



MINUTES OF THE 153rd MEETING OF THE JAMES BAY ADVISORY COMMITTEE ON THE ENVIRONMENT

(Adopted)

DATE: April 16, 2008

PLACE: Offices of the Grand Council of the Crees (Eeyou Istchee)/Cree Regional Authority, Montréal

PRESENT: Glen Cooper, CRA
Ashley Iserhoff, CRA, Chairman
Ginette Lajoie, CRA
Joanne Laberge, Québec
Maryse Lemire, Canada, Vice-Chairperson
Chantal Otter Tétreault, CRA
Sarah Szirtes, Canada

Marc Jetten, Executive Secretary

ABSENT: Guy Demers, Québec
Annie Déziel, Canada
Pierre Moses, Québec

Call to order and adoption of the agenda

The Chairman welcomed the members and invited them to adopt the agenda. On motion by Ginette Lajoie, seconded by Sarah Szirtes, the following agenda was adopted:

1. Adoption of the minutes of the 152nd meeting (February 12, 2008)
2. File update
 - a. *General forest management plans (GFMP) approval process*
 - b. *MRNF program to implement the integrated, regional approach (regional commissions)*
 - c. *Report on recommendations for revising schedules 1 and 2 of Section 22*
 - d. *Second JBACE letter regarding the Robert-Boyd park*

- e. *CIRAIG proposal for life-cycle assessment of residual materials management scenarios*
 - f. *JBACE vacancies and chairmanship for 2008-2009*
 - g. *Hiring of an analyst*
 - h. *Environmental effects monitoring studies for mines*
3. Proposed poster on climate change
 4. Presentation by Joanne Laberge on the status of protected areas and land reserved to the State
 5. Comments on the MRNF's Green Paper on the new forest regime
 6. Creation of a subcommittee to prepare a strategic plan for 2008-2011
 7. Other business
 - a. *Complaint regarding an abandoned fishing camp*
 8. Next meeting
- 1. ADOPTION OF THE MINUTES OF THE 152ND MEETING (FEBRUARY 12, 2008)**

On motion by Chantal Otter Tétrault, seconded by Maryse Lemire, the minutes of the 152nd meeting of the JBACE were adopted as amended.

2. FILE UPDATE

a. *General forest management plans (GFMP) approval process*

The Cree-Québec Forestry Board and the JBACE presented their respective recommendations regarding the GFMPs for 2008-2013. The plans have been approved by the Ministère des Ressources naturelles et de la Faune (MRNF) regional office and will take effect as soon as they have been approved by the Minister.

Although the CQFB deemed the 15 plans to be acceptable, it called for closer examination of the management activities provided for in the annual plans. For its part, the JBACE recommended that corrective measures be incorporated into five GFMPs that it considered did not meet the minimum requirements respecting Cree involvement. Given that the JBACE has not received the final version of the GFMPs, it is impossible to say whether or not the MRNF followed its recommendations and, if so, to what extent.

A member for the CRA feels that the JBACE should meet with the CQFB to share their views on their respective reviews of the GFMPs and, if necessary, improve upon the criteria used by the JBACE. The JBACE should also contact the Chief Forester to inquire about the

method used to calculate the annual allowable cut for the James Bay region; among other things, it is important to know how much GFMPs need to be modified to comply with the allowable cut reduction.

b. MRNF program to implement the integrated, regional approach (regional commissions)

With the programs to create regional forestry commissions and regional natural resource and land commissions (RNRLC) having ended, the Québec government adopted a new program to implement them. Since the program is aimed at regional conferences of elected officers, the regional conference for James Bay could apply for funding to implement the regional forestry commission proposal submitted in 2006.

The Cree Regional Authority (CRA) could also apply for funding given that it acts as the regional conference of elected officers for the Cree communities. A member for the CRA explained that her organization did not join the program because it feels that natural resource and land development must be in keeping with the framework of the JBNQA and the Agreement Concerning a New Relationship Between Québec and the Crees (ANRQC). In the James Bay territory, the regional commission programs have thus far been implemented on the margins of these agreements; the JBACE informed the MRNF of major shortcomings, notably in terms of Cree representation during development of the James Bay Regional Conference of Elected Officers' proposal for a regional forestry commission.

A CRA member wondered whether the JBACE shouldn't get funding from the MRNF to study a regional land-use planning model adapted to the James Bay Territory.

c. Report on recommendations for revising schedules 1 and 2 of Section 22

At the last meeting, the JBACE adopted its recommended changes to the lists of development projects subject to and exempt from impact assessment under Section 22. A consultant prepared a draft report to accompany the analysis forms for each project category. The working group is currently revising the draft report, after which the report could be sent to the signatory parties concerned by Section 22. A CRA member explained that the proposed changes to the project lists would not require amendment of the JBNQA. Provided the Cree Regional Authority approves the changes, this body could write to the governments of Canada and Québec to propose that schedules 1 and 2 be adopted as revised.

A member for the CRA pointed out that the work for certain types of projects is ongoing. Sector-based studies should make it possible to identify the criteria that would determine whether or not a project is subject to impact assessment.

d. Second JBACE letter regarding the Robert-Boyd park

The JBACE wrote to the Provincial Administrator again to remind her of the impacts of the proposed Robert-Boyd park on the hunting rights of a Cree family whose trapline is next to the park. In the Committee's opinion, this commemorative park should have been subject to the Section 22 impact assessment and review procedure. The JBACE recommended to the Provincial Administrator that a working committee be formed to ensure that corrective measures are implemented within no more than six months.

e. CIRAIG proposal for life-cycle assessment of residual materials management scenarios

The CIRAIG consultants have begun life-cycle assessment of various residual materials management scenarios for the James Bay communities. They and a few members of the working group on integrated residual materials management visited Nemaska, Wemindji and the Eastmain 1 camp to get an idea of the impacts of landfilling, incineration and recovery/recycling. CIRAIG expects to submit a progress report in October 2008.

A member for the CRA asked whether the assessment will cover industrial camps as well; according to the member, management of residual materials in logging camps, for example, can adversely affect Crees' wildlife harvesting rights. Despite the existing regulations, and sometimes even environmental assessment, the monitoring of authorization conditions applicable to industrial camps is not up to the mark.

A member for the CRA replied that CIRAIG's contract does not cover industrial camps; however, the JBACE could always ask the MDDEP regional office for a detailed list of authorized projects, their location and the applicable regulations. For example, the *Regulation respecting the landfilling and incineration of residual materials*, adopted in 2006, applies to remote landfills. For now, it is important to group data relating to development projects under way in order to facilitate retrieval.

f. JBACE vacancies and chairmanship for 2008-2009

It is Québec's turn to chair the JBACE for the fiscal year beginning April 1, 2008, but no one has been appointed yet. A member for Québec said that the Deputy Minister of Sustainable Development, Environment and Parks will be writing to the current JBACE chairperson to ask that he stay on until a replacement has been appointed. CRA members moved that the JBACE ask to meet with the Minister of Sustainable Development, Environment and Parks to accelerate the appointment of a new chairperson and discuss other issues besides membership that are of interest to the Québec government, such as the review of the lists of development projects.

There are currently two vacant seats on the JBACE. A member for Canada said that Environment Canada must find a new manager of Aboriginal and Northern Affairs soon, the

position vacated by Claude Saint-Charles. That person will very likely be appointed to the JBACE as well.

As for the vacant Québec seat, no appointment is expected as yet. In addition to appointing a member, the government should examine the participation of Québec members: one of them has not attended a JBACE meeting for more than a year.

g. Hiring of an analyst

The JBACE's Administrative Committee is currently revising the statement of merit criteria and job description for the analyst position. The job competition could be posted until the end of May and the analyst hired in June 2008. A member for the CRA suggested posting the position in all of the Cree communities.

h. Environmental effects monitoring studies for mines

The *Metal Mining Effluent Regulations* requires owners and operators of mines to conduct environmental effects monitoring (EEM) studies. The EEM studies submitted for the five mines in the James Bay territory are currently under review by Environment Canada (EC). The EC contact person was not available today to give a presentation on the highlights of the Department's review.

3. PROPOSED POSTER ON CLIMATE CHANGE

A CRA member tabled a new version of the poster on climate change in James Bay based on data from the summary report filed in February. The poster identifies greenhouse gases, their primary sources and some of the anticipated impacts on the James Bay territory, including increases in temperature and precipitation, migration of plant and animal species and even an increased risk of forest fires. The poster also identifies ways to reduce greenhouse gas emissions.

A member for the CRA would like the poster to be aimed more specifically at the Crees. A member for Canada responded by saying that when it submitted the summary report on climate change impacts in February, the JBACE invited the Cree First Nations and partners to share their views on future actions to combat and adapt to climate change. In a CRA member's opinion, this is also the time to examine ways of funding such actions. If Environment Canada's Northern Ecosystems Initiative program is renewed, the JBACE could submit a project to combat or adapt to climate change.

The CRA member will finalize the poster in keeping with the members' comments. The JBACE will enclose the poster with the summary report submitted to the Cree communities.

4. PRESENTATION BY JOANNE LABERGE ON THE STATUS OF PROTECTED AREAS AND LAND RESERVED TO THE STATE

Joanne Laberge of MDDEP's protected areas branch went over the proposed protected areas in the James Bay territory. She reminded the participants of the Québec government's pledge to protect at least 8% of the surface area of Québec by the end of 2008. The conservation objective will eventually be achieved in each of Québec's 13 natural provinces. It has already been met or is in the process of being met in the Abitibi and James Bay Lowlands and the Grande-Rivière Low Hills natural provinces. On the other hand, talks between the MDDEP and the other government departments concerned are ongoing with regard to the proposed protected areas in the Mistassini Highlands and the Nord-du-Québec Central Plateau natural provinces.

Ms. Laberge explained the different types of protection status as well as the activities permitted and prohibited in each type of protected area. In parks, for example, hunting is prohibited, but the wildlife harvesting rights guaranteed to Aboriginal people under the JBNQA are recognized. Non-Aboriginal people are allowed to harvest wildlife in biodiversity and aquatic reserves. Ms. Laberge pointed out that wildlife sanctuaries are not protected areas, even though some biodiversity or aquatic reserves may be located within a wildlife sanctuary.

Between now and June, the Québec government will be announcing the granting of temporary protection status to four areas in the James Bay territory: Lac-Burton-Rivière-Roggan-Pointe Louis XIV, Lacs-Guillaume-Delisle-et-à-l'Eau-Claire, Lac-Waswanipi and Paakumshumwaau-Maatuskaau.

The MDDEP was considering designating the Lac-Burton-Rivière-Roggan-Pointe Louis XIV area as a national park of Québec, but the consultation held in Chisasibi revealed the presence of outfitting operations serving non-Aboriginals. In order to preserve outfitting activities, the government may decide to instead designate some parts of the area as a proposed biodiversity reserve. A member for the CRA said she hoped that protection status would facilitate decontamination of an abandoned radar site belonging to National Defence Canada (the Mid-Canada line).

The MDDEP has announced the holding of consultations on the proposed Lacs-Guillaume-Delisle-et-à-l'Eau-Claire park. If park status is granted, this would be the largest park in Québec. The public hearings to be held in accordance with the *Parks Act* will be jointly chaired by a member of the Kativik Environmental Quality Commission and a person appointed by the Minister. A CRA member said that the hearings under the *Parks Act* will not necessarily satisfy the requirements of the JBNQA impact assessment and review procedure. Moreover, she wondered whether the boundaries of the proposed park overlap Whapmagoostui Category II lands; if so, the project would be subject to impact assessment under both Section 22 (Creeps) and Section 23 (Inuit). The secretary will check and see.

The proposed Lac-Waswanipi aquatic reserve will be created soon, after an agreement has been reached with the James Bay Municipality (JBM) regarding a campground on the

lakeshore: the campground would remain a small enclave within the aquatic reserve and only rustic facilities could be developed there.

Lastly, the MDDEP hopes to announce the creation of the proposed Paakumshumwaau-Maatuskaau biodiversity reserve soon. An initiative of the community of Wemindji, this project was the object of an agreement with the JBM to create a buffer zone around the James Bay highway. According to Ms. Laberge, protection status will be granted soon. The protected area may be expanded to include some sectors as mining claims expire.

A member for the CRA stressed that multipartite committees had been set up for the purposes of the impact statements for the nine proposed protected areas on Waskaganish traplines; the member feels that the MDDEP would benefit from placing more emphasis on the expertise of the committee members, two of whom are from the JBACE.

In another vein, Joanne Laberge told the participants that, due to ongoing development projects, the MDDEP had to abandon two proposed protected areas in the Lac Evans sector. The MDDEP plans on taking stock of the situation at the end of the current campaign to protect 8% of the territory of Québec; it may be timely to update certain projects that were previously set aside in light of the new biodiversity objectives.

5. COMMENTS ON THE MRNF'S GREEN PAPER ON THE NEW FOREST REGIME

A CRA member moved that the JBACE endorse the comments already submitted by the Grand Council of the Crees and the Cree-Québec Forestry Board concerning the transfer of forest management responsibilities to regional authorities. In support of its position, the JBACE will raise the problems encountered during implementation of the regional commissions programs in James Bay, including the lack of Cree representation.

A member for Québec said that the regional authorities and the Innu community of Masteuiash are partners in the regional commission for Saguenay-Lac-Saint-Jean and wondered if this model could be adopted for the James Bay region. A CRA member replied that the legal framework arising from the JBNQA and the ANRQC must be respected.

The members agreed on the direction to be given to the JBACE's comments. A member for the CRA thinks it is important to follow this matter closely to make sure that the JBACE is consulted during future stages, such as when the anticipated bill is tabled.

6. CREATION OF A SUBCOMMITTEE TO PREPARE A STRATEGIC PLAN FOR 2008-2011

The secretary said that the JBACE has to update its strategic directions for the period 2005-2007. Ginette Lajoie, Chantal Otter Tétreault, Maryse Lemire, Sarah Szirtes and Joanne

Laberge said they intended to contribute to the work of the subcommittee created for this purpose.

7. OTHER BUSINESS

a. Complaint regarding an abandoned fishing camp

The secretary passed on the comments made by Mistissini's Local Environment Administrator (LEA) with regard to an abandoned fishing camp located on a trapline. According to a CRA member, the LEA can file a complaint with the MDDEP regional office, even if the site is not on Category I land. First, however, he must compile information on the problem, notably through notes and photographs. To facilitate follow-up, the LEA can send a carbon copy of the complaint to the Hunting, Fishing and Trapping Coordinating Committee and the JBACE.

8. NEXT MEETING

The JBACE will hold its next meeting on June 5, 2008, at the Cree Regional Authority office in Montréal.



Marc Jetten

Executive Secretary

June 12, 2008