



MINUTES OF THE 157TH MEETING OF THE JAMES BAY ADVISORY COMMITTEE ON THE ENVIRONMENT

(Adopted)

DATE: January 15, 2009

PLACE: Salle Marcel-Lortie, 1141, Route de l'Église, Québec

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

Marc Jetten, Executive Secretary
Claude Péloquin, Environmental Analyst

ABSENT: Pierre Moses, Québec

GUESTS: Johanne Cyr, Ministère des Ressources naturelles et de la Faune
(MRNF)
Louis Marcoux, MRNF
Raymond Chabot, Environment Canada
Alan Penn, Cree Regional Authority (by telephone)

OBSERVER: Jean Picard, Environment Canada

Call to order and adoption of the agenda

The Vice-Chairperson welcomed the members. Jean Picard was allowed to attend the meeting as an observer, since he will soon be appointed to the JBACE by the Government of Canada.

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

1. Presentation by Louis Marcoux and Joanne Cyr of the MRNF on mine tailings sites and monitoring of the dike failure at the Opemiska Mine
2. Adoption of the minutes of the 155th meeting (September 18) and the 156th meeting (October 28)
3. Progress update
 - a. Status of protected areas in the James Bay Territory
 - b. Letter on water quality monitoring downstream from the dike failure at the former Opemiska Mine
 - c. Update on the analysis of general forest management plans (GFMPs) revised in 2008
 - d. Proposed forest road near Oujé-Bougoumou
 - e. Green Paper on the new forest regime
 - f. Revision of Schedules 1 and 2 of Section 22
 - i. Recommendations by the JBACE
 - ii. Sector study on mining exploration
 - g. Meeting with members of the Kativik Environmental Advisory Committee on the Northern Plan
 - h. Vacant seats on the JBACE
 - i. Discussions on the amount of the JBACE grant
 - j. Subcommittee on the strategic orientations update
4. Presentation by Raymond Chabot (Environment Canada) on environmental effects monitoring (EEM) for James Bay mines
5. Adoption of the proposed budget for 2009-2010
6. Executive Secretary's salary review for 2008-2009
7. Guidelines for the life-cycle analysis of residual materials management scenarios
8. Follow-up in the JBACE report on climate change
9. Other business
 - a. Access to the members' page of the JBACE website

- b. Proposed presentation on the court's decision on environmental assessment for the proposed vanadium mine
 - c. Minutes of Evaluating Committee (COMEV) meetings
10. Next meeting

1. PRESENTATION BY LOUIS MARCOUX AND JOANNE CYR OF THE MRNF ON MINE TAILINGS SITES AND MONITORING OF THE DIKE FAILURE AT THE OPEMISKA MINE

At the request of the JBACE, the Ministère des Ressources naturelles et de la Faune (MRNF) designated Louis Marcoux and Joanne Cyr to present the monitoring measures for the dike failure at the Opemiska tailings site as well as a portrait of the contaminated mining sites in the James Bay Territory. Mr. Marcoux told the Committee that the Opemiska Mine began operating in 1950 and gave rise to the City of Chapais. During 40 years of operation, the mine tailings were put in six accumulation areas; all have since undergone revegetation, except the Springer tailings pond. In 2002, the MRNF released the mining company Inmet from its obligations because the tailings were deemed neutral and stable.

In May and June 2008, heavy rainfall caused a significant increase in the water level in the pond. Moreover, it appears that a beaver dam had blocked the main outflow. On June 23, a dike burst, and a million cubic metres of water containing about 50,000 m³ of fine residues spilled into Slam Creek, washing away a section of Highway 113. The MRNF took emergency measures to construct three temporary dikes that would contain the remaining fine particles and to reopen Highway 113 connecting Chibougamau and Val-d'Or.

In co-operation with the Regional Board of Health and Social Services, the MRNF monitored the impacts of the incident on human health. At the same time, the Ministère du Développement durable, de l'Environnement et des Parcs (MDDEP) collaborated on the environmental impact monitoring. Water samples from Slam Creek, as well as from the Obatogamau and Waswanipi rivers, were taken every day, up to 100 km downstream from the spill. The samples taken two days after the incident contained concentrations of suspended matter, iron, copper and zinc that exceeded the thresholds in Directive 019 for the mining industry. The samples taken five days after the spill, however, complied with the thresholds in the Directive.

The MRNF plans to complete the restoration at the tailings pond by 2010; the work includes recovering mine tailings, diverting the water outside the pond and constructing a permanent weir. Since there will no longer be a tailings pond, reconstruction of the dike will not be required, which will considerably reduce the maintenance requirements and the risk of a discharge of the residues. As for Slam Creek, the MRNF intends to recover the remaining tailings and to restore the banks. A water-quality monitoring program will be put in place starting in the spring of 2009.

Question and comments on the Opemiska monitoring

A CRA member said that Waswanipi trappers had reported the discovery of dead fish in the drainage basin. The member asked whether the MRNF had consulted the trappers to obtain more information on the environmental impacts and to respond to their concerns. According to Louis Marcoux, the MRNF studies have not shown high fish mortality, although the sudden increase in flow and the high content of metals may have killed the fish. The situation corrected itself a few days after the spill, however.

The MRNF worked in co-operation with personnel from the Cree Regional Authority and the Cree Nation of Waswanipi, but not directly with the trappers. Mr. Marcoux also did a presentation to the General Assembly of the Cree Nation of Waswanipi. The MRNF will supervise other monitoring studies, particularly on water quality. The reports are sent to the CRA, but are occasionally delayed because they must be translated.

Portrait of the mine tailings sites in the territory

Louis Marcoux presented the mining activities in the James Bay Territory by first describing the mines in the Chibougamau area, namely Copper Rand, Principale and Joe Mann. The first two are now closed and left large tailings sites. The sites have not yet been restored, even though the companies concerned are responsible for them under the Mining Act. A little farther south is the Joe Mann mine, which is also closed. In the 1950s, mercury amalgamation was used there to recover gold, and the effluent went into the Neminjiche River; this watercourse is being monitored to check the mercury content.

The Troilus mine, not far from Mistissini, began operating in 1995. This mine is subject to the new legislative provisions calling for site restoration in the event of closure. Since the Troilus mine will have to close in 2010, restoration work is already in progress. In addition, the G. Langlois mine, in the Lebel-sur-Quévillon area, recently closed because of unfavourable economic conditions. In accordance with the original design, the owners neutralized the mine tailings by flooding to prevent acid mine drainage. This process is new in the James Bay Territory. Lastly, the Persévérance mine, near Matagami, began operating at the end of 2008. Mr. Marcoux completed the portrait by stating that a large number of James Bay mining sites involved exploration, especially in the Otish Mountains area.

Johanne Cyr presented the Québec government's policies on mining site restoration. The government has set up a major characterization and restoration program for contaminated mining sites, with a budget of \$263 million. The MRNF must complete the inventory of contaminated sites by March 2010. Thereafter, characterization and restoration work will have to be completed by 2017.

Québec appears to have 45 contaminated mining sites that are the government's responsibility; Ms. Cyr said that certain sites had several tailings accumulation areas. This number does not include exploration sites.

Questions and comments on mining sites

The JBACE Analyst asked how the MRNF planned to co-ordinate its inventory of mining sites with that of the MDDEP. Apparently, the MDDEP's directory has 59 sites. Johanne Cyr explained that the MDDEP handles the inventory of abandoned sites that are its responsibility under the Environment Quality Act. With respect to companies, the MDDEP monitors water and soil quality according to the established standards, including Directive 019. The MRNF, for its part, takes responsibility for mining sites that have been abandoned, relinquished by a company or released. The MRNF's mining site restoration unit has an inventory of the mining sites under MRNF responsibility, but the inventory does not include the relevant MDDEP sites. Moreover, the MRNF is responsible for the application of the Mining Act, in particular restoration of mining sites.

Johanne Cyr explained that the failure of the Opemiska dike was an incident that had given the MRNF the opportunity to review and improve its mining site supervision. A program to inspect all sites will begin in the spring, and the MRNF will establish monitoring measures as a function of the risks of each site. A CRA member said it would be relevant for the JBACE to ask for copies of the site inspection reports. In addition, she asked whether the company sites would be subject to equivalent monitoring. Johanne Cyr said it was the MDDEP that supervised these sites under Directive 019 on the mining industry.

According to a CRA member, the Crees would like to be involved in the mining site restoration projects. He asked whether agreements, such as the one for the Troilus mine, would ensure involvement by the Crees. Another CRA member explained that the agreement between Troilus and the Cree Nation of Mistissini pertained to jobs and contracts reserved for the Crees during mine operations; however, Cree involvement in site restoration is also possible. Similar agreements will be concluded for the Bachelor and Éléonore mining projects.

A Québec member asked who was responsible for decontaminating the former radar station site at Pointe Louis XIV. The site is within the boundaries of the proposed protected area of Pointe Louis XIV-Lac Burton-Rivière Roggan. According to Ms. Cyr, this former military site appears to be the responsibility of the Government of Canada, but this matter will have to be checked. A CRA member said that the site had been relinquished to the Québec government in the 1980s. For the time being, the contaminated site at Pointe Louis XIV is not in the MRNF inventory because it is not a mining site. Moreover, Pointe Louis XIV is not in the inventory of contaminated sites published by the MDDEP. A CRA member said it was a major site; she would like the parties to carry out its decontamination.

A CRA member asked how many years it takes before a closed mine becomes the responsibility of the MRNF. Louis Marcoux pointed out that the current Mining Act obliges companies to restore sites after a mine closes. The role of the MRNF is to ensure the compliance of the work. In certain cases, the concentrator is kept if it can be used to process ore from a nearby site.

2. ADOPTION OF THE MINUTES OF THE 155TH MEETING (SEPTEMBER 18) AND THE 156TH MEETING (OCTOBER 28)

On a motion by Chantal Otter Tétreault, seconded by Josée Brazeau, the minutes of the 155th and 156th meetings of the JBACE were adopted as amended.

3. PROGRESS UPDATE

a. Status of protected areas in the James Bay Territory

A Québec member explained that proposals for protected areas of significant size had been submitted for James Bay in recent years. The MDDEP is continuing its consultations with the Crees regarding these projects. Still, new projects that are expected to be announced in February 2009 will be smaller in scope. For the time being, no announcement is planned regarding the important Assinica Park project.

In April 2008, the JBACE had recommended creation of the proposed Waswanipi Lake aquatic reserve, which the Minister of Sustainable Development, Environment and Parks has not acted on. A CRA member asked whether the work on Assinica Park involved blocking the proposed Waswanipi Lake protected area, which is in the same area.

A Québec member suggested holding a meeting with officials from the MDDEP's ecological heritage unit, in order to be better informed about the progress of the proposed protected areas. The members of the JBACE agreed to write to the Minister again to suggest a meeting to discuss proposed protected areas, among other things.

b. Letter on water quality monitoring downstream from the dike failure at the former Opemiska Mine

The JBACE will respond to the letter from the Associate Deputy Minister of Mines at the MRNF to thank him for the presentation today and to ask for a copy of the available information on contaminated mining sites and the Opemiska dike incident.

c. Update on the analysis of general forest management plans (GFMPs) revised in 2008

The MRNF's Director General for Nord-du-Québec has responded negatively to the JBACE's request regarding the GFMP compliance analyses done by his department. According to the JBACE Analyst, for the latest revised GFMPs sent to the Secretariat,

the MRNF has provided partial compliance analyses; they deal only with chapter 3 on aboriginal communities. But the other chapters of the GFMPs are also relevant for the JBACE.

The members agreed to write to the MRNF to insist on the importance of providing complete compliance analyses. Moreover, the members will argue that the 90-day period provided for the JBACE review of the GFMPs does not take effect until complete documentation is sent by the MRNF. Otherwise, the JBACE may comment on GFMPs that could later be modified to take into account the MRNF's compliance analysis.

Moreover, the JBACE will inform the MRNF that it intends to submit only one review report for all the revised GFMPs for the James Bay Territory. Since only 11 of the 15 revised GFMPs have been sent to date, the JBACE report will cover these plans.

In his letter, the Regional Director for Nord-du-Québec proposed a meeting to ensure better co-ordination of the initiatives of the JBACE and the MRNF regarding GFMP analysis. A CRA member believes that such meeting would be relevant at the end of the current process of revised GFMP analysis. It would make it possible to hold discussions with the MRNF to ensure better co-operation during the consultation on the GFMPs for the period from 2013 to 2018. She believes, for example, that the MRNF could provide the summary maps of forest operations that the JBACE now pays for itself.

A CRA member asked whether the JBACE's work had proved to be effective regarding the GFMPs submitted in the fall of 2007. The Executive Secretary said positive comments had been received from the Minister of Natural Resources and Wildlife as well as the Cree-Québec Forestry Board (CQFB). A CRA member pointed out that the JBACE's recommendations diverged from those of the CQFB for five of the 15 GFMPs covering the territory. Whereas the JBACE deemed these five GFMPs unacceptable, the CQFB thought they were acceptable to the extent that the process for involving the Crees would be completed at the stage of the annual management plan.

According to a CRA member, the JBACE made a significant improvement during the current analysis of the revised GFMPs by ordering summary maps of forest operations. The maps will make it possible to develop a more comprehensive view, rather than examining the GFMPs one by one.

d. Proposed forest road near Oujé-Bougoumou

The members from the CRA wrote to the Deputy Minister of the MDDEP, who acts as the Provincial Administrator, to ask that the forest road proposed by Les Chantiers Chibougamau be subject to the environmental assessment procedure under Section 22. The Deputy Minister maintained her position that forest roads

that are less than 25 km long and used for less than 15 years are exempt from the process, since they are components of general forest management plans.

Shortly thereafter, the Court of Appeal ruled in favour of the application by the Grand Council of the Crees and ordered the work on the forest road to stop until a court thoroughly examines the matter in April 2009. A CRA member said that a delay in the delivery of the order meant that the road construction was still going on.

e. Green Paper on the new forest regime

Several forestry stakeholders hope that the work to revise the forest regime will be resumed by Claude Béchar, the new Minister of Natural Resources and Wildlife. A CRA member said that one of the strategic orientations of the Green Paper, namely the transfer of forest management to the regions, posed a problem for the Grand Council of the Crees (GCC). She asked the members to familiarize themselves with the brief submitted by the GCC to the parliamentary committee examining the MRNF document *The Occupation of Forest Land in Québec and the Constitution of Forest Management Corporations (Les sociétés d'aménagement forestier et l'occupation du territoire)*.

f. Revision of Schedules 1 and 2 of Section 22

i) Recommendations by the JBACE

According to a CRA member, the Grand Chief of the Crees has stated that he intends to discuss implementation of the JBACE's recommendations with the representatives from Canada and Québec. The JBACE should receive a letter to that effect in the near future.

A Canada member has asked the officials responsible for this matter at the Government of Canada how they intend to give effect to the JBACE's recommendations. She has not yet received an answer.

ii) Sector study on mining exploration

In the report setting out its recommendations, the JBACE said that a sector study was necessary to more effectively identify the issues associated with mining exploration, which remains a "grey zone" project, namely one of the projects that are not covered by the lists in the schedules to Section 22. For example, the JBACE would like to study these projects in greater depth because of their extensive impacts as well as the issues arising from the fragmentation

of mining projects into subprojects and resumption of former exemption certificates for new projects.

In September 2008, the JBACE Analyst submitted a working paper on this matter. The members of the working group on revision of the schedules are to provide their comments on this document.

g. Meeting with members of the Kativik Environmental Advisory Committee (KEAC) on the Northern Plan

Members from the KEAC wanted to meet with the JBACE working group on the revision of Schedules 1 and 2 to obtain more information on the initiatives that led to the development of recommendations for revision of the project lists. The meeting, which took place this morning, gave rise to very positive discussions.

Regarding Schedules 1 and 2, the JBACE delegation pointed out the importance of having taken the initiative to ensure the three parties supported the revision. This initial consensus enabled the JBACE to conduct its analysis, and then to develop and submit its recommendations regarding the update of the lists. At present, the KEAC would also like to submit recommendations that would make it possible to update Section 23 of the JBNQA.

The delegations from the KEAC and the JBACE discussed another subject of common interest, namely the Northern Plan for economic development of Québec's northerly regions. The two committees agreed on the importance of being consulted about the plan announced by the Government of Québec in the fall of 2008. The members present from the JBACE and the KEAC believe it is important that the project impacts be considered on the basis of a strategic environmental assessment (SEA) of the Northern Plan. The two committees could eventually collaborate on developing an SEA approach that would be submitted to the Québec government for the purposes of the Northern Plan. The joint hiring of an SEA expert could be relevant at that stage. It is important to note that the JBACE and the KEAC are interested in preparing the framework of the strategic environmental assessment; implementing the assessment would be the responsibility of the Québec government.

The Executive Secretary will prepare a draft letter for the Premier of Québec regarding this matter. The KEAC undertook to do likewise.

h. Vacant seats on the JBACE

Jean Picard of Environment Canada expects to be appointed to the JBACE in the near future by the federal Environment Minister. This appointment would fill the vacant position for members from Canada.

As for the members from Québec, Joanne Laberge has recently taken up a position at Transports Québec but she plans to continue her involvement with the JBACE. Her department is interested in such matters as the impact of climate change on road infrastructure in northern regions.

There have been no developments regarding the vacant position for a member from Québec. The JBACE will point this out in the letter to the Minister of Sustainable Development, Environment and Parks.

i. Discussions on the amount of the JBACE grant

The Chairman and the Administrative Committee of the JBACE held a telephone conference with the representatives of the Canadian Environmental Assessment Agency (CEAA) and the Ministère du Développement durable, de l'Environnement et des Parcs (MDDEP) on October 30, 2008. The purpose of the meeting was to re-establish the JBACE's financing and, within a few years, determine an increase in the grant to meet the needs arising from the performance of its mandate. The representatives of the CEAA and the MDDEP planned to provide a response regarding the 2008-2009 grant by the end of December. Since that was not done, the JBACE will send a reminder to both bodies.

A CRA member pointed out that the JBACE's financial needs had increased significantly in recent years with the hiring of an analyst, the review of general forest management plans and the CIRAIIG contract to analyze the life cycle of options for the management of residual materials. Taking into account the resources required for the JBACE's mandate, she proposed writing to the governments of Canada and Québec and to the Cree Regional Authority to ask them to begin discussions regarding the amount of the JBACE's grant. The members agreed.

From the practical standpoint, a CRA member said that her organization could pay its portion of the grant (25%) directly to the JBACE. At present, the CRA gives its portion to the MDDEP, which includes the contribution of the Government of Canada before paying the grant to the JBACE, usually with a delay of several months.

j. Subcommittee on the strategic orientations update

To initiate work on the update of the Strategic Plan, the members will examine which policies, laws or regulations will be proposed by their departments or bodies in the years to come. A subcommittee could then determine which of these projects should be retained when the JBACE does its strategic planning for the next three years.

4. PRESENTATION BY RAYMOND CHABOT (ENVIRONMENT CANADA) ON ENVIRONMENTAL EFFECTS MONITORING (EEM) FOR JAMES BAY MINES

Raymond Chabot, of Environment Canada, presented the EEM program associated with the Metal Mining Effluent Regulations (MMER) adopted by the Government of Canada in 2002. Its purpose is to monitor the impact of mining effluent on the aquatic receiving environment. Depending on the scope of the effects observed, the mines have to prepare EEM reports on cycles of two to six years. In the James Bay Territory, five mines are covered by the program: Copper Rand, Principale, Joe Mann, Troilus and Matagami (Allard River). Even though some of these mines are closed, Environment Canada continues, on certain conditions, to assess the effluent from the mine tailings sites still in place.

Environment Canada has completed the analysis of the EEM reports submitted by the five mines in 2006. The mines are now working on the EEM reports for the second phase in order to submit them by June 2009.

The EEM report must contain measures on fish health, invertebrate communities, the sublethal toxicity of the effluent and water quality. The last component involves measuring concentrations of certain metals and suspended matter. Mr. Chabot said that, in this respect, all the James Bay mines were compliant in terms of mercury effluent.

As for monitoring the impacts on fish, emphasis is placed on small benthic fish for sampling purposes. The fish taken in the exposure zone (downstream from the mine) are compared with those taken in the reference zone (upstream). These analyses concern, for example, specimen age, weight and size of liver and gonads. To monitor the mercury levels in predatory fish, northern pike have been harvested. For the study of benthic communities, the measures concern their abundance, richness and diversity upstream and downstream from the site.

Raymond Chabot briefly presented the EEM results for each mine. This overview highlighted the significant variability of the results, which is due to such factors as the sampling techniques used and the scarcity of fish species depending on the site.

For example, the indicators for the Troilus mine demonstrated low toxicity, but the biological studies proved to be inconclusive because the fish sample was too small.

Questions and comments

A CRA member asked whether the EEM examines the mines' impacts on the human population. Mr. Chabot explained that studies focus instead on the impacts on fish and aquatic habitats.

Alan Penn asked about the extent to which the mines can meet the many EEM requirements. In fact, the results obtained depend a great deal on the mine site. He suggested instead that specific thresholds be developed for each site instead of applying generic thresholds to all the mines.

Mr. Penn also pointed out that the companies must comply with the EEM under the supervision of Environment Canada and also with Directive 019 applied by the MDDEP. Although these measures have been harmonized by the governments of Canada and Québec, complying with them requires two separate procedures that can be cumbersome for the companies affected.

Lastly, Mr. Penn is not certain that the time periods required to obtain results on the effects of the mines make it possible to take corrective measures in a timely fashion. The successive study phases can extend over five to 10 years, which in certain cases corresponds to the duration of a mine's operations. Therefore, when an undesirable impact is identified, the mine may already be closed or may not have enough time to improve its performance.

The Executive Secretary of the JBACE asked whether non-compliance with the EEM requirements simply involves additional studies or whether fines may apply. In this regard, Mr. Chabot pointed out that the application of the EEM was recent in the mining sector. He cited the example of the pulp and paper sector; after three complete study cycles, companies adopted a guide of good practice to take the means to reduce the phosphorus in their effluent significantly. In the case of mines with significant impacts, Environment Canada could have the observed problems corrected, but several EEM cycles will have to be completed.

5. ADOPTION OF THE PROPOSED BUDGET FOR 2009-2010

The adoption of the proposed budget was deferred so that the Executive Secretary can check the amounts provided for salary costs. After examining the revised budget proposal, the Administrative Committee could recommend that it be adopted during a JBACE teleconference.

6. EXECUTIVE SECRETARY'S SALARY REVIEW FOR 2008-2009

The members discussed the performance and salary review for the Executive Secretary. The following resolution was made:

JBACE resolution no. 2009-01-15-01 concerning the Executive Secretary's salary review for 2008-2009 and 2009-2010

- **WHEREAS** the Administrative Committee of the JBACE has evaluated the performance of the Executive Secretary for 2007-2008 and 2008-2009;
- **WHEREAS** the JBACE has resolved to review the Executive Secretary's salary as a function of a performance bonus of 0% to 4% and a percentage corresponding to the increase in the cost of living;

On a motion by Glen Cooper, seconded by Annie Déziel:

IT IS UNANIMOUSLY RESOLVED to approve the salary review of the Executive Secretary, Marc Jetten, applicable to fiscal 2008-2009.

IT IS UNANIMOUSLY RESOLVED to approve the salary review of the Executive Secretary, applicable to fiscal 2009-2010.

7. GUIDELINES FOR THE LIFE-CYCLE ANALYSIS OF RESIDUAL MATERIALS MANAGEMENT

Geneviève Martineau and Julie-Anne Chayer of the CIRAIG had presented the results of their preliminary life-cycle analysis (LCA) to the working group on integrated residual materials management on December 8, 2008. On the basis of the preliminary results, they recommended that the management scenarios involving burning in trench landfills not be retained at the detailed-analysis stage. According to the CIRAIG, the potential impacts of burning on human health would be far more significant than landfill without burning or incineration, which would make comparisons difficult.

A CRA member pointed out that the JBACE had asked the CIRAIG to do an LCA for various residual materials management scenarios to create a decision-aid tool for the Cree communities. According to her, the assessment of burning in trench landfills creates a problem because there are no data on impacts in the James Bay

Territory. The JBACE Analyst said these impacts involved mainly emanations of dioxins and furans.

The members agreed to retain the CIRAIG recommendation, with the result that the two management scenarios involving burning in trench landfills would be withdrawn for the purposes of the detailed life-cycle analysis. The analysis would therefore include operation of a trench landfill with or without sorting at source as well as incineration with or without sorting at source.

8. FOLLOW-UP ON THE JBACE REPORT ON CLIMATE CHANGE

According to a CRA member, the JBACE can ensure this matter progresses by formulating a clear proposal in relation to the local communities and by obtaining funding. Since the Committee's resources are allocated to other matters for the time being, she believes it is preferable to put the matter of climate change on hold.

9. OTHER BUSINESS

a. Access to the members page of the JBACE website

The Executive Secretary will ask the webmaster about an additional security measure regarding access to the members-only page of the website.

b. Proposed presentation on the court's decision on environmental assessment for the proposed vanadium mine

In April 2008, the Québec Court of Appeal rendered its decision on application of the procedure under the Canadian Environmental Assessment Act (CEAA) to a proposed vanadium mine in the territory covered by the James Bay Agreement. The effect of the decision is to render the CEAA review procedure inapplicable in the territory. According to the court, in place of this procedure, the federal review process under Section 22 of the Agreement is to apply. The Québec government is appealing this decision.

According to a CRA member, the members of the JBACE must fully understand the impact of this ruling on the assessment and review procedure under Section 22 of the Agreement. She suggested that a lawyer for the Grand Council of the Crees make a presentation to the JBACE on this matter. If the members of the other parties so wish, they could also invite a lawyer to present their viewpoint.

According to a Canada member, the arguments presented to the Court are less important than the ruling's impact on decisions that will be made on a daily basis at government agencies and departments. That is why she suggested a brief presentation on the Court of Appeal's ruling, and then a discussion between the members to assess the consequences on the application of the assessment and review procedure under Section 22. Each party would be free to invite a resource person to facilitate an understanding of the ruling and its impact.

c. Minutes of Evaluating Committee (COMEV) meetings

In the near future, the Executive Secretary of COMEV will transmit the minutes adopted by this Committee since 2005. He will do likewise for the meetings of the provincial Review Committee (COMEX). Both committees have agreed that their minutes can be posted on the JBACE website.

10. NEXT MEETING

The next meeting of the JBACE will take place in Gatineau on April 1, 2009.



Marc Jetten

Executive Secretary

May 1, 2009