



## **MINUTES OF THE 187th MEETING OF THE JAMES BAY ADVISORY COMMITTEE ON THE ENVIRONMENT**

***(ADOPTED)***

- DATE:** June 4, 2014
- PLACE:** Chibougamau City Hall
- PRESENT:** Melissa Brousseau Saganash, Cree Nation Government (CNG)  
Line Choinière, Canada  
Manon Cyr, Québec  
Ginette Lajoie, CNG  
Jean-Pierre Laniel, Québec, Vice-Chairperson  
Marie-Josée Lizotte, Québec  
Chantal Otter Tétreault, CNG  
Jean Picard, Canada, Chairperson  
Monique Lucie Sauriol, Canada  
  
Marc Jetten, Executive Secretary  
Graeme Morin, Environmental Analyst
- ABSENT:** Anne-Marie Gaudet, Canada  
Caroline Girard, ex-officio member, Hunting, Fishing and Trapping Coordinating  
Committee (HFTCC)  
Guy Héту, Québec  
John Paul Murdoch, CNG
- GUESTS:**
- For Item 7:** Louis-Gilles Francoeur, Chair, BAPE commission on uranium issues  
Michèle Goyer, commissioner, BAPE commission
- For items 6a, 6c, 6d and 7:** Catherine Lussier, resource person for the JBACE commission on uranium  
issues

### **1. ADOPTION OF THE AGENDA**

On motion by Chantal Otter Tétreault, seconded by Jean-Pierre Laniel, the meeting agenda was adopted as amended.

### **2. ADOPTION OF THE MINUTES OF THE 183rd (FEBRUARY 27, 2014), 184th (APRIL 7), 185th (APRIL 30) AND 186th (MAY 13) MEETINGS**

On motion by Marie-Josée Lizotte, seconded by Line Choinière, the minutes of the February 27, 2014 meeting were adopted as amended.

On motion by Jean-Pierre Laniel, seconded by Monique Lucie Sauriol, the minutes of the April 7, 2014 conference call were adopted as amended.

On motion by Chantal Otter Tétreault, seconded by Marie-Josée Lizotte, the minutes of the April 30, 2014 meeting were adopted as amended.

On motion by Ginette Lajoie, seconded by Jean-Pierre Laniel, the minutes of the May 13, 2014 conference call were adopted as prepared.

### **3. ADMINISTRATION**

#### **a. Adoption of financial statements for the year ended March 31, 2014**

The executive secretary presented the financial statements. On motion by Line Choinière, seconded by Ginette Lajoie, the financial statements for the year ended March 31, 2014 were adopted unanimously.

#### **b. Report of activities for 2013-2014**

Owing to the executive secretary's involvement in the uranium consultations file, the drafting of the activity report for the 2013-2014 fiscal year has been pushed back. The report should be written and then adopted by the members (via email) by the end of June.

#### **c. Proposed priorities for 2014-2015**

The members made changes to the *Review of priorities for 2013-2014*. They also made changes to the *Proposed priorities for 2014-2015*, in particular by including the preparation of a backgrounder on the implementation of the *Fisheries Act* in the Territory. Review 2013-2014 and Priorities 2014-2015 will be posted on the JBACE's website for public information.

#### **d. Update on the creation of a permanent analyst position**

The Administrative Committee will draft a salary review proposal for the new permanent analyst position to be created in November 2014.

#### **e. Resolution authorizing the Vice-Chairperson to sign cheques**

##### **JBACE Resolution 2014-06-04-01 authorizing Jean-Pierre Laniel to sign cheques:**

- WHEREAS pursuant to a notice dated May 28, 2014, the Québec cabinet appointed Jean-Pierre Laniel as Vice-Chairperson of the JBACE for the 2014-2015 fiscal year;
- WHEREAS the JBACE passed Resolution 2013-10-15-01 authorizing the Chairperson to delegate signing authority to the Vice-Chairperson.

*On motion by Marie-Josée Lizotte, seconded by Monique Lucie Sauriol:*

**It is unanimously resolved to add Jean-Pierre Laniel as a signatory on the JBACE's bank account, as the replacement for Isaac Voyageur, as of June 4, 2014.**

#### **4. FILE FOLLOW-UP**

##### **a. Literature review of Cree environmental and social concerns**

The members agreed to give themselves until June 18 to comment on the consultant's preliminary report on the literature review of Cree environmental and social concerns. The secretary will summarize the comments to identify, based on the review specifications, the changes to be incorporated into the final report.

##### **b. Workshop on knowledge acquisition and dissemination (March 2014)**

The workshop was held in Mistissini on March 19 and 20, 2014. Over 40 participants from regional organizations and research centres shared their views on the workshop objectives, i.e. better dissemination of research findings to the communities concerned and greater Cree involvement in research. The JBACE will create a sub-group composed of workshop participants to follow up on proposals, including the creation of a website to post general information on research conducted in the Territory. Participants at the workshop also suggested establishing a mechanism for targeting research at issues identified by Cree communities.

##### **c. Improvement of the public participation process**

The analyst has finished his summary of the interviews conducted for the case study of consultations on the Matoush project. The subcommittee will be holding a conference call on June 13 to determine the work required to produce the final recommendations report.

##### **d. Subcommittee work on implementation of the *Fisheries Act***

At the subcommittee's request, the analyst drafted a recommendation on the creation of an information exchange program on fish habitat affected by projects in the Territory. The program would enable proponents and the Crees to discuss matters during the self-assessment process established by the *Fisheries Act* (2012), i.e. before project-related information is transmitted to Fisheries and Oceans Canada. The members approved the subcommittee's proposal, but asked that the recommendation also address the confidentiality of fish habitat data shared by the Crees or Jamesians.

The members also approved the production of a backgrounder to raise proponents' awareness about the unique context of the James Bay Territory, in particular the Crees' fishing rights guaranteed under the JBNQA.

#### **5. PROPOSAL TO POST ONLINE THE DRAFT RECOMMENDATIONS REPORT ON MINERAL EXPLORATION PROJECTS UNDER THE IMPACT ASSESSMENT AND REVIEW PROCEDURE**

The members agreed to post a preliminary version of the report on the JBACE website for public viewing. The final report will be sent to the signatory parties to Section 22 of the JBNQA shortly.

## **6. JBACE COMMISSION ON URANIUM ISSUES**

### **a. Interface between the Commission and the JBACE**

The protocol entered into between the BAPE and JBACE commissions prohibits the JBACE commissioners from disclosing confidential information to the JBACE as a whole. The purpose of this provision is to reinforce the impartiality of both commissions and prevent premature dissemination of the commissions' working documents. A member explained that the JBACE will be free to comment on the BAPE Commission's report after it is released. As well, the JBACE Commission is free to report on its work to the JBACE on a regular basis, provided it complies with the protocol.

### **b. Mandate of the resource person for the Commission**

The members revised the *Description of the contract* for the resource person for the uranium commission. In addition to supporting the JBACE commissioners in coordination and research activities, the resource person will be responsible for producing a summary and an analysis of the issues raised during each phase of consultations in the Territory. The task of drafting a "consultation paper" was dropped given that it does not fall within the JBACE's mandate.

### **c. Communications plan**

In preparation for the first phase of the consultation process, the JBACE put out a press release and distributed a pamphlet explaining its role and the backdrop to the uranium consultations. The members discussed communication tools that would make it easier for Crees and Jamesians to express an opinion and participate in the consultations. A JBACE commissioner stressed that the interviews granted to the community radio station greatly aided the dissemination of information in communities. Interviews should be the preferred communication tool in subsequent phases of the consultation process. The members asked the resource person to identify communications activities the JBACE Commission should carry out in addition to those planned by the BAPE Commission.

### **d. Budget revision to cover the needs of the Commission**

The executive secretary presented a revised version of the budget proposal for the current year (2014-2015) that incorporates the non-recurrent expenditures arising from the uranium consultations. These expenditures would create a significant deficit for the current year. The JBACE applied for funding from the Implementation Branch of Aboriginal Affairs and Northern Development Canada to cover the costs of the JBACE Commission's activities.

## **7. PRESENTATION BY LOUIS-GILLES FRANCOEUR AND MICHÈLE GOYER (BAPE COMMISSION) ON THE URANIUM CONSULTATIONS**

Mr. Francoeur began by expressing his satisfaction with the conduct of the first hearing held in the Section 22 Territory, which took place the previous evening in Chisasibi.<sup>1</sup> As Chair of the BAPE Commission, he thought the

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<sup>1</sup> Hearings were to be held that evening in Chibougamau, and the next day in Mistissini.

coordination with his JBACE counterpart, John Paul Murdoch, was excellent. Both Mr. Francoeur and Ms. Goyer were impressed by the number of Crees from Chisasibi in attendance and the quality of their comments.

Apparently, not everyone understood the introductory video produced by a group of professors from UQAM and Université Laval with support from the DIVEX (Diversification de l'exploration minérale au Québec) innovation network. Louis-Gilles Francoeur explained that the video as well as the backgrounder (by the same authors) submitted prior to the hearings were commissioned by the Ministère du Développement durable, de l'Environnement, de la Faune et des Parcs (MDDEFP) and the Ministère des Ressources naturelles (MRN). As a neutral body, the BAPE neither approved nor commented on these documents, but is expressly required to present them under the mandate entrusted to it by the Minister of the MDDEFP.

The second phase of the consultation process will begin with the public hearings in Chisasibi, Chibougamau and Mistissini in September 2014. According to Mr. Francoeur, this is advantageous for inhabitants of the Territory in that certain questions experts were not able to fully answer could be addressed during later consultations in the other regions of Québec. Since experts will be involved during this phase of the process, Mr. Francoeur invited the JBACE members to suggest names of experts on issues related to the James Bay Territory who should be invited. For example, sessions in the Territory could be held under such themes as project impacts on Aboriginal communities, health, wildlife and transportation.

The BAPE Commission hopes to visit as many communities as possible during the third phase of the consultation process, when it will be hearing written and oral submissions. The BAPE team is generally smaller during this phase to facilitate travel. Unlike in the first two phases, hearings will not be webcast in the third phase, although all oral submissions will be recorded.

According to Mr. Francoeur, the BAPE Commission plans on working closely with the JBACE Commission when drafting the report on consultations in the James Bay Territory. In the event of a disagreement, all viewpoints will be presented in the report.

## **8. OTHER BUSINESS**

### **a. JBACE participation in the work of the Cree-Québec Task Force for Woodland Caribou**

The analyst submitted a written report on his participation in the work of the Task Force for Woodland Caribou. Overall, the JBACE achieved its objective of ensuring that reports and analyses on the Territory's woodland caribou herds are available during the project impact assessment and review procedure. The current phase of the Task Force's work consists of talks between the two main parties, i.e. the Québec government and the Cree Nation Government, to identify critical habitat for woodland caribou. The Task Force's last meeting was held in June 2013.

The JBACE will inform the parties in writing that it is withdrawing from the Task Force for Woodland Caribou and encourage them to continue working on the action plan for the species' recovery.

### **b. Study of fish habitat in the Opemiska tailings dike failure impact area**

According to the secretary, there have been no significant developments since the last meeting. The members asked him to get in touch with the responsible party at MÉRN to make sure it communicates the study findings, particularly regarding fish habitat, to the community of Waswanipi.

**c. Request for a characterization study of the Cape Jones (Pointe Louis XIV) contaminated site**

The secretary explained that the MDDELCC has not changed its position on a characterization study of the Cape Jones site, that is, it will not commit to anything before receiving a legal opinion, which it has been waiting for since 2012, setting out the respective responsibilities of the governments of Canada and Québec with regard to the former military site.

Chantal Otter Tétreault and the secretary will contact the Grand Chief to follow up on the JBACE's application for funding from the Northern Development Fund to conduct the site characterization.

**d. Letter concerning integrated residual materials management in Cree communities**

The JBACE sent the Grand Chief of the Crees a letter on May 8, 2014, asking for an update on the steps taken to integrate residual materials management in the nine Cree communities in light of the new regulations and new regional government. The JBACE has not yet received a reply.

**e. Environment Canada consultation on an amendment to the *Metal Mining Effluent Regulations* (MMER)**

Jean Picard informed the members that Environment Canada will be holding consultations in Chibougamau, Oujé-Bougoumou and Mistissini on the proposed amendment to the MMER to permit BlackRock to open a tailings disposal site for its mining project. The JBACE's analyst reviewed the proposed amendment last August and will send his analysis to interested members.

**9. NEXT MEETING**

The JBACE will hold its next meeting on September 4, 2014, in Montréal.



Marc Jetten  
Executive Secretary  
October 27, 2014