



## MINUTES OF THE 172nd MEETING OF THE JAMES BAY ADVISORY COMMITTEE ON THE ENVIRONMENT

*(Adopted)*

**DATE:** February 29, 2012

**PLACE:** Room at the Canadian Environmental Assessment Agency office  
1550, avenue d'Estimauville, Québec

**PRESENT:** Jean-François Coulombe, Québec  
Annie Déziel, Canada  
Denyse Gouin, Québec  
Guy Héту, Québec  
Eddy Jenniss, Canada  
Réal Lavigne, Québec  
Maryse Lemire, Canada  
Chantal Otter Tétreault, Cree Regional Authority (CRA)  
Jean Picard, Canada  
Norman Wapachee, CRA

Marc Jetten, Executive Secretary  
Graeme Morin, Environmental Analyst

**ABSENT:** Ashley Iserhoff, CRA, Chairman  
Isaac Voyageur, CRA, Vice-Chairman

**GUEST:**

***For Item 5:***

Kelly LeBlanc, Environmental Analyst, CRA

In the absence of the Chairman and Vice-Chairman, the members designated Annie Déziel to chair the meeting.

### **1. ADOPTION OF THE AGENDA**

On motion by Denyse Gouin, seconded by Maryse Lemire, the meeting agenda was adopted as amended.

### **2. ADOPTION OF THE MINUTES OF THE 171ST MEETING (NOVEMBER 29, 2011)**

On motion by Chantal Otter Tétreault, seconded by Jean Picard, the minutes of the 171st meeting of the JBACE were adopted as amended.

### **3. ADMINISTRATION**

#### ***a. Request from the president of the Canadian Environmental Assessment Agency to amend the minutes of the 170th meeting (October 12-13, 2011)***

The minutes of the October 12-13, 2011 meeting stated that the Federal Administrator (president of the Agency) had not replied to the JBACE's letter regarding environmental and social impact assessment of the Matoush uranium exploration project. However, in December the JBACE secretariat became aware of a letter of reply from the Federal Administrator dated July 25, 2011.

Since adopted minutes cannot be amended, the members agreed to insert the following supplementary information after Item 4d(i) of the minutes of the October 12-13, 2011 meeting:

*The Federal Administrator replied in July 2011, saying that the special status and involvement for the Cree people stipulated in the Agreement would be respected. The Federal Review Panel (COFEX-South) has taken steps to facilitate public access to project-related information, in particular through the Canadian Environmental Assessment Registry. The Federal Administrator will make COFEX-South's study report available to the public soon.*

#### ***b. Chair and vice-chair of the JBACE in 2012-2013***

The Québec government is in the process of appointing a chairperson to the JBACE. The members for Canada expect to appoint a vice-chairperson for the fiscal year starting April 1, 2012.

#### ***c. JBACE funding for 2012-2013***

The funding bodies are reviewing the JBACE's request for a funding increase to enable it to fully discharge its mandate in fiscal 2012-2013.

#### ***d. Adoption of the proposed amendments to the JBACE's Policy on Human Resources Management***

The Administrative Committee proposed that the Policy on Human Resources Management be amended to introduce ethical rules. A number of provisions would also be amended to reflect changes in the secretariat's management or to legislation governing maternity, paternity and parental leave.

The members asked that the policy stipulate that the executive secretary is the analyst's immediate superior. Adoption of the amended policy was deferred to the next meeting to allow time to incorporate these amendments.

***e. Review of the executive secretary's job description***

The Administrative Committee revised the executive secretary's job description to include his responsibilities relating to website management, emerging-issue surveillance and media summaries.

***f. Salary review for the executive secretary***

The members adopted the resolution regarding the pay increment for the executive secretary to take effect on April 1, 2012.

The members would like the Administrative Committee to review the Policy on Human Resources Management in this regard and, if necessary, propose amendments for the 2013-2014 fiscal year.

***g. Sharing of secretariat officer with the HFTCC***

The JBACE's Administrative Committee suggested that it meet with its counterpart for the Hunting, Fishing and Trapping Coordinating Committee (HFTCC) to discuss the conflicting provisions of the committees' human resource management policies pertaining to the employment conditions for the shared secretariat officer. The members were in favour of a meeting, but thought it would be better to wait until after the nature of the agreement on service sharing with the HFTCC is checked, since that will inform the discussions.

**4. FILE UPDATE**

***a. Work of the special task force on woodland caribou recovery and tabling of researchers' progress report***

The JBACE's analyst attended the meeting on February 15 at which the caribou researchers presented the findings of their progress report. Two days later, the task force held a conference call to discuss possible temporary measures for preserving woodland caribou habitat.

The JBACE will ask the researchers to present their final report, which they expect to submit at the end of March 2012. The final report must be submitted to the MRNF and CRA authorities before the researchers are allowed to present it to interested bodies.

***b. Comments on the National Recovery Strategy for Woodland Caribou***

The JBACE sent its brief to the federal environment minister.

***c. Proposed strategic environmental assessment of the Plan Nord***

The JBACE is waiting to hear back from the Minister of Natural Resources and Wildlife (and Minister responsible for the Northern Plan) regarding its proposal to meet to discuss strategic environmental assessment (SEA) of the Plan Nord. The secretary will contact someone about drafting a brief text arguing the merits of an SEA of the Plan Nord.

**d. Bill 14 amending the Mining Act**

The analyst will provide a brief synopsis of the amendments to Bill 14 at the hearings of the National Assembly's Committee on Agriculture, Fisheries, Energy and Natural Resources. Some of the amendments follow the recommendations made by the JBACE in November 2011. The Committee must table the bill in the National Assembly for adoption.

**e. Impact monitoring of the Opemiska tailings dike failure**

The person in charge at the MRNF plans to give a presentation to the community of Waswanipi on the impact monitoring process, in particular as regards fish habitat and restoration work.

**f. Collaboration on the ice monitoring pilot project**

The Cree Trappers' Association and its partners are putting together a three-year funding proposal for the project.

**g. Cape Jones (Pointe Louis XIV) contaminated site**

The MDDEP regional office sought a legal opinion to determine the Québec and federal governments' respective responsibilities regarding this abandoned Mid-Canada Line radar site.

**h. Annual conference of the Association québécoise pour l'évaluation d'impact (AQÉI), February 16-17, 2012**

Jean-François Coulombe attended the AQÉI's annual conference in his capacity as JBACE member. He will present a summary of talks considered of interest for the JBACE, in particular strategic environmental assessment and Cree participation in environmental assessments.

**5. PRESENTATION BY KELLY LEBLANC (CRA) ON THE SANAMMANGA REPORT ON PUBLIC CONSULTATION PROCESSES**

Kelly LeBlanc presented the report prepared by Sanammanga Solutions Inc. on public participation under the JBNQA environmental assessment and review process (Section 22). The report examines public participation in the assessment and review of recent development projects in the JBNQA territory. A comparison of participation under the Section 22 assessment and review procedure and participation under the *Canadian Environmental Assessment Act* procedure and under processes with Aboriginal involvement in other jurisdictions such as Nunavut, the Yukon and the MacKenzie Valley was conducted.

Sanammanga interviewed nearly 50 people from the Section 22 evaluating and review committees and the general public who recently participated in consultations. As well, 13 people who manage the public participation process in the other jurisdictions were interviewed to gain insight into the lessons learned.

This exercise led to the development of criteria for best practices in public participation. The Section 22 procedure does not meet many of the criteria. This is partly due to the fact that the procedure was developed in the early days of the JBNQA and has not been updated since. By contrast, the more recent procedures in the other jurisdictions include, for example, electronic public registries of projects.

Sanammanga makes 15 recommendations regarding the Section 22 procedure, including providing better access to information during consultations, in particular through websites, harmonizing the activities of the Evaluating Committee (COMEV), the Provincial Review Committee (COMEX) and the Federal Review Panel (COFEX-South), and establishing an independent secretariat to manage the process.

It also recommends establishing directives stipulating the conditions of public participation, incorporating traditional knowledge into the process, and assessing socioeconomic impacts. The reasons for the evaluating and review bodies' decisions could be included in the public registry.

In reply to a question, Kelly LeBlanc explained that the views expressed in the report are not necessarily those of the Cree Regional Authority. The purpose of the report is to support the work undertaken by the JBACE to review public participation under the Section 22 procedure.

## **6. WORK OF THE SUB-COMMITTEE ON PUBLIC CONSULTATION**

The JBACE's analyst is currently reviewing the progress report on the public consultation procedure. When he is finished, the report will be submitted to the sub-committee members for their comments, and then to the JBACE for adoption at its next meeting. The progress report is intended to inform the signatory parties to Section 22 on the work carried out by the JBACE to improve the public consultation procedure. The progress report is a working version of the final report, which will include specific recommendations on public participation in the Section 22 procedure.

The analyst will get an update on the INRS's work on Aboriginal participation in environmental assessments. It was supposed to submit its report to the sub-committee.

## **7. FEES FOR APPLICATIONS FOR AUTHORIZATION FOR PROJECTS IN THE NORTH**

Development projects in southern Québec are subject to the payment of fees to cover environmental analysis costs incurred by the MDDEP. These fees are not payable for projects in the JBNQA territory.

If the MDDEP makes a request to that effect, the JBACE will give its opinion on the advisability of charging environmental fees for development projects in the territory covered by Section 22 of the JBNQA.

## **8. FOLLOW-UP TO THE RECOMMENDATIONS ON THE REVIEW OF THE LISTS OF DEVELOPMENT PROJECTS (SCHEDULES 1 AND 2 OF SECTION 22)**

The Deputy Minister of the MDDEP wrote to the CRA Chairman to initiate talks on the review of the lists of projects (schedules 1 and 2) under provincial jurisdiction, based on the recommendations report submitted by the JBACE in 2008.

Some members wondered if the discussions shouldn't be coordinated better by inviting the Government of Canada to take part.

### ***a. Mineral exploration in relation to the lists of projects***

In 2008, the JBACE refrained from making a recommendation on whether or not mineral exploration projects should be subject to impact assessment, because it wanted to gather more information on the work done in this area. The subcommittee struck for this purpose will hold its first teleconference on March 16, 2012.

## **9. NEW DIRECTIONS REGARDING THE PLAN NORD TERRITORY SET ASIDE FOR PROTECTED AREAS AND NON-INDUSTRIAL DEVELOPMENT PURPOSES**

The JBACE was invited to attend an information session on the government's commitment to set aside 50% of the Plan Nord territory for non-industrial development. The MDDEP accepted the recommendation to step up the environmental conservation process. In the JBACE's opinion, this process is crucial, as much of the James Bay territory is already under industrial development.

Moreover, the MDDEP increased its protected areas target to 20% of the Plan Nord territory. However, it maintained its target of protecting 12% of the boreal forest, the same percentage as for Québec as a whole. Since 10% of the James Bay boreal forest is already protected, it doesn't leave much leeway for establishing new protected areas.

As soon as the Québec government has tabled the bill on its commitment to safeguard 50% of the Plan Nord territory from industrial development, as well as the related implementation strategy, the JBACE will submit its comments.

## **10. COMMENTS ON THE CLIMATE CHANGE ADAPTATION STRATEGY**

The members made a few changes to the draft comments on the Québec government's climate change adaptation strategy. Subject to final approval by the members, the comments will be sent to the Minister of Sustainable Development, Environment and Parks.

**11. OTHER BUSINESS**

***a. Canadian Boreal Initiative Symposium on the Plan Nord and planning ecosystem conservation (April 25-27, 2012)***

The JBACE will not be represented at the symposium.

***b. Amended general forest management plan (GFMP) for unit 84-62***

The JBACE is upholding its decision not to study amended GFMPs because it did not receive any funding for this purpose.

***c. Summary of report on life-cycle analysis of residual materials management scenarios***

Deferred to the next meeting due to a lack of time.

**12. NEXT MEETING**

The JBACE will hold its next meeting on May 15 and 16, 2012, in Lebel-sur-Quévillon.



Marc Jetten  
Executive Secretary  
May 28, 2012