



MINUTES OF THE 199th MEETING OF THE JAMES BAY ADVISORY COMMITTEE ON THE ENVIRONMENT

(ADOPTED)

- DATE:** December 1, 2016
- PLACE:** Room 9B, Édifice Marie-Guyart, 675, boul. René-Lévesque Est, Québec
- PRESENT:** Manon Cyr, Québec (by phone)
Annie Déziel, Canada
Pascale Labbé, Québec, Chairperson
Ginette Lajoie, Cree Nation Government (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:** Andy Baribeau, CNG
Yvon Boilard, ex-officio member, Hunting, Fishing and Trapping Coordinating Committee (HFTCC)
- GUESTS:**
- For Item 4:** Francis Forcier, Director General, Direction générale des mandats stratégiques, Ministère des Forêts, de la Faune et des Parcs (MFFP)
- For Item 5:** Cédric Paitre, Manager, Regulatory Affairs, Canadian Wildlife Service
- For Item 6:** Marie-Renée Roy, Deputy Minister, Ministère du Développement durable, de l'Environnement et de la Lutte contre les changements climatiques (MDDELCC)
and
- For Item 7 (videoconferencing):**

Daniel Gendron, Engineer, Direction régionale du Nord-du-Québec – Analysis and Expertise, MDDELCC
Michel Larose, Geographer, Direction régionale du Nord-du-Québec – Analysis and Expertise, MDDELCC
- OBSERVERS:** Philippe Legault, Partner, DSC Partners Inc.
Karine Bergeron, Senior Advisor, DSC Partners Inc.

1. ADOPTION OF THE AGENDA

On motion by Annie Déziel, seconded by Chantal Otter Tétreault, the agenda was adopted as amended.

2. ADMINISTRATION

a. *Adoption of the budget proposal for 2017-2018*

The executive secretary went over the salient points in the budget proposal for the fiscal year commencing April 1, 2017. On motion by Jean-Yves Savaria, seconded by François Provost, the budget proposal was adopted as amended.

The secretary also went over the JBACE's budget estimates for 2017-2022. The proposal and estimates will be sent to the funding bodies, that is, the governments of Canada, Québec and the Cree Nation, in support of the JBACE's budget requests for 2017-2018.

b. *Terms of payment of JBACE's annual funding*

Indigenous and Northern Affairs Canada (INAC) offered to pay its share of the JBACE's annual funding for 2017-2018 directly to the Committee. A member pointed out that the *Environment Quality Act* provides that the Québec government will pay the full funding amount and then be reimbursed by the Government of Canada for its share.

The members agreed to insist that the JBACE must receive its funding at the start of the fiscal year, regardless of the terms of payment. Failing prompt payment, the JBACE would have to postpone important projects or temporarily close its secretariat.

c. *Resolution respecting moving of the JBACE and Hunting, Fishing and Trapping Coordinating Committee (HFTCC) secretariats*

The executive secretary explained the steps he and his HFTCC counterpart took to find new office space for the two secretariats. The place at 1080, Côte du Beaver Hall, Montréal, seems suited to the needs: meeting room, private offices for the secretaries and analysts and a reception area for the secretariat officers.

On motion by Jean Picard, seconded by Mélanie Veilleux-Nolin, the members adopted Resolution 2016-12-01-01 authorizing the chairperson and executive secretary to cancel the lease with the current lessor and sign a lease with the lessor of 1080, Côte du Beaver Hall. The HFTCC's Administrative Committee made a similar decision. The secretariats will move in summer 2017.

2. PRESENTATION BY PHILIPPE LEGAULT (DSC PARTNERS INC.) ON THE ORGANIZATIONAL DIAGNOSIS

Mr. Legault noted that the JBACE is not a typical organization and, therefore, special attention will be given to its profile and operation, in particular relations between the members and the secretariat and between the members and their appointing parties. Philippe Legault and Karine Bergeron will be contacting the members and employees they wish to interview.

3. PRESENTATION BY FRANCIS FORCIER (MFFP) ON IMPLEMENTATION OF THE ACTION PLAN FOR WOODLAND CARIBOU HABITAT MANAGEMENT

Francis Forcier of the MFFP's Direction générale des mandats stratégiques presented the action plan unveiled in April 2016 and answered members' questions (see Appendix 1 for a summary of the presentation).

4. PRESENTATION BY CÉDRIC PAITRE OF THE CANADIAN WILDLIFE SERVICE (ENVIRONMENT CANADA) ON THE FEDERAL GUIDELINES FOR WOODLAND CARIBOU CONSERVATION

Mr. Paitre presented the highlights of the *Range Plan Guidance for Woodland Caribou, Boreal Population* (see Appendix 2 for a summary of the presentation).

5. MEETING WITH MARIE-RENÉE ROY, DEPUTY MINISTER OF MDDELCC

Following Ms. Roy's recent appointment as Deputy Minister of the MDDELCC and Provincial Administrator of the Section 22 impact assessment and review procedure, the members wanted to fill her in on the main work done by the JBACE. Ms. Roy expressed interest in the JBACE's recommendations on public participation, including making the public consultation process during the impact assessment and review procedure more predictable. Ms. Roy thinks this is important for project proponents, since public consultation can help gain social acceptability for a project. It also provides an opportunity to open a dialogue with the communities affected by a project and modify the project where needed.

Ms. Roy expressed an interest in meeting with the JBACE again to discuss issues of common interest at greater length.

6. ADOPTION OF THE MINUTES OF THE 198TH MEETING

On motion by François Provost, seconded by Chantal Otter Tétreault, the minutes of the 198th meeting (September 20, 2016) were adopted as amended.

7. PRESENTATION BY DANIEL GENDRON (MDDELCC) ON CHARACTERIZATION OF THE CAPE JONES (POINTE LOUIS XIV) CONTAMINATED SITE

Mr. Gendron presented the results of the site characterization study conducted in September 2015 and answered members' questions about the next phases of the work (see Appendix 3 for a summary of the presentation).

8. CALL FOR PROPOSALS FOR THE IMPLEMENTATION OF WOODLAND CARIBOU PROTECTION MEASURES

During the meeting on September 20, 2016, the members expressed the desire to solicit the help of a woodland caribou expert to learn more about research into the status of caribou populations and identify recovery measures. In October 2016, the members approved a draft call for proposals from potential researchers. After he had started sending out the call for proposals, the secretary received a call from a researcher who was concerned about the potential consequences: in his opinion, the JBACE could end up recommending lighter measures than required by Environment and Climate Change Canada (ECCC) under its *Range Plan Guidance for Woodland Caribou*. The secretary suspended the call for proposals so that he could inform the members of the researcher's concern. A subcommittee was formed to rework the call for proposals based on the ECCC's *Range Plan Guidance* and the reports recently published by the Ministère des Forêts, de la Faune et des Parcs.

9. ISSUES FOR CONSIDERATION DURING THE REVIEW OF TACTICAL PLANS FOR INTEGRATED FOREST DEVELOPMENT (PAFITs)

Given that the JBACE has a mandate to review the 2018-2023 PAFITs before they are approved by the Ministère des Forêts, de la Faune et des Parcs, a subcommittee was formed to identify issues to guide the review. A member of the forestry subcommittee explained the work carried out following the February 2016 workshop to define two issues the JBACE wants to consider in its review: protection of the Crees' wildlife harvesting rights and continued access to wildlife resources for the Crees. The members think it is important to stress the fact that the MFFP and the Cree Nation Government have not yet reached a final agreement on harmonization of Québec's new forest system and the adapted forestry regime under the *Paix des Braves*. Moreover, the defined issues need to reflect the JBACE's goal of taking into account the cumulative effects of projects, including forest development. .

The analyst and subcommittee will rework the text and submit a new version to the members for adoption by email. Ideally, the issues should be sent to the MFFP by the end of 2016.

10. CONSULTATION ON BILL 102 AMENDING THE ENVIRONMENT QUALITY ACT (EQA)

The members discussed the context leading to the Cree Nation Government-appointed members' request to modify the JBACE brief on Bill 102 after the brief had already been submitted to the National Assembly Committee on Transportation and the Environment (CTE). When the members of the other parties said no, a letter was sent to the CTE expressing the CNG-appointed members' opposition to the brief. In their opinion, the proposed strategic environmental assessment framework would not apply to the Eeyou Istchee James Bay territory unless prior consent was received from the Crees. According to the CNG members, the framework would go against the provisions of the environmental and social protection regime of Section 22 of the JBNQA and the bodies established by it.

The members find that this incident underscores the importance of spelling out the terms for preparing and approving briefs beforehand, as well as for the submission of briefs to parliamentary committees.

11. FILE UPDATE

a. Review of federal environmental assessment processes

The analyst and subcommittee on federal processes are preparing a brief for submission during the review of the 2012 *Canadian Environmental Assessment Act*. The draft brief will be submitted to the members for adoption, after which it will be sent to the Expert Panel reviewing federal environmental assessment processes.

b. Review of the Fisheries Act

With the members' consent, the secretary will send the letter drafted by the subcommittee on the 2012 *Fisheries Act* for the review being conducted by the House of Commons Standing Committee on Fisheries and Oceans.

c. Review of the Navigation Protection Act

The JBACE will write to the House of Commons Standing Committee on Transport, Infrastructure and Communities to stress the importance of safeguarding the Cree rights to navigation arising from their hunting, fishing and trapping rights.

12. CLIMATE CHANGE RESEARCH**a. *Research project on strategic environmental assessment (SEA) and climate change***

The secretary explained a request received from the researcher Gilles Côté to partner in a pilot project on the integration of climate change in SEAs of policies, plans and programs affecting northern regions. The project description stresses climate change impacts in the North and the need to take them into account, the same as Aboriginal traditional knowledge, during the SEA of a government policy. According to the secretary, a concrete situation could be used for the pilot project, such as the Eeyou Istchee James Bay Regional Government's land use planning. The members did not think the JBACE could support the project because there is too little information available

a. *JBACE report on climate change (2008)*

The members want to update the 2008 report on climate changes in the territory. Ideally, this initiative should tie in with other climate change projects in the territory.

13. OTHER BUSINESS***Meeting of Section 22 committee chairs***

The chairperson of the Review Committee (COMEX) proposed that the chairs of all the Section 22 committees meet to discuss ways to improve collaboration. The JBACE chairperson will keep the members informed.

14. NEXT MEETING

The JBACE will hold its next meeting in Chisasibi in February 2017. The secretary will check the members' availability and then set the dates.



Marc Jetten
Executive Secretary
February 24, 2017

**APPENDIX 1: PRESENTATION BY FRANCIS FORCIER (MFFP) ON THE
ACTION PLAN FOR WOODLAND CARIBOU HABITAT MANAGEMENT**

Francis Forcier said that the goal of the action plan launched in April 2016 is to protect woodland caribou habitat and create the conditions for recovery of Québec's caribou herds. It is a measured approach that targets areas with the best chances for recovery. The plan contains measures to be implemented in the short term, such as the introduction of a new northern boundary for timber allocations and the creation of a new, 9000-km² protected area. In the second phase of the plan, the socioeconomic impacts of habitat protection will be assessed.

Based on MFFP population surveys, there are currently between 6000 and 9000 woodland caribou in Québec. The goal is to restore the population to 11 000 caribou, or a density of 1.7 caribou/km². The long-term strategy includes improving the monitoring system to ensure caribou population recovery.

To put the impact of the review of the northern timber allocation limit into perspective, Francis Forcier explained that the various scenarios considered would have a maximum impact of 1% on the volume of timber harvested in the province. Under the action plan, the area surrounding the northern limit is a key area between managed forest and forest above the northern limit where no commercial timber harvesting is permitted. The MFFP has to factor in the reality that 75% of woodland caribou habitat is located above the northern limit for timber allocations and 75% of the woodland caribou are located below the boundary.

The MFFP's approach aims to protect vast forested areas to create a network of critical habitat. Mr. Forcier confirmed that the precautionary approach aimed at establishing special forest management practices for critical habitat will remain in effect until a long-term woodland caribou recovery strategy is in place. The strategy will be a compromise between preserving 100% of critical caribou habitat and creating a vibrant regional economy, including numerous jobs in the forest management sector. In this regard, Mr. Forcier mentioned that woodland caribou ranges cover one third of the territory of Québec.

A JBACE member pointed out that creating a vibrant regional economy also depends on the ability to diversify the economy to reduce reliance on natural resource extraction. Mr. Forcier explained that the MFFP earmarks funding for fostering secondary and tertiary wood processing in the regions, among other things.

Giving an example of protection measures, Mr. Forcier said that selected areas will serve as a testing ground for the decommissioning of unused forest roads as a means of reducing wolf and bear predation. Such measures could apply in areas where road density is high. The Québec government is maintaining its objective of designating 12% of the managed boreal forest as protected.

The MFFP continues to work with the federal government to protect woodland caribou, a threatened species, including by contributing to population surveys. However, the MFFP plans to adopt a special approach for Québec: in order to minimize the negative socioeconomic impacts, the approach will not necessarily meet Environment Canada's 35% maximum disturbance threshold for woodland caribou habitat.

Mr. Forcier also confirmed that the MFFP can update the JBACE on the progress made regarding protection measures in the area of the proposed Muskuchii Hills biodiversity reserve and on the overall target of restoring the population to 11 000 caribou.

APPENDIX 2: PRESENTATION BY CÉDRIC PAITRE OF THE CANADIAN WILDLIFE SERVICE ON THE FEDERAL GUIDELINES FOR WOODLAND CARIBOU CONSERVATION

Cédric Paitre explained that the purpose of the Range Plan Guidance for Woodland Caribou, Boreal Population is to assist provinces and territories that wish to prepare range plans, as proposed in the recovery strategy for boreal caribou launched by the Government of Canada in 2012. The provinces are required to protect each woodland caribou herd and its habitat and ensure the species' recovery. Environment and Climate Change Canada (ECCC) will use the best available information and consult with the Québec government to determine whether critical habitat for boreal caribou is being effectively protected. Range plans would facilitate the assessment process. The plans must be submitted by October 2017.

The main purpose of a range plan is to outline how range-specific land and/or resource activities will be managed over space and time to ensure that critical habitat for boreal caribou is protected from destruction, notably by limiting habitat disturbance to 35%, the threshold for a 60% probability for a herd to be self-sustaining. Although ECCC does not demand immediate compliance with the disturbance management threshold, the range plans should contain recovery measures and a timeline to ensure a sufficient level of undisturbed habitat and meet the recovery objectives. According to the report by experts who worked with the special task force on woodland caribou, this would apply to all three woodland caribou herds in Eeyou Istchee James Bay, since more than 35% of their habitat is disturbed.

The Range Plan Guidance contains a series of criteria to assist the responsible authorities in their preparation of range plans for the ranges within their province or territory. It provides general guidance on the development of range plans, as well as ECCC's perspective regarding the desired content of a range plan. Rather than a single prescriptive approach, ECCC is letting each province select those measures it considers most appropriate for achieving the goal of woodland caribou recovery within its territory. However, the selected measures must be governed by a legally binding instrument in order to be deemed sufficient by the Government of Canada.

If the Minister of Environment and Climate Change is of the opinion that the proposed measures will not effectively protect and ensure the recovery of the targeted woodland caribou population, she must make a recommendation to the Governor in Council for a protection order. The Governor in Council decides whether or not to make the order based on socioeconomic considerations. Cédric Paitre said that the federal government prefers to open a dialogue with the provinces to avoid adopting a restrictive protection order. For example, data sharing among the different levels of government facilitates collaboration to protect the habitat of this threatened species.

APPENDIX 3: PRESENTATION BY DANIEL GENDRON (MDDELCC) ON THE CHARACTERIZATION OF THE CAPE JONES (POINTE LOUIS XIV) CONTAMINATED SITE

Daniel Gendron presented the results of the characterization study (levels I and II) of the Cape Jones site conducted by SNC-Lavalin from September 15-18, 2015. Essentially, three sites (409, 409A and 410) were identified owing to metal structures, residual material and contaminated soil left behind when the military base was abandoned in 1965. Site 409A was later used by an outfitting operation. An archaeological survey conducted at the same time uncovered evidence of Amerindian and Inuit settlements up to 1200 years old.

According to the report, there is an estimated 6000m³ of contaminated soil, primarily from hydrocarbons, and 2400m³ of residual material. According to Mr. Gendron, the Soil Protection and Contaminated Sites Rehabilitation Policy sets an objective of restoring contaminated sites in northern environments to meet Criterion A, that is, the criterion required for residential areas in southern Québec. Mr. Gendron thinks that

Criterion B, that is, the criterion for recreational parks, would be more realistic. Criterion B was the treatment target set for Block D near Chisasibi.

Contaminated soil could be treated off site, which would mean transporting soil by boat and truck to accredited treatment centres. Another option would be to treat the soil on site (*in situ*), which would still require excavation. According to Mr. Gendron, *in situ* treatment would allow the community of Chisasibi to be more involved. Residual material could be buried in cells on site.

A member opined that the department should draw on Hydro-Québec's experience in decontamination methods and technologies in northern environments. The member gave the examples of groundwater observation wells and the treatment of contaminated soil using biopiles in Wemindji.

According to Daniel Gendron, the means of funding the site restoration have not been determined yet. National Defence Canada recently conducted its own characterization study, which means that financial support may be available from the federal government. A member said it is important to find out if the community of Chisasibi has plans for the site.