



MINUTES OF THE 198th MEETING OF THE JAMES BAY ADVISORY COMMITTEE ON THE ENVIRONMENT

(ADOPTED)

- DATE:** September 20, 2016
- PLACE:** Cree Nation Government offices, 277 Duke St., Montréal
- PRESENT:** Andy Baribeau, Cree Nation Government (CNG)
Manon Cyr, Québec (by phone)
Annie Déziel, Canada
Ginette Lajoie, CNG
Chantal Otter Tétreault, CNG
Jean Picard, Canada, Vice-Chairperson
François Provost, Québec
Melissa Saganash, CNG
Jean-Yves Savaria, Canada
Mélanie Veilleux-Nolin, Québec

Marc Jetten, Executive Secretary
Graeme Morin, Environmental Analyst
- ABSENT:** Yvon Boilard, ex-officio member, Hunting, Fishing and Trapping Coordinating Committee (HFTCC)
Pascale Labbé, Québec, Chairperson
- GUEST (for Item 6):** Marie-Christine Tremblay, Associate Region Director, Atlantic and Québec, Environment and Climate Change Canada
- OBSERVER:** Miles Smart, Executive Secretary, HFTCC

1. ADOPTION OF THE AGENDA

In the Chairperson's absence, François Provost moderated the meeting. On motion by Ginette Lajoie, seconded by Jean-Yves Savaria, the members adopted the agenda as amended.

2. ADOPTION OF THE MINUTES OF THE 197TH MEETING

On motion by Chantal Otter Tétreault, seconded by Jean Picard, the minutes of the 197th meeting (Eastmain, June 22, 2016) were adopted as presented.

3. PRESENTATION BY JEAN-YVES SAVARIA (FISHERIES AND OCEANS CANADA) ON THE REVIEW OF THE FISHERIES ACT

Mr. Savaria explained that the purpose of the current review is to examine the changes made to the *Fisheries Act* in 2012. The Government of Canada wants to restore the protections removed in 2012 and incorporate modern safeguards into the Act. The *Fisheries Act* review is part of a broader review of federal environmental assessment and regulatory processes.

This fall, the House of Commons Standing Committee on Fisheries and Oceans will review the *Fisheries Act* and hear from witnesses. Among other elements, the Standing Committee wants to review the definitions in the Act, oversight mechanisms, implementation terms and conditions and Fisheries and Oceans Canada's capacity to enforce the Act. The Standing Committee is expected to table its report in January 2017. Fisheries and Oceans Canada will provide support for public participation, including by making participant funding available to Indigenous groups. Once the Standing Committee has submitted its report, the federal government expects to table a bill in 2017. The government plans to hold a consultation on its approach to the changes to the *Fisheries Act*.

JBACE's approach

The members stressed the importance of participating in the first round of consultations held by the Standing Committee because that is when the issues will be defined. The JBACE analyst will write up a summary of the steps taken by the Advisory Committee in respect of the 2012 *Fisheries Act*, including the efforts made to set up an information exchange program for proponents of projects near water and the Crees.

A member explained that the review process for the *Fisheries Act* is not the same as for the *Canadian Environmental Assessment Act* (CEAA). A panel of experts was formed to review the CEAA and consult the public. The panel will hold consultations across Canada in from September to October.

The JBACE will inform the Standing Committee on Fisheries and Oceans in writing that it intends to participate in the consultations. It will also remind the responsible ministers (Fisheries and Oceans, Environment, Transportation) of its role as the preferential forum concerning laws and regulations that could affect the Section 22 protection regime. A subcommittee was struck to steer the JBACE's actions during the review of federal environmental laws, in particular the CEAA, the *Fisheries Act* and the *Navigation Protection Act*.

4. FILE UPDATE

a. Québec's water strategy

Given that the Ministère du Développement durable, de l'Environnement et de la Lutte contre les changements climatiques (MDDELCC) has incorporated a strategic environmental assessment (SEA) framework into Bill 102, the members think the department should set an example by submitting the government's future water strategy to SEA.

b. *Proposed guide for proponents on the Section 22 procedure and public participation*

Having met with the public participation subcommittee's satisfaction, the proposal drafted by the analyst will be sent to the representatives of the three signatory parties to Section 22 to invite them to contribute to the guide's preparation.

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

The members would like the MDDELCC regional office to give a presentation with a view to exploring, with the responsible party, possible solutions to cleaning up the site. The members think that a regional approach should be favoured and involve the community of Chisasibi.

d. *Implementation of the Fisheries Act: guidance document for proponents in the self-assessment process*

In June 2016, the JBACE sent its proposed guidance document to the Cree Nation Government for its comments. The CNG-appointed members will follow up on the matter with the CNG.

5. ADMINISTRATION

a. *Appointment of JBACE Chairperson*

The Ministère du Conseil exécutif appointed Pascale Labbé as JBACE Chairperson for fiscal 2016-2017. On motion by Ginette Lajoie, seconded by Jean Picard, the members passed a resolution giving Ms. Labbé signing authority for JBACE cheques and financial commitments.

The members also unanimously passed a motion to thank outgoing chairperson Melissa Saganash for her work, underlining her commitment to fulfilling the JBACE's mandate and implementing the Section 22 provisions in a spirit of constructive cooperation between the parties concerned.

b. *Terms of payment of JBACE funding*

Indigenous and Northern Affairs Canada (INAC) offered to pay its share of the JBACE's annual funding directly to the Committee. Under the current terms, the MDDELCC pays the entire amount and is reimbursed by the Government of Canada (50%) and the Cree Nation Government (25%). The MDDELCC claims it is impossible to change the terms because of the provisions of the *Environment Quality Act* and the *Act respecting the Ministère du Conseil exécutif*. The JBACE's annual funding is normally paid at the end of summer or in the fall, which would cause problems if the JBACE's accumulated surplus is decreased to \$100 000, as requested by Canada and Québec.

The members asked the secretary to compile opinions and advice on the status of the JBACE, in particular the fact that, unlike public bodies, it is not subject to the *Act respecting the Ministère du Conseil exécutif*.

c. *Organizational diagnosis proposal*

Of the bids received for this mandate, the Administrative Committee selected two for review by the members. Following a discussion, the members selected the winning bid. The Administrative Committee will contact the winning bidder.

d. *JBACE paper for the International Association for Impact Assessment conference (Montréal, April 2017)*

The JBACE would like to speak at the conference's Nordic/Arctic forum to promote its role and challenges in the environmental and social protection regime. Melissa Saganash will give the paper on the JBACE's behalf.

6. MEETING WITH MARIE-CHRISTINE TREMBLAY, ASSOCIATE REGION DIRECTOR, ENVIRONMENT AND CLIMATE CHANGE CANADA REGARDING THE GOVERNMENT'S PLAN TO FIGHT CLIMATE CHANGE

Marie-Christine Tremblay gave an overview of the Government of Canada's commitment to reducing greenhouse gas emissions, a commitment it reiterated at the December 2015 climate change conference in Paris (COP21). Canadian governments can reduce their emissions only if they work together to develop a plan for fighting climate change. The Government of Canada is encouraging Canadians to talk about climate change and share their concerns and ideas. Ms. Tremblay would like to hear from Cree communities on the matter because northern regions are particularly affected by the impacts of climate change.

Members mentioned the JBACE's work on climate change, beginning in 2007 with a portrait of climate change impacts in the James Bay Territory. Then, in 2009-2010, the Committee worked with the Cree Trappers' Association (CTA) on a project on climate change impacts and adaptation measures. That project resulted in a Cree GeoPortal website containing an interactive map showing climate change observations. The CTA planned a second phase dealing with adaptation measures to ensure safe travel to hunting grounds, but had to abandon it due to a lack of funding.

A member underlined the importance of climate change in the Section 22 impact assessment and review procedure and traditional Cree economies. Impact assessment must consider anticipated environmental conditions, and some Cree harvesting activities may end up being abandoned due to the additional impacts of development projects in the Territory. The member thinks it is important that Aboriginal communities be part of the debate from the outset, instead of being consulted at the end. According to Ms. Tremblay, the purpose of today's consultation is to involve Aboriginal communities from the start.

7. PRIORITIES FOR 2015-2017

a. *Strategic environmental assessment and bill modernizing the Environment Quality Act*

The subcommittee on strategic environmental assessment (SEA) is finalizing the brief on Bill 102 modernizing the *Environment Quality Act*. The analyst presented the recommendations proposed by the subcommittee, which include strengthening the proposed SEA framework and linking the authorization scheme with the Section 22 procedure (JBNQA). The members approved the recommendations. The full draft brief will be submitted to the members in the coming weeks.

b. Cumulative effects study

The JBACE is holding a cumulative effects workshop tomorrow (September 21). In addition to JBACE members, the workshop will be attended by the members of COMEV, COMEX and COFEX-South, as well as a representative of the Canadian, Québec and Cree governments. The workshop will be led by Bram Noble and Jackie Martin, who wrote the cumulative effects report submitted in May 2016.

Following the workshop and submission of the report, the subcommittee on cumulative effects will draft terms of reference for the next phase of research, which will focus more on cumulative effects assessment (CEA) at the regional level, with emphasis on good practices in Canada and elsewhere.

In addition, some researchers proposed working with the JBACE to determine the state of CEA across Canada, including the territory of Eeyou Istchee James Bay. The members agreed and the collaborative project will proceed if the requested funding is received.

c. Implementation and updating of the Strategic Plan 2013-2018

The secretary reported on the progress of the Strategic Plan 2013-2018 by identifying the objectives not yet achieved. Certain objectives could be considered when the JBACE updates its priorities. New priorities could also be included, such as climate change impacts and adaptation.

Given that the JBACE will be focusing its attention on the review of federal environmental assessment processes and environmental laws this fall, it was decided to put off updating the Committee's priorities.

8. APPROACH FOR REVIEWING THE 2018-2023 TACTICAL PLANS FOR INTEGRATED FOREST DEVELOPMENT ("PAFIT", IN FRENCH)

In follow-up to the workshop on forest management issues (February 2016), the forestry subcommittee is refining the two issues to be submitted to the Ministère des Forêts, de la Faune et des Parcs (MFFP) by the end of 2016. When the MFFP submits the proposed tactical plans in spring 2017, the JBACE will be in a position to review them in light of those two issues.

9. IMPLEMENTATION OF THE MFFP'S WOODLAND CARIBOU ACTION PLAN

The members would like more information on the implementation of the woodland caribou action plan unveiled by the MFFP in April 2016. The JBACE will write to the Minister to request a meeting, at which other issues could also be discussed.

Considering that the work of the special Cree-Québec task force on woodland caribou has advanced very little in recent years, the members are hoping to work with experts in the field to recommend concrete measures for improving the species' status in the short term.

10. NEXT MEETING

The JBACE will hold its next meeting in Québec City on December 1, 2016.

A handwritten signature in black ink, appearing to read "Marc Jetten". The signature is fluid and cursive, with a large loop at the end.

Marc Jetten
Executive Secretary
December 6, 2016