
Call to order and adoption of agenda

In the Chairperson's absence, the meeting was presided by the Vice-Chairperson. Denis Vandal moved that the following agenda be adopted. Gilles H. Tremblay seconded the motion:

1. Adoption of minutes of the 136th meeting
2. File update
3. Adoption of financial statements for fiscal 2003-2004
4. Adoption of 2003-2004 Annual Report
5. Resolution authorizing signing of the lease (2005-2009)
6. Postponement of the release of allowable annual cut calculations
7. Harmonization with Cree-Québec Forestry Board
8. Presentation by Michel Crowley (MENV) on strategic environmental assessment (SEA)
9. Progress report by Mr. Mora and Mr. Tessier on the Eastmain-1 project and the impact statement for Eastmain 1-A/Rupert draft design study
10. Presentation by Romain Rosant, intern, sustainable residual materials management
11. Next meeting

1. Adoption of minutes of the 136th meeting (April 7, 2004)

Denis Vandal moved that the minutes of the 136th meeting be adopted with the requested changes. François Boulanger seconded the motion. Motion passed unanimously.

2. File update

a. Proposed strategic plan

The members for Canada plan on submitting their comments on the proposed strategic plan around mid-September. The secretary will revise

the plan based on the three parties' comments, pointing out any differences in opinion. The JBACE will make the final decision and adopt the definitive version of the plan.

b. Appointment of Chairperson and meeting with the Minister

The JBACE will be meeting with the Québec Environment Minister on September 29, 2004, to discuss the appointment of a chairperson, which should have been done for last April 1. The JBACE will use the opportunity to promote its role and stress the importance of its being consulted on legislation proposed by MENV. The members also hope to discuss sustainable management of residual materials in the James Bay Territory and the updating of the impact assessment and review procedure. The secretary will submit this agenda to the Minister's Office.

c. Residual materials management work placement

Romain Rosant, the intern, compiled directories of recyclers and educational Web sites. The secretary considers the results of the work placement experience to be satisfactory; however, due to Mr. Rosant's lack of fluency in English, he apparently required considerable help communicating with the local environment administrators (LEA).

A Québec member feels that the directory should have covered the entire Territory, especially Hydro-Québec facilities. Also, if a collection system for recyclable material were to be implemented, it should cover non-Aboriginal communities as well. A CRA-appointed member feels this is an ambitious mandate for a 16-week work placement.

d. Drinking water quality

The Cree First Nation chiefs were informed of the principal conclusion of the legal opinion provided by Robert Daigneault in January of this year. The chief of Waswanipi responded by suggesting that a regional water quality commission be set up to draft a by-law applicable to the entire Territory. A member for the CRA pointed out that the Waswanipi Water Quality Commission's mandate is not limited to drinking water quality within that community: it reviews all matters relating to water management on Category 1, 2 and 3 lands.

The secretary will try and get more information on this matter before the next meeting.

3. Adoption of financial statements for fiscal 2003-2004

The secretary presented the 2003-2004 financial statements prepared by the accounting firm RUEL, GIROUX, DORION. The members' questions were answered.

Glen Cooper moved that the JBACE financial statements for 2003-2004 be adopted. Chantal Leblanc-Bélanger seconded the motion. Motion passed unanimously.

4. Adoption of 2003-2004 Annual Report

The Administrative Committee tabled the draft activity report for fiscal 2003-2004. A member for Québec would like the section on the JBACE's mandate to mention the Section 22 guiding principle relating to the rights and interests of non-Native people. It was agreed to add a sentence to the mandate mentioning conformance with all of the guiding principles of Section 22.

A member for Canada suggested adding the *Fisheries Act* to the appendix listing the legislative provisions governing environmental and social protection in the James Bay region.

Chantal Leblanc-Bélanger moved that the 2003-2004 Annual Report be adopted with the suggested changes. Denis Vandal seconded the motion. Motion passed unanimously.

5. Resolution authorizing signing of the lease (2005-2009)

The sub-lease agreement for the current secretariat offices expires in February 2005. The Secretary-Treasurer of the HFTCC and the secretary met with a representative of the lessor (SITQ) to discuss the terms and conditions of the lease renewal. In light of the discussions that took place, the landlord submitted a lease proposal in June 2004. After reviewing the proposal, the secretary submitted it to the Administrative Committee, which recommended its approval.

JBACE Resolution 2004-09-02-03 authorizing the executive secretary to sign the lease proposal:

- WHEREAS the sharing of office space and services with the Hunting, Fishing and Trapping Coordinating Committee (HFTCC) since February 2002 has been beneficial to the JBACE;
- WHEREAS SITQ NATIONAL INC., lessor of the current office space, presented the HFTCC and JBACE with a proposal to renew the lease for the period 2005-2009;
- WHEREAS the JBACE's Administrative Committee reviewed the lease proposal and obtained satisfactory answers to its questions;

On motion by Chantal Leblanc-Bélanger, seconded by Gilles H. Tremblay,

IT IS UNANIMOUSLY RESOLVED:

That the executive secretary of the JBACE be authorized to sign, jointly with the HFTCC, the lease proposal received from SITQ NATIONAL INC. for the current secretariat offices and any document giving effect thereto.

6. Postponement of the release of allowable annual cut calculations

In May 2004, the Deputy Minister for Forests consulted the Cree-Québec Forestry Board (CQFB) and the JBACE regarding the proposed postponement of the date on which allowable annual cut calculations will be released and the date on which general forest management plans must be filed.

A JBACE subcommittee composed of Chantal Leblanc-Bélanger (Canada), Marian Fournier (Québec) and Romeo Saganash (CRA) will prepare comments on the Forêt Québec proposal. The secretary will request a copy of the CQFB resolution on the matter. A Québec member feels it is important that the JBACE submit comments even if it approves the proposal. Given that the government must adopt the proposed measures soon, the subcommittee will have to work diligently.

7. Harmonization with Cree-Québec Forestry Board (CQFB)

The subcommittee formed for Item 6 will define guidelines for a memorandum of understanding (MOU) to be signed with the CQFB regarding the review of forest management plans for 2007-2012. A member representing the CRA pointed out that the forestry-related obligations under the JBNQA still apply despite the application of an adapted forestry regime in southern James Bay. Given the possible overlapping of the CQFB's and JBACE's work, it is important to have an MOU that fosters information exchange, discussion and the division of duties. The mandates of each committee must be well understood: the CQFB has a specific mandate, whereas that of the JBACE has a broader scope, covering environmental issues in the entire James Bay Territory.

There was consensus on the proposal for an MOU, but now we need to determine its content. Spring 2005 was set as the deadline for finalizing the MOU so that it can be taken into consideration by timber supply and forest management agreement (TSFMA) holders and the government during the preparation of forest management plans.

8. Presentation by Michel Crowley (MENV) on strategic environmental assessment (SEA)¹

Mr. Crowley heads the development team at the environmental assessment branch (Direction des évaluations environnementales) of the Ministère de l'Environnement du Québec (MENV). He studies and promotes implementation of the strategic environmental assessment (SEA) of government policies, plans and programs (PPP).

SEA was designed to fill the gaps in project-level environmental assessment. It evaluates the environmental effects of a policy, plan or program and its alternatives. According to Mr. Crowley, it is important that SEA be implemented simultaneously with assessment of the economic and social impacts of a proposed government initiative so that adjustments can be made at the design stage. SEA must determine the environmental costs and benefits of each PPP and encourage stakeholder participation. SEA is

1 Mr. Crowley distributed the following documents: copy of the PowerPoint presentation, "Cabinet Directive on the Environmental Assessment of Policy, Plan and Program Proposals (Canada)," "Framework for Conducting Environmental Assessments of Trade Negotiations (Canada)," "Strategic Environmental Assessment (SEA): Performance Criteria (IAIA)," "Directive of the European Parliament (...)," "Guidelines for the environmental assessment of PPP in Finland" and "SEA: An International Review (IIED)."

especially beneficial for transportation, energy, land use, and water and residual materials management PPPs.

Implementation

In 2000, a task force of the interdepartmental committee on sustainable development proposed an SEA procedure to the Québec government. However, due to ongoing interdepartmental consultations, it is uncertain as to whether SEA will be provided for in the proposed sustainable development legislation. For now, MENV conducts an SEA of specific projects only, such as dredging of a seaway or large-scale pesticide spraying.

Almost all Western countries have adopted the practice of SEA, although the process is more or less systemic. At the Government of Canada, a Cabinet directive made the SEA of government policies, plans and programs a requirement in 1990. With support from the Canadian Environmental Assessment Agency, every government department conducts a strategic environmental assessment of its proposed initiatives and reports on the process to the Commissioner for the Environment and Sustainable Development. Overseas, the European Union, which has 25 member states, adopted an SEA Directive for all plans or programs liable to have significant environmental effects.

Costs

SEA apparently costs less than project-level environmental assessment. "Impact studies" are conducted at a more general level, thereby eliminating the cost of field studies, and the consultation process targets experts, rarely the general public. SEA accounts for approximately 5-10% of the cost of preparing a regulation, for example.

Relevance

Although progress in implementing SEA is sometimes slow, Mr. Crowley has remarked an increased interest on the part of project proponents. Strategic environmental assessment of Hydro-Québec projects, for example, would enable a genuine debate on energy, rather than having to debate the matter for each project. The purpose of SEA is to build a consensus around the justification for a given category of project so as to streamline project-level environmental assessment.

9. Progress report by Mr. Mora and Mr. Tessier on the Eastmain-1 project and the impact statement for the Eastmain 1-A/Rupert draft design study²

Mr. Mora, of the Société d'énergie de la Baie James (SEBJ), showed a map and photographs of the progress on Eastmain 1 (EM 1). The future powerhouse would include three turbines with an installed capacity of 480 MW. The 2500 construction workers are mainly busy building the turbine generator sets and excavating in preparation for construction of the dam and dikes.³ Commissioning is scheduled for 2007.

Mitigation measures for EM 1

Implementation of the mitigation measures is going well: trees are being harvested in areas slated for flooding to facilitate boating on the future reservoir. Trees will be planted in barren areas and archeological digs will be conducted on sites of interest. In terms of wildlife protection, the Weh-Sees Indohoun sector around the EM 1 camp has been established to control hunting and fishing by construction workers, experimental spawning areas and aquaculture ponds for growing sturgeon have been set up, and beaver families have been relocated.

EM 1-A powerhouse/Rupert diversion

Mr. Mora presented the draft design study for the Eastmain 1-A/Rupert diversion project. The impact statement is expected in October or November 2004. The draft design study provides for an additional powerhouse with three turbines powered by water from the Rupert River, up to 80% of which will be diverted. According to Mr. Mora, the EM 1-A/Rupert project complies with the agreements signed with the Crees regarding the water level of Sakami Lake⁴ and the mitigation measures for the La Grande complex.⁵ Commissioning of the EM 1-A powerhouse is to be completed by 2010.

2 Copies of the PowerPoint presentation are available at the secretariat.

3 Note that if the Eastmain 1-A/Rupert draft design study is approved, Dike LE-14 will be cut through so as to enable construction of the additional powerhouse.

4 The Sakami Lake Agreement (1979) is Complementary Agreement N° 5 of the JBNQA.

5 The La Grande Agreement (1986): the EM 1 and EM 1-A powerhouses are part of the La Grande complex.

Impacts on Chisasibi

Although the overall flow of the La Grande River would increase by 10-15%, Mr. Mora stressed that the river's current maximum level would be maintained. A CRA-appointed member is worried about how flow and temperature fluctuations will affect access to the river and even hunting and fishing activities. Decreased physical activity among the Crees has already caused significant adverse health effects: the incidence of diabetes, for instance, has skyrocketed. Does Hydro-Québec support the implementation of a physical activity program for the Chisasibi Crees? Mr. Mora replied that the programs delivered by the Eeyou Nameess Corporation⁶ aim to restore and strengthen Cree fisheries.

Flow regime and wildlife habitat

According to André Tessier of Hydro-Québec, diversion of the Rupert River will destroy approximately 9% of fish habitats, but construction of the reservoir will create new fishing habitats once the mercury level has been stabilized. As a result of talks with the tallymen, the proponent will model the Rupert River's seasonal flow patterns based on current minimum and flood levels to ensure required water levels during spawning periods. Mr. Tessier also explained that the construction of sills would enable boating on parts of the Rupert River. The flows of the Nemiscau and Lemare rivers would be maintained at their current levels, while the flow in the Rupert estuary would be maintained at a reduced level of 48%.

Hydro-Québec is in talks with the tallymen affected by the flooding to identify alternative hunting and fishing sites. The tallymen will be issued consumption advisories for fish and fish-eating wildlife taken from aquatic areas with high mercury levels. Mr. Tessier pointed out that there will be no mercury contamination in the Rupert River downstream from the dam.

Option respecting the Sarcelle control structure

The Boumhounan Agreement provides for the construction of a new powerhouse on the site of the La Sarcelle control structure, subject to agreement and participation by the Crees. The Grand Council of the Crees agreed to this option in March 2004.

⁶ The Eeyou Nameess Corporation was established by the Mercury Agreement (2001).

10. Presentation by Romain Rosant, intern, sustainable residual materials management

Due to the late hour, the members and Mr. Rosant agreed to defer this item to the next meeting.

11. Next meeting

The next meeting will be held on November 29 and 30, 2004, at the JBACE secretariat office in Montréal.



Marc Jetten
Executive Secretary
December 2, 2004