



MINUTES OF THE 150th MEETING OF THE JAMES BAY ADVISORY COMMITTEE ON THE ENVIRONMENT

(Adopted)

DATE: September 12, 2007

PLACE: Maurice Lamontagne Institute, Mont-Joli

PRESENT: Guy Demers, Québec
Annie Déziel, Canada
George L. Diamond, CRA (by phone)
Ginette Lajoie, CRA, Vice-Chairperson
Joanne Laberge, Québec
Maryse Lemire, Canada
Claude Saint-Charles, Canada

Marc Jetten, Executive Secretary

ABSENT: Ashley Iserhoff, CRA, Chairperson
Pierre Moses, Québec
Diom Romeo Saganash, CRA

GUESTS: Ariane Plourde, Regional Director, Regional Science Branch,
Fisheries and Oceans Canada
Louise Deschênes, Acting Director, Regional Oceans and Habitat
Branch, Fisheries and Oceans Canada
Martin Pelletier, Consultant, SOFOR Inc. (by phone)

Word of welcome from the director of the Maurice Lamontagne Institute (MLI)

Ariane Plourde, regional director of DFO's Regional Science Branch, welcomed the JBACE members and introduced Louise Deschênes, acting director of the Regional Oceans and Habitat Branch. Ms. Plourde explained the work done by the Institute, which is celebrating its 20th anniversary. The MLI's activities aim to deliver the three outcomes of Fisheries and Oceans Canada's mission, namely: healthy and productive aquatic ecosystems, sustainable fisheries and aquaculture, and safe and accessible

waterways. The MLI teams work in the areas of fisheries, boating/shipping, management and protection of fish habitat, management and protection of aquatic resources and ecosystems, aquaculture and marine mammals. One of the Institute's teams also oversees implementation of the Canadian Environmental Assessment Act to ensure that certain types of projects meet the environmental requirements of the Habitat Management Program. Ms. Plourde underlined the role played by the MLI in promoting and disseminating knowledge and the resulting social and economic benefits for the region: the Institute has some 400 employees, including 29 scientific researchers.

A CRA member asked if the Institute ever does work relating to James Bay and Hudson Bay, particularly the long-term impacts of major hydroelectric projects. Ms. Plourde replied that work relating to the region is sometimes conducted jointly with DFO's Winnipeg and Iqaluit offices, such as in the case of studies on the James and Hudson bay beluga populations. More resources are expected to be allocated to northern studies relating to Canada's claim to Arctic sovereignty. This being International Polar Year, it should result in heightened awareness about issues specific to northern regions.

Call to order and adoption of agenda

In the Chairperson's absence, Vice-Chairperson Ginette Lajoie presided the meeting. She invited the members to adopt the agenda.

On motion by Joanne Laberge, seconded by Guy Demers, the following agenda was adopted:

- 1. Adoption of the minutes of the 149th meeting (May 16, 2007)**
- 2. File update**
 - a. Activities of the working group on integrated management of residual materials
 - i. Portrait of residual materials management in James Bay
 - ii. CIRAIIG proposal regarding life-cycle analysis of burning in trench landfills
 - iii. MDDEP consultation on the framework regulation respecting extended producer responsibility
 - b. MRNF program for the creation of regional commissions
 - c. Letter from the JBACE regarding 6 projects impacting the Crees
 - d. Establishment of protected areas in the area of Waskaganish: update
 - e. Planned meeting with COMEV to discuss collaboration with Fisheries and Oceans Canada

- f. Consultation on the Canada-wide strategy for the management of municipal wastewater effluent
- g. Report and poster on climate change
- h. Vacant seats on the JBACE
- i. Research project on Cree participation in the environmental and social impact assessment process
- j. Planned workshop on sustainable land use planning

3. Draft resolution regarding the salary revision of the executive secretary

4. Application of the pay equity settlement to the secretariat officer

5. Review of schedules 1 and 2 of Section 22: progress report

6. Review of general forest management plans

7. Other business

- a. Waswanipi Cree Model Forest facing uncertain future
- b. Proposed meeting to discuss JBACE funding for 2008-2009
- c. Planned hiring of a technical resource person
- d. Applicability of Québec government regulations to Category I lands (in reference to the minutes of the JBACE's 148th meeting)
- e. Presentation of the annual report and other documents

8. Next meeting

9. Tour of the Maurice Lamontagne Institute

1. ADOPTION OF THE MINUTES OF THE 149TH MEETING (MAY 16, 2007)

On motion by Annie Déziel, seconded by Maryse Lemire, the minutes of the 149th meeting of the JBACE were adopted as amended.

2. FILE UPDATE

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

i) Portrait of residual materials management in James Bay

A CRA member recommended choosing another picture for the cover and making the JBACE logo stand out more. The member also suggested that the names of the working group members appear on the page devoted to the production team.

ii) CIRAIG proposal regarding life-cycle analysis of burning in trench landfills

The JBACE's Administrative Committee had asked the research centre CIRAIG to submit a bid for a life-cycle analysis of waste burning in trench landfills in the James Bay region. Burning, which is prohibited under the regulation since 2006, would be assessed in comparison to recycling and incineration. Given the high cost of life-cycle analysis, the JBACE is seeking partners for the study and its funding. According to a CRA member, the Société d'énergie de la Baie James (SEBJ) might be interested.

The Administrative Committee will meet with the partners of the working group on integrated residual materials management to discuss the bid and possible financial support. CIRAIG would subsequently be invited to revise the proposal based on the defined priorities.

iii) MDDEP consultation on the framework regulation respecting extended producer responsibility

The JBACE was invited to take part in a consultation on the directions of a future framework regulation that would extend the responsibility of producers of residual materials. The regulation would cover the recovery of used oil, paint, batteries and electronic products, among other waste. Apparently, the regulation would also apply to the James Bay region.

The members agreed that it is important that the JBACE participate in the consultation so that it can reiterate its position to the effect that recycling programs should extend to the James Bay region given that the region's inhabitants, as consumers, help pay for the cost of these programs. The JBACE would also offer its collaboration in order to facilitate implementation of the framework regulation in the James Bay region.

b. MRNF program for the creation of regional commissions

André Maltais, of the Secrétariat aux affaires autochtones, told the JBACE that the Standing Liaison Committee would meet with it this fall to discuss the MRNF's program for establishing regional commissions.

c. Letter from the JBACE regarding 6 projects impacting the Crees

The MDDEP regional director got back to the JBACE regarding six development projects identified as having negative impacts on the Crees. According to a member for Québec, the department's response is based on a field visit made to the Chisasibi area this past July. Among other things, the team from the regional office met with the affected Crees and gave them the name and phone number of the person they should contact if there is a problem with the project's impacts. The member will ask for a copy of the field report.

A CRA member reminded everyone that the JBACE's letter stressed the importance of consulting the Crees before the project, an aspect the MDDEP's reply seems to have ignored. More specifically, the fact that the proposed snowmobile trails do not require authorization under the *Environment Quality Act* (EQA) does not preclude assessment under the JBNQA's environmental and social protection regime. Snowmobile trails are grey-area projects and should have been submitted to the regime administrator for assessment by the Evaluating Committee (COMEV).

As regards the Robert-Boyd park, a CRA member thinks that, until further notice, this type of project is automatically subject to the JBNQA environmental and social impact assessment and review procedure. Moreover, the park is drawing many visitors who hinder the activities of the Cree family that owns the adjacent trapline. According to a member for Québec, this is a commemorative park and does not meet the definition of "park" in the list of developments automatically subject to the environmental and social protection regime.

The JBACE will write to the provincial administrator to point out that the review of the lists of developments subject to and exempt from impact assessment is ongoing. However, the current lists remain in effect until such time as the revised lists are adopted by the signatory parties concerned by Section 22 of the JBNQA. Proposals for parks are currently included in the list of developments automatically subject to impact assessment, regardless of the type of park. Consequently, the provincial administrator would be invited to explain why the Robert-Boyd park was not submitted to the impact assessment and review procedure.

d. Establishment of protected areas in the area of Waskaganish: update

The committee composed of Aboriginal organizations, including a JBACE member, held its first meeting in Montréal. For the moment, the committee is gathering the information needed to prepare the impact statement for the eight proposed protected areas on Waskaganish traplines. A member for Québec said that Julie Hébert of MDDEP gave a presentation on these projects at the Waskaganish Crees' general assembly. The impact statement is expected to be submitted in spring 2008.

In addition, MDDEP has initiated field investigation work on a number of "areas of interest," including Evans Lake. The areas in question may eventually be designated as "protected areas."

A CRA member inquired about the progress of work on the proposed "Paakumshumwaau-Maataskaau" protected area near Wemindji. According to a Québec member, the project has advanced, since a number of mineral claims around Old Factory will not be renewed. Barring the discovery of a promising

deposit, it's possible that the government will assign temporary protection status to the area, designating it as "land reserved to the State."

e. Planned meeting with COMEV to discuss collaboration with Fisheries and Oceans Canada

A member for Canada said it is important to note that Fisheries and Oceans Canada (DFO) wishes to work collaboratively with COMEV to make sure that federal requirements are taken into account in the directives issued by the Committee. A member for the CRA considers that such collaboration would simplify matters for project proponents, citing the example of a recent project for which the proponent must prepare two separate documents, one for COMEV and the other for DFO. According to the member, COMEV, a tripartite body, should be able to take both Québec and federal requirements into consideration.

A member for Québec feels that MDDEP and DFO take different views to fish and fish habitat. According to the member, it is important to account for both departments' views through lasting collaboration between the two departments, not just on one project. A member for Canada explained that the EQA has a broad scope whereas the *Fisheries Act* entrusts DFO with a very specific mandate in relation to the protection of fish habitat.

In the opinion of a CRA member, the regime established by Section 22 of the JBNQA is flexible enough to allow COMEV directives to account for both Québec and federal requirements. The JBACE will ask to meet with COMEV to discuss the matter.

f. Consultation on the Canada-wide strategy for the management of municipal wastewater effluent

A team from Environment Canada is to meet with the JBACE this fall to present the second draft of the Canada-wide strategy for the management of municipal wastewater effluent. A member for Québec thinks that the challenge facing the strategy's authors is to align their criteria relating to toxicity and the capacity of the receiving environment with Québec standards.

A CRA member thinks that the JBACE will need to ask for an expert opinion if it wants to comment on the strategy in a meaningful way.

g. Report and poster on climate change

A CRA member said that there is a growing interest in climate change among James Bay Cree organizations. The deaths of two experienced Cree trappers were attributed to thinner ice as a result of climate change. Some people wonder to what

extent traditional ecological knowledge is still relevant in the context of environmental change.

Following the JBACE's example, a number of Cree bodies are looking to undertake climate change initiatives. A CRA member recommended that initiatives be coordinated to avoid too much variation. A member for Québec pointed out that the Crees are concerned about necessary adaptation to climate change and that few studies have addressed this issue to date. In the member's opinion, future research must focus on this aspect. According to a member for Canada, it's a matter of adapting the scale of studies to Cree concerns regarding travel within the territory rather than to long-term climate projections.

According to a CRA member, the initial aim of the summary document requested by the JBACE was to take stock of climate change data for the James Bay territory. Since the report is ready, the JBACE can look at more concrete measures jointly with other bodies. The member cited the example of snowmobile trail projects funded by the Niskamoon Corporation to make traplines more accessible: any change in the ice regime of waterways would affect the route of the trails.

The members agreed that the JBACE would send a copy of the summary report to the Cree First Nations and interested bodies in the territory. The JBACE will ask the Cree Regional Authority and the Cree Board of Health and Social Services for their collaboration in producing the poster on climate change. Another theme that should be studied is hunter safety in the context of climate change, an issue that speaks to the Hunting, Fishing and Trapping Coordinating Committee (HFTCC).

h. Vacant seats on the JBACE

The Québec government has to appoint a member soon to fill the seat that has been vacant since 2006. As regards members for Canada, the JBACE Vice-Chairperson will contact the director of the James Bay Implementation Office at Indian and Northern Affairs Canada (INAC) to see whether the department plans on appointing a new member to the JBACE.

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

Kelly LeBlanc, a student, submitted a detailed research paper containing, among other things, a background to the JBNQA, a description of the four projects chosen for study and a proposed interview questionnaire. The follow-up committee formed in the spring commented on the report so that meetings with resource people would begin in the fall. The JBACE will write to one of the targeted proponents to explain the study objectives and request its collaboration. According to a CRA

member, the Troilus mining project holds special interest because it is at the closure stage.

j. Planned workshop on sustainable land use planning

The secretary tabled a draft framework for the sustainable land use planning workshop slated for spring 2008. A CRA member feels that the planning calendar needs to be pushed back owing to critical issues the JBACE must focus on between now and 2008. The members will submit their comments on the document by October 19, 2007.

3. DRAFT RESOLUTION REGARDING THE SALARY REVISION OF THE EXECUTIVE SECRETARY

JBACE Resolution 2007-09-12-01 regarding the salary revision of the executive secretary for 2007-2008

- WHEREAS the JBACE Administrative Committee evaluated the executive secretary's performance in 2006-2007;
- WHEREAS the JBACE resolved, at its meeting on April 5, 2006, to raise the executive secretary's salary on the basis of a performance bonus of between 0 and 4% plus indexation to the cost of living;

On motion by Claude Saint-Charles, seconded by Guy Demers:

It is hereby resolved to grant the executive secretary, Marc Jetten, a performance bonus of 1.75% as well as a salary increment of 2.1% equal to the cost of living index, for a total salary increase of 3.85% for 2007-2008.

4. APPLICATION OF THE PAY EQUITY SETTLEMENT TO THE SECRETARIAT OFFICER

The JBACE members agreed to apply the pay equity agreement for predominantly female occupational groups within the Québec public service to the secretariat

officer shared with the HFTCC. A member of the JBACE's Administrative Committee will verify the applicable formula with a HFTCC member.

According to a member for the CRA, the JBACE and HFTCC need to improve their shared responsibility as the secretariat officer's employers so that not just one committee ends up reviewing salary adjustments and then consulting the other after the fact.

5. REVIEW OF SCHEDULES 1 AND 2 OF SECTION 22: PROGRESS REPORT

A member for Canada is working closely with the consultant to prepare a more concise report on the review of schedules 1 and 2. A CRA member prepared a draft introduction to the report. In the latter's opinion, the interested parties need to know why the lists must be reviewed and the role of the JBACE in the exercise.

A member for Canada feels that the workshop held jointly with the members of COMEV and the review bodies in April 2007 went a long way to advancing the review process. A member for the CRA suggested holding a smaller workshop after the review is completed in order to validate the JBACE's recommendations.

Since the recommendations will likely exempt a number of projects that are currently subject to impact assessment (Schedule 1) or fall in the grey area, a member for Canada thinks it is important to take the concerns regarding consultation of the Crees into account. A CRA member agrees that the report should address this issue. However, she underlined that the requirement to consult the First Nations does not arise from the Section 22 impact assessment and review procedure; regardless of whether a project requires an impact statement, the governments are responsible for ensuring that affected Aboriginal communities are adequately consulted.

The members agreed to read the report and submit their comments by October 19, 2007. The working group will then be responsible for incorporating the comments and submitting a version for adoption at the JBACE's next meeting.

6. REVIEW OF GENERAL FOREST MANAGEMENT PLANS (GFMP)

A CRA member reported on the steps taken by the JBACE since spring to fulfil its responsibility under the JBNQA to review GFMPs. The forestry subcommittee prepared draft guidelines, which the JBACE adopted. At the same time, a tender was prepared to hire a consulting firm to assist the JBACE in reviewing the

GFMPs. The Administrative Committee examined the four bids received and awarded the contract to SOFOR Inc.

On September 1, the Ministère des Ressources naturelles et de la Faune (MRNF) sent the 15 GFMPs for the James Bay region in electronic format and the consultant, Martin Pelletier, was able to look them over. He noted that the MRNF had deemed two for the plans inadmissible, but sent them to the JBACE anyways.

In addition, there seem to be information gaps in all of the GFMPs, particularly as regards consultation of Cree tallymen. Mr. Pelletier said, for example, that the consultation reports included in several GFMPs were written before tallymen were consulted. Given the information gaps, the planned interviews with timber supply and forest management agreement holders and members of the joint working groups will be all the more important.

The JBACE will write to the associate deputy minister of Forêt Québec to explain that the 90-day period allotted for reviewing the plans cannot start until the receipt of compliant GFMPs. The JBACE will also ask to receive a copy of the GFMP review reports prepared by the joint working groups in the five Cree communities concerned. The reports, which are expected in early October, will enable a much more enlightened review of GFMPs by the JBACE. Also, since the joint working groups are to present the content of their reports at a meeting of the Cree-Québec Forestry Board, the JBACE will ask the Board if the SOFOR consultants can participate as observers.

Lastly, Martin Pelletier said that the GFMPs are difficult to print owing to the format of figures and tables. The secretary will ask the MRNF regional office to provide SOFOR with a print copy of the 15 GFMPs.

7. OTHER BUSINESS

a. Waswanipi Cree Model Forest (WCMF) facing uncertain future

The secretary informed the members that the WCMF's funding was not renewed under Natural Resources Canada's Forest Community Program. Since the program contributed a significant share of the WCMF's budget, there was talk of reducing or even terminating the model forest's activities.

b. Proposed meeting to discuss JBACE funding for 2008-2009

The regional director of the Canadian Environmental Assessment Agency (CEAA) invited the JBACE, along with a Québec government representative, to a meeting to discuss the JBACE's needs for fiscal 2008-2009.

The members feel that such a meeting would be premature given that the funding parties, including the Cree Regional Authority, first have to establish how much money is available for the coming fiscal year. And the JBACE members need to define their priorities for 2008-2009.

c. Planned hiring of a technical resource person

In 2002, the JBACE planned to hire an analyst to study technical documents held by the secretariat. This was not done because the members instead decided to use the services of consultants specialized in the area concerned (environmental assessment, residual materials, etc.). However, due to the scale of files, a full-time resource person must be hired to assist the JBACE in studying technical documents such as the Canada-wide strategy for the management of municipal wastewater effluent. The successful candidate must have solid training and experience in biophysical sciences.

The Administrative Committee will prepare a competition notice, which will be posted in January 2008. The HFTCC's Administrative Committee could be met with to determine the effects on shared office space and services.

d. Applicability of Québec government regulations to Category I lands (in reference to the minutes of the JBACE's 148th meeting)

A member for Québec asked to discuss an item in the minutes of 148th meeting held on February 21, 2007, namely the draft ministerial order regarding rates payable for environmental analysis and the draft regulation respecting authorization for waterworks and sewer systems. The minutes say that these measures would not apply to Cree Category I lands. The member said that the Québec government normally considers its regulations and other measures to apply to all of the territory of Québec. And the MDDEP is supposed to announce its position soon regarding whether or not the local government system provided for in the JBNQA exempts Category I lands from the application of Québec regulations.

Having already been adopted, the 148th meeting minutes cannot be amended. The members nevertheless took note of the information provided by the Québec member.

e. Presentation of the annual report and other documents

A member for the CRA moved that JBACE documents be more uniform and that the JBACE logo stand out more. The member would like future annual reports to integrate all three languages (French, English, Cree).

8. NEXT MEETING

The JBACE will hold its next meeting on November 22, 2007, in Montréal.

9. TOUR OF THE MAURICE LAMONTAGNE INSTITUTE

Maryse Lemire took the members on a tour of the Institute's offices, exhibition hall, analysis laboratories and experimental basins.



Marc Jetten
Executive Secretary
November 23, 2007