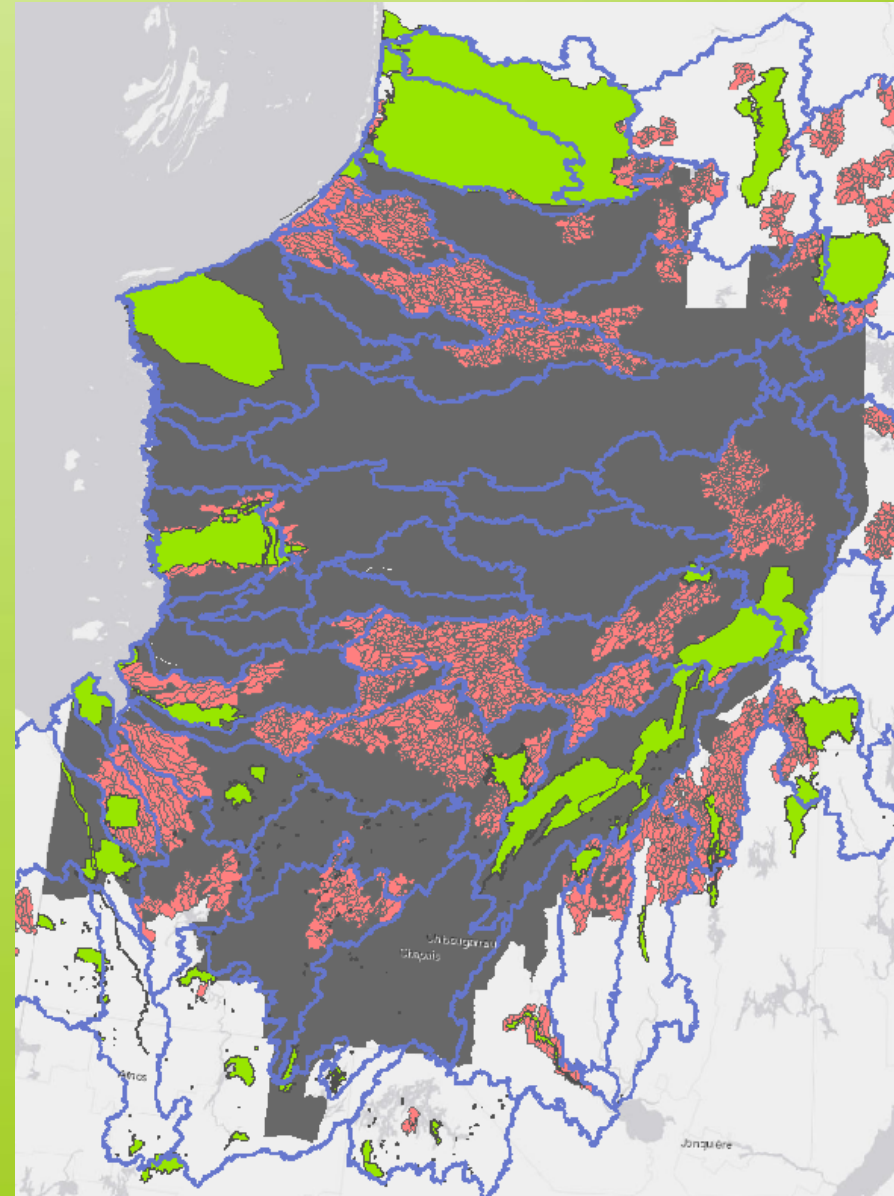
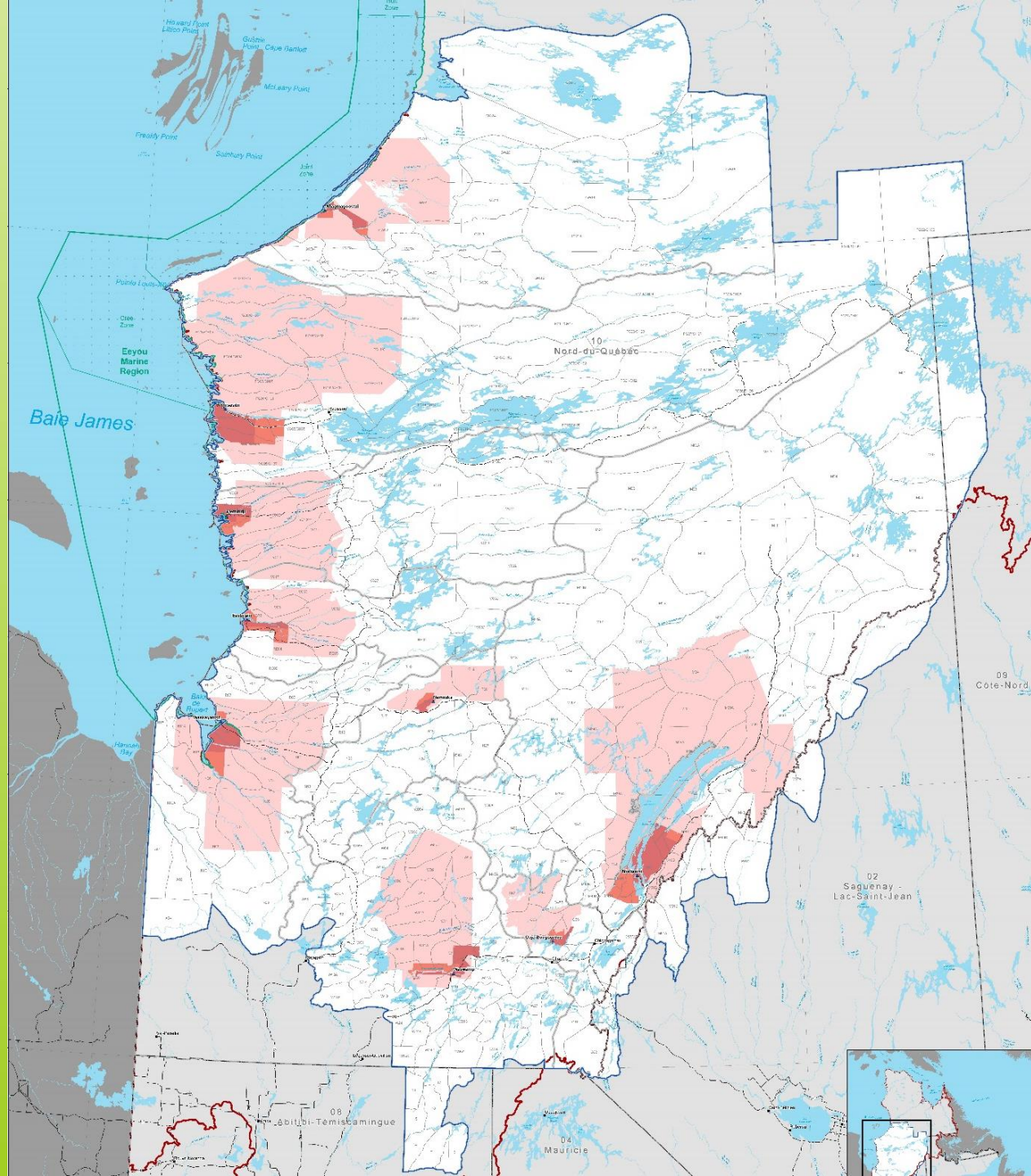


Illustration of the order in which the construction algorithm amalgamates catchments based on stream flow. The construction starts at the seed, labeled 1. Arrows on the stream arcs indicated the direction of stream flow.

PLANNING SCALES: FITTING IT ALL TOGETHER

- ❑ Need for harmonizing many planning scales: the trapline (family hunting territory) level, the community level (all traplines connected to a Cree community), watershed level, and the regional level (Eeyou Istchee as a whole)
- ❑ Need to try to harmonize Cree priority protection areas with the Government of Québec's planning units (or Ecological Reference Framework)

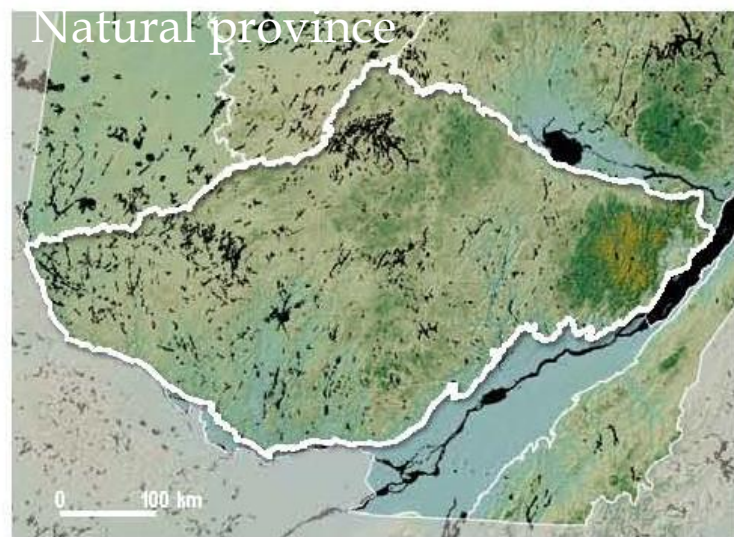
CREE TRAPLINES, COMMUNITY TERRITORIES, JURISDICTIONAL BOUNDARIES



QUEBEC'S ECOLOGICAL REFERENCE FRAMEWORK: NATURAL PROVINCES



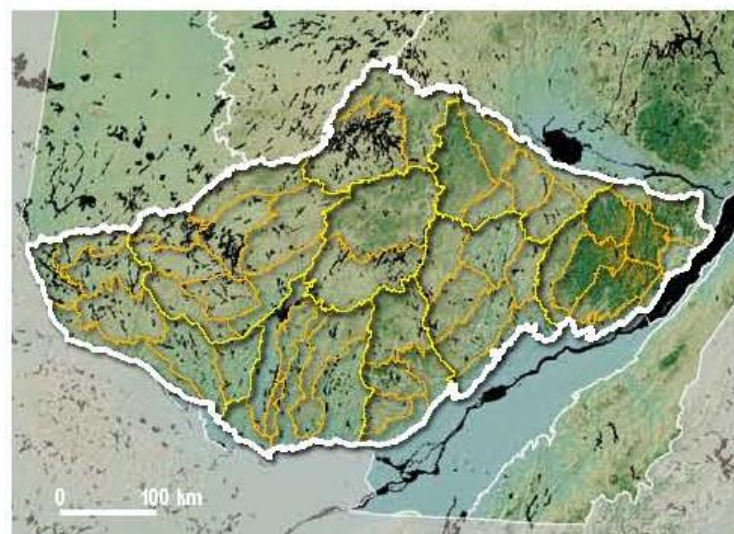
QUEBEC'S ECOLOGICAL REFERENCE FRAMEWORK: SMALLER UNITS



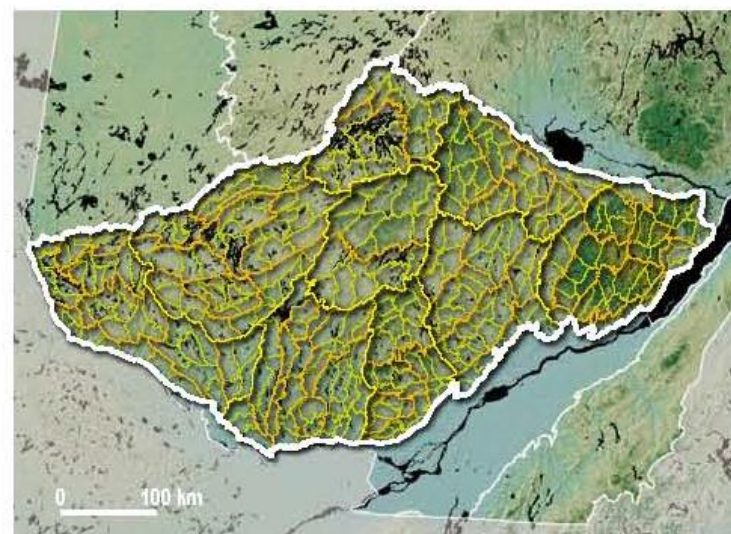
Niveau 1



Niveau 2



Niveau 3



Niveau 4

GOING FORWARD

- While there are many challenges, the CRCs provides a framework to help guide collaborative work internally and with Québec and other partners
- Community level planning is underway. Working with Québec to achieve 20% Plan Nord protection objective by 2020
- The Cree focus so far has been mostly on areas highly valued collectively, and that are abundant in wildlife and have always provided subsistence for the Crees
- A future step will be to look at larger network of conservation areas or zoning, in the context of more comprehensive land use planning, where economic development and conservation interests and needs can be analyzed and balanced to meet the needs of present and future generations

Meegwetch



CRCS document available at: www.eeyouconservation.com