



Comité consultatif pour l'environnement de la Baie James  
James Bay Advisory Committee on the Environment

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MINUTES OF THE 142nd MEETING  
OF THE JAMES BAY ADVISORY COMMITTEE  
ON THE ENVIRONMENT

**(Adopted)**

**DATE:** October 12, 2005

**PLACE:** JBACE Secretariat, Montréal

**PRESENT:** François Boulanger, Canada  
Glen Cooper, CRA  
Guy Demers, Québec  
George L. Diamond, CRA  
Marian Fournier, Québec  
Ginette Lajoie, CRA, Chairperson  
Chantal Leblanc-Bélanger, Canada  
Pierre Moses, Québec  
Diom Romeo Saganash, CRA, Vice-Chairperson  
Claude Saint-Charles, Canada  
Gilles H. Tremblay, Canada

Marc Jetten, Executive Secretary

**ABSENT:** Willie Iserhoff, ex-officio member, HFTCC  
Denis Vandal, Québec

**GUESTS:** Marc-André Bouchard, Direction du patrimoine écologique, MDDEP  
René Dion, Biologist, CRA  
Maryse Lemire, Fisheries and Oceans Canada  
Jean-François Vachon, Project Officer, JBACE

### **Call to order and adoption of agenda**

The Chairperson welcomed everyone, in particular Maryse Lemire, who will soon be replacing Gilles H. Tremblay as member of the federal party.

Gilles H. Tremblay moved that the following agenda be adopted. Marian Fournier seconded the motion. Motion passed unanimously.

1. Adoption of minutes of the 141st meeting (June 7, 2005)
2. File update
3. Reduced timber allocations in the Territory as a result of Bill 71
4. Presentation by Jean-François Vachon on the recycling pilot project in Wemindji
5. Eligibility of James Bay communities for recycling programs
6. Discussion on the advisability of making JBACE minutes available to the public
7. Disposal of caribou carcasses in Zone 22 B (COMEV recommendation)
8. Presentation by Marc-André Bouchard (MDDEP) on implementation of Québec's protected areas strategy in James Bay
9. Environmental assessment of park projects (brief by Alain Hébert)
10. Other business
11. Next meeting

#### **1. Adoption of minutes of the 141st meeting (June 7, 2005)**

On motion by Pierre Moses, seconded by François Boulanger, the minutes of the 141st meeting of the JBACE were adopted with the requested changes.

#### **2. File update**

##### **a. Transitional measures applicable to private vacation development**

In reply to the JBACE's letter of April 2005, the MRNF has agreed to grant the secretariat access to its public land management and information system (SIGT). In addition, the Associate Deputy Minister for the Territory made sure that the JBACE would be consulted at various stages in the preparation of the regional public land

development plan (PRDTP) for Northern Québec. The secretary will try and get the most recent timetable for the stages leading to the PRDTP's adoption.

The MRNF does not have a comprehensive picture of the location of illegal camps in James Bay. From time to time, it determines the soundness of complaints and, if necessary, orders the owner of illegal camps to rectify the situation.

**b. Impact assessment and review of projects on Category I lands**

A member of the subcommittee recapitulated the problems encountered during the review of two local infrastructure projects on Category I land. In June 2004, the subcommittee had asked a consultant to interview those involved in the process and prepare a report with recommendations for improving the assessment and review process for projects on Category I lands.

After commenting on the draft report submitted in June 2005, the subcommittee members decided to keep only the recommendations on which there was consensus. With the reservation that the JBACE would not endorse the entire content of the report, the latter could be made public, particularly for the purpose of informing those who granted interviews.

Daniel Berrouard of the Ministère du Développement durable, de l'Environnement et des Parcs (MDDEP) will be invited to participate in future meetings of the subcommittee to help with the analysis work.

**c. Drinking water quality in the territory of Waswanipi**

In response to the Chief of Waswanipi's concerns about water quality in the community and hunting camps, the secretary checked the sources of data available at Environment Canada (Environmental Effects Monitoring Studies) and MDDEP (Mining Directive 019). A draft letter containing this information was prepared.

**d. Sustainable Development Act (Bill 118)**

The Chairperson wrote to the Minister of Sustainable Development, Environment and Parks to remind him of the main recommendation made in the brief submitted in May 2005, namely, the importance of aligning Bill 118 with the sustainable development provisions of the JBNQA, including Section 22. The secretary will check and see when the bill is supposed to be passed. A link to the bill will be provided on the JBACE Web site.

### **3. Reduced timber allocations in the Territory as a result of Bill 71**

At the JBACE's June 7th meeting, the members agreed to study the draft resolution tabled by a member for Québec regarding measures to mitigate the impact of the annual allowable cut reductions provided for in Bill 71. The JBACE Administrative Committee invited the forestry subcommittee to examine the overall issue of timber allocations in James Bay. However, the subcommittee has not held a meeting since then.

A member for Québec tabled a copy of an e-mail he sent to the members of the forestry subcommittee on September 6, 2005: in his opinion, the resolution tabled on June 7 does not require an in-depth analysis and he is willing to answer any questions relating to the resolution. Even though the MRNF formed a working committee, which includes James Bay representatives, to identify ways to mitigate the reduced timber supply, he feels that the options are limited: apart from salvaging burnt wood this past summer, the other solutions will offer few gains in terms of timber harvests.

According to a CRA member, the questions raised at the previous meeting have still not been answered. For example: what is the anticipated extent of benefits from giving priority to James Bay-based companies when allocating the timber supply? Furthermore, the impacts of such a measure on the Cree communities and on non-Aboriginal communities in the other regions have not been assessed.

In this regard, a CRA member brought up a provision of the Agreement concerning a new relationship between Québec and the Crees (ANRQC) that encourages forestry companies to hire and grant contracts to Crees. A Québec-appointed member feels that this provision would be more easily implemented if James Bay companies were given priority when allocating the timber supply.

The JBACE members agreed to write to the Minister of Natural Resources and Wildlife to be kept better informed of the procedure for allocating the timber supply in the territory covered by Section 22 of the JBNQA. The JBACE will remind the Minister of the importance, especially given the reduction in the annual allowable cut, of ensuring regional development while maximizing economic benefits by such means as considering the possibility of giving priority, when allocating the timber supply, to companies that process the resource in James Bay and by enforcing the provisions of the ANRQC dealing with hiring and granting contracts to Crees. When allocating the timber supply, the MRNF should also ensure protection of the environment and sustainability of the forest resource, in keeping with the recommendations of the study commission on public forest management (Coulombe Commission). The secretary will prepare a draft letter to this effect and submit it to the members of the forestry subcommittee.

**4. Presentation by Jean-François Vachon on the recycling pilot project in Wemindji**

Mr. Vachon began by discussing his internship this past summer, which gave him the opportunity to visit several Cree communities. Because his mandate dealt with sustainable management of residual materials, Mr. Vachon gave special attention to landfilling. Generally speaking, the residents of Cree communities have complete access to landfills, allowing them to dump their garbage there or salvage recyclable materials. However, according to Mr. Vachon, very little material is actually salvaged, which is why landfill access should be controlled to ensure sorting of residual materials.

Mr. Vachon worked with Johnny Mark, the local environment administrator, and Andrew Biron, intern assistant, in setting up the recycling pilot project in Wemindji. Because the community burns most of its waste in an incinerator, recycling should primarily target non-combustible materials. Mr. Vachon drafted a residual materials management plan that describes a number of recycling solutions for metal, glass, plastic and paper waste as well as construction material.

Mr. Vachon and Mr. Biron also conducted an awareness campaign on sustainable management of residual materials, which was favourably received by Wemindji residents. In Mr. Vachon's opinion, once the viability of recycling programs has been demonstrated in Wemindji, the program can be applied in other James Bay communities, both Cree and Jamesian.

This fall, Mr. Vachon will continue to work part-time for the JBACE in order to follow up on recycling and awareness-raising projects in all of the Cree communities.

A CRA member stressed the importance of conducting awareness campaigns in schools because children play a significant role in disseminating information in Cree communities. Also, according to the member, there is not unanimity on the subject of metal waste collection, as the Crees question why companies from outside the region should make a profit off of scrap metal from James Bay. According to Jean-François Vachon, the current economic context is such that salvage of metal waste materials would not be profitable for Cree communities. For the time being, free collection by specialized companies appears to be the best solution because it diverts bulky waste from landfill.

A CRA member emphasized how good the JBACE's participation in a practical initiative such as the recycling pilot project is for the Committee's visibility both in and beyond the James Bay region.

## **5. Eligibility of James Bay communities for recycling programs**

In early summer 2005, the JBACE wrote to Recyc-Québec to solicit its support in the recycling pilot project in Wemindji. Recyc-Québec offered technical support, explaining that territories that are not part of a regional county municipality (RCM) are not eligible for its funding programs. Consequently, the JBACE Chairperson wrote to the Minister of Sustainable Development, Environment and Parks to ask that arrangements be made to allow northern regions to obtain financial assistance from Recyc-Québec.

A Québec member pointed out that Recyc-Québec programs apply to RCMs because the latter are required to adopt a residual materials management plan (RMMP). Thereafter, every decision, such as the opening of a landfill site, must comply with the RMMP. The member thinks we need to find out whether Cree communities really want to bow to such constraints.

A member for Canada wondered whether the legislation couldn't be amended to allow the James Bay Territory to benefit from Recyc-Québec programs. According to a CRA member, amending the legislation is desirable, but takes a long time. The member feels that, in the meantime, Recyc-Québec could tailor its programs or set up a special program for the North. Similar arrangements have already enabled used tire recovery in the Territory.

## **6. Discussion on the relevancy of making JBACE minutes available to the public**

The Administrative Committee asked the secretary to poll the members to ascertain whether the adopted minutes of JBACE meetings should be posted on the Committee's Web site. Opinions varied: on the one hand, it would be a measure of transparency and would likely enhance outreach on environmental and social issues in James Bay, but on the other, posting the minutes on the Web site could prevent some members from expressing their opinions and, consequently, weaken discussions.

A CRA member pointed out that the JBACE decided a long time ago not to name members in the minutes, only the party they represent. Furthermore, the female members do not object to using the feminine form (*une membre*) in the French minutes.

It was agreed that the adopted minutes of JBACE meetings from November 2004 to present would be posted on the Committee's Web site. A CD-Rom containing the minutes from prior years (1978-2004) could be available on request.

## **7. Disposal of caribou carcasses in Zone 22 B (COMEV recommendation)**

This matter was brought to the JBACE's attention when the Committee received a copy of an Evaluating Committee (COMEV) recommendation regarding a project by Mirage Outfitter to establish a landfill for caribou carcasses. The COMEV Chairperson invited partners to work together to find a solution to the problem of caribou carcasses left on the side of the Trans-Taiga Road along the La Grande River (Zone 22 B).

René Dion, biologist with the Cree Regional Authority (CRA), explained the problem. According to Mr. Dion, the number of caribou carcasses left on the side of the Trans-Taiga has increased since 2003, when US officials closed the border to animal carcasses from Canada following the discovery of a case of bovine spongiform encephalitis (better known as mad cow disease) in Alberta. American hunters using James Bay outfitting services could no longer take home the caribou they killed and so began leaving the carcasses in the forest or on the side of the road. According to Mr. Dion, some outfitters take steps to adequately dispose of the carcasses left by their customers. Otherwise, the responsibility falls to hunters.

Furthermore, caribou hunting has become a major industry in Zone 22 B owing to changes in the animal's migratory routes: outfitter customers apparently kill up to 10 000 caribou each year. Until very recently, Hydro-Québec tolerated the disposal of carcasses in its facilities' solid waste disposal sites. Now, however, only household waste is accepted.

A James Bay Municipality by-law prohibits the dumping of animal carcasses within 10 m of a road. A member for Québec explained that the Sûreté du Québec is mandated to enforce the by-law, but it cannot control all violations. Carcasses on the road can sometimes pose a safety risk for motorists. René Dion said that the number of animals killed is controlled through a limit on the number of hunting licences granted to each outfitting operation.

According to a CRA member, Cree elders are appalled by the fact that caribou carcasses are left on the road because, for them, all parts of the animal can be eaten or used. The member fears that the situation will only get worse with the future development of commercial caribou hunting.

A CRA member considers that it is up to outfitters to see that carcasses generated by their activities are managed adequately. In addition, sport hunters and young Cree

hunters could be educated more about good practices, a role that falls to the Hunting, Fishing and Trapping Coordinating Committee (HFTCC).

**8. Presentation by Marc-André Bouchard (MDDEP) on implementation of Québec's protected areas strategy in James Bay**

Mr. Bouchard went over the objectives of the Québec strategy on protected areas: in addition to conserving biodiversity and ecosystems, the strategy aims to promote traditional ecological knowledge, forest certification and ecotourism. In 2000, the government pledged to designate 8% of the territory of Québec as protected areas within five years. Currently, 5.8% of Québec's land mass is protected in some form (park, ecological reserve, biodiversity reserve, etc.); 3.2% of the James Bay Territory is protected.

In 2002, the government passed the *Natural Heritage Conservation Act* in order to establish an expedited process of setting aside land as proposed protected areas. The Act empowers the Minister of the Environment to make an order to set aside land and assign it temporary protected status. This is followed by a consultation process with a view to assigning permanent protected status. Generally speaking, forest management, mining development and hydroelectric projects are prohibited on land set aside as a proposed protected area. Wildlife harvesting, however, is allowed. Furthermore, the government has undertaken a review of the *Parks Act* to make the process of establishing parks more assiduous.

The government divided the territory of Québec into 11 natural provinces, 4 of which overlap the James Bay Territory. Marc-André Bouchard explained that the goal of assigning protected status to 8% of the territory applies to each natural province, but the percentage may vary from one administrative region to the next due to the fact that boundaries do not always coincide. For example, if the majority of protected areas in the Abitibi and James Bay Lowlands natural province were located in the Abitibi region, then the surface area under protected status in the James Bay Territory would fall short of the objective.

In March 2003, at the Crees' request among other reasons, the government announced the proposed creation of five protected areas in the region of Waskaganish. The following year, it proposed to create three more protected areas in James Bay. All eight projects were submitted as a whole to the JBNQA environmental and social impact assessment and review procedure. COMEV issued its directives for the impact statement in December 2003; given that the temporary protected status



assigned to these lands terminates in 2007, the MDDEP intends to appoint someone soon to prepare the impact statement.

Since the impact assessment and review procedure falls under the JBNQA, a CRA member wondered why management of the protected areas is not based on it more. For example, the conservation and development councils responsible for the administration of each protected area could provide for statutory participation of the Cree people.

A CRA member wondered why protected status was assigned to the Muskuuchii Hills after logging had significantly altered the natural heritage. Mr. Bouchard explained that protected status is assigned to an area following a consultative process involving the MDDEP and the other departments concerned, including the Ministère des Ressources naturelles et de la Faune (MRNF), which is responsible for conducting the feasibility study. It is up to the MRNF to negotiate the termination of logging or mining rights with the holders and this process can take several years.

In closing, Mr. Bouchard assured the JBACE that the person appointed to prepare the impact statement for the proposed protected areas in James Bay would be available to meet with the Committee to discuss the implementation of the protected areas strategy.

## **9. Environmental assessment of park projects (brief by Alain Hébert)**

In July 2005, the JBACE received a brief from Alain Hébert on the environmental and social impact assessment and review of park projects under the JBNQA. In Mr. Hébert's opinion, the process is both weighty and costly and risks jeopardizing the establishment of parks in Northern Québec. He proposes that park projects be exempted from impact assessment but that related facilities subsequently be submitted to the Section 22 procedure.

A CRA member feels that the absence of coordination between the Section 22 procedure and the public hearings required under the *Parks Act* is a problem. Since the Act is under review, the JBACE could recommend that a coordination mechanism be introduced. The secretary will check the consultation schedule.

A member for Québec suggested sending Mr. Hébert's brief to COMEV to get its opinion on the relevance of reviewing the list of projects subject to impact assessment. The members agreed that it would also be worthwhile contacting the Kativik Environmental Advisory Committee (KEAC) and the Kativik Environmental Quality Commission (KEQC) to find out how the assessment and review procedure was

applied to the Pingualuit park project in Nunavik. We need to determine whether the Section 22 procedure is the best means of assessing a park project and ensuring Aboriginal involvement in park management.

**10. Other business**

- **Updates to JBACE Web site:** the secretary asked for the members' cooperation in providing their photos and career profiles for this section of the Web site.
- **KEAC secretariat:** a member for Canada said that the selection process for filling the executive secretary position with the KEAC is almost completed. A job offer has been made to the successful candidate.

**11. Next meeting**

The JBACE will hold its next meeting on Wednesday, January 25, 2006, in Wemindji.



**Marc Jetten**

**Executive Secretary**

**January 26, 2006**