



MINUTES OF THE 149th MEETING OF THE JAMES BAY ADVISORY COMMITTEE ON THE ENVIRONMENT

(Adopted)

- DATE:** May 16, 2007
- PLACE:** JBACE Secretariat, Montréal
- PRESENT:** Guy Demers, Québec
Annie Déziel, Canada
Ashley Iserhoff, CRA, Chairperson
Ginette Lajoie, CRA, Vice-Chairperson
Joanne Laberge, Québec
Maryse Lemire, Canada
Claude Saint-Charles, Canada

Marc Jetten, Executive Secretary
- ABSENT:** George L. Diamond, CRA
Pierre Moses, Québec
Dion Romeo Saganash, CRA
- GUESTS:** Céline Meunier, Centre d'études nordiques
Yves Bégin, Centre d'études nordiques
Luc Vescovi, Ouranos Consortium

Call to order and adoption of agenda

The members thanked Claude Saint-Charles for his involvement as Committee chairperson over the last year and welcomed his successor, Ashley Iserhoff. Mr. Iserhoff suggested proceeding with the adoption of the agenda. On motion by Joanne Laberge, seconded by Ginette Lajoie, the following agenda was adopted:

1. Adoption of the minutes of the 148th meeting (February 21, 2007)
2. File update

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- a. Feedback regarding the presentation to the GCC on the 12 recommendations on the procedure applicable to Category I lands
 - b. Activities of the working group on integrated management of residual materials
 - c. MRNF program for the creation of regional commissions
 - d. Research project on Cree participation in the environmental and social impact assessment process
 - e. Planned forum on sustainable development in James Bay
 - f. Canada-wide strategy and regulation for the management of municipal wastewater effluent
3. Adoption of the financial statements for fiscal 2006-2007
 4. Comments on and adoption of the draft annual report 2006-2007
 5. Review of schedules 1 and 2 of Section 22: feedback on the workshop with COMEV, COMEX and COFEX-South
 6. Development of the auditing protocol for general forest management plans (GFMP review grid): creation of forestry subcommittee
 7. Proposed creation of a Cree committee to study the 8 protected areas in the area of Waskaganish
 8. Other business
 - a. Parc Robert-Boyd historic site
 - b. Vacant seats on the JBACE
 - c. Environmental effects monitoring (EEM) report
 - d. Implementation of the COMEV directives regarding compliance with federal laws and regulations
 9. Next meeting
 10. Presentation by Céline Meunier on the state of knowledge of climate change in James Bay
 11. Discussion with Yves Bégin (Centre d'études nordiques), Luc Vescovi (Ouranos) and Céline Meunier on gaps in climate change studies and adaptations to be envisaged by Cree communities
1. **Adoption of the minutes of the 148th meeting (February 21, 2007)**

On motion by Guy Demers, seconded by Claude Saint-Charles, the minutes of the 148th meeting were adopted as amended.

2. File update

a. Feedback regarding the presentation to the GCC on the 12 recommendations on the procedure applicable to Category I lands

The Administrative Committee met with the Council-Board of the Grand Council of the Crees (GCC) to present the principal issues under study by the JBACE. These include implementation of the recommendations regarding the impact assessment and review procedure applicable to Category I lands. The GCC members said that it was not up to the local governments alone to implement the JBACE's recommendations and that they expected to receive support from the federal and provincial governments. Moreover, a member of the GCC underlined the incoherence of subjecting mitigation measures designed to reduce project impacts to impact assessment and review.

In the opinion of a CRA member, the JBACE must now meet with the local governments, including the local environment administrator, to examine the recommendations' implementation.

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

The working group was set up to make sure that James Bay communities have access to reclamation and recycling programs. Part of its mandate consists in examining the relevance of existing regulations. According to a CRA member, the working climate within the group is excellent. Among other things, the member underscored Recyc-Québec's efforts to ensure collection of used tires in the James Bay region, although she was disappointed that this is not a recurring initiative.

The coming into force of the *Regulation respecting the landfilling and incineration of residual materials (RLIRM)* poses a problem. According to a CRA member, the RLIRM provisions requiring operators to pay a financial guarantee for the operation of a landfill site and prohibiting burning need to be reviewed. She suggested sending a letter to the local governments informing them of the RLIRM provisions applicable to Category II and III lands, along with a past MDDEP presentation on the matter.

A member for Québec proposed that the JBACE prepare a short brief comparing the air quality impact of burning in trench landfills in James Bay and the pollutants emitted by the hauling of recyclable material to a treatment facility in southern Québec. The brief would set out the conditions for burning in a safe manner that mitigates environmental impacts. Lastly, the member thinks that the JBACE should also underline the incoherence in applying the regulation to the James Bay territory,

but not reclamation and recycling programs. In this regard, a CRA member suggested soliciting an expert opinion from the Centre interuniversitaire de recherche en analyse du cycle de vie des produits, procédés et services (CIRAIG) at L'École Polytechnique.

A member for Canada thinks it is important to maximize recycling and re-use opportunities in the territory, including for construction waste. A CRA member acknowledged that more efforts can be made in this regard, but said that the Crees don't control the generation of residual materials, including packaging.

c. MRNF program for the creation of regional commissions

The deputy minister of MRNF announced that a team is ready to present the program for creating regional forestry commissions to the ANRQC Standing Liaison Committee, as suggested by the JBACE. The Liaison Committee has to propose a date for the presentation soon.

d. Research project on Cree participation in the environmental and social impact assessment process

Kelly LeBlanc, of the Université de Montréal, is currently conducting research on Cree participation in the Section 22 environmental and social impact assessment and review procedure. Ms. LeBlanc received a research grant from the JBACE for this project. She presented a background to the follow-up committee and solicited suggestions for projects she should study and people she should meet.

A member for the CRA pointed out that the JBNQA provides for local governments to comment on the impact assessment and review of projects, but not for consulting individuals. The assessment and review bodies are therefore attempting to determine, on a case-by-case basis, if it would be worthwhile to hold public hearings. A comparative study of international criteria would enable the JBACE to, if necessary, make recommendations to the parties regarding a public hearings procedure adapted to the James Bay territory. According to a member for Canada, initiatives relating to participation in environmental assessment have been taken closer to home, notably in the Northwest Territories.

e. Planned forum on sustainable development in James Bay

The secretary said that he had not had a chance to prepare a framework for the forum. A CRA member thinks that it would be better to call it a workshop, as this would make the event smaller and easier to plan. The purpose of the workshop

would obviously be to contribute to sustainable development, but the theme would be land use planning. To illustrate the issues to be addressed, the member mentioned James Bay Municipality's development plan, which is not at all consistent with the Crees' vision. The creation of protected areas is another issue associated with land use planning.

f. Canada-wide strategy and regulation for the management of municipal wastewater effluent

A member confirmed that Environment Canada will be conducting consultations in the fall on the draft regulation respecting management of municipal wastewater effluent. The JBACE will be invited to participate.

3. Adoption of the financial statements for fiscal 2006-2007

The secretary presented the financial statements prepared as part of the accounting firm's review engagement report. This is the first year that the JBACE has had its grant cut in order to reduce the accumulated surplus. A CRA member mentioned that, under an agreement with the Government of Canada, the Québec government still has to agree with the CRA on the amount of the JBACE's budgetary reduction. The member would like an indexation formula to be provided for in the Québec-CRA talks.

A member for Québec considers that some of the JBACE's investments could get a higher rate in the current context.

JBACE Resolution 2007-05-16-01 regarding the financial statements for fiscal 2006-2007:

- WHEREAS the JBACE must adopt the financial statements for fiscal 2006-2007;
- WHEREAS the firm Ruel, Giroux, Dorion, c.a., performed a review engagement of the JBACE's financial statements;

On motion by Annie Déziel, seconded by Guy Demers:

It is unanimously resolved to adopt the proposed financial statements for fiscal 2006-2007.

4. Comments on and adoption of the draft annual report 2006-2007

The secretary tabled the draft annual report approved by the Administrative Committee the day before. The members were invited to read it and share any comments.

On motion by Ginette Lajoie, seconded by Maryse Lemire, the 2006-2007 annual report was adopted. However, the members can communicate minor changes to the secretary before May 23 so as to allow enough time for page make-up, printing and mailing of the report to the National Assembly before the deadline stipulated in the *Environment Quality Act* (June 30).

5. Review of schedules 1 and 2 of Section 22: feedback on the workshop with COMEV, COMEX and COFEX-South

A CRA member stressed the importance of the workshop held on April 26 with COMEV, COMEX and COFEX-South members. It allowed the JBACE to work on a proposal for reviewing the project lists with the people directly involved in the assessment and review process. In addition, given the small amount of data available on the criteria supporting the committees' recommendations, it was important to be able to meet with their members to obtain clarifications.

The participants reached a consensus on the assessment, exemption or "grey area" classification of the vast majority of project categories. According to a CRA member, mineral exploration and soil decontamination projects require more thorough examination, particularly to define the terms of Cree participation should these projects be exempt from impact assessment.

According to a member for Canada, certain types of projects could be exempt if there are applicable directives or guidelines. As regards projects to operate or expand outfitting facilities, the JBACE could consult the Hunting, Fishing and Trapping Coordinating Committee (HFTCC) once the proposal for exemption is final.

A member for Canada wanted clarifications made to the draft proceedings of the workshop, particularly to the definition of certain project categories. According to a CRA member, it is important that the terminology used in Yvan Vigneault's final report be clear so that there is no confusion over the characteristics of projects under study.

A member for Canada thinks that the consultant needs to enhance the introduction to his report by stating the principles underlying the review of schedules 1 and 2, namely, less duplication in project assessment, the expected added value of environmental and social impact assessment, enlightened analysis of COMEV

records and a transparent assessment and review process. As well, the report could be shortened by removing the analysis forms for project categories for which no change is proposed.

According to a CRA member, the JBACE could adopt the final report before September so that it can be sent to the parties for approval. However, the consultant will need the support of the JBACE members involved in the review thus far.

6. Development of the auditing protocol for general forest management plans (GFMP review grid): creation of forestry subcommittee

The JBACE adopted consultant Martin Pelletier's report on the JBACE directions regarding the review of GFMPs. Mr. Pelletier's services were again retained for the purpose of crafting an auditing protocol for reviewing the plans to be filed in June 2007. The JBACE decided to form a subcommittee to assist Mr. Pelletier. Nadia Saganash and Jacques Robert will represent the CRA and Canada, respectively, on the subcommittee. A member of the Québec party asked for a copy of the subcommittee's mandate before appointing a representative.

7. Proposed creation of a Cree committee to study the 8 protected areas in the area of Waskaganish

Julie Hébert, a project manager with MDDEP's protected areas branch, explained the process for preparing the impact statements for six proposed biodiversity reserves and two proposed aquatic reserves, all of which are located on Waskaganish traplines. The MDDEP hopes to involve regional and local partners in the process by way of two committees, one composed of Crees and the other composed of government and municipal authorities. The latter committee met for the first time on March 19 and discussed the respective contributions of James Bay Municipality (JBM) and the MRNF and MDDEP regional offices to the impact statements.

The MDDEP proposed that the Cree committee be made up of representatives of the CRA, the Waskaganish First Nation and the JBACE. A member for the CRA thinks his organization may be able to supply data collected in 1995 for the impact statement for the Waskaganish access road. Julie Hébert suggested looking at the consultations recently held in relation to GFMPs. In this regard, a CRA member pointed out that the confidentiality agreements signed with tallymen must be taken into account.

Since the JBACE is composed of Cree as well as government representatives, it would like to participate in the work of both committees associated with the establishment of protected areas. Maryse Lemire was appointed to represent the JBACE.

Lastly, Julie Hébert said that the proposed protected areas in the Waswanipi and Wemindji sectors will be studied at a later date.

8. Other business

a. Parc Robert-Boyd historic site

The secretary told the participants about a complaint that was received with respect to the activities relating to the Parc Robert-Boyd historic site, located not far from Radisson. It also seems that a trail planned by the Radisson snowmobile club would cause problems for the Chisasibi Crees. According to a member for the CRA, recreational tourism and boat ramp projects in southern James Bay would also be a problem due to inadequate consultation of the Crees concerned. According to the same member, the 2001 *James Bay Region Development and Municipal Organization Act* confers new powers on James Bay Municipality (JBM), but the Municipality does not respect the requirement to consult Aboriginal communities, which falls to the Québec government. Consequently, the JBM is trying more and more to usurp jurisdiction over Category II and III lands. This has led to, among other things, a zoning change to allow the hog farming project in Chapais - without consulting the Crees. According to a member for Canada, recent court decisions requiring governments to consult Aboriginal communities also apply to JBM.

A CRA member emphasized that the Crees are not opposed to development projects; they just want these projects to comply with the JBNQA. Moreover, the Grand Council of the Crees brought this issue to the attention of the Québec government and the Standing Liaison Committee established by the agreement concerning a new relationship between the Québec government and the Crees (ANRQC). Discussions are expected to take place.

According to a CRA member, the difficulties encountered during the assessment and review process, which examines one project at a time, point to the need for a land use plan that would determine adequate siting of various project types at the outset. The member feels that JBM's development plan should be subject to the assessment and review procedure owing to its impacts on the Cree people.

The same member considers that the JBACE should be familiar with the conditions for authorizing projects, as well as consultations held with Crees. If it turns out that a project has not been duly authorized, measures should be taken to see that it is

decommissioned. The member reminded the participants that, three years ago, the JBACE formed a subcommittee to study a complaint concerning compliance with the assessment and review procedure on Category I lands. In the same way, the JBACE should form a subcommittee to examine the issue of projects that are authorized without adequate consultation of Aboriginal communities.

A member for Canada said that the definition of “adequate consultation of Aboriginal communities” varies. Within the Government of Canada, it means gradual review to determine, at each stage of a project, the impacts on Aboriginal people’s recognized or potential rights as well as consultation measures. A member for Québec said that within her government, each department is responsible for adopting its own Aboriginal consultation policy.

A CRA member feels that, to foster harmonization of these practices, the JBACE could produce guidelines for consulting Cree communities. The work carried out by the First Nations of Québec and Labrador Sustainable Development Institute would be a good reference in this regard.

The JBACE will write to the director of MDDEP’s Nord-du-Québec regional office to inquire about the authorization conditions and consultation procedures for projects that were the subject of complaints.

b. Vacant seats on the JBACE

A member for Québec will contact an authority at the MDDEP’s environmental assessment branch to discuss the vacant Québec seat on the JBACE. A member for Canada was told that Indian and Northern Affairs Canada has initiated the process of appointing someone to fill its seat on the Committee.

c. Environmental effects monitoring (EEM) report

A CRA member said that the mining company Campbell Resources has filed its EEM report. The secretary will contact the resource person at Environment Canada to get a copy of the report.

d. Implementation of the COMEV directives regarding compliance with federal laws and regulations

A member for Canada said that Fisheries and Oceans Canada (DFO) wants to reiterate its desire to collaborate with and contribute to the work of the evaluating and review committees where projects are likely to affect fish habitat. The member

pointed out that responsibility for management of freshwater, anadromous and catadromous species was delegated to the province, whereas the protection of fish habitat pursuant to the *Fisheries Act* remains under federal jurisdiction. DFO's primary goal in protecting fish habitat is to avoid or minimize impacts on fish habitat. Authorization under the *Fisheries Act* is considered a last resort where loss of fish habitat cannot be completely avoided. Thus, it is important to DFO that it be involved as early as possible in the project planning stage so that it can work with the proponent, the evaluating and review committees to reduce or avoid impacts on fish habitat. DFO is still interested in exploring, in consultation with the JBNQA committees, ways to collaborate that would result in better coordination of the efforts of each one while respecting our respective mandates.

A CRA member considers that respecting DFO guidelines should not be a problem, since the Evaluating Committee (COMEV) is a tripartite body. Also, in the member's opinion, the JBNQA provides for federal and provincial involvement and not the division of projects according to exclusive jurisdictions. A member for Québec said that DFO requirements are incorporated into the directives issued following environmental assessments carried out in southern Québec.

The secretary will contact the COMEV chairperson to propose a meeting between COMEV and JBACE members.

9. Next meeting

The JBACE will hold its next meeting on September 12, 2007, in Mont-Joli.

10. Presentation by Céline Meunier on the state of knowledge of climate change in James Bay

Consultant Céline Meunier presented the highlights of the report she produced for the JBACE summarizing the state of knowledge regarding observed and anticipated climate change in the James Bay region. For the most recent long-term temperatures and precipitation projections, she invited those interested to follow the work of the Intergovernmental Panel on Climate Change (IPCC) and the Ouranos Consortium. Furthermore, she feels that the JBACE could contact the Consortium to ask that more studies deal with the James Bay region.

After explaining how greenhouse gases cause global warming, Ms. Meunier explained how global warming affects the balance between air masses coming from land and oceans. The scenarios presented by Ms. Meunier predict an average temperature increase of 4° Celsius in the James Bay region by 2050. Between 5 and 15 mm more precipitation will fall on the region each day. The fire hazard rating is

expected to double over the next 100 years. Note that these forest fire scenarios are based on climate maps that do not necessarily account for the environmental constraints of forests.

As a result of climate change, certain species will likely move northward according to their environmental constraints, thereby modifying the composition of plant communities. These changes could have an impact on land use and economic activity. Ms. Meunier said that habitat changes could cause problems for some wildlife species due to changes in the timing of food availability and species' life cycle. Indeed, studies have shown that species adapt differently to earlier plant growth in spring, leaving some species vulnerable.

Although a number of studies are currently addressing climate change in the James Bay region, Ms. Meunier feels that they would be improved through better integration. More specifically, she feels that resource access will become a major issue in the future and that Cree traditional knowledge should therefore be incorporated into studies.

11. Discussion with Yves Bégin (Centre d'études nordiques), Luc Vescovi (Ouranos) and Céline Meunier on gaps in climate change studies and adaptations to be envisaged by Cree communities

A member for the CRA feels that the impact of climate change on wildlife resources is hard to measure because there are so many other contributing factors. For example, caribou herds are moving farther south due to increased population size rather than to climate change. Yves Bégin explained that forest fires destroyed moss and lichen in some areas, forcing caribou to migrate to other areas. He also said that snow depth, not cold weather, affects caribou.

According to Mr. Bégin, the most dramatic effects of climate change are being felt in the Arctic, especially in terms of ice regime and transfer of land and marine air masses. For example, later formation of an ice cover on Hudson Bay this past winter delayed the arrival of winter conditions by a month.

Mr. Bégin said that warmer temperatures and more precipitation in winter are predicted in the James Bay region. This will ultimately lead to major changes such as more water resources available for hydroelectricity projects. In his opinion, knowledge of Cree land use will be crucial to planning adaptations to climate change. For example, we can expect that higher water levels in spring will cause beaver populations to move to new habitats and, consequently, a change in trapping sites. Mr. Bégin also said that windier conditions, including in Chisasibi, are

drawing the attention of researchers from McGill University, who want to study extreme weather events.

Luc Vescovi said that Ouranos is about to begin a climate change and biodiversity research project. He stressed the importance of traditional knowledge for this project, including for validating data obtained through dendrochronology analysis. In this regard, Yves Bégin said that recent tree-ring analyses make it possible to reconstruct climate patterns over the last 1000 years.

In light of the recent drownings of experienced trappers, a CRA member thinks that being able to practise traditional pursuits under safe conditions is crucial. It may be difficult to determine how many accidents caused by late ice cover or early melting of ice on water bodies are actually tied to climate change. Yves Bégin stressed the importance of knowing the itinerary of people travelling in the territory. He explained how the work conducted for the Nunavik community of Salluit enabled the development of a model for forecasting ice thickness in some of the sites used by the community. This is an example of science meeting the needs of a community, but needs first have to be identified.



Marc Jetten
Executive Secretary
September 18, 2007