



MINUTES OF THE 136th MEETING OF THE JAMES BAY ADVISORY COMMITTEE ON THE ENVIRONMENT

(ADOPTED)

DATE: April 7, 2004

PLACE: JBACE Secretariat Office, Montréal

PRESENT: François Boulanger, Canada
Glen Cooper, CRA
George L. Diamond, CRA
Marian Fournier, Québec
Carole Garceau, Québec
Ginette Lajoie, CRA, Vice-Chairperson
Claude Langlois, Canada
Pierre Moses, Québec
Denis Vandal, Québec

Marc Jetten, Executive Secretary

ABSENT: Michel Blondin, Canada
Jean Comtois, Canada
Gilles Harvey, ex-officio member
Diom Romeo Saganash, CRA, Chairperson

GUESTS: Nicole Gougeon, HFTCC
Isabelle Matteau, Environment Canada
Martin Pelletier, Consultant
Alan Penn, CRA

Call to order and adoption of agenda

In the Chairperson's absence, the meeting was chaired by Ginette Lajoie. Claude Langlois moved that the Committee adopt the following agenda. Carole Garceau seconded the motion.

1. Adoption of minutes of the 135th meeting
2. File update
3. Comments on the work of the coordination table studying access to the Territory and the follow-up committee (second mandate)
4. Work placement offer for summer 2004
5. Draft comments on the forest protection and development objectives (FPDO)
6. Presentation by Isabelle Matteau of Environment Canada on Environmental Effects Monitoring
7. Proposed strategic plan 2004-2006
8. Web site
9. Operation of subcommittees
10. Next meeting

1. Adoption of minutes of the 135th meeting (February 25, 2004)

Denis Vandal moved that the minutes of the 135th meeting be adopted with the requested changes. George Diamond seconded the motion. The motion passed unanimously.

2. File update

a. Eastmain By-Law Respecting the Quality of Drinking Water

The members asked the secretary to draft a letter concerning the Cree First Nations' power to regulate matters of drinking water on Category 1A land. The letter will be sent to the chiefs of each Cree community and to the chief of the Naskapi Nation, who made the request.

b. Amendments to Eastmain 1 authorization certificates

An official from the MENV regional office in Rouyn-Noranda is supposed to send the information soon.

c. Printed 2002-2003 Annual Report

A page of the French version of the annual report was omitted during printing. Because this is the printer's fault, the secretary will ask that the error be corrected or that the printer compensate the JBACE.

d. Subcommittee studying impact assessment and review of local projects

The subcommittee held its first meeting on March 30, 2004. It proposes to hire a consultant to conduct a study on the assessment and review process for projects on Category 1A land and recommend improvements. The secretary prepared a work plan for the subcommittee to look over at its next meeting.

e. Appointment of Chairperson and Vice-Chairperson

Chairpersonship of the JBACE is to be assumed by Québec effective April 1, 2004. However, there has been no appointment yet. As soon as this process has been completed, the members could hold a conference call to delegate signing authority.

It is the Government of Canada's turn to appoint a vice-chairperson for 2004-2005. It has not done so yet. The CRA-appointed chairperson and vice-chairperson will continue in office until their replacements have been appointed.

3. Comments on the work of the coordination table studying access to the Territory and the follow-up committee (second mandate)

A CRA member noted the overlapping between the work of the coordination table and that of the JBACE, especially as regards the allocation of public land leases and assessment and review of forest roads under Section 22. If the follow-up committee has maps or other such tools relating to these matters, it would be good if the JBACE could obtain a copy. A member for Québec reminded the members that some data is confidential.

The secretary will meet with François Dupuis of the Secrétariat aux affaires autochtones, at the latter's invitation, to discuss ways for the follow-up committee to keep the JBACE informed.

4. Work placement offer for summer 2004

A CRA member presented the proposal for hiring a student in summer 2004. It would be a way for the JBACE to further the issue of sustainable residual materials management while increasing its visibility, especially among university circles. The secretary prepared a work placement offer.

A member for Canada endorsed the project, suggesting that we hire a student enrolled in a master's program in environmental sciences. As well, the job should last long enough to see the project through, i.e. three or four months. A Québec member agreed, suggesting that the project be extended to cities and Hydro-Québec facilities in the Territory: the exchanges with Recyc-Québec showed that recycling programs would be more successful if the regional stakeholders worked together.

According to a CRA member, we should consider having a Cree person help the student. Not only would this facilitate the student's relations with the First Nations, but it would also promote the training of Crees. A CRA member pointed out that this is the JBACE's first experience with work placement and it is important that the student be properly supervised. The mandate should be limited to raising awareness of sustainable residual materials management.

5. Draft comments on the forest protection and development objectives (FPDO)

The JBACE had formed a subcommittee to draft comments on the FPDOs proposed by the Ministère des Ressources naturelles, de la Faune et des Parcs (MRNFP). The comments were approved by two of the subcommittee members. However, since the joint working groups in the communities contemplated by the Cree-Québec Agreement also prepared comments and defined objectives, the CRA members feel that the JBACE must take them into account. That is why they invited Martin Pelletier to present the process of defining adapted objectives for the Crees.

The Cree Model Forest of Waswanipi and the CRA mandated Mr. Pelletier to consult the interested parties for the purpose of drafting comments on the proposed FPDOs for the joint working groups. Generally speaking, there was consensus on the MRNFP's seven protection objectives, but the participants in the consultation questioned the proposed means of implementing them. Among other concerns was the fact that the objectives are technical in nature and the participants wanted them to be complemented by economic and social objectives: four objectives tailored to the needs of the Crees deal with economic opportunities, Cree involvement in forest management, land use, and maintenance of the habitats of species contemplated by the right to harvest guaranteed by the JBNQA.

The Cree and Québec members of the joint working groups decided to adopt these objectives and jointly recommend them to the MRNFP: if approved by the MRNFP, the objectives will be incorporated into the five-year forest management plans for 2007-2012.

During the consultations, Martin Pelletier noticed a lot of frustration on the Crees' part. Despite the forestry provisions of the Cree-Québec Agreement, there has been little change. A CRA member feels that the Agreement has not succeeded in changing the attitude of some forest companies, especially in terms of the lack of importance given to Cree traditional ecological knowledge. Lastly, a number of irritants, such as zoning, have nothing to do with the Agreement: Mr. Pelletier invited the JBACE to examine those irritants.

A Québec member thinks that the trappers' frustration is partially due to a lack of information. For example, they were led to believe that there would be no forest management activities in sites of wildlife interest, which cover up to 25% of the productive forest land of a trapline, when these areas are actually subject to special management practices.

Since the JBACE must rethink its forestry mandate, a CRA member feels that monitoring forest practices would be a good niche. According to a member for Québec, the job of supervising the Agreement's implementation falls to the Cree-Québec Forestry Board. A member for Canada thinks that the environmental and social protection regime concerns all types of development, including forest management, and he suggested that the JBACE study, among other things, the means of Cree participation in the adapted forestry regime. The memorandum of understanding to be prepared by the Board and the JBACE should prevent needless overlapping of responsibilities.

The FPDO subcommittee will continue its work, taking into account the economic and social objectives proposed by the joint working groups.

6. Presentation by Isabelle Matteau of Environment Canada on Environmental Effects Monitoring

Environmental Effects Monitoring (EEM) is a requirement of the Metal Mining Effluent Regulations (MMER) passed in 2002. Metal mines that are subject to the MMER are required to evaluate the effects of effluents on fish, benthic invertebrates and their habitat. The exposure area is compared with a reference area to determine the effect of mine effluents and, depending on the results, EEM is conducted every two to six years.

The five mines in the James Bay Territory¹ submitted historical data on the effects of their effluent, which means their study designs will be submitted in December 2004.² Mine operators have two years to conduct the EEM study: the long deadline is apparently warranted by site access conditions, the numerous biological monitoring studies required and the exchanges with Environment Canada. Mine operators hire biology firms for the studies because of their proven expertise. Environment Canada nevertheless checks the quality of data and their interpretation.

Unlike pulp and paper mills, which have a choice of sites for discharging their effluent, mines automatically discharge theirs to the watercourse nearest the deposit. That is why Environment Canada can allow itself to be flexible with regard to certain effluent constituents while insisting on compliance with the maximum concentrations fixed by the MMER. These authorized limits should correspond to those set out in the Québec mining directive 019 following its anticipated update.³ Where applicable, study designs must take into account the cumulative impacts associated with other projects.

Environment Canada invites mining companies to consult the communities concerned in order to establish socially acceptable effluent levels. Although such consultation is not a requirement of the MMER, the public can obtain a copy of the interpretive reports under the federal Access to Information Act, remembering that certain information pertaining to industrial processes remains confidential.

Isabelle Matteau offered to meet with the JBACE again once the mines have submitted their study designs, which is expected to be in December 2004. The members thanked Ms. Matteau for her presentation.

7. Proposed strategic plan 2004-2006

The members for Québec had met the day before the meeting to discuss the strategic plan proposed by the CRA members and the comments on the draft action plan tabled in 2002. They would like the JBACE's strategic plan to integrate the agreed-upon themes for a period of three or four years. They also want the JBACE to adopt an annual action plan for implementing the strategic plan. To facilitate the work of the subcommittee struck for this purpose, the Québec members will submit their comments in writing.

Basing the discussion on the strategic plan proposed by the Cree party, everyone agreed to include the study of drinking water by-laws. In preparation for the next JBACE meeting, the subcommittee will prepare a strategic plan built on the agreed-upon themes.

¹ Copper Rand, Principale and Joe Mann mines (Chibougamau area), Matagami mine (Matagami) and Troilus mine (near Mistissini).

² Companies that did not provide historical data had to submit their study design in December 2003.

³ Directive 019 includes a greater number of parameters and applies to mines that opened after 1989.

8. Web site

The Web site is almost ready: all that's left are the "History" and "Interaction" sections. The members agreed that even if the adopted minutes are available to the public, they should not be posted on the Web site. Instead, the secretary will prepare a summary of the minutes with follow-up notes. Moreover, the secretary will search for an advisory issued a few years ago regarding the JBACE's exemption from the Act respecting Access to documents held by public bodies and the Protection of personal information.

The secretary will contact his counterpart from the Evaluating Committee (COMEV) to see if COMEV directives will be posted on its Web site. If not, the JBACE will consider posting them on the COMEV Web site. A member for Canada wondered whether this might create confusion over the JBNQA committees' respective roles.

The Web site will be launched in June 2004.

9. Operation of subcommittees

A Québec member feels there is a problem with how the JBACE subcommittees function. In the past year, several subcommittees have seen their proposals refused by the JBACE. The member thinks that we should give greater value to the subcommittees' work and approve their proposals, barring major opposition.

According to a member for Canada, a number of documents were submitted to the JBACE before the subcommittees' had completed their work. He suggested giving the subcommittees more time so that the JBACE does not end up wasting time on discussions that lead nowhere. A CRA member added that some members are not always able to participate in discussions in a meaningful manner because, in some cases, the English version of documents is not provided on time.

A CRA member feels that the JBACE needs to give its subcommittees a clear mandate and make sure that their work complies with that mandate. Furthermore, if not enough members are available to hold a meeting, the subcommittee members must make their comments in writing and send them to the interested parties. Their comments orient the drafting of proposals and ensure the proposal is in line with the JBACE's expectations. Lastly, it is up to each member of the subcommittee to get his/her position approved by the other members of his/her party.

10. Next meeting

The next meeting will be held on June 29, 2004, at the JBACE secretariat office in Montréal.



Marc Jetten
Executive Secretary
September 7, 2004