



MINUTES OF THE 146th MEETING
OF THE JAMES BAY ADVISORY COMMITTEE
ON THE ENVIRONMENT

(Adopted)

- DATE:** September 19, 2006
- PLACE:** Conference room at the Continental Hotel, Val d'Or
- PRESENT:** Glen Cooper, CRA
Guy Demers, Québec, Vice-Chairperson
Annie Déziel, Canada
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
Claire Bolduc, Québec
George L. Diamond, CRA
Joanne Laberge, Québec
Diom Romeo Saganash, CRA
- GUESTS:** Gilles Desaulniers, MRNF
Martin Pelletier, Consultant
- OBSERVERS:** Jean-Luc Blais, Indian and Northern Affairs Canada
François Dupuis, Ministère des Ressources naturelles
et de la Faune (MRNF)
Michel Guimont, MRNF
Mario Gosselin, MRNF
Jean-François Gravel, MRNF
Guy Héту, MRNF
Françoise Prévost, MRNF
Daniel Richard, MRNF

Call to order and adoption of agenda

The Chairperson welcomed the members and called the meeting to order. Because the members were unable to fly to Lebel-sur-Quévillon due to adverse weather conditions, the planned presentation by Municipality of James Bay Mayor Gérald Lemoyne was removed from the agenda.

On motion by Annie Déziel, seconded by Guy Demers, the following agenda was adopted:

1. **Adoption of the minutes of the 145th meeting (June 28, 2006)**
2. **File update**
 - a. JBACE request for the development of an approach for a land use plan
 - b. Working group on James Bay community eligibility for recycling programs
 - c. Preparation of a summary document on climate change impacts in James Bay
 - d. Planned review of the list of projects subject to and exempt from impact assessment (schedules 1 and 2)
 - e. Transmission of the 2005-2006 Annual Report
 - f. Presentation to local environment administrators on the JBACE's recommendations on application of the assessment and review procedure to Category I lands
3. **Adoption of draft brief on the proposed amendments to the *Parks Act* and the *Natural Heritage Conservation Act***
4. **Presentation by Gilles Desaulniers on the MRNF's regional governance framework**
5. **Presentation by Martin Pelletier on the JBACE's directions concerning the review of general forest management plans**
6. **Other business**
 - a. **Planned meeting with the Minister of Sustainable Development, Environment and Parks**
 - b. **Proposed amendments to the *Forest Act***
 - c. **Letter regarding the language of documents prepared by the proponent of the natural pork production and processing project**
7. **Next meeting**

1. Adoption of the minutes of the 145th meeting (June 28, 2006)

On motion by Ginette Lajoie, seconded by Maryse Lemire, the minutes of the 145th meeting were adopted as amended.

2. File update

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

The JBACE asked the Standing Liaison Committee established by the ANRQC to form a working group to develop an approach for preparing a land use plan for the James Bay Territory. The Associate Secretary-General of the Secrétariat aux affaires autochtones said that the matter would be addressed at the Committee's next meeting.

According to a CRA member, there is currently no body in James Bay that could develop a land use plan. Therefore, if a working group were formed, it should look at how planning tools used elsewhere in Québec could be adapted to the Territory. A member for Canada thinks that this matter is in keeping with the overall issue of sustainable development in the Territory.

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

The MDDEP representatives plan on holding the working group's first meeting in October. According to a CRA member, the group will have to develop an integrated approach to residual materials management by involving all levels of government. Jean-Luc Blais said that a representative of Indian and Northern Affairs Canada could participate in the work.

c. Preparation of a summary document on climate change impacts in James Bay

The JBACE Chairperson and secretary met with Yves Bégin and Céline Meunier of the Centre d'études nordiques, who will submit a tender for the preparation of a summary document on the impacts of climate change on the James Bay Territory.

This issue is already being studied by a Québec parliamentary committee. The committee has looked at the effects in James Bay, but its primary focus is the climate change impacts in Nunavik, particularly as a result of permafrost thaw.

According to a Québec member, the impacts of climate warming are generally seen in a negative light. However, some effects may be positive, such as the northward shift of the boreal forest. A member for Canada feels that the role of research bodies is to present data on climate change impacts in an objective manner, after which it is up to the governments and bodies such as the JBACE to rule on whether or not an impact is desirable.

A Québec member stressed the importance of looking beyond the study of anticipated impacts and starting to think about adapting to the effects of climate change. He cited the example of a Transport Québec presentation on adapting the road network to climate warming.

d. Planned review of the list of projects subject to and exempt from impact assessment (schedules 1 and 2)

The secretary tabled the draft internship report by Jessica Labrecque. The members will read it and submit their comments by October 13, 2006.

The consultant Yvan Vigneault submitted an offer of service for the contract description prepared by the Administrative Committee. The contract consists in preparing, based on available data, a report of recommendations for the review of schedules 1 and 2.

A member for Québec thinks it is important that, for certain types of projects, provincial regulations be considered to provide sufficient framework for exempting projects from environmental and social impact assessment. The secretary said that the internship report contains a section comparing the processes existing in other regions, including southern Québec. A CRA member pointed out that the regulatory channel was already proposed in the 2005 report on the application of the impact assessment and review procedure to Category I lands and would automatically be considered during a review of schedules 1 and 2.

e. Transmission of the 2005-2006 Annual Report

The secretary informed the members that transmission of the 2005-2006 Annual Report to the interested parties has been under way since mid-July. The report was sent in English and French; the Cree version still has to be revised.

A CRA member pointed out that the *Environment Quality Act* stipulates that the JBACE must submit its report of activities before June 30. In future, the Committee should establish a schedule to make sure this deadline is respected.

f. Presentation to local environment administrators on the JBACE's recommendations on application of the assessment and review procedure to Category I lands

Ginette Lajoie gave a presentation to the LEAs on the JBACE's 12 recommendations regarding the impact assessment and review procedure as applied to Cree Category I lands. Among other things, Ms. Lajoie wanted the people responsible for

application of the environmental and social protection regime (Section 22) in Cree communities to validate the JBACE's analysis. The LEAs said that the recommendations dealing with the strengthening of local environmental authority were relevant. In their opinion, the JBACE's support for measures aimed at raising local government and public awareness about the Section 22 regime would be desirable.

3. Adoption of draft brief on the proposed amendments to the *Parks Act* and the *Natural Heritage Conservation Act*

The draft brief on the proposed amendments to the *Parks Act* and *Natural Heritage Conservation Act* was prepared by a consultant and then revised by the JBACE's Administrative Committee. Since the bill making the amendments will not be tabled during the current session of the National Assembly, the JBACE members decided to take until October 13, 2006, to comment on the draft brief.

At the request of a member for Canada, the brief's recommendation for the adoption of a strategy for establishing protected areas in the James Bay Territory will mention the necessary participation by regional and local stakeholders.

4. Presentation by Gilles Desaulniers on the MRNF's regional governance framework

Gilles Desaulniers, associate deputy minister of regional operations and wildlife, explained the background to the MRNF's new regional governance framework. The latter was proposed in response to the regions' own requirements, the recommendations of the commission for the study of public forest management in Québec (Coulombe Commission) and the directions of the government's new energy strategy. In addition, the MRNF needs to integrate multi-resource management (energy, forest, etc) more effectively in light of the multiple uses of the territory. Lastly, the MRNF is dealing with a reduction in staff.

Part of this shift already began with the program to establish regional natural resource and land commissions (RNRLC), which replace the regional forestry commissions established pursuant to one of the Coulombe Commission's recommendations. The function of RNRLCs is to prepare the regional development plan. The plan must ensure integrated management of the region's natural resources by identifying those resources and then proposing ways to adapt development programs.

In this regard, Gilles Desaulniers considers that the RNRLCs will become "catalysts" of regional development, that is, economic development that takes social and

environmental considerations into account in keeping with the principles of sustainable development. In Mr. Desaulniers' opinion, regional development plans will make it possible to initiate catalyst projects in the regions.

All Aboriginal and non-Aboriginal stakeholders from the region are invited to participate in a reflection exercise with a view to advising the MRNF during the establishment of RNRLCs. Furthermore, the MRNF is waiting on the regions (CRÉs and Aboriginal communities) to propose the composition (members) and mandate of their RNRLC so as to ensure adequate local representation.

The RNRLCs will be supported in their mandate by the MRNF's new integrated regional offices, which combine the Energy, Forests, Mines, Territory and Wildlife branches. The new regional office (administrative region 10 – Nord-du-Québec) will be located in James Bay instead of being attached to the administrative centre of a neighbouring region: Guy Héту has been appointed director general. For efficiency and budgetary reasons, the reorganization of MRNF services will not result in the mass displacement of personnel. Gilles Desaulniers said that unified management does not necessarily require that those involved share the same office space. Furthermore, the central functions of the MRNF must be respected and will remain in Québec City.

Mr. Desaulniers promised to ensure consultation and participation of Aboriginal people during implementation of the regional governance framework. Moreover, he intends to make sure the terms and conditions of Aboriginal (and CRÉ) participation comply with the recent court rulings regarding government obligations towards First Nations. He also intends to step up to the challenge of making sure the consultation and participation provisions of the JBNQA, among others, are respected.

Members' comments

A member for the CRA thinks that the new governance framework will have a major impact on the Aboriginal communities and is thus surprised that the Crees were not consulted separately, in keeping with the JBNQA and the agreement concerning a new relationship between Québec and the Crees (ANRQC).

According to a CRA member, the regionalization process under way does not appear to respect the nation-to-nation relationship established by the ANRQC. Moreover, the Grand Council of the Crees informed the Minister of its concerns over the fact that the Crees were not invited to participate in the appointment of members to the James Bay RNRLC.

Gilles Desaulniers would prefer that Aboriginal people be consulted with the general public; however, if the Crees wish to be consulted separately, it can be arranged. Either way, he intends to try and create rapprochements between the Crees and non-Aboriginal people.

A CRA member wanted to address issues arising from the observed flaws in planning policies for the James Bay. The member feels that the lack of consensus building in the area of resource management causes greater tension when assessing the environmental and social impacts of development projects. By contrast, adequate planning would enable better framing and easier assessment of development projects.

A member for Québec feels that it is important not to under-estimate the economic value of a project by considering only its environmental and social impacts. In this respect, Gilles Desaulniers feels it is in the interest of all proponents to get the local population on board with their project, including by modifying the project to make it more acceptable.

5. Presentation by Martin Pelletier on the JBACE's directions concerning the review of general forest management plans

Martin Pelletier went over the past steps taken by the JBACE to redefine the scope of its forestry mandate in light of the adapted forestry regime established by the ANRQC, including preparing a comparative table of the forestry mandates of the Committee, the Cree-Québec Forestry Board (CQFB) and the joint working groups. Mr. Pelletier identified some possible courses of action the JBACE could take with regard to the general forest management plans (GFMP) to be filed in April 2007, but he would like to get the members' comments to guide the rest of his analysis.

For the purposes of the preliminary analysis he submitted, Martin Pelletier consulted the related documents held by the JBACE and CQFB. However, he said that a number of important MRNF documents had not been released yet, such as the instructions for the preparation of GFMPs and the forest management guide. It would be nice for the JBACE to obtain the evaluation grid used by the CQFB to review GFMPs.

Family map

Mr. Pelletier discussed the preparation of the first GFMPs subject to the new adapted forestry regime under the ANRQC. The joint working groups, which have equal representation by the MRNF and the Crees, are preparing a so-called family map, i.e. a map illustrating family uses of traplines. The purpose of the map is to protect more than the 1% of the total area included in a forest management unit provided for in the ANRQC and the 25% of the productive forest area of each trapline presenting wildlife interest for the Crees.

The family map should enable forest companies to take Cree activities on the entire trapline into account. Given that some of the information provided by the Crees is confidential, the parties need to sign a confidentiality agreement. A CRA member said that someone from his party had been closely involved in the preparation of the family map and could give a presentation to the JBACE.

Tools to be provided by MRNF

The MRNF is preparing a “synergy guide” to make it easier for forest companies to meet the various forest management standards applicable in James Bay (ANRQC provisions, *Regulation respecting the standards of forest management for forests in the public domain*-RNL, forest resource protection and development objectives-PDO, strategy for mixed stands, etc.). Because the existence of multiple standards can confuse forest companies, the synergy guide explains the necessary ties; for example, meeting a PDO and complying with an ANRQC provision can overlap.

In the meantime, the MRNF is dealing with the challenge of transmitting all of the tools needed to prepare GFMPs within a reasonable time frame. These tools include the “Cree section” that James Bay forest companies have to include in their GFMP. The instructions for preparing GFMPs were recently sent to forest companies, but the latter are still waiting for the annual allowable cut calculations, the forest management guide, the synergy guide and the strategy on mixed stands.

Respective roles of the Cree-Québec Forestry Board (CQFB) and JBACE

The CQFB has been effective in ensuring the adapted forestry regime’s implementation and has demonstrated that it is capable of working with other bodies, including the Waswanipi Cree Model Forest, toward that end. However, the Board constantly has to broaden its mandate to encompass all of the issues associated with the regime’s application, including the preparation of indicators for PDO no. 11 regarding wildlife habitat of interest for the Crees. Moreover, the CQFB’s planned review of GFMPs does not necessarily cover all aspects of the JBNQA environmental and social protection regime.

The areas of JBACE action suggested by Martin Pelletier include the incorporation of traditional knowledge into GFMPs, indicators for PDO no. 11 and the participation mechanisms established for the Crees. If need be, the JBACE will be responsible for defining the information it wants included in GFMPs. Moreover, the Committee must decide whether it wants to review the final plans or the overall process for preparing them.

Mr. Pelletier thinks that the format of the plans to be filed in 2007 will be more accessible. The new MRNF requirements, particularly for the Cree section of GFMPs, should make it easier to verify if the plans conform to the applicable standards.

Members' comments

A CRA member said that the JBACE would be late in taking action with regard to GFMPs. The Committee did not receive the documentation it needed to be up to date on the preparation of GFMPs. For example, the confidentiality of information contained on the family map would have provided an opportunity to develop a data use framework, but at this stage in the game, all the JBACE can do is remind the parties of the need to keep the information provided by the Crees confidential. Furthermore, the member considers that the issues relating to the review of annual forest management plans and annual allowable cut calculations are too technical for the JBACE.

However, the member reminded the participants of the Committee's function to oversee the regime established by Section 22 of the JBNQA and the available resources for fulfilling that function. The member feels that, for now, the JBACE should try and obtain relevant information, such as the criteria used by the CQFB to review GFMPs.

A member for Québec considers that the JBACE has every reason to be satisfied with the approach taken and work carried out by the CQFB thus far. That being the case, the JBACE could be a close observer that gets involved as needed to validate the proposed steps.

According to another Québec member, the steps taken by the JBACE aim to find a compromise between simply validating the work of other bodies after the fact and reviewing GFMPs outside the new context created by the ANRQC. The member feels that it is up to Martin Pelletier, as the consultant, to enlighten the JBACE in this regard. In the opinion of a member for Canada, the JBACE is not likely to make a significant contribution if it just sits back and waits. The same member feels that the Committee needs to define directions regarding the review of GFMPs, even if they have to be adjusted later on to reflect available documentation or the work carried out by other bodies.

6. Other business

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

The secretary met with the special advisor to the Minister to see if the JBACE could meet with Mr. Béchar. Due to the Minister's busy schedule, there is not much chance of a meeting this fall. The JBACE wants to meet with the Minister to discuss the organization of a forum on sustainable development in the James Bay Territory,

the review of the lists of projects subject to and exempt from impact assessment, and sustainable management of residual materials.

b. Proposed amendments to the *Forest Act*

On September 18, the JBACE secretariat received a copy of the MRNF's proposed amendments to the *Forest Act*. The purpose of the amendments is to implement some of the Coulombe Commission's recommendations and make MRNF actions more effective. The consulted bodies are supposed to submit their comments by September 29 and the Québec government is to table a bill in October 2006.

The JBACE will study the background document, but inform the MRNF of the problems created by such a tight deadline.

c. Letter regarding the language of documents prepared by the proponent of the natural pork production and processing project

The JBACE received a complaint from the chiefs of Waswanipi and Oujé-Bougoumou that the documents relating to the project to produce and process natural pork meat in Chapais were submitted in French only. The chiefs asked the JBACE to see to it that the documents are translated into English.

The JBACE will write to the provincial administrator asking that she ensure the conditions conducive to the participation of affected Cree communities in the project assessment and review process, including by ensuring related documents are available in English.

7. Next meeting

The JBACE will hold its next meeting on November 30, 2006, in Montréal.



Marc Jetten
Executive Secretary
December 13, 2006