



## **MINUTES OF THE 156th MEETING OF THE JAMES BAY ADVISORY COMMITTEE ON THE ENVIRONMENT**

*(Adopted)*

**DATE:** October 28, 2008

**MEANS:** Conference call

**PRESENT:** Josée Brazeau, Québec  
Annie Déziel, Canada  
Ashley Iserhoff, CRA, Chairman  
Ginette Lajoie, CRA  
Maryse Lemire, Canada, Vice-Chairwoman  
Chantal Otter Tétreault, CRA  
Sarah Szirtes, Canada

Marc Jetten, Executive Secretary  
Claude Péloquin, Environmental Analyst

**ABSENT:** Glen Cooper, CRA  
Joanne Laberge, Québec  
Pierre Moses, Québec

### **Adoption of the agenda**

The members adopted the agenda, which included just one item for discussion:

- Request from the Cree Regional Authority (CRA) regarding application of the assessment and review procedure provided for in Section 22 of the JBNQA to a forest road Les Chantiers Chibougamau Ltée plans to build in forest management unit 26-64

**Request from the Cree Regional Authority (CRA) regarding application of the assessment and review procedure provided for in Section 22 of the JBNQA to**

**a forest road Les Chantiers Chibougamau Ltée plans to build in forest management unit 26-64**

A CRA member reminded everyone that at the September 18 meeting in Mistissini, Isaac Voyageur, Natural Resources Coordinator for the CRA, told the JBACE members about Les Chantiers Chibougamau's plans to build a forest road in the area of Oujé-Bougoumou. The members agreed at that meeting to wait until they had read the project information before deciding how to handle the CRA's request that the planned road be subject to the assessment and review procedure.

The same member also pointed out that the status of forest roads with regard to the assessment and review procedure has been a concern of the JBACE's since the mid-1990s, when the Committee prepared a brief recommending that major access roads built for extraction of forest products be subject to impact assessment, in accordance with Schedule 1 of Section 22 of the James Bay and Northern Québec Agreement (JBNQA). All other forest roads would be considered grey-zone projects. The Evaluating Committee (COMEV) is responsible for recommending to the administrator of the procedure whether or not such projects should be subject to impact assessment.

In light of the above, the CRA member is astonished that the Ministère du Développement durable, de l'Environnement et des Parcs decided to exempt the planned forest road from the procedure. At the very least, the JBACE should ask the Provincial Administrator for an explanation.

According to a member for Québec, Chapter II of the *Environment Quality Act*, which gives effect to Section 22 of the JBNQA, makes similar provisions. Projects not included in either Schedule 1 (subject) or 2 (exempt) of the JBNQA fall into the grey zone.

A member for Canada asked if proposed forest roads are exempt as components of forest management plans included in Schedule 2. According to a CRA member, back in 1975, major forest roads were included in the list of developments subject to assessment because they have a major social impact, notably by providing greater access to the territory. Even though roads are provided for in forest management plans, the plans make no mention of the roads' environmental and social impacts. Therefore, it would not be advisable to exempt them as components of forest plans.

A member for the CRA pointed out that the purpose of the JBNQA is to protect the Crees' hunting, fishing and trapping rights. That requires consulting Aboriginal communities on development projects. The member feels that it goes against the spirit of the JBNQA when proponents circumvent the established mechanisms.

The members agreed to write to the provincial administrator to ask her to explain the decision to exempt the planned forest road. The JBACE's letter would remind the administrator that projects not included in either schedule to Section 22 are considered

grey-zone projects and it is up to COMEV to recommend whether or not the project should be subject to assessment. A member for the CRA cited the example of a planned forest road that was submitted to impact assessment in the last few years following COMEV's recommendation.

A member for Canada feels that the JBACE could highlight the inconsistent interpretation whereby, on the one hand, forest roads could be subject to impact assessment under Schedule 1 and, on the other, be exempt as components of forest management plans under Schedule 2. Interpretation of the legislation cannot pit two provisions of Section 22 against each other.

A CRA member asked if a permit is required for forest roads under federal laws and regulations. A member for Canada explained that the *Fisheries Act* prohibits the degradation, destruction or disturbance of fish habitat. Where such loss is foreseen, for example as a result of a stream crossing, the department may authorize a project with conditions.

According to a member for the CRA, the JBACE should give greater attention to planned forest roads when reviewing general forest management plans (GFMP). This aspect was not examined during the review of GFMPs submitted in 2007, even though the plans provide for construction of more than 3000 km of roads. The member hopes that when the changes to GFMPs expected in 2008 are studied, the process will result in a better grasp of the extent of forestry activities in the region.



**Marc Jetten**

**Executive Secretary**

**January 22, 2009**