



MINUTES OF THE 192nd MEETING OF THE JAMES BAY ADVISORY COMMITTEE ON THE ENVIRONMENT

(ADOPTED)

- DATE:** April 7, 2015
- PLACE:** Room 6B, Ministère du Développement durable, de l'Environnement et de la Lutte contre les changements climatiques (MDDELCC) office, Édifice Marie-Guyart, Québec
- PRESENT:** Line Choinière, Canada (by phone)
Manon Cyr, Québec
Pascale Labbé, Québec
Ginette Lajoie, Cree Nation Government (CNG)
Jean-Pierre Laniel, Québec
John Paul Murdoch, CNG
Melissa Saganash, CNG, Chairperson
Monique Lucie Sauriol, Canada

Marc Jetten, Executive Secretary
Graeme Morin, Environmental Analyst
- ABSENT:** Anne-Marie Gaudet, Canada
Guy Héту, Québec
Chantal Otter Tétreault, CNG, Vice-Chairperson
Jean Picard, Canada
- OBSERVER:** François Boulanger, Canadian Environmental Assessment Agency
- INVITED GUESTS FROM MDDELCC:**

Christyne Tremblay, Deputy Minister
Jacques Dupont, Assistant Deputy Minister of Water, Expertise and Environmental Assessment
Marie-Josée Lizotte, Director General, Environmental and Strategic Assessment
Mireille Paul, Director, Environmental Assessment of Northern and Mining Projects

1. **ADOPTION OF THE AGENDA**

Melissa Saganash chaired the meeting as the recently appointed Chairperson of the JBACE for 2015-2016. She invited the members to adopt the agenda. On motion by Pascale Labbé, seconded by Line Choinière, the agenda was adopted as amended.

2. **ADOPTION OF THE MINUTES OF THE 191ST MEETING (FEBRUARY 11, 2015)**

On motion by Jean-Pierre Laniel, seconded by Manon Cyr, the minutes of the 191st meeting (February 11, 2015) were adopted as presented.

3. **ADMINISTRATION**

a. *Resolution regarding new bank account signatories*

JBACE Resolution 2015-04-07-01 authorizing Melissa Saganash and Chantal Tétreault to sign cheques and other banking documents on behalf of the JBACE:

- WHEREAS the Executive Committee of the Grand Council of the Crees (Eeyou Istchee)/Cree Nation Government appointed, by Resolution 2015-21 dated April 7, 2015, Melissa Saganash as Chairperson of the JBACE and Chantal Tétreault as Vice-Chairperson of the JBACE for fiscal year 2015-2016, in accordance with paragraph 22.3.5 of the James Bay and Northern Québec Agreement;
- WHEREAS any financial commitment on the part of the JBACE must be signed by the Chairperson and the Executive Secretary, in accordance with section 16 of the *Rules of internal management of the James Bay Advisory Committee on the Environment*;
- WHEREAS the JBACE adopted a mechanism pursuant to Resolution 2013-10-15-01 authorizing the Chairperson to delegate signing authority for cheques to the Vice-Chairperson;

On motion by Ginette Lajoie, seconded by Manon Cyr:

It is unanimously resolved to authorize Melissa Saganash and Chantal Tétreault, in place of Jean Picard and Jean-Pierre Laniel, to sign cheques and other banking documents on behalf of the JBACE starting April 7, 2015.

b. *Adoption of priorities for 2015-2016*

A member orally presented the priorities proposed by the subcommittee:

- Portrait of the consideration given to cumulative impacts:** the aim is to examine the consideration given to cumulative impacts of a project under the Section 22 impact assessment and review procedure. A comparison with the procedures of other jurisdictions would be made and, where necessary, the JBACE would formulate recommendations for improving the Section 22 procedure.
- Sharing of data from impact studies conducted under the assessment and review procedure as well as from monitoring studies:** in concert with regional organizations, the JBACE would examine possible solutions to facilitate access to data from impact and monitoring/follow-up studies. Ultimately, the data could be used to draw a detailed portrait of the Territory.

- iii. **State of strategic environmental assessment (SEA) in Québec:** the JBACE would take stock of the SEAs conducted to date in Québec and assess the appropriateness of reiterating the JBACE's recommendation that northern development projects be subject to SEA.
- iv. **Approach to studying integrated forest development plans:** the JBACE would review its approach to studying forest development plans taking into account the terms and conditions of the new forest regime and the Agreement on Governance in the Eeyou Istchee James Bay Territory.

The members approved the four priorities proposed for 2015-2016. The subcommittee also suggested a number of smaller objectives the JBACE could work on during the year. Members added other issues that the JBACE could follow.

4. PROGRESS REPORT ON THE GUIDANCE DOCUMENT FOR PROPONENTS IN RELATION TO IMPLEMENTATION OF THE FISHERIES ACT

The subcommittee on implementation of the *Fisheries Act* has not completed the guidance document for proponents: the analyst is making the final changes.

5. ADOPTION OF THE DRAFT REPORT CONTAINING RECOMMENDATIONS REGARDING PUBLIC PARTICIPATION

The members of the subcommittee on public participation presented the draft report, in particular the section containing recommendations.

On motion by Manon Cyr, seconded by Monique Lucie Sauriol, the report entitled "Recommendations concerning public participation during environmental and social impact assessments and reviews" was adopted. The report will be sent to the signatory parties to Section 22 of the JBNQA.

6. FILE UPDATE

a. *Work of the JBACE Commission on uranium issues*

The JBACE Commission has almost completed its work with the Bureau d'audiences publiques sur l'environnement (BAPE) on the BAPE's report on issues related to uranium development. The Commission members are satisfied with the collaboration, in particular the consideration given to Cree and Jamesian viewpoints. However, they think a review of the process should be conducted jointly with the BAPE, MDDELCC and Kativik Environmental Advisory Committee with the aim of establishing clearer guidelines for future collaborations.

b. *Draft Regulation respecting the sustainable development of forests in the domain of the State*

On March 25, 2015, the JBACE sent its letter regarding the draft *Regulation respecting the sustainable development of forests in the domain of the State*, in which it stressed the importance of complying with the adapted forestry regime established by the Agreement Concerning a New relationship between le government du Québec and the Crees of Québec. It also asked the Minister of Forests, Wildlife and Parks to make it clear whether he was going to prevail himself of the provision of the *Sustainable Forest Development Act* allowing him to postpone the Regulation's application to the territory covered by the adapted forestry regime.

c. *Summary of the literature review of Cree environmental and social concerns*

The JBACE's analyst drafted a summary of the literature review. A member recommended contacting and submitting the results of the literature review to the Cree Nation Government and other organizations in the Territory for validation.

- d. *Workshop on acquisition and dissemination of environmental and social knowledge (Mistissini, March 2014)*

Follow-up of the workshop will be done in part through the priority established for 2015-2016 to share and disseminate data from impact and monitoring studies.

7. OTHER BUSINESS

- a. *Review of schedules 1 and 2 of Section 22*

The JBACE submitted its recommendations on the review of schedules 1 and 2 (lists of developments automatically subject to and exempt from impact assessment) back in 2008. A member asked whether Canada and the Crees plan to discuss the types of development projects under federal jurisdiction. A member explained that discussions are ongoing between the three signatories parties regarding the review of schedules 1 and 2 of Section 22.

- b. *Posting of the James Bay and Northern Québec Agreement (JBNQA) online*

The secretary said that the JBNQA cannot be posted on the JBACE website because the copyright is held by Les Publications du Québec, the publishing arm of the Gouvernement du Québec. A member will check with the publisher.

8. NEXT MEETING

The JBACE will hold its next meeting on Tuesday, June 9, 2015, in Gatineau.

9. MEETING WITH CHRISTYNE TREMBLAY, DEPUTY MINISTER OF THE MDDELCC AND PROVINCIAL ADMINISTRATOR¹

The Chairperson briefly explained the JBACE's twofold mandate: to oversee the impact assessment and review procedure and to examine policies, laws and regulations that could affect the Section 22 regime.

- a. *Issues relating to uranium development*

This item was outlined just briefly because the JBACE Commission members are bound by a confidentiality agreement until the BAPE has published its report. Once the report has been published, the members would like to review the process jointly with the MDDELCC for the benefit of future collaborations.

- b. *Reform of the Environment Quality Act (EQA)*

Christyne Tremblay explained the process initiated by the MDDELCC to modernize the EQA. The reform would focus specifically on the authorization process with a view to streamlining the regulations while maintaining the highest standards of environmental protection. In addition, the MDDELCC wants to introduce the principles of

¹ The meeting took place in the COMEX room in the Marie-Guyart building (30th floor).

sustainable development, the fight against climate change and strategic environmental assessment into the EQA.

The impact assessment and review procedures described in Chapter II of the EQA, which enact sections 22 and 23 of the JBNQA, will not be affected. However, since the authorization process also applies to projects in the JBNQA Territory, the JBACE is invited to participate in a targeted consultation. Following the consultation, the MDDELCC will prepare a “Green Paper,” which will be the subject of an official consultation.

A member asked if the JBACE will be able to submit comments following the targeted consultation. The Deputy Minister said “yes.”

c. Recommendations regarding public participation

The JBACE’s analyst announced that the report on public participation in the impact assessment and review procedure would be submitted in the coming weeks. The goal of the recommendations is to increase access to information and transparency to support public participation. Moreover, one aspect of the recommendations targets the development of tools for raising public awareness about the public participation process. There is also a recommendation to strengthen the evaluating and review committees’ capacity with regard to public participation activities.

d. Report on mineral exploration

The JBACE report on mineral exploration projects and the impact assessment and review procedure, submitted in November 2014, followed on the recommendations made in 2008 regarding the review of schedules 1 and 2 of Section 22 (lists of developments automatically subject to and exempt from impact assessment). The analyst explained that the JBACE is recommending that the vast majority of exploration projects be exempt from impact assessment in light of the existing regulatory oversight. However, the status quo (“grey zone”²) is recommended for certain types of projects, usually according to an established threshold.

The Deputy Minister asked if industry representatives were involved in the review of the schedules with regards to mineral exploration projects. The analyst said “no,” but that representatives of the Ministère des Ressources naturelles, Environment Canada, the Cree Nation Government and the Cree Mineral Exploration Board had participated in the work of the JBACE subcommittee.

e. Follow-up to the workshop on acquisition and dissemination of environmental and social knowledge

The JBACE held a workshop on acquisition and dissemination of environmental and social knowledge, with the participation of regional organizations and researchers. A member explained that, during the workshop, a consensus was reached on the need to improve dissemination of research findings in James Bay communities. In addition, the participants stressed the importance of gearing research more towards priorities defined by the communities.

The Deputy Minister asked what the targeted research field is. A member explained that the workshop dealt more with the research process as such than with the topical content of research. Ms. Tremblay offered the MDDELCC’s collaboration once the areas of research have been identified (e.g. climate change).

A member pointed out how much organizations in the Territory and research centres have to gain from sharing their knowledge. He gave the example of the Eastmain 1-A/Rupert project, where Crees helped Hydro-Québec satisfy the authorization conditions by sharing their traditional ecological knowledge.

² Projects not listed in either Schedule 1 or 2. The Evaluating Committee is responsible for recommending if these projects should be submitted to impact assessment or not.

f. *Priorities for 2015-2016*

A member outlined the strategic directions identified in the JBACE's Strategic Plan 2013-2018 and the Committee's priorities for the current year (see Item 3b of these minutes). The Deputy Minister asked what types of projects are involved in the sharing of data from impact studies. A member said mainly mining projects. Being able to access and compile data from the impact studies would make it easier to identify issues such as cumulative impacts. According to the same member, the data should be managed by a body that operates at arm's length from proponents and researchers.

A member stressed the importance of allocating sufficient resources and expertise to environmental protection given the expected development of Québec's northern regions. Ms. Tremblay said that that will be a considerable challenge given the current budgetary context. According to a member, that's all the more reason to improve access to data, as it would reduce duplication and wasting of resources.



Marc Jetten
Executive Secretary
June 9, 2015