



MINUTES OF THE 148th MEETING OF THE JAMES BAY ADVISORY COMMITTEE ON THE ENVIRONMENT

(Adopted)

DATE: February 21, 2007

PLACE: Hôtel Plaza Québec, Québec City

PRESENT: Jean-Luc Blais, Canada
Glen Cooper, CRA
Guy Demers, Québec, Vice-Chairperson
Annie Déziel, Canada
Ginette Lajoie, CRA
Joanne Laberge, Québec
Maryse Lemire, Canada
Claude Saint-Charles, Canada, President

Marc Jetten, Executive Secretary

ABSENT: Danielle Baillargeon, ex-officio member, HFTCC
George L. Diamond, CRA
Pierre Moses, Québec
Diom Romeo Saganash, CRA

Call to order and adoption of agenda

The Chairperson welcomed the members and called the meeting to order. On motion by Guy Demers, seconded by Ginette Lajoie, the following agenda was adopted:

1. Adoption of the minutes of the 147th meeting (December 7, 2006)
2. File update
 - a. Planned review of schedules 1 and 2 of Section 22
 - b. Activities of the working group on integrated management of residual materials
 - c. MRNF's draft regional governance plan
 - d. JBACE proposal for the development of a land use planning approach

- e. 12 recommendations on the procedure applicable to Category I lands: planned presentation to the Grand Chief and Deputy Grand Chief of the Crees
 - f. Planned forum on sustainable development in James Bay
 - g. Summary document on climate change in James Bay
 3. Presentation by Martin Pelletier on JBACE directions concerning the review of forest management plans
 4. Discussion of the proposed directions for the review of forest management plans
 5. 2007-2008 budget proposal
 6. Resolution authorizing the new chairperson to sign cheques and other banking documents on behalf of the JBACE starting April 1, 2007
 7. Proposal respecting employer contributions to employee pension funds
 8. Salary review, secretariat officer, for 2007-2008
 9. Information on three consultations under way:
 - a. Draft regulation respecting rate setting for environmental analysis (MDDEP)
 - b. Application of section 32 of the EQA: authorization of projects involving waterworks and sewer systems (MDDEP)
 - c. Canada-wide strategy for the management of municipal wastewater effluent (Environment Canada)
 10. 2007 internship
 11. Planning of 2006-2007 annual report
 12. Other business
 - a. Progress report on proposed protected areas in James Bay
 - b. Access to the "Members only" page of the JBACE Web site
 13. Next meeting
- 1. Adoption of the minutes of the 147th meeting (December 7, 2006)**

On motion by Guy Demers, seconded by Jean-Luc Blais, the minutes of the 147th meeting were adopted as amended.

2. File update

a. Planned review of schedules 1 and 2 of Section 2

Consultant Yvan Vigneault is revising the analysis forms dealing with grey-zone projects based on the members' comments on the preliminary version. Mr. Vigneault should be able to submit a draft report containing recommendations regarding projects in schedules 1 and 2 as well as grey-zone projects in early March. A member for Canada said that, after that, we'll need to plan for consultations with the parties concerned, including the evaluation and review committees, before submitting official recommendations to the parties regarding Section 22 of the JBNQA. A member for the CRA suggested holding a workshop for the members of the evaluating and review committees together. A member for Canada agreed with the idea, saying that it would allow us to take nuances into account in the future recommendations.

b. Activities of the working group on integrated management of residual materials

i) FIELD VISIT

With support from the JBACE, the Société d'énergie de la Baie James and the Cree First Nations concerned, the members of the working group on integrated residual materials management conducted a two-day field trip to Nemaska, Eastmain 1 and Wemindji. They got a first-hand look at how residual materials management sites operate, in particular trench landfills, an incinerator and recycling facilities.

The working group was pleasantly surprised by the progress made in implementing the recycling program in Wemindji. Sixteen bales of recyclables were already ready for collection and shipping to a processing centre in Chibougamau. Stressing the progress made, a CRA member said that, ideally, recyclable material should be shipped to a final destination rather than to a transfer station.

The MDDEP members of the working group are examining the possibility of adapting regulations and programs to the James Bay region, including the prohibition on burning in trench landfills.

ii) IMPLEMENTATION OF WEMINDJI'S PROGRAM

The secretary told the participants that a request had been made to hire a consultant for implementing Wemindji's recycling program, which includes an awareness campaign. The JBACE members maintain their policy of being involved at the level of policies, regulations and programs, rather than at the level of the working plan. A member for the CRA said that her organization might be interested in sharing human resources for projects targeting all Cree First Nations.

iii) PORTRAIT OF RESIDUAL MATERIALS MANAGEMENT

The consultant, Jean-François Vachon, is waiting to receive the comments of the working group members so that he can finalize the portrait of residual materials management in James Bay. According to a member for the CRA, the portrait should take into account residues produced by forest management activities. A CRA member thinks that that kind of data could be hard to compile, but that the report could mention this shortcoming. A member for Québec thinks we need to verify whether the *Regulation respecting standards of forest management for forests in the domain of the State (RNI)* provides for management of forestry waste.

c. MRNF's draft regional governance plan

After consulting the members, the JBACE sent its comments regarding the program for preparing regional integrated resource and land development plans (O.C. 415-2006) to the Deputy Minister of Natural Resources and Wildlife (MRNF). The comments deal with the need to align the program with the provisions of the JBNQA and the agreement concerning a new relationship between Québec and the Crees (ANRQC).

According to a member for Canada, regional governance is a major issue in the current talks between the Government of Canada and the Crees. In the member's opinion, some kind of coordination between the provincial program and the federal-Cree negotiation table would be desirable.

d. JBACE proposal for the development of a land use planning approach

The ANRQC Standing Liaison Committee has not yet responded to the JBACE's proposal. The JBACE Chairperson suggested meeting with the Associate Secretary General of the Secrétariat aux affaires autochtones, but it seems that the latter would prefer that the JBACE meet with the entire Liaison Committee.

e. 12 recommendations on the procedure applicable to Category I lands: planned presentation to the Grand Chief and Deputy Grand Chief of the Crees

A meeting between the JBACE's Administrative Committee and the Grand Chief and Deputy Grand Chief of the Grand Council of the Crees is planned for March 5. The purpose of the meeting is to present the JBACE's recommendations regarding impact assessment and review of projects on Category I lands and look at how they could be implemented.

According to a member for Canada, the recommendations dealing with strengthening of local authority may have to be reviewed in light of the negotiations under way between the Government of Canada and the Crees. For example, local environment administrator (LEA) positions may be abolished and replaced by a regional administrator. The new agreement should be ratified next fall. According to a CRA member, these developments could be discussed with the Grand Chief and the Deputy Grand Chief insofar as they have an impact on implementation of the recommendations.

f. Planned forum on sustainable development in James Bay

The executive secretary will prepare a document explaining the formula and objectives of the forum. A CRA member said that a forum could be too unwieldy, that a one-day workshop may be more doable. For the moment, various organizations, such as FaunENord, could be invited to participate. The main theme of the workshop would be "sustainable land management."

g. Summary document on climate change in James Bay

Consultant Céline Meunier submitted a draft final report on the state of knowledge on climate change in James Bay. A member for the CRA feels that the section on required studies for filling knowledge gaps and policy directions needs major revision if the JBACE wants to publish the report. The summary document will be sent to the JBACE members for comment.

3. Presentation by Martin Pelletier on JBACE directions concerning the review of forest management plans

Consultant Martin Pelletier presented his analysis of the process for preparing general forest management plans (GFMP) as well as his recommendations for the

JBACE in this regard. He plans on submitting his final report next week. His aim is to enlighten the JBACE's reflection with respect to the extent of the Committee's review of GFMPs in 2007.

The deadlines may seem tight, but Mr. Pelletier pointed out that the JBACE is not too late in this process because the MRNF has still not published a number of documents needed to prepare the forest management plans. It published the instructions for preparing general forest management plans, but has not completed the planning (or synergy) guide for agreement holders operating in the James Bay territory. The guide is supposed to help those preparing GFMPs incorporate the provisions of the ANRQC, the forest resource protection and development objectives (PDO) and other applicable measures. Mr. Pelletier reminded the members that the GFMPs to be filed in 2008 will be in effect for 25 years, although they include a five-year forest management program. Also, agreement holders must have their annual management plans approved.

Annual allowable cut calculations

The Chief Forester has not finished calculating the annual allowable cuts for the 15 forest management units (FMU) in James Bay. It appears that overlapping constraints, including those of the ANRQC and of proposed parks and protected areas, are hard to integrate into modelling software. The calculations will be released in fall 2007 and apply with the entry into force of GFMPs in April 2008.

For the purposes of preparation of the plans, a reduction of 28% in the volume of timber that may be harvested is anticipated. This includes the 25% reduction provided for in Bill 71 in 2005, plus a further reduction of 3% to take into account the northern limit of commercial forest and the proposed Alabanel-Témiscamie-Otish and Assinica parks.

Forest Planning Support Maps

The Forest Planning Support Maps have been completed. The maps are intended to help agreement holders harmonize logging operations with Cree pursuits in the forest. Confidentiality agreements will be signed for certain data relating to Cree pursuits given that their publication in GFMPs could lead to increased use of sensitive sites, such as spawning grounds and dens.

Nabakatuk Forest Products, a partnership between Domtar and the Cree First Nation of Waswanipi, initiated a pilot project to integrate family pursuits into forest management planning. Other enterprises are hesitant to sign confidentiality agreements, fearing they will limit their recourse options in the event of lawsuits relating to forestry operations.

Mandate of the Cree-Québec Forestry Board

The function of the CQFB, as defined in the ANRQC, is to review forest management plans. According to Martin Pelletier, the Board will review only a sampling of plans. Although the CQFB has not yet unveiled its analysis grid, it has put forward four criteria: respect of timber allocations, compliance with the instructions for preparing general forest management plans and the planning guide, incorporation of trapline data and consultation of tallymen.

In short, Mr. Pelletier thinks that the CQFB will work to ensure that the ANRQC provisions are respected. However, the Board would not be able to question provisions that are less effective in ensuring full implementation of the adapted forestry regime. That is why, according to Martin Pelletier, the JBACE could get involved at a more strategic level by drawing inspiration from the guiding principles of the environmental and social protection regime.

JBACE directions

Mr. Pelletier considers that the proposal for the first approximation of criteria and indicators of sustainable forest management in Eeyou Istchee, published by the JBACE in 1998, would be a good starting point for reviewing GFMPs. The MRNF kept 14 of the 79 indicators proposed at the time. The exercise just has to be adapted to the current context, taking into account the new form of GFMPs and the CQFB's analysis grid.

According to Mr. Pelletier, developing an audit protocol would ensure a consistent review process. He recommends forming a working group for that purpose. In terms of the work schedule, we have to bear in mind that the date for filing GFMPs for James Bay was pushed back to June 1, 2007. The JBACE would very likely have access to the plans shortly thereafter. In accordance with the JBNQA, the JBACE would have 90 days to review the plans.

4. Discussion of the proposed directions for the review of forest management plans

The JBACE members approved Martin Pelletier's recommendation to develop a GFMP audit protocol. The Administrative Committee will oversee activities until a working group has been formed to that end. The executive secretary will ask Mr. Pelletier if he would be willing to extend his current mandate in order to produce a first draft of the protocol.

5. 2007-2008 budget proposal

The executive secretary tabled the budget proposal for the fiscal year starting April 1, 2007. The members would like the budgetary item for expenses incurred by Cree representatives on COMEX and COFEX to be removed, since it has not been established that the JBACE is responsible for assuming these expenses. Also, an item will be added to the section regarding implementation of the Strategic Plan, for the review of forest management plans.

JBACE Resolution 2007-02-21-01 regarding the 2007-2008 budget proposal:

- WHEREAS the JBACE must approve the forecast expenditures for each budgetary item for the following fiscal year;
- WHEREAS the budget proposal was submitted to the Administrative Committee of the JBACE;

On motion by Jean-Luc Blais, seconded by Joanne Laberge:

It is unanimously resolved to adopt the budget proposal for fiscal year 2007-2008 as amended.*

* Use of the provision for the employee pension fund is conditional upon the JBACE's adoption of a resolution to that effect.

6. Resolution authorizing the new chairperson to sign cheques and other banking documents on behalf of the JBACE starting April 1, 2007**JBACE Resolution 2007-02-21-02 authorizing Ashley Iserhoff to sign cheques and other banking documents on behalf of the JBACE**

- WHEREAS the Executive Committee of the Grand Council of the Crees (Eeyou Istchee)/Cree Regional Authority appointed, by Resolution 2007-19 dated January 24, 2007, Ashley Iserhoff as Chairperson of the JBACE for fiscal year 2007-2008, in accordance with paragraph 22.3.5 of the *James Bay and Northern Québec Agreement*;

- **WHEREAS** any financial commitment on the part of the JBACE must be signed by the Chairperson and the Executive Secretary of the JBACE pursuant to section 16 of the Rules of Internal Management of the James Bay Advisory Committee on the Environment.

On motion by Jean-Luc Blais, supported by Glen Cooper:

It is unanimously resolved to authorize Ashley Iserhoff to sign cheques and other banking documents on behalf of the JBACE starting April 1, 2007.

7. Proposal respecting employer contributions to employee pension funds

After examining various options for employer contributions to employee pension plans, the Administrative Committee chose the simple option of contributing to employees' RRSP account. The Administrative Committee proposed that the JBACE contribute an amount equal to 4% of the employee's salary, which corresponds to the average of employer contributions.

JBACE Resolution 2007-02-21-03 regarding the employer contribution to the employee pension plan

- **WHEREAS** the JBACE employees each have a registered retirement savings plan (RRSP) account;
- **WHEREAS** the employer contribution to the employee pension plan equals approximately 4% of the gross salary;
- **WHEREAS** the secretariat officer shares her time between the Hunting, Fishing and Trapping Coordinating Committee (HFTCC) and the JBACE;

On motion by Annie Déziel, seconded by Guy Demers:

It is unanimously resolved to contribute an amount equal to 4% of the executive secretary's gross salary to his RRSP as of April 1, 2007;

It is unanimously resolved to contribute an amount equal to 2% of the secretariat officer's gross salary to her RRSP as of April 1, 2007.

8. Salary review, secretariat officer, for 2007-2008

JBACE Resolution 2007-02-21-04 regarding the salary review for the secretariat officer

- **WHEREAS** Louise Bélanger's overall performance in 2006-2007 was deemed satisfactory;
- **WHEREAS** the secretariat officers shares her time between the HFTCC and the JBACE;

On motion by Ginette Lajoie, seconded by Maryse Lemire:

It is unanimously resolved to set the annual salary of Louise Bélanger at the eighth level adopted for the position of secretariat officer for fiscal year 2007-2008.*

***The JBACE contributes 50% of the costs for the position of secretariat officer.**

9. Information on three consultations under way

a. Draft regulation respecting rate setting for environmental analysis (MDDEP)

The JBACE was consulted on a draft ministerial order regarding rates payable under the *Environment Quality Act* (EQA). The purpose of the order is to levy fees on applications for authorizations or permits filed with the MDDEP. It is the JBACE members' understanding that the order would not apply to Category I lands under the jurisdiction of the local government pursuant to the JBNQA. The order would, however, apply to projects on Category II and III lands where the proponent applies for authorization under section 22 of the EQA. A member for the CRA feels that this information could be posted on the JBACE Web site.

b. Application of section 32 of the EQA: authorization of projects involving waterworks and sewer systems (MDDEP)

The Québec government has tabled a draft regulation respecting authorization for waterworks and sewer systems. Under the regulation, authorization from the

MDDEP would no longer be required for waterworks and sewer systems that comply with an approved master plan or that do not have an environmental impact.

In the opinion of a CRA member, this approach is good in that it simplifies the authorization process for projects that do not have a major impact on the environment. The member also thinks that the draft regulation contains relevant criteria for reviewing the lists of projects subject to and exempt from impact assessment (Section 22, schedules 1 and 2).

However, the members wonder why the JBACE was not consulted on the draft regulation under the EQA. The JBACE will write to the provincial administrator underlining its mandate to examine laws and regulations. The letter will also remind the provincial administrator that the regulation would not apply to Cree Category I lands, for which authorization is the responsibility of the local government.

c. Canada-wide strategy for the management of municipal wastewater effluent (Environment Canada)

The secretary told the members about the current consultation on the Canada-wide strategy for the management of municipal wastewater effluent proposed by the Canadian Council of Ministers of the Environment (CCME). The CCME entrusted the consultation mandate to Environment Canada. The aim of the strategy is to adopt national effluent standards, including for biochemical oxygen demand, suspended solids and residual chlorine. The standards would apply to all municipal and community wastewater facilities in Canada, including those of First Nations.

The proposed strategy includes special considerations for the Far North and calls for more research to identify alternative performance standards for northern communities. According to a CRA member, unique solutions should also be identified for Québec communities located north of the 55th parallel, including the Cree community of Whapmagoostui, given the climate conditions and unique wastewater management.

A member for Québec thinks it is important that economic factors be taken into account given that certain municipalities would not be able to assume the cost of upgrading their sewer system. In this regard, the same member was pleased to see that the consultation document addresses sound management and funding mechanisms.

Although the JBACE will not make formal comments on the Canada-wide strategy for the management of municipal wastewater effluent, it wants to stay informed about its progress and about the planned consultation in fall 2007 on the draft regulation respecting wastewater effluent management. A member for the CRA will

ask that her organization's comments on the Canada-wide strategy be sent to the JBACE for information purposes.

10. 2007 internship

A CRA member presented an internship proposal submitted by Pierre André, a professor at the Université de Montréal. Mr. André is supervising a master's project on Cree participation in environmental assessment decisions. One of the objectives of the project is to evaluate the public consultation procedure for Cree communities relative to international standards.

Mr. André's proposal includes forming an advisory committee composed of representatives from the three parties to define the research directions. The JBACE would make a financial contribution of \$10 000 for the student hired for the project, and would cover the cost of one trip to a Cree community.

The consultation procedure applicable to Aboriginal communities is an important issue in the JBACE's eyes. The members agreed in principle to the internship proposal, but will take the time to read the proposal over and comment on specific elements, if need be.

11. Planning of 2006-2007 annual report

The secretary went over the planning timetable for the annual report approved in 2004. The members would like to update the timetable by moving the deadline for the writing, revision and adoption of the main text up by one week so as to respect the legal deadline of transmitting the annual report to the Minister for communication to the National Assembly before June 30. A member for the CRA feels that we could speed up adoption of the annual report by using e-mail. The members suggested improving the graphics in the report.

12. Other business

a. Progress report on proposed protected areas in James Bay

A member for Québec gave a progress report on the creation of protected areas in the James Bay territory, including biodiversity and aquatic reserves. To date, eight tracts of land in James Bay have been designated as protected areas under the 2002 *Natural Heritage Conservation Act*. All of these areas are located on traplines belonging to the community of Waskaganish in the Abitibi and James Bay Lowlands natural region.

The above areas have been assigned temporary protection status for a period of four years. Since the field seasons and consultations have not been completed yet, the temporary protection of the lands set aside has been extended for four years. Julie Hébert of the MDDEP's protected areas branch has been tasked to conduct, by fall 2007, impact studies for the environmental and social assessment of these projects. Two committees have been set up to facilitate the consultation process: one for the Crees and one for government and municipal authorities.

The MDDEP has also identified an area of interest for the Paakumshumwaa-Maatuskaau protected area proposed by the Cree First Nation of Wemindji in 2006. However, there is still a lot of work to do given the mining claims in this area and the little ecological knowledge on this natural region (Low Hills of the Grande Rivière) within the MDDEP.

The area set aside for the Albnel-Témiscamie-Otish national park project has been designated as a "proposed biodiversity reserve" in order to assign it temporary protection status until a legislative amendment is adopted and the area can be designated as a "proposed park."

Comments and collaboration from the CRA and JBACE will be welcome during the planned consultations for these eight proposed protected areas.

b. Access to the "Members only" page of the JBACE Web site

A security update for Windows, Internet Explorer is blocking access to the "Members only" page of the JBACE's Web site. A new password will most likely have to be created. The secretary will inform the members as soon as possible.

13. Next meeting

The JBACE will hold its next meeting on Wednesday, May 16, 2007, at its secretariat office in Montréal. The secretary will check to see if the new chairperson, who takes office on April, 1, 2007, is available on that date.



Marc Jetten, Executive Secretary

May 25, 2007