

A member suggested that the Secretariat could decide whether or not it is relevant for the committee to participate in events and only ask the members when in doubt. This should allow for more efficient decision-making.

Activities and budget for 2020-2021

The Executive Director presented the draft work plan for 2020-2021, the draft budget that was revised by the Administrative Committee, and described the amounts allocated to the different budget items. For the activities associated with the implementation of the Strategic Plan, the members agreed on focusing on a few activities to be more efficient. It was also decided to use translation services in the future for external communications to improve the quality of the letters that are sent out and that the budget should reflect the necessary funds for that purpose. The members discussed the planning of future meetings on the territory and agreed to extend the meetings to have the opportunity to meet with people of the communities. For the work on cumulative impacts, since the committee has to decide on what actions will be taken, the budget will indicate “Develop an action and research plan”. For the reviews of the PAFITs, the members approved the creation of a dedicated fund for these exercises which recur every five years, allowing the costs to be spread over five years instead of a significant expense every five years. The modifications will be made to the budget before it is finalized by the Administrative Committee and sent to the MELCC.

On a motion proposed by Maud Ablain, seconded by Caroline Girard, the budget was adopted

Action

- The Executive Director will revise the budget and send it to the Administrative Committee to finalize it and send it to the MELCC.

COMMUNICATIONS

This item was covered during the discussions on other items on the agenda.

FOLLOW-UP ON THE IMPLEMENTATION OF THE “CLOUD”

The Executive Director explained that the migration to the cloud was completed and that everything works well. The project was completed under budget. It is now possible for the employees of the Secretariat to have access to all documents remotely, which improves their efficiency.

The next step will be to allow access for the JBACE members to the directory created for them. Everything is in place so that this may be completed in January. The members will receive instructions and will have to test their access, especially to see if there are security features that would prevent them from using the JBACE cloud. Efficiency will improve once sound functioning of the cloud is confirmed by everyone, as the sharing of documents will be done through this system instead via the website.

PRESENTATION ON BILL 46 AND DISCUSSION

Mr. Hadrien Paquette, from the MELCC, was invited to introduce Bill 46 to the members. He began by presenting the history of the *Natural Heritage Conservation Act* that was adopted in 2002. At that time, the objective was to bring together existing laws to provide a single tool to meet international commitments. This law also added statuses for conservation. The presenter then described the steps in the drafting of Bill 46 and the next steps (specific consultations and detailed study in parliamentary committee, adoption and sanction). He mentioned that the government of Québec would like to proceed quickly with this file (ideally by next summer), but no timetable has been set and a clearer portrait will be available in the winter.

After describing the vision and the main objectives of Bill 46, the presenter described the different proposed measures.

Measure #1: Optimize the public consultation process

The current process is very linear and not very flexible; the proposed process will provide more opportunities for consultation. There will be specific provisions for territories covered by treaties, i.e. the Minister won't be required to grant an application for a public consultation when there is an environmental and social impact assessment and review procedure as provided in Section 22 of the JBNQA. Regarding information sessions, the law would allow to coordinate with an entity(ies) that may be best placed to act as a commission.

Measure #2: Introduce the marine reserve status

In the current law, there is nothing specific to protect marine environments, such that the aquatic reserve status is used. The introduction of the marine reserve status will allow for the attainment of Québec's objectives for marine environments protection and will allow for more flexibility than with the aquatic reserve status.

Measure #3: Introduce the protected area with sustainable use status

This measure will promote the sustainable use of resources, in a conservation context, over part of the protected area, and will also promote adapted and participatory governance. The law introduces the principle, but the specifics regarding this status will be defined by regulation which will be developed in collaboration with stakeholders.

Measure #4: Withdraw temporary protected area status

This status does not add value because there is a consensus upstream, and because often the temporary status does not reflect the corresponding permanent status. In addition, with the addition of two new statuses, two new temporary statuses would need to be added. Finally, this measure will make it possible to lighten the load associated with carrying out this temporary status designation and obtain protected areas more quickly. It should be noted that the areas that currently have temporary status will retain it, this measure will only apply to new areas.

Measure #5: Review the list of low-impact prohibited activities under biodiversity reserve status

Current restrictions encompass all activities associated to a given area of activity, even if these practices have a low impact. This measure will allow for the authorization of certain activities that have a low impact, such as borrow pits.

Measure #6: Adopt a general regulation governing the entire array of protected area statuses (activity framework)

Currently, the conservation plan has the weight of a regulation. The objective of this measure is to make the conservation plan a planning document rather than a regulation. There will be a general regulation (i.e. a common core) which will present a scheme of activities for each status. This will avoid creating regulations for each protected area.

Measure #7: Introduce "other effective conservation measures"

These other effective conservation measures (OECMs) are measures for which the main objective is not the conservation of biodiversity but for which the indirect impact is as important for biodiversity as a protected area (e.g. buffer zones around military bases). Areas with OECMs could therefore be counted. A new register will be created for the OECMs to facilitate administrative management.

A discussion was held on the addition of another registry. There will be four new registries; but, this amounts to an issue of administration and legal management.

Asked if the concept of an Indigenous protected area will be included in the OECMs, the presenter replied that the Ministry would need to look at the process in order to determine if it would be possible to coordinate the matter. On the other hand, he affirmed that the OECMs are mainly focused on the measures and activities already in place which can also have a positive impact.

Measure #8: Introduce an offset mechanism

A public consultation will be mandatory before a protected area's designation is terminated or its boundaries are amended. The repeal process must be as rigorous as the creation process for a protected area. The ideal scenario would be to compensate for the loss of area with an area of identical size, but if this is not possible there could be other means (e.g. area with equivalent characteristics) and the important thing is not to have a net loss. This provision exists in the current *Natural Heritage Conservation Act* of 2002, but there are no clear guidelines.

Measure #9: Introduce the priority conservation territories designation in respect of the territory that the Plan Nord covers (30%)

There provisions in current laws for this. It will make it possible to lay a legal foundation. The designation process will be specified by regulation.

Measure #10: Revise the administrative measures and penal provisions

Here, they want to align with the process that is put in place with the EQA to enforce and apply the provisions of the *Natural Heritage Conservation Act*. This measure also broadens the powers of investigation and inspection that are carried out by the CCEQ.

The presenter then described a number of other measures that are minor or that are not applicable in the JBT. He also described other provisions to encourage the involvement of Indigenous communities and nations (e.g. delegation of powers, specific consultation with accommodations, information tools).

Regarding a question on the Plan Nord's 30%, a member mentioned that it could be interesting to plan a meeting with the appropriate person at the MELCC to discuss the file. The member talked about the background regarding the discussions on the 30% and mentioned that the work restarted on several new bases. The partners are now working on finding a common ground for a designation mechanism, which should be completed by the end of 2020 (or early 2021). Thereafter, they will have 15 years to select the areas to protect.

Answering a question on the consultation process, the presenter mentioned that it is not possible to avoid the provisions of the JBNQA. A member wondered if a possibility would be that a project begins and the information session would be during the review per Section 22 of the JBNQA. Regarding the Commissioners, the presenter repeated that they can be named, but they can't be organizations, they have to be individuals that can be appointed as representatives of a given organization.

With regards to the sharing of information, the presenter mentioned that the MELCC would like to publish an informational document soon. He will also ask about the possibility of sharing the presentation with the members of the JBACE, which will also be translated into English.

Finally, the Analyst mentioned that he began his analysis and that he will produce an info note. The committee will have to decide whether it wants to be involved or not in the development of the regulations that will follow the enactment of the law.

Actions :

- The Executive Director will follow-up with Mr. Paquette to obtain the presentation in French and in English.
- The Analyst will continue his analysis.

FILES

Climate change

The Executive Director debriefed the members on the consultation for the development of the ECCP that was held on November 26-27, 2019, in Ouje-Bougoumou. She mentioned that the representatives from the MELCC were very happy with the event and added that it was a great example of collaboration. The President added

that the plan will cover the 2020-2030 period and that two 5-year plans will be developed. It will be important that the people who were consulted feel implicated in the ECCP and the action plans. A member added that the assistant deputy minister (Mr. Éric Thérioux) reiterated the importance of the action plans as key elements for the implementation of the ECCP. A teleconference of the planning committee will be held on December 9, and the committee will talk about next steps, including the publication of a consultation report. Ensuing actions in the file will then be evaluated after the said teleconference. The members agreed that the JBACE should maintain its collaboration in this file as a key player.

One of the items that emerged from the consultation was the importance of ice in the Territory. A member mentioned that there is a research project being done in Nunavik on ice in relation to climate change. The objective is to be able to disseminate information in real-time to land users in the Territory.

A member added that there are several federal Indigenous-focused funding programs for research related to climate change that stem from the Pan-Canadian Framework on Clean Growth and Climate Change. If someone has an idea for a project, he could put the person in contact with the appropriate persons. The list of programs can be made available if needed and could be the object of a fact sheet.

As decided during the discussion on the budget, two fact sheets stemming from the Ouranos report will be produced by the end of the fiscal year and three others will be completed in 2020-2021. The first drafts were prepared during the summer and will be the starting point for the work of the subcommittee, which should meet in January to discuss it. The Secretariat will schedule a meeting about this after the holidays.

Action :

- The Secretariat will schedule a subcommittee meeting in January.

Cumulative impacts

The Executive Director presented an update on the creation of the Indigenous Centre for Cumulative Effects for which she attended meetings in the previous months. She also mentioned that the Centre is planning a symposium that should be held early 2020. The JBACE will not sit on the Board of the Centre and won't be part of the planning team for the symposium, but will follow the developments.

The Analyst mentioned that he held a number of informal discussions with external partners regarding items that were previously identified of interest. Several agreed with the elements that were identified by the JBACE. The JBACE also benefited from the work of an intern during the summer which contributed to the gap analysis that is underway. The Analyst mentioned that other jurisdictions (e.g. Mackenzie Valley, NWT) are more advanced in the evaluation and management of cumulative impacts and that it would be interesting to meet with them. A member said that it may be beneficial understand what others do, and that it might be better to meet with them in Ottawa since they are there regularly. The members discussed the proposal for actions (e.g. meet with other jurisdictions, produce a report) and concluded that it might be best to better frame the orientations of the committee in this file. The Analyst stated that it would be best to reinvigorate our momentum in the file and that this is why actions were proposed. The subcommittee should meet to discuss the committee's orientations and, if needed, the Analyst suggested that a workshop with all the members could be planned to further exchange on the matter.

The members discussed the invitation from the COMEX to meet and exchange on the issue of cumulative impacts. The members suggest that a meeting should occur once the committee has established its action plan regarding this file. The subcommittee will thus meet first and prepare an action plan. Thereafter a meeting with COMEX will be organized, along with the other Northern committees (COMEV, COFEX-South), to discuss the issue. These meetings will also assist in the determining what actions the JBACE may undertake in this file.

Action :

- The Secretariat will schedule a subcommittee meeting after the Analyst's paternity leave.

Integrated tactical forest management plans (PAFITs)

The Analyst updated the members on this file. The PAFITs should be sent in January (most likely in the second week). The subcommittee validated the analysis criteria and indicators, and is working on finalizing confidentiality agreements between the CNG, the JBACE, and the consultant (Le groupe CAF). This will allow for full access to the PAFITs.

The Analyst will prepare a list of activities related to this file (with a timeline) and share it with the subcommittee. He will also finalize the contact list for the interviews and send an invitation email to these persons to inform them that they might be contacted by Le groupe CAF for an interview. A member suggested that the email should also be sent to Gilman Ottereyes, the new Forestry Director at the CNG, and to other relevant persons at the CNG for information purposes.

Action:

- The Analyst will send an email to relevant persons at the CNG to inform them of this file.

Québec Mines+Énergie 2019 conference

The Executive Director reminded the members that she, and the Analyst, participated in the Québec Mines + Énergie 2019 conference that was held in Québec City in November. They animated a workshop regarding the guide on public participation and engagement that was published earlier in the year, in collaboration with a representative from the MERN. The Analyst also repeated the workshop for the members of the Québec Mining Association during the conference. The collaboration with the MERN was very positive, and workshop participants enjoyed the training. The Analyst and the Executive Director then provided a brief review of the presentations they took in at the conference.

Overall, the event was a good opportunity for the JBACE, allowing for relevant networking and for the gathering of useful information for our work.

Environmental Quality Act – meeting with the regional office

The Executive Director mentioned that the work of the co-creation table is complete in terms of the JBACE's implications, confirming that the committee received a thank you letter for its participation. She reminded the members that there were talks about the possibility of planning a meeting with the *Centre de contrôle environnemental du Québec* (Québec environmental control center) – Nord-du-Québec regional office. A member mentioned that environmental control seemed to be a common issue for all the participants at the last meeting of the co-creation table. At that time, a presenter suggested we communicate with the regional office's Director to answer our questions, and that she may be open to having a discussion with the JBACE on the matter. The subcommittee will work on this when they meet after the Analyst's paternity leave.

Action:

- The Secretariat will schedule a subcommittee meeting when Graeme is back from paternity leave.

Québec's Mining Act and Review of Critical and Strategic Minerals

The MERN started a reflection exercise on the role of Québec in the development of critical and strategic minerals (CSMs). The Secretariat completed its preliminary reading of the discussion document provided and shared its first impressions. The Analyst added that he was very interested to hear what the MERN had to say on this matter. The President mentioned that the committee received an invitation to participate in an information session on CSMs that will be held in Ouje-Bougoumou on January 23, 2020. A consultation is also scheduled for the day before in Chibougamau. A member mentioned that there will also be a session in Montreal on December 16. The Executive Director said that it would be relevant for the Secretariat to attend that meeting to have the information earlier than January in order to start preparing the committee's comments immediately, given that the deadline to submit comments is February 7, 2020.. It would also be

interesting to participate in the January 23 meeting to benefit from what communities representatives have to say on the issue. In light of the Analyst's paternity leave, it would be prudent for the Executive Director to participate in the December meeting only, and for a member to attend the January meeting, given that the Secretariat will be short-staffed. The members asked the Executive Director to inquire about the possibility to participate in the December meeting and, after the holidays, the committee will make a decision about whether or not to participate in the Ouje-Bougoumou meeting.

The Analyst will also produce an info-note for the members on basis of the discussion document and the information session.

Action:

- The Secretariat will ask about the possibility to attend the December 16 meeting in Montréal.

Impact Assessment Act (IAA)

The Analyst explained that he participated in a meeting of the FNQLSDI where he attended a training on the IAA. He will produce a summary of the meeting and share it with the members. He summarized how the Act will work on the basis of the information provided. He said that there are several interesting aspects to the Act for the First Nation communities. The federal government has a program and dedicated funds to help Indigenous people better understand the Act, to prepare for its implementation, and to learn about opportunities regarding participation, before the first projects are submitted and subjected to its provisions. The Analyst also participated in an exercise focusing on the impacts of the Act on Indigenous rights, but noted that this aspect may be of lesser concern for the JBACE in light of the JBNQA. He mentioned that details will be important when the first project subject to the Act will be submitted, and that it will be interesting to see how the procedure unfolds. The Analyst concluded by saying that a high level presentation would be desirable to better understand how coordination between different procedures will occur. A member offered to send the contact information of a person at the Agency to the Executive Director so she could inquire about a possible presentation.

ADJOURN

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