



**MINUTES OF THE 145th MEETING
OF THE JAMES BAY ADVISORY COMMITTEE
ON THE ENVIRONMENT**

(Adopted)

- DATE:** June 28, 2006
- PLACE:** Salle Marcel-Lortie, 1141 route de l'Église, Québec City
- PRESENT:** Glen Cooper, CRA
Guy Demers, Québec, Vice-Chairperson
Annie Déziel, Canada
George L. Diamond, CRA
Joanne Laberge, Québec
Ginette Lajoie, CRA
Maryse Lemire, Canada
Pierre Moses, Québec
Claude Saint-Charles, Canada, Chairperson
- Marc Jetten, Executive Secretary
- ABSENT:** Danielle Baillargeon, ex-officio member, HFTCC
Diom Romeo Saganash, CRA
- GUESTS:** Jean-Luc Blais, Indian and Northern Affairs Canada
Jessica Labrecque, intern, JBACE

Call to order and adoption of agenda

The Chairperson welcomed the members, in particular Joanne Laberge, who has just joined the JBACE, and Jean-Luc Blais, whose appointment should be announced soon. Ms. Laberge and Mr. Blais gave an overview of their careers and their roles within their respective departments.

Ginette Lajoie moved that the following agenda be adopted. Guy Demers seconded the motion.

1. **Adoption of the minutes of the 144th meeting (April 5, 2006)**
2. **File update**
 - a. JBACE directions regarding the review of general forest management plans
 - b. Preparation of comments on the proposed changes regarding parks and protected areas
 - c. JBACE request for the development of an approach for a land use plan
 - d. New governance framework of the Ministère des Ressources naturelles et de la Faune
 - e. Working group on James Bay community eligibility for recycling programs
 - f. Application of the *Regulation respecting the landfilling and incineration of residual materials*
 - g. Initiative mandate of the Committee on Transportation and the Environment regarding COMEV and COFEX oversight
 - h. Québec Climate Change Action Plan
 - i. Québec Energy Strategy
3. **Adoption of the 2005-2006 Annual Report, including the financial statements**
4. **Presentation by intern Jessica Labrecque on the review of inclusion and exemption lists (schedules 1 and 2)**
5. **Other business**
 - a. Used tire collection
 - b. Planned meeting with the Minister of Sustainable Development, Environment and Parks
 - c. Interim Guide for Consulting the Aboriginal Communities
6. **Next meeting**

1. Adoption of the minutes of the 144th meeting (April 5, 2006)

On motion by Annie Déziel, seconded by Pierre Moses, the minutes of the 144th meeting were adopted as amended.

2. File update

a. JBACE directions regarding the review of general forest management plans

The Administrative Committee sent the consultant Martin Pelletier work specifications for examining the respective forestry mandates of the JBACE and the bodies established by the agreement concerning a new relationship between Québec and the Crees (ANRQC). Mr. Pelletier's final report is to recommend directions for the JBACE as regards reviewing the general forest management plans (GFMP) to be filed in April 2007.

On the Administrative Committee's recommendation, the JBACE approved Mr. Pelletier's proposal. If needed, the contract period can be extended. Mr. Pelletier must include the forestry-related documents prepared by the JBACE in his research, including the "Proposal for the First Approximation of Criteria and Indicators of Sustainable Forest Management for Eeyou Istchee" (1998). However, in light of the context, Mr. Pelletier must not take the content of these documents to be the minimum requirements for the review of GFMPs in 2007.

To facilitate coordination between the different bodies, the JBACE will inform the Cree-Québec Forestry Board of the decision rendered in light of the conclusion reached by Mr. Pelletier at the end of his examination. Mr. Pelletier is expected to file his report in September 2006.

b. Preparation of comments on the proposed changes regarding parks and protected areas

The Administrative Committee prepared work specifications for consultants interested in examining the legislative amendments proposed by the Ministère du Développement durable, de l'Environnement et des Parcs (MDDEP) in February 2006. So far, only one consultant has expressed interest. A member for Québec will provide the contact information for another possible candidate.

c. JBACE request for the development of an approach for a land use plan

At the JBACE's last meeting, the members agreed to write to the Standing Liaison Committee established by the ANRQC to ask that a multipartite working group be formed to develop an approach for preparing a land use plan for the James Bay Territory. The letter was sent to the Minister of Natural Resources and Wildlife by mistake. Another letter will be sent to the members of the Liaison Committee.

A member for Québec said that the Kativik Regional Government developed a land use plan for Nunavik, but it had to be amended in light of new development projects. A CRA member thinks it is a wise idea to periodically review and update land use plans.

d. New governance framework of the Ministère des Ressources naturelles et de la Faune (MRNF)

A member for Québec informed the participants of the recent appointment of a regional director for the MRNF; the Department's various branches will henceforth be integrated for the Nord-du-Québec administrative region. Under the new governance framework, the regional office is responsible for supporting the regional

natural resource and land commission. The James Bay Regional Conference of Elected Officers will be responsible for appointing the members of the commission, whose purpose is to prepare a regional development plan. The Deputy Minister of MRNF is to meet with the JBACE to explain, among other things, how the regional development plan will be aligned with the other land use planning initiatives.

e. Working group on James Bay community eligibility for recycling programs

After the JBACE raised the issue, the Ministère du Développement durable, de l'Environnement et des Parcs (MDDEP) proposed forming a working group to examine the eligibility of James Bay communities for recycling programs. The working group's first meeting is scheduled for fall 2006.

The director general of James Bay Municipality wrote expressing the Municipality's interest in the matter and asked that the working group hold its meetings in the Territory. The JBACE members agreed that the working group could hold one of its meetings in the Territory.

According to a Québec member, the working group will not be able to complete its mandate in the short term given the sizeable challenge involved in adapting recycling programs to the North. The member also said that a separate working group had been set up for Nunavik owing to the special characteristics and needs of the region. If necessary, the MDDEP and Recyc-Québec contacts, which sit on both working groups, can ensure coordination.

f. Application of the *Regulation respecting the landfilling and incineration of residual materials (RLIRM)*

Some of the provisions of the RLIRM entered into force in January of this year, including the prohibition on burning waste in trench landfills. This activity is no longer allowed in the James Bay region. According to a member for Québec, this prohibition is problematic in terms of disposal site management given that burning considerably reduces the volume of residual materials. In addition, it is impossible to cover trench landfills once a week during winter, resulting in wind scatter of waste.

A member for the CRA pointed out how hard it is to find an adequate site for a trench landfill in James Bay. The soil composition, among other things, makes water tables more vulnerable to contamination.

In 2001, the JBACE sent the Environment Minister recommendations regarding the draft regulation; not all of them were followed. The JBACE will write to the Minister again to ask that James Bay communities be exempt from the provisions that are poorly adapted to the Territory, such as the prohibition on burning, until such time as effective recycling programs have been established in the communities.

A CRA member feels that the JBACE's letter should remind the Minister of the CRA's position to the effect that the provincial regulation does not apply to Cree Category IA lands, which come under federal jurisdiction.

g. Initiative mandate of the Committee on Transportation and the Environment regarding COMEV and COFEX oversight

The JBACE Chairperson wrote to the chair of the National Assembly's Committee on Transportation and the Environment (CTE) to underline the JBACE's role of overseeing the administration of the environmental and social protection regime. According to the secretary, the Committee must have dropped its initiative mandate to oversee the Evaluating Committee (COMEV) and the Review Committee (COMEX) because there's no longer any reference to the matter on the CTE's Web site.

A member for Québec has doubts as to the JBACE's effective oversight, as it is not present enough in the Territory to examine the assessment and review procedure's application in a meaningful manner. According to a CRA member, the Committee on Transportation and the Environment should begin by consulting the Grand Council of the Crees and the JBACE if it wants to examine the procedure's application.

A Québec member pointed out that it is legitimate for the National Assembly to audit the management of publicly funded bodies; however, the CTE should have called on a representative of the government authority responsible for funding, namely the MDDEP in this case, instead of the targeted bodies, whose members do not all answer to the Québec government.

h. Québec Climate Change Action Plan

The JBACE's Vice-Chairperson was present at the unveiling of the Québec government's Climate Change Action Plan on June 15. The plan includes a series of adaptation actions, including energy efficiency and research and development of innovative technologies. Actions targeting northern regions include determining the vulnerability of Québec's forests to climate change and integrating the anticipated impacts into forest management practices. Considering the heightened impact of climate change in the North, the JBACE could envisage adding the examination of climate changes to its Strategic Plan.

A member for Canada said that the Ouranos Consortium had recently held climate change workshops, although they focused on Nunavik. A Consortium representative will be invited to present the anticipated impacts in the James Bay region. In the meantime, the JBACE members would like to obtain a summary of knowledge about the matter. The summary could be prepared by the Centre d'études nordiques de l'Université Laval, which is involved in the Ouranos Consortium.

In the opinion of a CRA member, it is important to not consider just scientific information, but also the impacts of climate change as perceived by local trappers. The member would also like the education challenges arising from climate change to be addressed, particularly by raising awareness about practices that reduce greenhouse gas emissions.

A CRA member said that a documentation program supported by the Northern Ecosystem Initiative dealt with Inuit traditional knowledge. A similar program could be established for the Crees.

i. Québec Energy Strategy

According to a CRA member, Québec's new Energy Strategy could affect application of the JBACE environmental and social impact assessment and review procedure. The strategy makes the Régie de l'énergie responsible for assessing the energy-related and economic justification for projects, leaving the Bureau d'audiences publiques sur l'environnement responsible for examining the environmental aspects of energy projects.

The JBACE will write to the Minister of Natural Resources and Wildlife to make sure that the Régie's revised mandate is consistent with the terms of the JBNQA assessment and review procedure.

3. Adoption of the 2005-2006 Annual Report, including the financial statements

A member for the CRA said that the Cree translation in syllabic script corresponds to the northern dialect. In future, the member would like to see more balance between the two dialects of the Cree people that inhabit eastern James Bay. Another CRA member said that translators in Waskaganish do a good job of integrating the two dialects. A CRA member will revise the translation and contact the translator if needed.

On motion by Ginette Lajoie, seconded by Guy Demers, the JBACE Annual Report 2005-2006, including the financial statements, was unanimously adopted as amended.

For the purpose of future annual reports, the members for Canada will determine whether the letter of presentation should also be addressed to the Minister of Indian and Northern Affairs. It is currently addressed to the federal Minister of the Environment, the Québec Minister of Sustainable Development, Environment and Parks and the Grand Chief of the Grand Council of the Crees.

4. Presentation by intern Jessica Labrecque on the review of inclusion and exemption lists (schedules 1 and 2)

At the half-way point in her internship, Jessica Labrecque gave the members a progress report on her review of the lists of developments automatically subject to and exempt from impact assessment and review. She began by explaining the background to the JBACE's decision to review the lists.

Basically, Ms. Labrecque's mandate consists in collecting and presenting available data relating to the handling of the different project categories since the JBNQA assessment and review procedure's inception. She will round out the data through interviews of those involved in the procedure, particularly the members of the Evaluating Committee (COMEV). Ms. Labrecque will also compare the components of the JBNQA environmental assessment system with the systems existing in other northern regions. In this regard, she will examine some alternatives to environmental assessment, such as land-use regulations or a land-use plan.

Jessica Labrecque was seeking validation of her project classification. Considering that the classification will serve as the matrix for compiling data, it has to make it possible to identify trends in the handling of certain project categories; such trends would help determine the advisability of changing the current listing of projects subject to assessment, exempt from assessment or grey-area projects.

As regards access to documentation, Ms. Labrecque has almost all of the COMEV minutes. Going over them should enable her to present data on the processing of projects, including time frames and consultations.

Some other documents, such as COMEV recommendations, are proving harder to get her hands on. Moreover, Ms. Labrecque is finding it hard to monitor projects after an attestation of exemption is issued. She hopes her interviews will partially fill these gaps.

Questions and comments

In a CRA member's opinion, the intern's mandate should be focused on reviewing the lists and not the monitoring of projects. The purpose of the review is to identify the factors taken into consideration when deciding whether or not to submit a project to impact assessment. In this regard, examining the applicable legislation and regulations should be done for background purposes only. Moreover, a CRA member thinks that the comparison with other regions should focus on a few territories that resemble the James Bay region.

A Québec member thinks that the need to submit certain types of projects, such as gravel pits measuring 3 hectares or more, to the impact assessment and review procedure needs to be reevaluated in relation to the standards applicable in southern Québec. According to a CRA member, this is a good example for the review of environmental assessment alternatives because this type of project is subject to regulatory requirements in southern Québec.

Furthermore, at the end of the review, the JBACE needs to determine whether environmental and social impact assessment is still relevant for proposed parks and protected areas in the Territory. To that end, the intern could consult the members of the Kativik Environmental Quality Commission who were involved in the assessment of the Pingaluit Park project.

A member for Canada likes the idea of establishing assessment thresholds. On the other hand, thresholds tend to lead to divisions in order to avoid submitting projects. Consequently, the establishment of thresholds should be weighted against other factors, such as project location.

For reference purposes, a member for Québec will try to obtain documentation on the process followed by the Québec government in renewing the environmental assessment procedure for southern Québec.

5. Other business

a. Used tire collection

The secretary informed the members of the steps taken by Recyc-Québec to finish clearing tire depots in the Territory and the work carried out by the four Cree communities concerned to prepare their sites for the operation. Recyc-Québec asked the JBACE to confirm that the sites were in proper condition and to provide an estimate of the number of tires to be collected.

The members agreed that the JBACE cannot assume a responsibility, namely management of residual materials, that falls to the local governments under the JBNQA. A CRA member added that his party offers the Cree communities as much support as possible in the matter. The JBACE's role is to ensure regulations, including recycling programs, are adapted.

A CRA member underlined the considerable challenge involved in preparing the Chisasibi site due to the large number of tires and the fact that they were mixed with other residual materials. He thinks that an awareness campaign on the uses for recycled tires and the environmental benefits would help the community understand the context of the used tire collection.

b. Planned meeting with the Minister of Sustainable Development, Environment and Parks

The Chairperson wrote to the new Minister of Sustainable Development, Environment and Parks in March 2006 to inform him of the JBACE's role and suggest a meeting. The special advisor to the Minister sent a reply expressing Mr. B  chard's interest. The meeting could be held this fall.

If so, the JBACE would ask the Minister for his support in organizing workshops or a forum on sustainable development in the North in light of the environmental and social issues raised during the assessment of large-scale projects. The members will seek partnerships in their respective circles to determine the degree of interest in such an event.

c. Interim Guide for Consulting the Aboriginal Communities

In May 2006, the Qu  bec government published an interim guide in response to court rulings relating to the obligation to consult and accommodate First Nations with regard to projects that are liable to affect Aboriginal or treaty rights. A member for Qu  bec explained that each government department will be responsible for adopting a consultation policy for the purpose of implementing the principles of the guide.

The JBACE does not feel it needs to be consulted on the interim guide at this point in time. However, it will study the guide to make sure it conforms to the consultation mechanisms established by the JBNQA. Furthermore, the guide could be a worthwhile reference document should the JBACE wish to update this aspect of the environmental and social protection regime.

6. Next meeting

The JBACE will hold its next meeting on September 19, 2006, in Matagami.



Marc Jetten

Executive Secretary

September 26, 2006