



MINUTES OF THE 189th MEETING OF THE JAMES BAY ADVISORY COMMITTEE ON THE ENVIRONMENT

(ADOPTED)

- DATE:** November 25, 2014
- PLACE:** Room 6B (morning) and COMEX meeting room (afternoon), Édifice Marie-Guyart, Ministère du Développement durable, de l'Environnement et de la Lutte contre les changements climatiques (MDDELCC) office
- PRESENT:** Melissa Brousseau Saganash, Cree Nation Government (CNG)
Line Choinière, Canada
Manon Cyr, Québec
Anne-Marie Gaudet, Canada
Ginette Lajoie, CNG
Jean-Pierre Laniel, Québec, Vice-Chairperson
Marie-Josée Lizotte, Québec
John Paul Murdoch, CNG
Chantal Otter Tétreault, CNG
Jean Picard, Canada, Chairperson
Monique Lucie Sauriol, Canada

Marc Jetten, Executive Secretary
Graeme Morin, Environmental Analyst
- ABSENT:** Caroline Girard, ex-officio member, Hunting, Fishing and Trapping Coordinating Committee (HFTCC)
Guy Héту, Québec
- GUESTS:**
- For Item 3:** Catherine Lussier, resource person for the JBACE Commission on uranium issues
- For Item 4:** Gilbert Charland, Provincial Administrator, Section 22 regime (Deputy Minister of MDDELCC)
Jacques Dupont, Assistant Deputy Minister, Water Expertise, Analysis and Environmental Assessment, MDDELCC

1. ADOPTION OF THE AGENDA

On motion by John Paul Murdoch, seconded by Marie-Josée Lizotte, the agenda was adopted as amended.

2. ADOPTION OF THE MINUTES OF THE 188th MEETING (OCTOBER 15, 2014)

On motion by Melissa Brousseau Saganash, seconded by Jean-Pierre Laniel, the minutes of the 188th meeting were adopted as amended

3. OVERVIEW OF THE CONSULTATIONS ON URANIUM ISSUES AND APPROACH FOR FUTURE WORK BY THE JBACE COMMISSION

The JBACE Commission on uranium issues and the BAPE Commission completed the third and final phase of their joint public hearings in Chisasibi, Chibougamau and Mistissini. In addition to a satisfactory level of participation, a member underscored the quality of the comments and input at the hearings. In the member's opinion, the JBACE and the Grand Council of the Crees helped participants prepare by explaining the context and objectives of each hearing. In fact, some participants thanked the commissioners for taking the time to listen to their views during all three phases of the hearings.

According to a member, there are many lessons to be learned from the joint consultations with the BAPE, including the need to adapt the backgrounder presented at the start of the hearing. A member pointed out that the BAPE normally holds generic hearings in the context of a draft government policy, which was not the case for the inquiry into uranium industry issues.

The BAPE and JBACE commissioners will continue discussing the ways and means of revising the BAPE's preliminary report. According to a member, every section of the report dealing with issues related to the James Bay territory should be submitted to the JBACE Commission for its comments.

In the opinion of the JBACE Commission members, the issue of social acceptability was not adequately addressed during the hearings, even though this is a crucial factor in the public's or a community's position with regard to a given issue. The JBACE wants to invite a social acceptability expert to hold a workshop at its next meeting with the aim of, among other things, identifying clearer parameters for the James Bay territory.

4. MEETING WITH THE PROVINCIAL ADMINISTRATOR (DEPUTY MINISTER OF MDELCC), GILBERT CHARLAND

The Chairperson briefly explained the JBACE's mandate and composition, as well as the Committee's strategic directions for the period 2013-2018: transparency, better knowledge of the Territory and its inhabitants, and stronger communication with government partners. To achieve the latter objective, Mr. Charland proposed that a teleconference or video conference with JBACE representatives be held for matters demanding special attention.

a. Modernization of the impact assessment and review procedure

i. Review of schedules 1 and 2 of Section 22

A member pointed out that, in 2008, the JBACE submitted a report of recommendations on the review of schedules 1 and 2 of Section 22, i.e. the lists of developments automatically subject to and exempt from impact assessment. Mr. Charland said that talks are under way between his department and the Cree Nation Government. There is consensus on how to handle the majority of project types (subject to or exempt from impact assessment, or "grey-zone" projects¹). The status quo would prevail in the case of developments on which there is no consensus, such as forest roads.

¹ Projects not listed in either Schedule 1 or Schedule 2, so-called "grey-zone" projects, must be submitted to the Evaluating Committee, which formulates recommendations regarding the advisability of submitting or not submitting the project to the impact assessment and review procedure.

ii. Recommendations regarding mineral exploration

The JBACE recently submitted a report on mineral exploration in relation to the impact assessment and review procedure. The JBACE analyst explained that the report is in follow-up to the 2008 report of recommendations, which did not address mineral exploration activities because they called for more in-depth examination. The existing regulatory framework is such that no recommendations to make any type of exploration activity automatically subject to impact assessment were formulated. The JBACE recommends that exploration projects either be exempt, based on the kind of project or a set threshold, or continue be kept in the “grey zone” so that the Evaluating Committee (COMEV) can recommend whether or not they should be submitted to the review procedure.

iii. Public participation process

A member reported on the JBACE’s work to improve the public participation process. In the member’s view, the COMEX document on public participation and COMEX’s new website significantly improve access to information and transparency. Nevertheless, the JBACE wants better public participation at every stage of the process, that is, from the project notice to monitoring of compliance with authorization conditions. Jacques Dupont mentioned that the MDDELCC’s new project registry should go online in 2015.

The JBACE could recommend ways to improve the process, such as translating pertinent documents and information into English and Cree for consultations held in Cree communities. Moreover, the evaluating and review committees could build a general databank using information gathered during environmental assessments, but they would have to have sufficient resources. Gilbert Charland said that an increase in resources is not likely in the current budgetary context. Jacques Dupont said that, if need be, the committees’ budgets could be raised if the number of projects increases as expected under the Plan Nord.

Furthermore, one of the components of the Plan Nord is knowledge acquisition. Mr. Charland invited the JBACE to let the person in charge of that component know about any knowledge acquisition and research issues the Committee considers a priority. Given that the Québec government has reiterated its commitment to protect 20% of the area covered by the Plan Nord in addition to the 30% reserved for non-industrial development, enhancing knowledge about the identified areas will be crucial.

b. Uranium consultations

With the three consultation phases now completed, a member opined that collaboration between the JBACE Commission on uranium issues and the BAPE Commission enabled greater consideration of the special characteristics of James Bay communities and ensured the communities’ participation. Gilbert Charland added that the protocol binding the two commissions fosters cooperation while respecting each commission’s independence, which means the JBACE Commission can take a different position from the BAPE Commission in the latter’s report to the Minister of Sustainable Development, the Environment and the Fight Against Climate Change, if such is the case.

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

A member voiced the JBACE’s concerns regarding this former National Defence site, which is located on Cree hunting grounds north of Chisasibi. The JBACE thinks that the site needs to be restored to a state that makes it safe to harvest wildlife. Mr. Charland said that the MDDELCC is preparing to issue a call for tenders for a characterization study of the site: the fieldwork would begin in spring 2015. The JBACE reminded Mr. Charland of the importance of informing and involving affected communities in the characterization and decontamination processes.

5. **ADMINISTRATION**

a. ***Adoption of the budget proposal for fiscal 2015-2016 and forecasts for 2015-2020***

The members wanted the details of the current-year budget forecasts. The secretary will draw up a comparative statement of expenditures and the budget for 2014-2015. Adoption of the budget proposal for fiscal 2015-2016 was deferred to the next meeting.

b. ***Hiring of a part-time secretariat officer***

The selection committee will interview three candidates for the position. The new secretariat officer is expected to assume the position on December 1, 2014.

c. ***New website***

The members can visit the new website under construction. The members will be able to comment on draft Committee letters in the "Members only" section.

6. **FILE UPDATE**

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

The members will go over the literature review again to identify areas for follow-up.

b. ***By-products of the report on mineral exploration and schedules 1 and 2***

The analyst laid out options for reusing the material developed during the examination of mineral exploration activities. The members think it would be pertinent, for public information purposes, to disseminate the diagram of exploration phases, the table showing regulatory requirements, the summary of changes arising from the governance agreement and the links to the Québec Mineral Strategy, the Cree Nation Mining Policy and the Cree Mineral Exploration Board's website.

c. ***Initiative to improve the public participation process***

The analyst expects to submit a draft report of recommendations to the subcommittee on public participation soon.

Also, the members asked the subcommittee to formulate comments on the COMEX's draft directive on public participation.

d. ***Implementation of the Fisheries Act in the Territory***

With the subcommittee's assistance, the analyst will begin drafting a guidance document for proponents of projects in or near water. The document would supplement the information exchange program recommended by the JBACE.

The members asked the subcommittee to draft a letter to Fisheries and Oceans Canada (DFO) underscoring the need to fill the regulatory void with respect to projects that do not have to be reviewed or authorized by DFO following the proponent self-assessment process.

e. *Presentation on fish habitat studies in the Opemiska tailings dike failure impact area*

The person in charge at the Ministère de l'Énergie et des Ressources naturelles has not set a date yet for the presentation in Waswanipi.

7. OTHER BUSINESS

a. People copied on emails to members

It will be up to each member to decide to whom JBACE emails are copied. Only JBACE employees will be copied on missives sent to members, with the exception of notices of meetings or conference calls, which may be copied to other people to ensure follow-up of agendas.

8. FUTURE MEETINGS

The members set the dates and places of meetings up to fiscal year-end:

- Montréal, December 15, 2014: preparation of the workshop on social acceptability
- Montréal, January 9, 2015: workshop on social acceptability (for JBACE members)
- Montréal, February 11, 2015: JBACE meeting
- Gatineau, March 18, 2015: JBACE meeting



Marc Jetten
Executive Secretary
February 17, 2014