



MINUTES OF THE 174th MEETING OF THE JAMES BAY ADVISORY COMMITTEE ON THE ENVIRONMENT

(Adopted)

- DATES:** May 15 and 16, 2012
- PLACE:** Ministère des Ressources naturelles et de la Faune office
Lebel-sur-Quévillon
- PRESENT:** Jean-François Coulombe, Québec
Annie Déziel, Canada
Denyse Gouin, Québec
Guy Héту, Québec, Chairman
Ashley Iserhoff, Cree Regional Authority (CRA)
Ginette Lajoie, CRA
Réal Lavigne, Québec
Maryse Lemire, Canada
Chantal Otter Tétreault, CRA
Norman Wapachee, CRA

Marc Jetten, Executive Secretary
Graeme Morin, Environmental Analyst
- ABSENT:** Eddy Jenniss, Canada
Jean Picard, Canada, Vice-Chairman
- GUEST:** Gérald Lemoyne, Mayor of the Municipality of James Bay and Lebel-sur-Quévillon (Item 1)
Sonia Légaré, Biologist, Ministère des Ressources naturelles et de la Faune (MRNF) (Item 2)
Régis Simard, General Manager, James Bay Joint Action Mining Committee (Item 3)
Laura Atikessé, Environmental Health Officer, Cree Board of Health and Social Services of James Bay (Item 9)

The JBACE Chairman welcomed the members and then gave the floor to the Mayor of the Municipality of James Bay.

1. ADDRESS BY THE MAYOR OF THE MUNICIPALITY OF JAMES BAY AND LEBEL-SUR-QUÉVILLON

Mr. Lemoyne thinks it's important that bodies like the JBACE travel to the territory. He adheres to the principles of the environmental and social protection regime and feels that development must be based on respect for the territory's inhabitants. He emphasized that the Plan Nord covers 72% of the territory of Québec: it's evident that development and protection objectives must be based on thorough knowledge of the territory, hence the importance of working with the people who live there.

The Section 22 regime also recognizes the right to develop. In this regard, Gérald Lemoyne is worried about the length of time environmental assessments take, as it delays the issuance of permits, licences and authorizations. He therefore thinks that the Ministère du Développement durable, de l'Environnement et des

Parcs (MDDEP) and the Section 22 assessment and review bodies must have the resources needed to study projects quickly.

A member mentioned that the James Bay and Northern Québec Agreement (JBNQA) defines a clear procedural context for the environmental assessment of projects and so the process is shorter than in southern Québec. The difficulties faced by certain proponents in meeting environmental assessment requirements can delay project analysis.

2. PRESENTATION BY SONIA LÉGARÉ (MRNF) ON ECOSYSTEM-BASED MANAGEMENT IN THE TERRITORY COVERED BY THE ADAPTED FORESTRY REGIME UNDER THE PAIX DES BRAVES

Sonia Légaré explained that ecosystem-based management is a component of the sustainable forest management strategy the government hopes to begin implementing in April 2013 as part of Québec's new forest regime. This management approach tries to emulate natural disturbances (forest fires, insect infestations, etc.) and reduce the gap between managed and natural forests. In addition to managing forests in a way that preserves the key attributes of ecosystems, the strategy aims to bring decision making closer to communities, in particular by creating local integrated land and resource management panels (*tables de gestion intégrée des ressources et du territoire*). Moreover, one of the orientations of the government strategy is to enhance the forest management dialogue with Aboriginal communities.

The partners involved in ecosystem-based management are responsible for identifying ecological issues for which forest management objectives will then be defined. Such issues include the conservation of biodiversity, soil productivity, wetlands and sensitive species. These objectives will be achieved by, among other ways, preserving a fraction of the historical percentage of old-growth forests relative to regenerating forests. In the James Bay Territory, like in the rest of Québec, 80% of the managed forest should differ slightly or moderately from the natural forest reference state. According to Ms. Légaré, if necessary, the impact on the allowable cut can be mitigated by extending the time frame for achieving the objective.

In reply to a member's question as to whether special attention is given to species of importance for the Crees as well as to sensitive species, Ms. Légaré said it's difficult because there are no Cree representatives on the integrated land and resource management panel.

Employing ecosystem-based management in the territory covered by the adapted forestry regime of the *Paix des Braves* agreement appears to be problematic, because only mosaic cutting is allowed on a vast area, including forested areas presenting wildlife interest for the Crees. Mosaic cutting would improve habitat for moose, whereas ecosystem-based management, which preserves large forest blocks, would improve habitat for woodland caribou. According to Sonia Légaré, forest management practices for moose can be reconciled with practices for woodland caribou; it's just a matter of deciding what areas will be targeted for each species. The Québec government and the Crees set up a special panel tasked with examining the relevance of ecosystem-based management to the Territory. If this approach is determined worthwhile, the *Paix des Braves* agreement will have to be amended.

According to one member, the Crees have a preference for mosaic cutting because it protects the habitat of wildlife species of interest for the Crees. Ms. Légaré explained that we are only in phase one of mosaic cutting and can expect a reduction in forest cover in the following phases. On the other hand, ecosystem-based management would permanently preserve forest blocks. The Ministère des Ressources naturelles et de la Faune (MRNF) has commissioned a study on ecosystem-based management in the territory covered by the adapted forestry regime. The results will be presented to the Cree-Québec Forestry Board in the near future.

3. PRESENTATION BY RÉGIS SIMARD (JAMES BAY JOINT MINING COMMITTEE) ON MINING ACTIVITIES AND A SUSTAINABLE APPROACH TO MINING DEVELOPMENT

Mr. Simard began by discussing the James Bay Joint Action Mining Committee ("TJCM" or *Table jamésienne de concertation minière*), which was created to support sustainable development of the mining industry while maximizing socioeconomic spinoffs for the James Bay population. The TJCM has set up the Centre d'étude appliquée du Quaternaire, an applied research centre that has a fully equipped laboratory for analysis of rock samples. The TJCM acts as a technical advisor to regional organizations and government departments.

There are over 250 000 active mining titles in Québec, a significant percentage of which are in the North. More importantly than the number of titles, according to Régis Simard, is to determine what stage a mineral development project is at. For instance, roughly 1 in 1000 projects results in the actual mining of a deposit. It can take 10-15 years to move from the exploration phase to the production phase. Prospectors are drawn to northern Québec for its iron, gold, copper and nickel deposits, but more recently also for its diamond, uranium, vanadium, lithium and rare-earth deposits.

Mr. Simard explained that 62% of mineral exploration investments are made by junior companies. Since these companies have limited resources, they often sell their promising mining properties to firms that have more capital. Junior companies don't have a lot of experience, in environmental impact studies for example, which is why adequate oversight and monitoring of their activities is important.

The anticipated mining boom will create 15 000 new jobs. Régis Simard acknowledges the issues associated with building large work camps and maintaining the current population's quality of life, including respecting the Crees' right to harvest under the JBNQA. A member wondered to what extent the Crees would have access to the new jobs.

Mr. Simard also explained the so-called "*assembliste*" approach, which is aimed at balancing differing views of sustainable development, including those of the mining industry and conservation groups. The TJCM advocated this approach at the Round Table on Conservation for the Plan Nord, which is to make recommendations regarding the government's commitment to devote 50% of the area covered by the Plan Nord to non-industrial activities, including 20% in protected areas.

Given that this commitment could significantly affect the territory's mining potential, an innovative and integrated approach is key to ensuring that the directions taken are socially acceptable. The TJCM recommends involving the regions concerned in defining priorities for tracts of land set aside as proposed protected areas and for non-industrial activities. Integrated planning tools with measurable deliverables are thus required; Mr. Simard gave economic potential, biodiversity and social expectation indicators as an example.

Mr. Simard agreed with a member who said that environmental impacts are not just related to biodiversity. Furthermore, in reply to a question, he said he didn't think mining companies would be interested in conducting exploration in areas set aside for non-industrial activities if mining is prohibited in those areas. He advocated a relatively flexible definition of "industrial activities." For example, certain types of mineral exploration could be considered knowledge acquisition. Also, for every aspect of sustainable development, a dynamic process-oriented approach should be planned and the approach should be flexible enough to respond to changing societal realities as needed (social, cultural, environmental and economic realities). The TJCM is working on a proposal to this effect.

4. ADOPTION OF THE AGENDA

On motion by Réal Lavigne, seconded by Ashley Iserhoff, the meeting agenda was adopted as amended.

5. ADOPTION OF THE MINUTES OF THE 172ND AND 173RD MEETINGS (FEBRUARY 29 AND APRIL 10, 2012)

On motion by Jean-François Coulombe, seconded by Maryse Lemire, the minutes of the 172nd meeting of the JBACE were adopted as amended.

On motion by Chantal Otter Tétreault, seconded by Annie Déziel, the minutes of the 173rd meeting of the JBACE were adopted as amended.

6. ADMINISTRATION

a. Funding for 2012-2013

Talks on increased funding for the JBACE continue between the funding bodies. The goal is to obtain a funding increase for the next five years. A member pointed out that the Cree Regional Authority proposed to substantially increase its share of the JBACE's funding on the condition that the other parties do the same.

b. Financial statements 2011-2012

Given that the Administrative Committee has not gone over the financial statements and made a recommendation yet, the members agreed to adopt them during a conference call to be held soon.

c. Adoption of the proposed amendments to the Policy on Human Resources Management

On motion by Ashley Iserhoff, seconded by Réal Lavigne, the proposed amendments to the Policy on Human Resources Management were adopted as modified.

7. FILE UPDATE

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

The researchers associated with the special task force are supposed to submit their final report at the end of May. It will be up to the people in charge at the MRNF and CRA to decide if the report will be presented to interested organizations, including the JBACE. The special task force will hold a conference call to decide on follow-up activities to the report. The report is expected to be published three months following its submission.

b. Proposed strategic environmental assessment of the Plan Nord

The MRNF forwarded the JBACE's proposal on strategic environmental assessment (SEA) of the Plan Nord to the MDDEP. The responsible parties at the MDDEP have already said they're willing to support proponents who undertake an SEA, but the decision to apply one is not up to them. A member explained that transfers of MRNF employees working on the Plan Nord to the soon-to-be created Société du Plan Nord will have an impact on the follow-up of files.

c. Bill 14 amending the Mining Act

The bill hasn't been passed by the National Assembly yet. The analyst prepared a table showing the amendments proposed in parliamentary committee.

d. Impact monitoring of the Opemiska tailings dike failure

The MRNF submitted a report on the impacts of the dike failure on fish habitat. Environment Canada and Fisheries and Oceans Canada will study the report to see if it meets their requirements. The JBACE will request a copy of the report.

The person in charge at the MRNF plans to present the overall results of the fish habitat study to the community of Waswanipi in June of this year, in collaboration with the CRA and the local parties concerned.

e. Work of the subcommittee on public consultation

The conference call scheduled for April 24 was postponed because the subcommittee members made substantial comments on the draft progress report. The analyst will finish going over the progress report and, if necessary, reschedule the conference call.

A member stressed the urgency of adopting the progress report and formulating recommendations to improve the public consultation procedure, because a better procedure will be needed in the context of the Plan Nord, which will lead to more projects being submitted to impact assessment and review.

8. PRESENTATION BY THE ANALYST ON THE WORK OF THE SUBCOMMITTEE ON MINERAL EXPLORATION

The mandate of the subcommittee is to determine what types of mineral exploration should be subject to the Section 22 impact assessment and review procedure and what types should be exempt. The goal is to make the lists clearer for proponents and the public, as mineral exploration is currently not included in either list. If everything goes as planned, the JBACE's recommendations in this regard could be studied during the parties current talks on the review of the lists of development projects subject to and exempt from impact assessment (schedules 1 and 2 of Section 22).

The subcommittee divided exploration projects into three classes of environmental and social impacts. First, projects with a minor impact (prospecting, claims, geophysical surveys, etc.), which the subcommittee recommends be exempt. Second, advanced exploration projects, which have similar impacts to mining projects, which would likely be subject. Third, exploration projects having varying impacts, which fall inbetween the other two types of projects. The subcommittee will focus most of its attention on this third type of project. Criteria for determining which class projects fall into must be established.

The subcommittee plans on meeting with the Section 22 evaluating and review committees in fall 2012 to draw from their experience in assessing mineral exploration projects. The members of these committees will be invited to comment on the subcommittee's draft recommendations. The subcommittee may submit a progress report to the JBACE to facilitate the follow-up on its work.

At the same time, the analyst will prepare a table of the recommendations made by the Evaluating Committee (COMEV) over the years for exploration projects. The analyst will draw on the work carried out to prepare the 2008 report of recommendations regarding the review of schedules 1 and 2 (lists of development projects). The table will also indicate which projects included public consultations.

The analyst emphasized that it will be impossible to address certain issues related to mineral exploration, in particular the cumulative impacts of such projects. A member suggested at least including available data, such as the data held by the CRA, which inventoried over 1000 sites within the territory. Obtaining data from the MRNF could be a problem under the current regime, because mining companies are not required to report the work they carry out after obtaining a claim.

The subcommittee may recommend maintaining the status quo for projects whose impacts are hard to quantify. Furthermore, some developments associated with a project (mining camp, landing strip, etc.) can have greater impacts than the exploration activities as such. COMEV would continue to examine such projects and recommend whether or not they should be subject to the assessment and review procedure.

9. PRESENTATION BY LAURA ATIKESSÉ (CREE BOARD OF HEALTH AND SOCIAL SERVICES OF JAMES BAY) ON THE ENVIRONMENTAL HEALTH STUDY

Ms. Atikessé presented the results of the Nituuchischaayihititaa Aschii study conducted between 2005 and 2009. A total of 1405 people from all the Cree communities participated in the study. She also presented some of the results from a similar 2002 study in Oujé-Bougoumou and Nemaska. Researchers from the university community and the Institut national de santé publique collaborated on the Nituuchischaayihititaa Aschii project, which aims to measure Cree exposure to mercury and other contaminants, as well as the resulting health effects. The Cree Board of Health and Social Services of James Bay also wants to study the links between the traditional Cree diet, which is based heavily on game and fish, and Cree health.

Blood and hair samples were tested and shown to contain mercury levels that were higher than the Québec average but well below the action level.¹ A member asked if the Cree Health Board established acceptable dietary thresholds for fish. Another member gave the example of lake trout from Lac Doré, which is contaminated with heavy metals from the adjacent mine that settle in the sediment of the lake; the Crees were asked to eat less fish for a while. Laura Atikessé explained that Hydro-Québec analyzes mercury levels in fish from areas affected by hydroelectric projects and sends the results to the Cree Health Board. If necessary, the Board issues fish consumption advisories recommending how much fish to eat. Overall, the Board recommends eating fish and game because their health benefits (dietary intake, physical activity) far outweigh the risks of contaminants.

The lead levels found in participants' blood and hair samples were also below the action level. PCB levels in participants from several communities, including Mistissini and Oujé-Bougoumou, were just below the level of concern (20 micrograms/litre). Even though the manufacturing of PCB has been prohibited for decades, northern communities are affected by its long-range airborne transport.

The project also studied zoonoses contracted through hunting, trapping, handling of animal carcasses or undercooking of game. Blood samples from several participants showed traces of past infection by zoonoses,

¹ Above the action level, there is a significant health risk and it is important to consult a physician.

but the infection was not reported because they had very few symptoms. The Board will inform health care workers about the specific symptoms of zoonotic diseases, but doesn't plan on systematically testing for them.

The Board also studied mercury and lead exposure in pregnant women (2006-2011). Only a small percentage (1% or less) of the 1378 women tested had levels of concern, whereas the overall results show mercury and lead levels have stabilized or dropped. A member asked if the lower mercury levels could be explained by the fact that people have been eating less fish since 2006.

The Cree Health Board gives considerable importance to raising awareness about healthy lifestyles due to the high prevalence of obesity, diabetes and heart disease among the Cree population. Moreover, children and young adults eat fewer traditional foods than Crees aged 40 and over.

At the end of the study, each participant received his or her individual results as well as a summary report on the overall results for each community. If his or her results were worrisome, the participant will be encouraged to consult the appropriate health care specialist. The overall results were presented to each Cree community during its annual general assembly. The Cree Health Board plans on submitting the final study report in late 2012 or early 2013. To stay up to date, the Board will conduct a yearly review of literature on mercury and other contaminants.

10. DIRECTIONS REGARDING BILL 65, AN ACT RESPECTING NATURAL HERITAGE CONSERVATION AND THE SUSTAINABLE DEVELOPMENT OF THE AREA COVERED BY THE NORTHERN PLAN

The Québec government introduced Bill 65, *An Act respecting natural heritage conservation and the sustainable development of the area covered by the Northern Plan*. The bill overhauls the process for establishing protected areas in Québec and sets out the commitment to devote 50% of the area covered by the Plan Nord to the "sustainable use of resources." The bill is short on details on the ways and means of establishing protected areas or areas set aside for non-industrial activities: a conservation strategy is to be adopted after Bill 65 has been passed.

Temporary protection status as a proposed biodiversity reserve or aquatic reserve is abandoned under the bill and replaced by a mechanism suspending the issue of any permit, lease or authorization in a land area for five years. Previously authorized industrial activities may continue during this period. Also, the Minister may allow certain industrial activities to continue for five years after the granting of a protection status.

The JBACE will prepare a brief reiterating its request to be consulted on the future conservation strategy and emphasizing the need to set criteria for establishing protected areas or areas set aside for non-industrial development. This must be done before development projects are far enough along to threaten the protection of areas of interest. The subcommittee on land use planning and protected areas will prepare a draft brief for the JBACE.

11. REFORM OF THE CANADIAN ENVIRONMENTAL ASSESSMENT ACT (CEAA)

The Government of Canada will replace the CEAA with new legislation under Bill C-38, *An Act to implement certain provisions of the budget tabled in Parliament on March 29, 2012 and other measures*. Bill C-38 includes most of the recommendations made by the Standing Committee on Environment and Sustainable Development following its review of the CEAA, as well as statements from the *Economic Action Plan 2012 – Responsible Resource Development*.

The JBACE will write to the responsible ministers to inform them that it intends to examine Bill C-38's impact on the James Bay Territory and finds it unfortunate that the government has allocated so little time to study the bill.

Among other things, the JBACE wants to know whether the substitution provisions would allow the Section 22 assessment and review procedure to substitute for an environmental assessment under the CEEA.

12. DISCUSSION ON THE USE OF ANY ADDITIONAL FUNDING GRANTED TO THE JBACE

Since the representatives of the parties that fund the JBACE envisage recommending an increase in the subsidy for fiscal 2012-2013, the members were invited to discuss how any additional funding would be used. The secretary jotted down some points to fuel the discussion. The members agreed that if the increase is recurring a permanent Analyst position should be created (rather than a contract position, as is currently the case).

No position was adopted with regard to other uses, because the members don't know yet how much of an increase will be granted. Also, the JBACE has cut back on its activities in recent years so as not to deplete its operating fund, and restarting them will automatically lead to an increase in expenditures. The members agreed on the need to set priorities through a short-term action plan. Given that the current Strategic Plan is about to end, the Administrative Committee was tasked with drafting a new one.

13. ADOPTION OF THE ANNUAL REPORT 2011-2012

On motion by Chantal Otter Tétreault, seconded by Denyse Gouin, the Annual Report 2011-2012 was adopted as amended.

The secretary will see to obtaining the missing information in the table of projects submitted to COMEV, COMEX and COFEX-South.

14. NEXT MEETING

The Chairman reminded the members that two issues must be discussed at the next meeting: the impact of labour pools for major projects on the Territory, and fees for applications for project authorization submitted to the MDDEP.

The JBACE will hold its next meeting on September 26 and 27, 2012, in Mistissini.

The JBACE will hold a conference call before then to adopt the financial statements 2011-2012.



Marc Jetten
Executive Secretary
September 28, 2012