



MINUTES OF THE 151st MEETING OF THE JAMES BAY ADVISORY COMMITTEE ON THE ENVIRONMENT

(Adopted)

- DATE:** November 22, 2007
- PLACE:** JBACE Secretariat, Montréal
- PRESENT:** Glen Cooper, CRA
Guy Demers, Québec (by phone)
Annie Déziel, Canada
Ashley Iserhoff, CRA, Chairperson
Ginette Lajoie, CRA, Vice-Chairperson
Joanne Laberge, Québec (by phone)
Chantal Otter Tétreault
Claude Saint-Charles, Canada

Marc Jetten, Executive Secretary
- ABSENT:** Maryse Lemire, Canada
Pierre Moses, Québec
- GUESTS:**
- **For Item 6:**

Martin Pelletier, consultant
Catherine Lussier, consultant
Nadia Saganash, CRA
 - **For Item 10a:**

François Brassard, MDDEP (by phone)

Call to order and adoption of agenda

The Chairperson welcomed two new members appointed by the Cree Regional Authority: Chantal Otter Tétreault and Glen Cooper.

On motion by Ginette Lajoie, seconded by Annie Déziel, the following agenda was adopted:

1. Adoption of the minutes of the 150th meeting (September 12, 2007)
2. File update
 - a. Environmental effects monitoring (EEM) studies for five mines
 - b. Activities of the working group on integrated management of residual materials
 - i. Proposed framework regulation respecting extended producer responsibility
 - ii. CIRAIIG proposal regarding life-cycle analysis of burning in trench landfills
 - c. Report and poster on climate change
 - d. JBACE letter concerning the Robert-Boyd park
 - e. Planned meeting with COMEV to discuss collaboration with Fisheries and Oceans Canada during the formulation of directives
 - f. Research project on Cree participation in the environmental and social impact assessment process
 - g. Vacant seats on the JBACE
3. Planned meetings to discuss funding of the JBACE secretariat
4. Application of the pay equity settlement to the shared secretariat officer
5. Adoption of the 2008-2009 budget proposal
6. Presentation on the review of general forest management plans (GFMPs): Martin Pelletier and Catherine Lussier
7. Adoption of recommendations relating to GFMPs
8. Recommendations regarding the review of schedules 1 and 2 of Section 22
9. Consultation on forestry and environmental performance indicators for TSFMA holders
10. Other business
 - a. Proposed amendments to the *Forest Act*
 - b. Translation of JBACE documents
 - c. Resignation of a member for Canada
11. Next meeting

1. ADOPTION OF THE MINUTES OF THE 150TH MEETING (SEPTEMBER 12, 2007)

On motion by Claude Saint-Charles, seconded by Ginette Lajoie, the minutes of the 150th meeting of the JBACE were adopted as amended.

2. FILE UPDATE

a. Environmental effects monitoring (EEM) studies for five mines

A representative from Environment Canada had been invited to present the department's approach to examining the EEM study reports for five mines in the James Bay territory. However, the presentation was postponed to a future JBACE meeting because Environment Canada was not far enough along in its work.

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

i) Proposed framework regulation respecting extended producer responsibility

In the opinion of a CRA member, the proposed framework regulation is promising in that it would extend paint, used oil, battery and e-waste recovery programs to the James Bay region. The JBACE took part in the advance-consultation process and will submit its comments prior to publication of the draft regulation in the *Gazette officielle du Québec*. Since the regulation provides for negotiation of specific agreements between producers and regional authorities for remote regions, the JBACE's comments will touch on such things as the bodies that could best represent the James Bay population.

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

The working group is supposed to meet with CIRAIG representatives to revise the parameters of the bid submitted in August. A member for the CRA suggested seeking a partnership with James Bay Municipality, which is also calling for suspension of the prohibition on burning in trench landfills. Life-cycle analysis is not of great interest to the Société d'énergie de la Baie James (SEBJ) because the corporation's construction sites in James Bay are only temporary.

c. Report and poster on climate change

A CRA member brought up the fact that the JBACE had requested a state-of-knowledge report on climate change impacts in the James Bay region. Since the report is more or less

technical in nature, a poster was designed to heighten awareness about the matter. To make the poster more accessible, the JBACE will seek the collaboration of partners such as the Cree Trappers Association and the Cree Board of Health and Social Services. Such partnerships would make it possible to draw on trappers' knowledge of climate conditions. According to a member for the CRA, the Waswanipi Cree Model Forest holds relevant data in this regard that it would probably be willing to share.

d. JBACE letter concerning the Robert-Boyd park

Members had suggested changes to the initial draft letter. As soon as the changes have been made, the letter will be sent to the provincial administrator.

e. Planned meeting with COMEV to discuss collaboration with Fisheries and Oceans Canada during the formulation of directives

The Evaluating Committee (COMEV) declined the JBACE's invitation to get together to explore possible collaboration with Fisheries and Oceans Canada during the formulation of directives for projects that will have aquatic impacts. According to a CRA member, the problem is still the same in that proponents must prepare two separate documents: one for COMEV based on provincial regulations and one for DFO based on federal regulations.

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

Kelly LeBlanc, a Master's degree candidate in the geography department at the Université de Montréal, is conducting interviews in the territory to gather opinions from people involved in the impact assessment and review of four projects, namely the Eastmain 1-A/Rupert diversion hydroelectric project, the artillery range near Chapais, the Troilus mine and the Waskaganish access road. The JBACE is a partner in this research project aimed at evaluating Cree involvement in the environmental and social impact assessment and review procedure in light of recognized public participation criteria.

g. Vacant seats on the JBACE

The JBACE Vice-Chairperson will contact the new director of the James Bay Implementation Office to discuss the anticipated appointment of a member by Indian and Northern Affairs Canada. According to a member for Canada, in light of the new-relationship agreement recently signed between the Government of Canada and the Crees, the federal government's obligations under the JBNQA, including the appointment of members to the Section 22 committees, need to be remembered.

As for the Québec government's obligations, a member will talk to the Deputy Minister of Sustainable Development, Environment and Parks to see if there has been any progress in appointing a new member. According to a CRA member, the Québec government not only

has to fill a vacant seat, but it must also make sure that its members take part in JBACE meetings.

3. PLANNED MEETINGS TO DISCUSS FUNDING OF THE JBACE SECRETARIAT

A meeting between the MDDEP and CRA has been scheduled to discuss the five-year agreement on funding of the JBACE secretariat (under the Agreement Concerning a New Relationship Between Québec and the Crees, the CRA contributes half of the Québec government's share of funding). According to a member for the CRA, her organization will propose a funding level that enables the secretariat to hire an analyst. The JBACE's Administrative Committee must then meet with the federal and Québec government representatives to discuss the amount of the subsidy granted to the JBACE for fiscal 2008-2009.

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

The Administrative Committee calculated the salary adjustment required to apply the pay equity settlement granted to Québec government employees to the JBACE's secretariat officer. The adjustment is retroactive.

JBACE Resolution 2007-11-22-01 respecting the pay equity adjustment proposed for the shared secretariat officer

WHEREAS the JBACE agreed at its meeting on September 12, 2007, to apply the principle of pay equity to the secretariat officer position, retroactive to April 1, 2002;

WHEREAS the Administrative Committee calculated the amount of the salary adjustment in question;

On motion by Annie Déziel, seconded by Ginette Lajoie:

It is hereby resolved that the annual salary of the shared secretariat officer be adjusted retroactive to April 1, 2007, and that the salary scale for this position be adjusted accordingly;

It is hereby resolved to pay the secretariat officer the amount of \$2 378.79 as a pay equity adjustment retroactive to April 1, 2002:

- the payment will be made in two instalments by the end of fiscal 2007-2008
- the JBACE and HFTCC will each pay 50% of this amount.

This proposal will be sent to the HFTCC for approval. In the event that the HFTCC does not approve the resolution, the JBACE will approve any counter-proposal that does not exceed the amount provided for in JBACE Resolution 2007-11-22-01.

5. ADOPTION OF THE 2008-2009 BUDGET PROPOSAL

The executive secretary presented the budget proposal for the fiscal year commencing April 1, 2008. The proposal takes into account the planned hiring of an analyst, including salaries, office fit-up, equipment purchases and travel expenses.

JBACE Resolution 2007-11-22-02 respecting the budget proposal for fiscal 2008-2009:

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

On motion by Glen Cooper, seconded by Ginette Lajoie:

It is hereby resolved to adopt the budget proposal for fiscal 2008-2009 as amended.

6. PRESENTATION ON THE REVIEW OF GENERAL FOREST MANAGEMENT PLANS (GFMP)

Consultants Martin Pelletier and Catherine Lussier, mandated by the JBACE to review the GFMPs, began the presentation by explaining some of the difficulties encountered during their mandate. The Cree participation reports are an important aspect of GFMPs, being related to most of the issues identified by the JBACE. Yet the Ministère des Ressources naturelles et de la Faune (MRNF) was so late in sending compliant participation reports that the consultants were not able to fully take into account all of the information they contain. Moreover, the MRNF's compliance reviews and the joint working groups' (JWG) analysis reports have not yet been submitted.

The consultants did not have time to look at the forest planning support maps, even though a confidentiality agreement was signed with the Cree Regional Authority (CRA). These maps give an account of Cree activities and sites of interest that should be the object of harmonization measures.

Given these deficiencies, the interviews with those responsible for writing GFMPs (representatives of forest companies for the same management unit) and the Cree members of JWG were especially appreciated and productive.

The consultants evaluated the 15 GFMPs for the James Bay region against the eight issues that were identified. A single GFMP was deemed satisfactory with regard to the first issue dealing with special land use by the Crees. Consequently, the JBACE would recommend that the Minister review the departmental requirements regarding the content of GFMPs in relation to the social context and Cree land use.

The issue of meaningful Cree participation in the preparation of GFMPs is a crucial one. The consultants evaluated the extent to which the authors of GFMPs ensured Cree participation, notably by using the forest planning support maps. For GFMPs deemed unsatisfactory, the JBACE would recommend that the consultation process be completed before the plans are approved by the MRNF.

Cree trappers seem to have been minimally consulted with regard to the location of forest resource protection and development objectives, which deal with such things as the delineation of blocks of residual forest and biological refuges. Furthermore, most GFMP authors were not aware of the requirements of the draft directives on the protection and development of wildlife habitat or the directives in the management guide for mixed stands. In this regard, it is obvious that the MRNF must redouble its efforts to ensure the use of forest planning support tools.

Many GFMP authors justified the ups and downs of consultations by their late involvement in the process. In the wake of the Coulombe Commission recommendations, most of the content of GFMPs is determined by the MRNF. Furthermore, the Agreement Concerning a New Relationship Between QC essentially provides for a bipartite process involving the Crees and MRNF, to the exclusion of forest operators. The members agreed that, without going back to the time when operators were virtually independent in devising their GFMPs, they could be involved in the process sooner under the supervision of the JWGs.

Four GFMPs were rated “unsatisfactory” in terms of their economic spinoffs. Generally speaking, the GFMPs lacked precision with respect to the means used to ensure Cree communities derive economic benefits from forest management.

7. ADOPTION OF RECOMMENDATIONS RELATING TO GFMPs

The consultants tabled a summary report of their review of GFMPs. Among other things, the report contains seven recommendations for improving the preparation of GFMPs or for implementing corrective measures. Roughly, the JBACE would recommend that 5 of the 15 GFMPs not be approved by the MRNF until corrective measures have been taken. The JBACE would also express its interest in following up on the corrective measures.

Once approved, the summary report will be transmitted to the MRNF and a copy sent to the CRA, the Cree-Québec Forestry Board, the JWG's and GFMP authors. The detailed report is expected around mid-December and will be sent to the same bodies.

JBACE Resolution 2007-11-22-03 regarding general forest management plans:

- WHEREAS the James Bay and Northern Québec Agreement provides that forest management plans must be submitted to the JBACE for its consideration and comments and that the JBACE must make its comments known within 90 days (par. 22.3.34);
- WHEREAS the JBACE mandated the firm Sofor inc. To review the GFMPs for the James Bay Territory based on the guidelines and analysis grid for reviewing forest management plans adopted by the JBACE;
- WHEREAS Sofor inc. submitted the document entitled "Synthesis Report and Recommendations: General Forestry Management Plan Review" which contains seven recommendations to the Minister of Natural Resources and Wildlife;

On motion by Ginette Lajoie, seconded by Guy Demers:

It is hereby resolved to adopt the summary report on the review of GFMP as amended.

8. RECOMMENDATIONS REGARDING THE REVIEW OF SCHEDULES 1 AND 2 OF SECTION 22

The recommendations relating to schedules 1 and 2 could not be adopted because the members did not have the time to read the revised report received two days earlier. The members agreed to focus on the specific recommendation for each project category. It will be up to the working group to revise the project analysis forms with the aim of shoring up each recommendation. A conference call will be held to discuss the matter in mid-December.

According to a CRA member, the introduction to the report needs to stress the importance of consenting to a project's social impacts, which were not adequately dealt with in the project analysis forms. Moreover, the member feels that a recommendation concerning mineral exploration projects should not be adopted just yet, as a more thorough analysis is needed.

9. CONSULTATION ON FORESTRY AND ENVIRONMENTAL PERFORMANCE INDICATORS FOR TSFMA HOLDERS

The MRNF initiated a consultation on criteria and indicators of the forestry and environmental performance of timber supply and forest management agreement (TSFMA) holders. The criteria must enable an assessment of agreement holders' performance at the end of the period covered by GFMPs for 2008-2013.

A CRA member remarked that there are no special criteria and indicators for the James Bay territory. Furthermore, the review of GFMPs leaves little time to participate in this new consultation by the MRNF. By way of comment, the JBACE will underline the need to develop criteria and indicators that account for agreement holders' compliance with the JBNQA and ANRQC (Agreement Concerning a New Relationship Between Québec and the Crees). The analysis grid for reviewing GFMPs adopted in July 2007 will be enclosed, as it contains the assessment criteria used by the JBACE.

10. OTHER BUSINESS

a. Proposed amendments to the *Forest Act*

The secretary presented the MRNF's proposed amendments to the *Forest Act* Bill 39, which the Québec government hopes to adopt before the end of 2007, would allow TSFMA holders to define the forest management activities that *may* be carried out and decide which ones *will* be carried out during the period covered by their five-year plans. This amendment would provide agreement holders with greater flexibility because they would not be required to wait for MRNF approval for every change made to their GFMP. According to a member for the CRA, we need to make sure that this amendment conforms to the adapted forestry regime of the ANRQC.

The purpose of Bill 39 is also to include biological refuges, which cover 2% of the forested area of each management unit, in the Québec network of protected areas. Forest management activities would be prohibited in biological refuges. When delineating these areas, the MRNF would give preference to mature and over-aged forests.

According to a CRA member, steps must be taken to ensure that biological refuges do not overlap sites of special interest for the Crees covering up to 1% of the total area of a management unit. Apart from reducing the surface area protected, if biological refuges were to overlap sites of special interest for the Crees, it could create conflicts between Cree activities and the objectives of a biological refuge. François Brassard of the MDDEP said that biological refuges must meet specific biological diversity criteria. This does not leave the MRNF with much leeway in siting biological refuges.

The JBACE will write to the Minister of Natural Resources and Wildlife to make sure that Bill 39 conforms to the ANRQC and that biological refuges do not overlap sites of special interest for the Crees.

b. Translation of JBACE documents

A member for the CRA noted errors in the English version of a JBACE document. The secretary will have the translation revised.

c. Resignation of a member for Canada

Claude Saint-Charles told the members that he is stepping down from his position as JBACE member at the end of today's meeting. The members thanked him for his assiduous involvement in the Committee, including as its chairperson in 2006-2007, as a member of the Administrative Committee and as a member of the working group on the schedules 1 and 2 review.

11. NEXT MEETING

The JBACE will hold its next meeting on February 12 and 13, 2008, in Mississauga.



Marc Jetten
Executive Secretary
February 12, 2008