



MINUTES OF THE 164th MEETING OF THE JAMES BAY ADVISORY COMMITTEE ON THE ENVIRONMENT

(Adopted)

DATE: June 17, 2010

PLACE: Salle 4B, Édifice Marie-Guyart, Québec City

PRESENT: Serge Alain, Québec
Josée Brazeau, Québec, Vice-Chairperson
Annie Déziel, Canada
Ginette Lajoie, Cree Regional Authority (CRA)
Maryse Lemire, Canada, Chairperson
Chantal Otter Tétreault, CRA
Jean Picard, Canada
Louis Lesage, ex-officio member, HFTCC

Geneviève Dionne, Environmental Analyst
Marc Jetten, Executive Secretary

ABSENT: Glen Cooper, CRA
Ashley Iserhoff, CRA
Pierre Moses, Québec
James Yantha, Canada

**Representatives of the Ministère du Développement durable, de
l'Environnement et des Parcs (for Item 8):**

Madeleine Paulin, Deputy Minister
Jacques Dupont, Assistant Deputy Minister of Water Expertise,
Analysis and Environmental Assessment
Léopold Gaudreau, Assistant Deputy Minister of Sustainable
Development
Marie-Josée Lizotte, Director, Environmental Assessment
Robert Joly, Head, Service des projets industriels et en milieu nordique

Call to order and adoption of the agenda

The Chairperson welcomed the members and invited them to adopt the agenda.

On motion by Annie Déziel, seconded by Josée Brazeau, the agenda was adopted as amended.

1. ADOPTION OF THE MINUTES OF THE 163RD MEETING (APRIL 21-22, 2010)

On motion by Jean Picard, seconded by Chantal Otter Tétreault, the minutes of the 163rd meeting of the JBACE were adopted as amended.

2. ADMINISTRATION

a. Adoption of the 2009-2010 financial statements

The executive secretary presented the JBACE's financial statements.

On motion by Serge Alain, seconded by Ginette Lajoie, the financial statements of the JBACE for the year ended March 31, 2010 were unanimously adopted.

The members agreed that the financial statements for fiscal year 2010-2011 will include a "notice to reader."

b. Pay revision of the secretariat officer

The JBACE approved the Administrative Committee's recommended pay revision for the secretariat officer for fiscal year 2010-2011. Since the secretariat officer shares her time between the JBACE and the Hunting, Fishing and Trapping Coordinating Committee (HFTCC), the latter plans on adopting the same recommendation.

With a view to the next salary review for the secretariat officer, the JBACE is recommending that the JBACE's and HFTCC's administrative committees hold a joint meeting in fall 2010 to better coordinate their salary review procedures.

c. Pay revision of the executive secretary

The JBACE approved the Administrative Committee's recommended pay revision for the executive secretary for fiscal year 2010-2011.

d. Budget scenario for 2009-2014

The Administrative Committee presented a budget scenario based on the assumption that the amount of funding granted to the JBACE will remain at the current level. Under that scenario, the JBACE would be able to renew the analyst's contract for two more years. However, it would not be able to fulfil its mandate to study forest management plans and changes thereto. Moreover, a number of expenditure items would be reduced.

To avoid this scenario, the JBACE will continue making representations to the funding parties in order to have the amount of its annual grant raised.

e. Analyst position to be filled

Geneviève Dionne will be leaving her position as environmental analyst for the JBACE as of July 23. The members formed a selection committee to interview a limited number of potential candidates to fill the position as of September.

The members thanked Ms. Dionne for her contribution to the JBACE and wished her every success in the new challenges that await her.

3. WORK OF THE SUSTAINABLE DEVELOPMENT DISCUSSION TABLE FOR THE NORTHERN PLAN

A JBACE member had the opportunity to attend, as an observer, the first meeting of the Sustainable Development Discussion Table for the Northern Plan (Groupe de concertation sur le développement durable du Plan Nord). Although the Table's mandate has not yet been fully defined, it apparently addresses sustainable development from a project standpoint. Since the JBACE wants to address the Northern Plan itself and not related projects, it would not be appropriate to participate in the Discussion Table as a member.

However, the JBACE will inform the associate deputy minister responsible for the Northern Plan (MRNF) that it wishes to continue participating in the Discussion Table as an observer in order to stay abreast of the progress of work. Furthermore, the JBACE would be happy to present its mandate and its proposal regarding strategic environmental assessment to the Discussion Table and other authorities for the Northern Plan, notably the interdepartmental committee, the Partners' Discussion Table, and the working group on transportation (and access to the territory).

4. DRAFT OPINION ON THE AMENDED GENERAL FOREST MANAGEMENT PLAN (GFMP) FOR UNIT 26-64

The JBACE informed the MRNF that it would send its comments on the amended GFMP for unit 26-64 once the secretariat has received all of the sections to which changes have been made. Given the delay in transmission of these sections, the members agreed to comment on the analysis report prepared by Groupe Conseil Nutshimit to enable it to finalize the report.

In its opinion on the GFMP, the JBACE will inform the MRNF of the problems created by the piecemeal transmission of the amended sections of the GFMP for unit 26-64.

5. PROPOSED FEDERAL SUSTAINABLE DEVELOPMENT STRATEGY

The analyst will prepare a short draft opinion on the Federal Sustainable Development Strategy. The JBACE opinion will underline the importance of the social component, in particular the guiding principles of the JBNQA environmental and social protection regime.

6. INFORMATION REGARDING THE COURT DECISION ON ENVIRONMENTAL ASSESSMENT OF THE VANADIUM MINE

The members discussed the Supreme Court of Canada decision on environmental assessment of the proposed vanadium mine in the James Bay territory. The decision amends the order of the Court of Appeal “to provide that if the mine project is approved pursuant to the Agreement, the proponent may not proceed with the work without an authorization under s. 35(2) of the *Fisheries Act*, and that the issuance of any such authorization is to comply with the [*Canadian Environmental Assessment Act*] in accordance with its procedures, as well as the Crown’s duty to consult with the Cree in relation to matters that may adversely affect their rights under the Agreement” (Québec (Attorney General) v. Moses, 2010 SCC 17, [2010] 1 S.C.R. 557).

Given the duplication of environmental assessments that might arise from this decision, the members will monitor application of the procedures and, if necessary, make recommendations to facilitate their coordination.

7. IMPACT OF FOREST ROADS ON WOODLAND CARIBOU HABITAT

Due to the potential impacts of forest roads on woodland caribou habitat, which is designated as a threatened species, the JBACE will recommend to the provincial and federal administrators that the review of planned forest roads be suspended until the maps of critical habitat for woodland caribou are submitted.

8. MEETING WITH THE DEPUTY MINISTER OF MDDEP, MADELEINE PAULIN

a. Working relations between the JBACE and MDDEP

Ms. Paulin has appointed Jacques Dupont, Assistant Deputy Minister of Water Expertise, Analysis and Environmental Assessment, as the contact person at MDDEP for communications with the JBACE.

b. Appointment of Québec members

The Québec government is expected to appoint two new members to the JBACE by this fall.

c. JBACE funding

The JBACE reiterated its budget request. Ms. Paulin explained the constraints currently faced by her department.

d. Mandate to oversee the assessment and review procedure

Mr. Dupont will look into how information on projects submitted to the Evaluating Committee (COMEV) and the Review Committee (COMEX) could be transmitted to the JBACE in a timely manner so that it can fulfil its mandate to oversee the Section 22 assessment and review procedure. Moreover, the JBACE suggested that the committees' respective secretaries meet periodically to discuss the matter.

e. Impact of forest roads on woodland caribou habitat

The JBACE plans on submitting an opinion advising the Provincial Administrator, Ms. Paulin, that forest road projects not be reviewed until the critical-habitat maps for woodland caribou have been submitted. In the JBACE's opinion, it is impossible for

proponents of forest road projects to take the habitat of this vulnerable species into account without having these maps.

Ms. Paulin will take the JBACE's opinion into consideration once it has been officially received. The MDDEP has already taken steps to sensitize the MRNF, COMEV and COMEX to the need to protect woodland caribou.

f. Protected areas

Given the planned expansion of the protected areas network to cover up to 12% of the territory, the JBACE thinks it is important to consider proposals made by Crees. The Committee pointed out that owing to Cree occupancy of the land, sites need to be protected as much for their social and cultural value as for their ecological value.

According to the assistant deputy minister of sustainable development, the process for establishing new protected areas includes vast consultations, in particular consultation of Cree communities. The MDDEP studies proposals submitted by the communities in relation to its conservation objectives with regard to representative features and biodiversity, but also takes social aspects into consideration.

g. Cape Jones (Pointe Louis XIV) contaminated site

The JBACE appealed to the federal minister of national defence, who seemed willing to contribute funding for the restoration of this former military site if the Québec government, which owns the land, makes the request. The Committee thus wonders what role the MDDEP intends to play in this matter and is counting on its collaboration in this regard. The JBACE suggested visiting the site with MDDEP officials to see first-hand the condition the site is in and the extent of contamination.

h. Review of schedules 1 and 2 of Section 22

In 2008, the JBACE transmitted its recommendations regarding the lists of development projects automatically subject to and exempt from impact assessment. The MDDEP undertook internal and interdepartmental consultations and expects to respond to the JBACE's recommendations in September 2010.

i. Public consultation guidelines

The JBACE thanked the MDDEP for its cooperation in the work relating to the public consultation guidelines.

j. Plan Nord

The JBACE recommended to the minister responsible for the Northern Plan that a strategic environmental assessment (SEA) be conducted to ascertain the cumulative impacts of projects in several sectors (energy, mines, forest, tourism, etc.). The MDDEP is in favour of and promotes the conducting of an SEA, but since there is no legal basis for it, the proponent is free to conduct one or not.

9. NEXT MEETING

The next JBACE meeting will be held on September 28 and 29, 2010, in Ottawa. The grand chief of the Crees and the federal administrator will be invited to meet with the Committee.



Marc Jetten
Executive Secretary, October 12, 2010