



MINUTES OF THE 155th MEETING OF THE JAMES BAY ADVISORY COMMITTEE ON THE ENVIRONMENT

(Adopted)

DATE: September 18, 2008

PLACE: Cree Regional Authority office in Mistissini

PRESENT: Josée Brazeau, Québec
Annie Déziel, Canada
Ashley Iserhoff, CRA, Chairman
Ginette Lajoie, CRA
Joanne Laberge, Québec (by phone)
Maryse Lemire, Canada, Vice-Chairperson
Chantal Otter Tétreault, CRA

Marc Jetten, Executive Secretary
Claude Péloquin, Environmental Analyst

ABSENT: Glen Cooper, CRA
Pierre Moses, Québec
Sarah Szirtes, Canada

GUESTS: Ronald Blackned, Local Environment Administrator,
Cree Nation of Mistissini

Marcel Gaucher, Head, Bureau des changements climatiques,
Ministère du Développement durable, de l'Environnement et des
Parcs (MDDEP)

Call to order and adoption of the agenda

The Chairman welcomed the members and introduced Ronald Blackned, Local Environment Administrator (LEA) for Mistissini. Mr. Blackned briefly explained the community's two projects that were recently submitted to the Section 22 (JBNQA) impact assessment and review procedure.

On motion by Annie Déziel, seconded by Chantal Otter Tétreault, the following agenda was adopted:

- 1. Adoption of the minutes of the 154th meeting (June 5, 2008)**
- 2. File update**
 - a. Comments concerning the JBACE's report on general forest management plans (GFMP) submitted in 2007
 - b. Review of GFMPs in 2008
 - c. Robert-Boyd commemorative park project
 - d. Life-cycle assessment of residual materials management scenarios
 - e. Subcommittee for updating the strategic directions
 - f. JBACE vacancies and chairmanship for 2008-2009
 - g. Vacant seat on the Administrative Committee
 - h. Government grant for 2008-2009
 - i. Criteria for choosing office space for the HFTCC and JBACE secretariats
 - j. Executive secretary's salary review for 2008-2009
- 3. Presentation on the status of protected areas in the James Bay region**
- 4. Information received from Isaac Voyageur of the Cree Regional Authority concerning a planned forest road in the area of Oujé-Bougoumou**
- 5. Presentation by Marcel Gaucher of the MDDEP on climate change programs applicable to James Bay communities**
- 6. Planning of climate change action (2nd phase)**
- 7. Ministère des Ressources naturelles et de la Faune proposal to the Grand Council of the Crees regarding the transfer of forest management responsibilities to regional authorities pursuant to the Green Paper on the new forest regime**
- 8. Presentation by Claude Péloquin on the examination of mineral exploration projects for the schedules 1 and 2 review**
- 9. Creation of a working group to oversee the preparation of studies on mineral exploration, decontamination involving inorganic contaminants, and power transmission lines**

10. Other business
 - a. Clarifications regarding the Administrative Committee's mandate
 - b. Information regarding government projects that impact the environmental and social protection regime
11. Next meeting

1. ADOPTION OF THE MINUTES OF THE 154TH MEETING (APRIL 5, 2008)

On motion by Ginette Lajoie, seconded by Maryse Lemire, the minutes of the 154th meeting of the JBACE were adopted as amended.

2. FILE UPDATE

a. Comments concerning the JBACE's report on general forest management plans (GFMP) submitted in 2007

The only feedback received from the people met by the JBACE's consultants in 2007 regarding the Committee's GFMP analysis report was comments from two representatives of timber supply and forest management agreement (TSFMA) holders and a Cree coordinator of a joint working group.

b. Review of GFMPs in 2008

Amended GFMPs to account for the new allowable annual cuts calculated by the Chief Forester will be filed in late October 2008 and very likely transmitted to the JBACE soon after. In preparation for reviewing the plans, the JBACE will go back and see how things were done in 2007. Among other things, it will meet with members of the Cree-Québec Forestry Board (CQFB) to compare their respective recommendations and try and understand why they differed in some respects. Since the meeting planned for the summer was postponed, the secretary will see if the CQFB and JBACE delegations are available in October.

c. Robert-Boyd commemorative park project

The provincial administrator reiterated her position that the Robert-Boyd park is not a conservation park and therefore not subject to the Section 22 impact assessment and review procedure. Her position was substantiated by a legal opinion received from the MDDEP's legal affairs branch.

The JBACE wrote to the Hunting, Fishing and Trapping Coordinating Committee requesting an opinion on the impacts the park will have on the harvesting rights guaranteed to Native people under Section 24 of the James Bay and Northern Québec Agreement.

d. Life-cycle assessment of residual materials management scenarios

The consultants from the Interuniversity Research Centre for the Life Cycle of Products, Processes and Services (CIRAIG) submitted their progress report in June. The working group on integrated residual materials management has not commented on the report.

A CRA representative feels it is important that the members comment on the report so that the preliminary life-cycle assessment, expected this fall, is in line with the directions favoured by the JBACE. The secretary will forward the progress report to the members, who will submit their comments by October 3, 2008.

The Québec members will decide which one of them will sit on the working group.

e. Subcommittee for updating the strategic directions

A CRA member is working on a draft update of the JBACE's strategic plan. The subcommittee could hold a meeting after the draft update has been submitted.

f. JBACE vacancies and chairmanship for 2008-2009

The Québec government appointed Josée Brazeau; however, because Guy Demers resigned, the Québec party is still one member short. The federal party still has a vacant seat as well. Environment Canada is expected to appoint someone; the appointment must then be approved by an interdepartmental committee representing the federal departments concerned with the environmental and social protection regime.

The Québec government has not yet appointed a chairperson for the rest of the fiscal year (until March 2009) and Ashley Iserhoff has agreed to continue in this position until a new chairperson has been named. It will be the CRA's turn again to appoint the chairperson for the new fiscal year starting April 1, 2009.

g. Vacant seat on the Administrative Committee

Josée Brazeau agreed to represent Québec on the JBACE's Administrative Committee.

h. Government grant for 2008-2009

The Canadian Environmental Assessment Agency (the Agency) and the Ministère du Développement durable, de l'Environnement et des Parcs (MDDEP) informed the JBACE of their decision to reduce its operating budget for 2008-2009 to \$100 000 in order to reduce the accumulated surplus more quickly. The JBACE wrote to the Agency and the MDDEP informing them of the actual amount of the accumulated surplus. The JBACE has made financial commitments in relation to its mandate and the announced budgetary cut would compromise the Committee's ability to fulfil that mandate.

The secretary contacted Agency and MDDEP officials and they seemed open to reviewing the amount of the grant if warranted by the JBACE's financial position. They intend to meet with the JBACE's Administrative Committee to discuss the matter.

i. Criteria for choosing office space for the HFTCC and JBACE secretariats

The HFTCC and JBACE secretaries prepared draft criteria for choosing office space. According to the secretaries, the proposed criteria could apply just as well to staying in the current offices as to moving to new offices. The Administrative Committee will study the proposed criteria.

j. Executive secretary's salary review for 2008-2009

The Administrative Committee has not had a chance to evaluate the executive secretary's performance and recommend a salary for 2008-2009. A conference call should be held soon to discuss the matter.

3. PRESENTATION ON THE STATUS OF PROTECTED AREAS IN THE JAMES BAY REGION

Joanne Laberge reiterated the government's goal of protecting 8% of the territory of Québec by the end of 2008 and said that while 6% of the territory is currently protected, the government will be announcing new protected areas that should enable it to meet the goal of 8%. The targeted surface area under protection has been exceeded in the Abitibi and James Bay Lowlands and Mistassini Uplands natural provinces, but not yet reached for the Grande-Rivière Low Hills and Northern Québec Central Plateau.

Ms. Laberge explained that the MDDEP is on the verge of tabling the impact statement for nine proposed biodiversity and aquatic reserves on Waskaganish traplines. As well, MDDEP representatives met with officials from Waswanipi to discuss areas of interest around Evans Lake.

The MDDEP also held a consultation in Chisasibi on the status to be assigned to the territory of Pointe Louis XIV¹-Rivière Roggan-Lac Burton; depending on the activities carried out by the Crees, different protection statuses could be assigned to different parts of this vast territory (national park or biodiversity reserve). Another meeting was held in Mistissini on the boundaries of the proposed Albnel-Témiscamie-Otish (ATO) park.

The MDDEP has offered training to Cree auxiliary wildlife officers (tallymen) on the activities permitted and prohibited in protected areas. A presentation was given to the Cree Trappers' Association.

In October, the MDDEP plans to announce an expansion of the proposed ATO park as well as the creation of a proposed biodiversity reserve in the eastern portion of Wemindji traplines. Another announcement may be made in December to include the territories of Waswanipi, Assinica and Bienville lakes, the Caniapiscau reservoir and the eastern portion of Chisasibi traplines. However, designating these areas as protected will depend on the outcome of talks between the parties concerned, notably First Nations, James Bay Municipality and the Ministère des Ressources naturelles et de la Faune (MRNF). The MDDEP's primary goal is to encourage proposed protected areas in those natural provinces where few exist, such as the Grande-Rivière Low Hills and the Northern Québec Central Plateau. Special attention will be given to protected areas proposed by the Cree communities.

A member for the CRA asked if the planned expansion of the ATO park will be submitted to the Evaluating Committee (COMEV). Ms. Laberge said she would check. Also, she'll make sure to transmit the proposed delimitation of the park boundaries to the Cree Regional Authority (CRA) if the park is indeed expanded.

As for the proposed Waswanipi Lake aquatic reserve, which was the object of a JBACE resolution in February 2008, Joanne Laberge explained that the assignment of protection status was deferred due to work underway on the proposed Assinica national park, which is located nearby. Lastly, Ms. Laberge mentioned that the MDDEP had received two letters from the Cree Nation of Whapmagoostui calling for the creation of a protected area in the sector of Bienville Lake. The MDDEP has not yet consulted the parties concerned.

¹ As a rule, the Crees call Pointe Louis XIV "Cape Jones."

4. INFORMATION RECEIVED FROM ISAAC VOYAGEUR OF THE CREE REGIONAL AUTHORITY CONCERNING A PLANNED FOREST ROAD IN THE AREA OF OIJÉ-BOUGOUMOU

As natural resources coordinator with the Cree Regional Authority (CRA), Isaac Voyageur sent the JBACE a file containing correspondence regarding a planned forest road in the Oujé-Bougoumou area. Mr. Voyageur is asking that the road be submitted to the Section 22 impact assessment and review procedure.

The proponent, Les Chantiers Chibougamau Ltée, presented the project as an amendment to its general forest management plan (GFMP). The company apparently consulted the trappers concerned as well as the joint working groups in Oujé-Bougoumou and Mistissini on its project. The project is currently being reviewed by the Cree-Québec Forestry Board (CQFB).

Considering that the Agreement Concerning a New Relationship Between Québec and the Crees (ANRQC) provides for concerted action between the agreement holder and the tallyman with regard to the road network development plan, Mr. Voyageur expressed concerns regarding the quality of the consultations held. Furthermore, the Council of the Cree Nation of Oujé-Bougoumou raised the issue of future land-use conflicts, since the proposed forest road would give non-Aboriginal hunters access to Cree traplines, including an area reserved for Category II lands of Oujé-Bougoumou.

According to an opinion given by the MDDEP's environmental assessment branch (Direction des évaluations environnementales), the planned forest road is not subject to impact assessment. The Grand Council of the Crees (GCC) disagreed with this opinion and asked the provincial administrator to justify her decision. According to the GCC, the administrator rendered her decision based on the projects listed in Schedule A of the *Environment Quality Act*. However, the project descriptions in Schedule A differ significantly from those in Schedule 1 of Section 22 of the JBNQA. Also, the proponent maintains that the road will only be used for 10 years, which the GCC doubts.

According to Isaac Voyageur, Les Chantiers Chibougamau Ltée proposed an alternative to the project, i.e. building a category 3 road, which would not be subject to impact assessment, and then converting it to a category 1 road next year. The category 1 road would be subject to impact assessment and review. This alternative was withdrawn but this means, according to Mr. Voyageur, that the proponent believes an impact statement should in fact be required for the road project.

In its resolution, the Council of the Cree Nation of Oujé-Bougoumou raises the possibility of engaging in a conciliation process with the MRNF, the proponent, the joint working group and the CQFB. Mr. Voyageur feels that conciliation is the way to go in keeping with the spirit of the ANRQC. In the meantime, he's asking the JBACE to make sure the impact assessment and review procedure of the environmental and social protection regime is applied.

A CRA member explained that the provincial administrator, i.e. the Deputy Minister of Sustainable Development, Environment and Parks, is the one who makes the final decision regarding whether or not to submit a project to environmental assessment. Requests for environmental assessment of projects must therefore be made to her, not to the Evaluating Committee (COMEV). The member considers that an impact statement would address the matter of access to the territory. The member asked the secretary to verify whether or not the proposed forest road is included in the GFMP filed in 2007.

Since the JBACE members had little time to read over the documentation, it could be a few weeks before they render a decision on the advisability of submitting the forest road to the impact assessment and review procedure. In the event of a recommendation, it will be sent to the provincial administrator and the parties will be informed.

5. PRESENTATION BY MARCEL GAUCHER OF THE MDDEP ON CLIMATE CHANGE PROGRAMS APPLICABLE TO JAMES BAY COMMUNITIES

Marcel Gaucher said that the Québec government adopted the 2006-2012 climate change action plan to reduce greenhouse gas emissions (GHG) to 6% below the 1990 level. Mr. Gaucher pointed out that Québec has an edge over the other provinces in this regard, in particular due to its reliance on hydroelectricity, emission reductions in the industrial sector and the design of greener vehicles.

The action plan is funded by levies on hydrocarbons and fossil fuels paid into the Fonds vert. The proposed actions were updated after receiving a financial contribution from the federal government in 2007.

Mr. Gaucher reminded everyone that although the MDDEP is responsible for coordinating the action plan, all government departments and agencies are involved in its implementation. Complementary initiatives adopted by the government include the public transit policy, the energy strategy and the green technology development strategy. In addition, the government supports the work of the Ouranos Consortium on Regional Climatology and Adaptation to Climate Change.

To date, the Québec government has played an active role in identifying measures to mitigate and adapt to climate change; for example, the Ministère des Ressources naturelles et de la Faune ensures consolidation of the monitoring stations network in order to determine the vulnerability of the forest sector and incorporate anticipated impacts into forest management activities.

Mr. Gaucher emphasized that applications for funding under the climate change action plan can be submitted by businesses, municipalities and municipal associations. Cree communities can thus get together to request funding under a single application.

According to a member for the CRA, the Crees are concerned about such things as public safety due to the drownings caused by thinning ice. The member wondered whether measures could be taken to make snowmobiling safer in the area. Mr. Gaucher explained that the first step is to identify issues within the community and then put forward measures to receive funding under the action plan.

Mr. Gaucher invited the members to read over the measures contained in the action plan and send him any questions and comments. He'll provide the English version of the updated action plan as soon as it becomes available.

6. PLANNING OF CLIMATE CHANGE ACTION (2ND PHASE)

A member for the CRA recently witnessed the Cree communities' strong interest in the climate change issue, including the report produced by the JBACE in 2007. According to the member, support measures, such as advertising on community radio stations, will be needed when new copies of the report and poster on climate change are sent. Another CRA member said that support measures will require money and that finding funding must be part of Phase 2 of the JBACE's climate change action.

7. MINISTÈRE DES RESSOURCES NATURELLES ET DE LA FAUNE PROPOSAL TO THE GRAND COUNCIL OF THE CREES REGARDING THE TRANSFER OF FOREST MANAGEMENT RESPONSIBILITIES TO REGIONAL AUTHORITIES PURSUANT TO THE GREEN PAPER ON THE NEW FOREST REGIME

The Ministère des Ressources naturelles et de la Faune (MRNF) suggested to the Grand Council of the Crees that a joint working group be formed to examine the measures proposed in the Green Paper on the new forest regime in light of the ANRQC. The MRNF also proposed that the chairman of the Cree-Québec Forestry Board be responsible for setting up and coordinating the working group.

A member for the CRA noted that the JBACE was not invited to take part in the working group, so it will be a matter of monitoring developments relating to the new forest regime and deciding whether or not to get involved later on.

8. PRESENTATION BY CLAUDE PÉLOQUIN ON THE EXAMINATION OF MINERAL EXPLORATION PROJECTS FOR THE SCHEDULES 1 AND 2 REVIEW

Claude Péloquin explained the mandate he received following the JBACE's review of the lists of development projects subject to and exempt from impact assessment and review (schedules 1 and 2 of Section 22). A more thorough examination of mineral exploration projects was deemed necessary given the difficulty in deciding whether or not they should require an impact statement.

Mr. Péloquin began his presentation with an overview of mineral exploration projects in the James Bay Territory. Over 200 such projects were carried out between 2004 and 2007. The Ministère du Développement durable, de l'Environnement et des Parcs issued only 17 certificates of authorization, while the Evaluating Committee reviewed a dozen project notices. The growing number of projects can primarily be explained by the high market price for metal, tax incentives and Québec's softer regulations. Mr. Péloquin pointed out that mining is clearly regulated, but that the regulations governing mineral exploration remain somewhat ambiguous.

He stressed that mineral exploration activities can range from bulk sampling to digging ramps or pits, dewatering, stripping and blasting. A given project does not necessarily entail all of these activities, nor are these activities always carried out in a specific order. Mineral exploration can entail the use of heavy vehicles, even airplanes and helicopters, as well as the establishment of work camps.

According to Mr. Péloquin, most exploration projects have only a minor impact; however, a number of projects have a significant impact on fauna and flora. And he said that only a small fraction of exploration projects actually result in a mine opening.

Mr. Péloquin believes that the social and cultural impacts of mineral exploration need to be examined more closely, including from the perspective of land use. Given the high number of exploration projects, it is also important to consider their cumulative impacts.

After reviewing the environmental assessment procedures existing in other northern jurisdictions, Mr. Péloquin concluded that it is hard to determine an assessment threshold (amount of rock excavated, amount of explosives used, size of work camp, etc.) that ensures consideration and monitoring of project impacts. However,

establishing at least some criteria would make it easier to decide whether or not an impact statement is required for a given project.

One solution would be to create a body specifically mandated to assess mineral exploration projects. Mr. Péloquin pointed out that the absence of land use plans for James Bay makes it harder to determine the advisability of green-lighting a project. Producing maps showing sites of special interest for the Crees, for example, would make assessment easier. Consulting and informing the communities concerned on an ongoing basis would also make an overall assessment of projects and their impacts easier. In addition, workers on project sites must fully understand the reality of the territory in which mineral exploration is being performed. Mr. Péloquin wonders whether the Cree Mineral Exploration Board created pursuant to the ANRQC could play a role in this regard.

Lastly, the question of mineral exploration and mining is related to that of inactive mine sites. The recent dike failure at a tailings pond near Chapais underscores the importance of beginning with a portrait of all inactive mine sites in the Territory. A member for the CRA said she could provide Mr. Péloquin with data in this regard.

9. CREATION OF A WORKING GROUP TO OVERSEE THE PREPARATION OF STUDIES ON MINERAL EXPLORATION, DECONTAMINATION INVOLVING INORGANIC CONTAMINANTS AND POWER TRANSMISSION LINES

The members agreed that the working group that oversaw the review of schedules 1 and 2 of Section 22 will do the same for the sectoral studies on mineral exploration, decontamination involving inorganic contaminants and power transmission lines. The Québec members will decide who will represent their party on the working group. Claude Péloquin will send his working document to the group soon.

10. OTHER BUSINESS

a. Clarifications regarding the Administrative Committee's mandate

A member for Canada asked for clarifications regarding the mandate of the JBACE's Administrative Committee. The secretary will send the member the mandate adopted by the JBACE in 2002. A member for the CRA explained that the Administrative Committee has ensured greater continuity in the JBACE's operations, which was not the case prior to the rotating chairmanship.

b. Information regarding government projects that impact the environmental and social protection regime

A member for Canada wondered how the secretary keeps an eye out for government projects that will have an impact on the environmental and social protection regime. The member suggested establishing a mechanism that would ensure members are informed rapidly so that decisions can be made in a timely manner. A CRA member cited the example of the government's 'Plan North' to ensure economic development of Québec's northern regions and Bill 92 protecting and making water resources a collective resource.

11. NEXT MEETING

The JBACE will hold its next meeting on December 1, 2008, in Québec City.



Marc Jetten

Executive Secretary

January 22, 2009