



MINUTES OF THE 181st MEETING OF THE JAMES BAY ADVISORY COMMITTEE ON THE ENVIRONMENT

(ADOPTED)

DATES: October 15, 2013

PLACE: Albert W. Diamond Room, Quality Inn & Suites, Val-d'Or

PRESENT: Line Choinière, Canada
Jean-François Coulombe, Québec
Guy Héту, Québec
Marie-Josée Lizotte, Québec
Rodney Mark, Cree Regional Authority (CRA), Chairperson
Chantal Otter Tétreault, CRA
Jean Picard, Canada
Monique Lucie Sauriol, Canada (by phone)
Isaac Voyageur, CRA, Vice-Chairperson
Marc Jetten, Executive Secretary
Graeme Morin, Environmental Analyst

ABSENT: Ginette Lajoie, CRA

GUESTS:

For Item 4: Martin Demers, advisor, Direction des négociations et de la consultation, Secrétariat aux affaires autochtones (SAA)

For Item 5: Simon St-Georges, interlocutor for Aboriginal affairs, Direction des affaires régionales du Nord-du-Québec, Ministère des Ressources naturelles (MRN)

1. ADOPTION OF THE AGENDA

On motion by Guy Héту, seconded by Isaac Voyageur, the meeting agenda was adopted with changes.

2. IMPLEMENTATION OF STRATEGIC PLAN 2013-2018

A member of the strategic plan subcommittee outlined the directions of the plan for the benefit of new members. Five priorities were set for 2013-2014, including a review of Cree environmental and social concerns and a workshop on knowledge acquisition and dissemination.

a. Comments on the specifications for a review of Cree environmental and social concerns

The members have until October 22 to submit their comments on the proposed *Specifications for a literature review of Cree environmental and social concerns*. After that, the secretary will post the final version of the specifications for individuals and firms interested in working on this element of the Strategic Plan.

b. Comments on the description of the workshop on knowledge acquisition and dissemination to be held with research centres

Some members think that the workshop should take a “citizen science” approach and be more focused on public participation, in particular Cree participation, in the acquisition and sharing of knowledge. Depending on the availability of researchers and regional organizations, the workshop could be held in Mistissini on either March 12 or 19, 2014.

The members have until October 29 to submit their comments on the draft workshop description.

3. ADMINISTRATION

a. Proposed changes to the signing of JBACE cheques

The Administrative Committee tabled a draft resolution to facilitate procedures if the chairperson position is vacant or the chairperson is not available for an extended period of time.

JBACE Resolution 2013-10-15-01 authorizing the Chairperson to delegate signing authority to the Vice-Chairperson:

WHEREAS any financial commitment on the part of the JBACE must be signed by the Chairperson and the Executive Secretary, in accordance with section 16 of the *Rules of internal management of the James Bay Advisory Committee on the Environment*;

WHEREAS a cheque does not constitute a financial commitment, but rather payment for the fulfilment of a prior financial commitment (contract, order, etc.);

WHEREAS under certain circumstances the Chairperson is not available to sign cheques, which can hinder the secretariat’s smooth operation;

WHEREAS the enclosed *Delegation of Signing Authority* form constitutes a financial commitment.

On motion by Jean-François Coulombe, seconded by Marie-Josée Lizotte:

It is unanimously resolved to authorize the Chairperson to delegate signing authority for cheques to the Vice-Chairperson where deemed appropriate.

It is unanimously resolved to add the Vice-Chairperson to the list of people authorized to sign banking documents on behalf of the JBACE, in addition to the Chairperson and the Executive Secretary.

b. Vacant seats on the JBACE

A member said that steps are being taken to fill the vacant Québec seat. The Government of Canada is also expected to appoint someone to fill its vacant seat soon.

c. Next lease for office space (secretariat)

The lease for the office space in Montréal shared with the Hunting, Fishing and Trapping Coordinating Committee (HFTCC) expires in December 2014. Should the HFTCC hire another employee, the current office space would be too small.

Members suggested moving the JBACE secretariat to the James Bay territory.

The members adopted JBACE Resolution 2013-10-15-02 regarding the feasibility of moving the secretariat on the James Bay territory.

d. Executive secretary's salary review for 2013-2014

The members adopted JBACE Resolution 2013-10-15-03 regarding revision of the executive secretary's salary for the 2013-2014, 2014-2015 and 2015-2016 fiscal years.

4. PRESENTATION BY MARTIN DEMERS (SAA) ON THE AGREEMENT ON GOVERNANCE IN THE EYYOU ISTCHEE JAMES BAY TERRITORY

Following negotiations initiated in 2010 and the signing of a framework agreement in 2011, the Agreement on Governance in the Eeyou Istchee James Bay Territory (hereinafter the "Governance Agreement") was signed between the Québec government and the Crees of Eeyou Istchee in July 2012. The purpose of the agreement is to ensure greater autonomy and responsibilities for the Crees regarding governance of the territory, in particular with respect to governance powers under Québec laws on Category II and III lands. The parties also signed Complementary Agreement No. 24 to the James Bay and Northern Québec Agreement (JBNQA) in order to give effect to certain provisions of the Governance Agreement. To that same end, in June 2013 the Québec government passed Bill 42, *An Act establishing the Eeyou Istchee James Bay Regional Government and introducing certain legislative amendments concerning the Cree Nation Government*.

The Governance Agreement commits the parties to continue development in the Territory for the benefit of all its residents and the entire population of Québec. As of the entry into force, in January 2014, of the main provisions concerning the governance of Category III lands, the Crees and the Jamésiens will have equal representation within the Eeyou Istchee James Bay Regional Government, which will exercise the same jurisdictions on Category III lands as those formerly attributed to the Municipalité de Baie-James. After ten years, the respective representation of the Crees and the Jamésiens may be adjusted based on resident population and demographic growth.

Note that decisions of the Regional Government require approval by a majority of the representatives of the Crees and a majority of the representatives of the Jamésiens. Decisions in important matters such as the constitution of a locality or the Regional Government's position on the creation of a new municipality in the Territory will require an absolute majority of two-thirds of the votes of all the representatives of the Crees and of two-thirds of the votes of all the representatives of the Jamésiens.

The Cree Nation Government (Cree Regional Authority) may exercise jurisdictions, functions and powers over Category II lands with respect to management of natural resources. Accordingly, the Québec government is conferring on the Regional Government and the Cree Nation Government the same powers attributable by law to a regional county municipality (RCM) with regard to municipal management and management of land and natural resources.

In matters of forest management, the two parties undertake to establish a collaborative management regime to make the necessary changes to the *Sustainable Forest Development Act* and the adapted forestry regime under the 2002 Agreement Concerning a New Relationship Between le Gouvernement du Québec and the Crees of Québec (ANRQC). In addition, any withdrawal of water on Category II lands will be subject to the authorization of the MDDEFP, taking into account the recommendation of the Cree Nation Government, even if this withdrawal is not part of a project subject to environmental assessment under Section 22 of the JBNQA.

Questions and comments

A member asked if the territory of the Regional Government will encompass parts of Cree traplines in the current regions of Lac-Saint-Jean and Nunavik. The reply was that the Regional Government will have jurisdiction over the Category III lands of the current Municipalité de Baie-James (MBJ), but that the Governance Agreement provides that the boundaries may be adjusted subject to agreement by the parties concerned, namely, the Inuit, the Innus, Atikamekw and Algonquins, as the case may be, and the Québec government.

A member was concerned by the fact that the MBJ is still carrying out projects in the territory, some of which are a problem to the Crees. The reply was that the MBJ will exercise its powers until January 1, 2014. At a meeting held in September, elected officers representing the Crees and the Jamésiens agreed on the importance of continuity in service delivery to residents of the territory. An existing administrative structure to be inherited from the MBJ should prove to be an asset for the Regional Government in this regard.

In reply to a question about the regional plan for integrated land and resource development (PRDIRT), it was explained that the Regional Government will exercise the functions of a regional land and natural resource commission (CRRNT), which is responsible for preparing the PRDIRT. The composition of the Regional Government implies that the Crees and the Jamésiens will have equal representation on the CRRNT. The Cree Nation Government, for its part, will be responsible for preparing a regional land and resource use plan for Category II lands. A mechanism is provided for to ensure harmonious implementation of the PRDIRTs for Category III and II lands.

The *Act establishing the Eeyou Istchee James Bay Regional Government* stipulates that the latter must, where applicable, take the necessary measures to have any text intended to be understood by a Cree translated into either Cree or English. However, a citizen may communicate with the Regional Government in Cree, English or French. Texts and documents intended for Cree employees of the Regional Government and the Cree population will be translated into Cree and English.

5. PRESENTATION BY SIMON ST-GEORGES (MRN) ON FOREST PLANNING FOR 2014-2018

Simon St-Georges explained the changes in forest planning arising from the new forest regime and the Governance Agreement. Discussions are ongoing between the Crees and the Québec government regarding implementation of the new forest regime in the territory and amendments to the adapted forestry regime of the ANRQC, in particular Schedule C-4. The parties agree, however, on changes to give greater consideration to the Crees' traditional way of life, increase their participation and incorporate sustainable development concerns more.

The Cree Nation Government and the Regional Government will each set up a local integrated land and resource management panel (LILRMP), for Category II and III lands respectively, to ensure that the concerns of stakeholders are taken into account and to identify issues specific to each forest management unit. LILRMPs are expected to be set up in the James Bay territory in 2015. The joint working groups (JWG)¹ will play a greater

¹ There is a joint working group in each of the five Cree communities affected by forest development activities. Québec and the Crees are equally represented on each JWG.

role in the consultation of Cree tallymen and the mediation of conflicts over land and resource use. Owing to the strengthened mediation process, the conciliation process, which is more formal, was removed during preparation of the tactical plans for integrated forest development.

Under the new forest regime, two separate forest development plans will be drawn up for each management unit. First, a tactical plan for integrated forest management (TPIFD) will be drawn up for the period 2014-2018 and will contain, among other things, the forest development strategies, the sustainable forest development objectives and the measures to ensure harmonization with other forest uses.

Second, an operational plan for integrated forest development (OPIFD) will set out the terms and conditions of timber harvesting and the non-commercial silvicultural treatments on traplines. During the current transitional period, OPIFDs will be drawn up for 2014-2015 first and then adjusted as needed. The MRN will be responsible for drawing up the forest development plans, the same as for the transitional plans for 2013-2014, but the Regional Government (Category III lands) and the LILRMP (Category II lands) will be responsible for public consultations on the TPIFDs and OPIFDs.

Considering that the format and content of forest development plans will change, the secretary asked at what level the JBACE can be involved. Since the JBACE's mandate leads it to engage at the strategic level more than the operational level, Mr. St-Georges suggested that the Committee comment on TPIFDs.

6. FILE FOLLOW-UP

a. Mineral exploration projects under the impact assessment and review procedure

The analyst explained that he and the subcommittee are continuing to study the different components of mineral exploration projects to determine whether they should be subject to or exempt from impact assessment and review (listed in Schedule 1 or 2 to Section 22). The analysis forms on bulk sampling, tailings containment areas and access roads and trails still have to be studied. The subcommittee expects to be finished in December 2013, after which the JBACE will be able to make recommendations to the signatory parties to Section 22 of the JBNQA.

A member asked if uranium exploration projects are being studied. The analyst replied that all types of deposits are being studied, obviously taking into account the specific characteristics of certain ores or their processing, especially radioactivity and potential acid mine drainage.

b. Brief on Bill 43 (new Mining Act)

The JBACE submitted its brief to the parliamentary Committee on Agriculture, Fisheries, Energy and Natural Resources on September 17, 2013. The brief will be considered in the detailed study of the bill by the parliamentary committee. A member asked why the JBACE did not present its brief during the parliamentary committee's special consultations, like a number of other bodies established by the JBNQA were invited to do. The secretary said that the JBACE had made the request on June 20, but it was declined.

c. Improvement of the public participation procedure

The analyst is currently conducting telephone surveys of people from the Provincial Review Committee, the Federal Review Panel (COFEX-South) and the Canadian Nuclear Safety Commission to get their comments regarding the consultation sessions on the Matoush uranium exploration project. The subcommittee chose this project because it was the most recent large-scale consultation on a project affecting the James Bay territory.

On the recommendation of the subcommittee on public participation, the members agreed to post the progress report submitted to the deputy minister of the MDDEFP in October 2012 on the JBACE's website. The final report containing the Committee's recommendations should be completed in winter 2014.

d. Work of the Cree-Québec Task Force for Woodland Caribou Recovery

The date of the task force's next meeting has not been set yet.

e. Study of fish habitat in the Opemiska tailings dike failure impact area

The MRN has prepared a study on the restoration of another segment of Slam Creek, the waterway having suffered the greatest impact from the 2008 dike failure. Fisheries and Oceans Canada is checking to make sure the study complies with the *Fisheries Act*. The person in charge at the MRN pledged to ensure Cree involvement in planned restoration work.

The MRN has not set a date to give a presentation in Waswanipi on the impact of the dike failure on fish habitat.

f. Implementation of the new Fisheries Act (2012)

The Minister of Fisheries and Oceans invited the JBACE to submit comments on the *Discussion Document* on implementation of the new *Fisheries Act* (2012). The Government of Canada approved the new statute as part of bills C-38 and C-45. The JBACE will reiterate the importance of special involvement for the Crees in the implementation of the *Fisheries Act* given the importance of fishing as a subsistence activity and to the Crees' traditional way of life.

The secretary will organize a meeting between the JBACE chairperson and Richard Nadeau, Regional Director General for Fisheries and Oceans Canada, to discuss the matter.

g. Working group on residual materials management

Several partners have expressed an interest in reviving the multipartite working group on residual materials management in the James Bay region. The new regulations in this matter, as well as the establishment of the Regional Government, might facilitate integrated management of residual materials. Moreover, several actions under Québec's Residual Materials Management Policy target northern regions.

The working group would count on the participation of representatives from the MDDEFP's residual materials branch (Service des matières résiduelles), Recyc-Québec, the Cree Regional Authority, the Société d'énergie de la Baie James and the Municipalité de Baie-James (the latter would eventually be replaced by the Regional Government). The members for Canada, Québec and the CRA will check to see if anyone from their respective organizations will participate in the working group.

7. DISCUSSION OF JBACE PARTICIPATION IN THE SUSTAINABLE DEVELOPMENT FOCUS GROUP ("NORD POUR TOUS")

The JBACE will seek observer status on the sustainable development consultation group when it starts up again. The JBACE does not want participant status because it could create a conflict of interest with the Committee's role as advisor to the governments in matters relating to northern development policies.

8. DISCUSSION OF THE ROLE OF RESOURCE PERSONS ON SUBCOMMITTEES

A member pointed out that the JBACE took steps to make the subcommittees more effective when external resource people are involved. The Committee had decided that resource people would report to the

representative appointed by the members of the JBACE party concerned. In other words, comments on a document prepared by the analyst or the secretary are submitted to the appointed representative, who incorporates them into the document before submitting them to the secretariat. Because each party coordinates its comments, it makes things much easier for the secretariat.

The secretary will draft a statement clarifying the role of resource people on subcommittees.

9. ADOPTION OF THE MINUTES OF THE 177th (January 31), 178th (April 8), 179th (June 26) and 180th (August 22) MEETINGS

On motion by Jean-François Coulombe, seconded by Chantal Otter Tétreault, the minutes of the 177th meeting (January 31, 2013) were adopted as prepared.

On motion by Isaac Voyageur, seconded by Jean Picard, the minutes of the 178th meeting (April 8, 2013) were adopted as prepared.

On motion by Marie-Josée Lizotte, seconded by Isaac Voyageur, the minutes of the 179th meeting (June 26, 2013) were adopted as prepared.

On motion by Chantal Otter Tétreault, seconded by Marie-Josée Lizotte, the minutes of the 180th meeting (August 22, 2013) were adopted as prepared.

10. NEXT MEETING

The JBACE hopes to meet with the deputy minister of the MDDEFP at its next meeting, which will be held in Québec City on either December 9 or 16, 2013, depending on when the deputy minister is available.



Marc Jetten
Executive Secretary
December 20, 2013

Delegation of Signing Authority

I, the undersigned, _____, in my capacity as Chairperson of the James Bay Advisory Committee on the Environment (JBACE), hereby delegate signing authority for cheques issued by the JBACE to _____, Vice-Chairperson of the JBACE, from _____ until revoked.

Made at _____, on _____.

Signature: _____

I, the undersigned, _____, in my capacity as Executive Secretary of the JBACE, agree to the above delegation of signing authority.

Made at _____, on _____.

Signature: _____

Revocation of the delegation of signing authority for cheques

I, the undersigned, _____, in my capacity as Chairperson of the James Bay Advisory Committee on the Environment (JBACE) hereby revoke the delegation of signing authority in favour of _____, Vice-Chairperson of the JBACE, on _____.

Made at _____, on _____.

Signature: _____