



MINUTES OF THE 208th MEETING OF THE JAMES BAY ADVISORY COMMITTEE ON THE ENVIRONMENT

DATE: September 25-26, 2018

LOCATION: Québec City (Édifice Marie-Guyart)

PRESENT: Jean-Yves Savaria, Canada, chair
Jean Picard, Canada
Chantal Otter Tétreault, CNG, vice-chair
Melissa Saganash, CNG
Marc Dunn, CNG
Pamela Macleod, CNG (by phone)
Maud Ablain, Québec
Mélanie Chabot, Québec
François Provost, Québec
Manon Cyr, Québec

Michèle Leduc-Lapierre, Executive Director
Graeme Morin, Environmental Analyst

ABSENT: Caroline Girard, Canada

OBSERVERS: Jeremy Anglesey, Environment and Climate Change Canada (Presentation on Contaminated Sites)
Mélanie Talbot, Indigenous Services Canada (Presentation on Contaminated Sites)
Georges Gangbazo, Ministère du Développement durable, de l'Environnement et de la Lutte aux les changements climatiques (Presentation on Strategic Environmental Assessment)
Mireille Paul, Ministère du Développement durable, de l'Environnement et de la Lutte aux les changements climatiques (Presentation on Strategic Environmental Assessment)

Day 1 – September 25, 2018

INTRODUCTION AND ADOPTION OF THE AGENDA

On a motion by Melissa Saganash, seconded by Manon Cyr, the agenda (see Appendix 1) was adopted with additions to Varia (COFEX proposal, consultation involving NRCan and the NEB, Complementary Agreement No. 25), and the point on the adoption of the minutes was moved to the beginning of the second day.

INTERNAL COMMUNICATIONS

The members discussed the frequency with which the weekly summaries are sent as well as the large number of emails concerning various matters. The Secretariat will assess the possibility of using other tools for information sharing, such as Google Docs, SharePoint or Dropbox. When the website is updated, special attention will be paid to optimizing it for the sharing of information and documents.

FOLLOW-UP ON ACTION FROM THE 207TH MEETING

The Executive Director said that the action follow-up table was available on the website. The members had no questions.

JBACE GUIDE ON PUBLIC PARTICIPATION FOR PROPONENTS

The Analyst summarized the status of the project. Several changes still have to be made, and the layout is still to be done. Once the English version is complete, it will be sent to the members. Next comes translation, which should cost no more than \$1,000, and graphic design. For the last two steps, the members asked the Secretariat to choose the lowest bidder. The objective is to have a finished product by the next meeting.

Actions:

- The Analyst will finish the changes and send the document to the members.
- The Secretariat will have the document translated and then send it to the graphic designer.

FOLLOW-UP ON FILES

Bill C-68 – An Act to amend the Fisheries Act

On September 20, a letter was sent with comments on the approach to amendment of the Applications for Authorization Regulations. Now we must wait until the bill receives royal assent (it is in its second reading) and the draft regulation is published. We are also waiting for the draft amendment to the revised Designated Project List and Codes of Practice, but that may take until June 2019.

Bill C-69 – An Act to enact the Impact Assessment Act

The situation is similar to that of Bill C-68 in that it is still awaiting royal assent. There may be a possibility of involvement in the draft regulation concerning the review of designated projects and another concerning scheduling. There should be two rounds of consultation for these draft regulations. Pamela MacLeod was appointed to represent the CNG in order to complete the subcommittee and ensure we will be ready when it comes time to comment.

Action:

- The Analyst will contact Pam to bring her up to date on this matter.

Development of the Public Land Use Plan (PLUP) for the Nord-du-Québec administrative region

The Analyst described the PLUP and discussed the process for its preparation. The JBACE commented on the revised proposed approach in August, with comments similar to those made in the past. A member informed the Committee that the person responsible for this matter had been absent for some time but was now back.

Action:

- Mélanie will obtain an update on the situation and keep the JBACE informed.

Climate change

To complete the subcommittee, Melissa Saganash was appointed as CNG representative.

The Analyst said that the translation of the Ouranos report was complete and available to all the members. Now we have to decide what to do with the report and how to disseminate the very technical information in it. It will also be important to discuss the next steps; that matter has been included in the Strategic Plan that will be adopted later during the meeting.

The JBACE has been invited by the CNG to take part in the Climate Change Regional Forum to be held in Eastmain on November 6 and 7, 2018, to present the information in the report. The members discussed the request, specifically the use of the information in the report by the JBACE and Ouranos, as well as Ouranos' participation. The members agreed that the report belonged to the JBACE because it was commissioned by the JBACE. Concerning Ouranos' participation, the members are of the opinion that they could present the information in layman's language, with an introduction by the JBACE. The members instructed the subcommittee to evaluate the request and decide who should present the information.

The Analyst also provided an update on the development of a regional climate portrait to support analysis of impacts and adaptation to climate change in the Eeyou Istchee James Bay Territory, a project of the MTMDET. Several other groups will be part of the Committee, including the CNG, COMEX and COMEV. The Analyst will sit on the committee to serve as a conveyor of information, which should require no more than about 10 hours a year. He has had a discussion with the person responsible for the project, which is on hold for the time being. We will be contacted when the project is reactivated.

Actions:

- The subcommittee will meet to discuss the next steps and the presentation at Eastmain.
- The Secretariat will contact Ouranos to coordinate the presentation at Eastmain.

Review of 2018-2023 tactical integrated forest management plans (PAFITs) and JBACE work concerning woodland caribou

The Analyst said the work was being done by a joint forest and caribou subcommittee. The JBACE has a mandate to review the five-year plans but does not review the annual plans. This year, the plans should be sent to us between January and April 2019 and we expect to receive 14 plans.

The review work is not done by the JBACE's employees and members but by an external firm hired by it. The subcommittee met earlier in September to prepare a call for tenders, which was submitted to the members. The call for tenders contains all the information needed to submit a bid, including a table containing the analytical elements identified, in which the bidders will have to state the proposed indicators. The Analyst said that the schedule in the call for tenders had been developed by the members of the subcommittee and that it was very tight. The JBACE will have 90 business days to comment on the plans after they are sent to us. Once the call for tenders has been approved by the members, we will go ahead and send it to potential firms and other partners that may be interested in the work. Once the subcommittee has identified a firm, a recommendation will be sent to all the members for approval, which could be done by email. The final report will have to be submitted in French with a detailed summary in English.

The members discussed the proposed amount (\$30,000), which seems a little low given the workload that the review involves. It will be necessary to increase the amount to obtain quality bids and work. After the discussion of the budget during the second day of the meeting (see "Finances and funding" below), the members decided to increase the amount to a maximum of \$45,000. The members approved the call for tenders.

Woodland Caribou

The Analyst said that the translation of Tyler Rudolph's report was now complete. The report will be internal until the subcommittee discusses the possibility of making it public. Some members pointed out that the information could be useful for certain committees and that it would be good to be able to use it.

The subcommittee also discussed the possibility of continuing the work on caribou by considering the cultural and social component, as well as the caribou's cultural impact on the communities, possibly by means of a workshop with the communities, and such information could be combined with biological and ecological information.

The Analyst said the North American Caribou Workshop, which includes a large aboriginal component, would be held in Ottawa in a few weeks. The members discussed whether it was relevant for the JBACE to attend and decided that the Executive Director could attend to obtain information and to network.

Action:

- The subcommittee will identify the elements to be removed from the report and produce a revised report for the committees that require the information.

Cumulative effects

The Analyst said that work on this matter had been suspended for two years. There was momentum in 2016 with the report and the workshop, and now we must decide what we are going to do. An information memo was written for the subcommittee to discuss what could be the second phase of the work, namely a study of best practices on a regional basis. In line with a comment made during the June meeting, we will have to keep in mind that the recommendations should be practical (e.g. thresholds, spatial and temporal boundaries). The subcommittee will meet to discuss the next steps. A proposal will then be submitted to the members for validation.

To complete the subcommittee, Marc Dunn was identified to represent the Cree party, and Judy Doré would be the ideal person for Canada. The members who represent Canada will contact her.

Actions:

- Jean will speak to Judy Doré to determine whether she can represent Canada on the subcommittee.
- The subcommittee will prepare an action proposal to be submitted to the members at the next meeting.

Day 2 – September 26, 2018

ADOPTION OF THE MINUTES OF MEETINGS 205, 206 AND 207

Meeting 205: The members proposed minor changes to the minutes. On a motion by Melissa Saganash, seconded by Jean Picard, the minutes were adopted. They will be sent for translation.

Meeting 206: No changes to the minutes were proposed. On a motion by Chantal Tétreault, seconded by Jean Picard, the minutes were adopted. They will be sent for translation.

Meeting 207: A member had made comments before the meeting, and they were already incorporated into the draft submitted to the members. The members proposed a few changes. On a motion by Marc Dunn, seconded by Maud Ablain, the minutes were adopted.

Actions

- The Secretariat will incorporate the proposed changes into the minutes.
- The Secretariat will have the minutes of meetings 205 and 206 translated.
- The Secretariat will post the minutes of meetings 205, 206 and 207 once they are finalized.

ADMINISTRATION

Human Resources Policy and Code of Ethics

The Administrative Committee (AC) met in September to work on the review of the Human Resources Policy. A consultation was done with the Secretariat employees in preparation for the meeting. A great deal of work has been accomplished, but much remains to be done. The Chair will contact the DSC representative and work with her to fine-tune the document. A proposed policy will be presented at the next meeting.

Action

- The Chair will contact the DSC representative to for the next steps.

Finances and funding

The Executive Director provided an update on the funding situation for this year, particularly the delayed receipt of the payment and the lower amount. The members discussed the situation and raised several aspects that should be considered more closely: the funding process, actions to facilitate the process in the future, modifications to the 2018-2019 budget and the withdrawal of certain projects scheduled for this year. The members suggested contacting the Administrators to provide them with an outline of the situation and explore possible solutions to avoid a recurrence of the situation in future years.

Job descriptions for the Analyst and the Secretariat Officer

The members discussed this point in closed session. The following resolutions were adopted:

JBACE Resolution No. 2018-26-09-03 adopting the job description for the position of Analyst: on a motion by Manon Cyr, seconded by Marc Dunn, the resolution was adopted (see Appendix 2).

JBACE Resolution No. 2018-26-09-02 adopting the job description for the position of Secretariat Officer: on a motion by Jean Picard, seconded by Maud Ablain, the resolution was adopted (see Appendix 2).

Group insurance for employees

The members discussed this point in closed session.

Strategic Plan and Action Plan

The Analyst summarized the work done by the subcommittee and briefly presented the Strategic Plan. The members proposed several minor changes to the document. On a motion by Jean Picard, seconded by Marc Dunn, the Strategic Plan was adopted. Once the changes have been made, the document will be sent to the graphic designer.

The Analyst then summarized the subcommittee's work concerning preparation of the action plan. The plan covers 2018-2020, given that much of 2018-2019 has already elapsed and it is more logical to present a two-year plan. He also said the word "priority" did not reflect only the most important actions, but also those that can be taken over the short term. The members discussed the concept of priority and the proposed action

plan. It was proposed that we focus on projects previously identified and in progress, rather than adding new projects.

The members suggested that a work plan be developed by the Secretariat employees as a function of budget requests. They are in a better position to assess the workload and prepare a realistic plan. The work plan will be submitted to the subcommittee and then to the members at the next meeting. Marc Dunn joined the subcommittee to represent the Cree party.

Actions

- The Secretariat will prepare a work plan for each year and connect it with the budget requests.

PRESENTATION ON CONTAMINATED SITES (FEDERAL CONTAMINATED SITES ACTION PLAN - FCSAP)

After roundtable introductions, Jeremy Anglesey of Environment and Climate Change Canada (ECCC) and Mélanie Talbot of Indigenous Services Canada (ISC) presented the work undertaken as part of FCSAP since its inception in 2013. They said FCSAP would expire in 2020. Even so, given that many contaminated sites have still not been restored – and thus pose public safety risks – ECCC and ISC hope to extend FCSAP’s term.

The presenters offered more information on the decision-making process concerning contaminated sites (namely site characterization based on standards established by the Canadian Council of Ministers of the Environment and the triggering of decontamination work as a function of internal triage according to the risk level of each site).

Discussion

In response to a question, they reiterated that FCSAP applied only to contaminated sites under federal jurisdiction and therefore did not cover the abandoned radar sites forming the Mid-Canada Line. That being said, the Department of National Defence is working on an approach to collaborate with provincial authorities to restore such sites.

In conclusion, a member said that users of the James Bay lands believe that work to decontaminate, secure and clean up project sites after activities are complete is a matter of respect. Moreover, the involvement of these users in such work is still a subject of major interest. He believes that users should be involved in the work and that decontamination should be reconciled with work to secure and clean up the sites. The presenters said that FCSAP emphasized contaminated soils and surface water rather than a simple cleanup of residual materials. Even so, they said that ECCC and ISC were aware that it could be useful to review FCSAP’s scope and eligibility criteria to include other types of work to secure sites and to promote more involvement by the affected communities if FCSAP’s term is extended.

Actions:

- The Analyst will contact the presenters to update the list of contaminated sites in the Territory under federal jurisdiction with the information they hold. Once the list has been revised, the members can have a more informed discussion about contaminated or abandoned sites in the Territory generally (under federal and provincial jurisdiction).

STRATEGIC ENVIRONMENTAL ASSESSMENT (PART 1)

Presentation

After roundtable introductions, Georges Gangbazo (MDDELCC) outlined the situation on the preparation of the draft regulation concerning SEA for the implementation of the EQA. In short, the MDDELCC has already established several key elements that are aligned with the JBACE's opinions of recent years and elements that the Committee should consider (non-exhaustive list):

- The SEA triggering and exemption process
- The approach to determining the scope of SEA and the organizations to be involved in it
- Public consultation
- The approach to ensure that development project planning and inclusion in the Territory respect the directions established by the strategic planning initiatives that are the subject of SEA

STRATEGIC ENVIRONMENTAL ASSESSMENT (PART 2)

Discussion

After the presentation, the Analyst summarized the recent actions and explained where the Committee was with this matter. He said the JBACE currently had no consensual position, given the dissension of the Cree party during the presentation to the National Assembly in November 2016.

The members discussed options concerning the approach to take for the months to come, namely the need to be proactive and immediately send comments upstream from the publication of the draft regulation or to be ready to issue comments as soon as the draft regulation is published. The subcommittee will meet in the weeks to come to discuss the next steps.

Actions:

- The members representing Canada and the CNG will provide the name of a member who will sit on the subcommittee.
- The Secretariat will draft a letter that will be sent to Mr. Gangbazo to thank him for his presentation and to reiterate our interest in being consulted when the draft regulation is developed.

VARIA

Request from the President of COFEX-South

The Executive Director presented a request from François Boulanger, President of COFEX-South. The members discussed the request and, given that the Committee will have a full agenda in the months to come, decided to concentrate on the priorities already identified. Even so, the Committee is prepared to share information as necessary.

Action:

- The Executive Director will contact Mr. Boulanger to inform him of our decision and to offer assistance if he needs information.

Consultation by Natural Resources Canada (NRCan) and the National Energy Board (NEB)

For the members' information, the Analyst said the Secretariat had been informed by email that NRCan and the NEB were soliciting comments from the public on the development of two new regulations and on the update of a regulation in force in support of the proposed *Canadian Energy Regulator Act*, which will lead to the creation of the Canadian Energy Regulator. The consultation will extend from October 15 until November 28, 2018. The JBACE will not comment.

Complementary Agreement no. 25

The Analyst said he had all the documents concerning Complementary Agreement No. 25 at the JBACE. He will analyze the material to develop an information memo for the members as soon as possible. His analysis will provide a better understanding of the amendments to the adapted forest regime.

CONCLUDING REMARKS AND NEXT MEETING

The members decided to hold a one-day meeting at the end of November or early in December. A Doodle will be sent to choose the date.

Action:

- The Executive Director will send a Doodle to the members to set the date of the next meeting.

Adjournment of the meeting

Michèle Leduc-Lapierre, Executive Director

Prepared on February 27, 2019

Adopted on July 17, 2019



Appendix 1 – Agenda

208th Meeting of the JBACE

Québec – Tuesday, September 25th and Wednesday, September 26th 2018

The meeting will take place at the Marie-Guyart building (see below for room), 675 René-Lévesque Blvd E., Québec

Tuesday, September 25th 2018

**Room 123A for the afternoon session*

1. 12:45 Participants arrival
2. 13:00 Welcome, introductions and adoption of the agenda
3. 13:10 Adoption of the minutes from meetings 205, 206 and 207
4. 13:25 Follow-up on actions from meeting 207
5. 13:35 JBACE guide on public participation for proponents
6. 14:00 Follow-up on files (part 1)
 - a) Bill C-68 - *An Act to amend the Fisheries Act*
 - b) Bill C-69 - *An Act to enact the Impact Assessment Act*
 - Identification of a subcommittee member (CNG)
 - c) Preparation of a PLUP for Nord-du-Québec administrative region
 - d) Climate change
 - Identification of a new subcommittee member (CNG)
 - Follow-up on the Ouranos report
 - Status of the report
 - Ideas for disseminating the information
 - Analyst's participation on the Steering Committee for the drafting of a regional climate portrait to support impact analysis and adaptation to climate change in the Eeyou Istchee James Bay Territory (MTMDET project)
 - CNG's projects
7. 14:45 *Break*
8. 15:00 Follow-up on files (part 2)
 - a) Review of tactical forest management plans (PAFIT) 2018-2023 and JBACE work regarding Woodland Caribou
 - Update on the work of the subcommittees
 - Adoption of the request for proposals for the review of PAFIT
 - Next steps for Woodland Caribou
 - b) Cumulative effects
 - Identification of new subcommittee members (Canada and CNG)
 - Next steps for the JBACE
9. 17:00 Adjourn for the day

Wednesday, September 26th 2018

**Room 123A for the morning session*

- 10.** 9:00 Administration
 - a) Job descriptions
 - b) Human resources policy and code of ethics
 - c) Group insurance policy for employees
 - d) Finances and funding
- 11.** 10:30 *Break*
- 12.** 10:45 Strategic Plan and Action Plan
- 13.** 11:45 *Lunch*

**Room 118 for the afternoon session*

- 14.** 13:00 Presentation on contaminated sites – Jeremy Anglesey (ECCC)
- 15.** 14:00 Strategic Environmental Assessment (part 1)
 - a) Presentation from a representative of MDDELCC – Georges Gangbazo
- 16.** 15:00 *Break*
- 17.** 15:15 Strategic Environmental Assessment (part 2)
 - a) Follow-up on Regulations for the implementation of the revised Environmental Quality Act
 - b) Identification of members for the subcommittee (Canada and CNG)
 - c) Discussion regarding JBACE’s position
 - d) Identification of next steps for the JBACE
- 18.** 16:15 Varia
- 19.** 16:45 Wrap-up and next meeting
- 20.** 12:00 Adjourn the meeting

