



MINUTES OF THE 182ND MEETING OF THE JAMES BAY ADVISORY COMMITTEE ON THE ENVIRONMENT

(ADOPTED)

- DATE:** December 16, 2013
- PLACE:** Salle 7A (morning) and Salle du COMEX (afternoon), Édifice Marie-Guyart, Québec City
- PRESENT:** Line Choinière, Canada
Manon Cyr, Québec (by telephone)
Ginette Lajoie, Cree Regional Authority (CRA)
Jean-Pierre Laniel, Québec
Marie-Josée Lizotte, Québec
Chantal Otter Tétreault, CRA
Jean Picard, Canada
Monique Lucie Sauriol, Canada
Marc Jetten, Executive Secretary
Graeme Morin, Environmental Analyst
- ABSENT:** Guy Héту, Québec
Rodney Mark, ARC, Chairperson
Isaac Voyageur, ARC, Vice-Chairperson
- OBSERVER:** Anne-Marie Gaudet, Senior Advisor
Canadian Environmental Assessment Agency
- GUESTS:**
- For item 4:** Clément D'Astous, Deputy Minister of Sustainable Development, Environment, Wildlife and Parks
Jacques Dupont, Assistant Deputy Minister, Water Expertise, Analysis and Environmental Assessment, MDDEFP
- For item 5:** Bernard Lauzon, Associate Secretary General, Secrétariat au développement nordique

In the absence of the Chairperson of the JBACE, Chantal Otter Tétreault acted as chair of the meeting. She welcomed the new members and proposed that the agenda be adopted.

1. ADOPTION OF THE AGENDA

On a motion by Line Choinière, seconded by Marie-Josée Lizotte, the agenda of the meeting was adopted as amended.

2. ADOPTION OF THE MINUTES OF THE 181ST MEETING (OCTOBER 15, 2013)

On a motion by Marie-Josée Lizotte, seconded by Jean Picard, the minutes of the 181st meeting (October 15, 2013) were adopted as is.

3. ADMINISTRATION

a. Conditions for payment of the JBACE's grant

A member explained that Aboriginal Affairs and Northern Development Canada (AANDC) will take responsibility for Canada's portion of the JBACE's funding, namely 50% of the grant. AANDC would like to pay its portion of the grant directly to the JBACE instead of reimbursing the MDDEFP after full payment of the grant. This arrangement is subject to a new agreement between the governments of Canada and Québec. In that event, the JBACE would have to conclude separate administrative agreements with the MDDEFP and AANDC.

b. Proposal to move the Secretariat

The members asked the Executive Secretary to document the decision to move the Secretariat to Montréal in 2001. For the time being, the members prefer not to use an external resource to examine the feasibility of moving the Secretariat to the Eeyou-Istchee James Bay territory.

The Executive Secretary presented the proposal that a lease with an unspecified term be signed with Ivanhoé Cambridge, the landlord of the current office space. The proposal would enable the tenants to terminate the lease, if landlord were given notice. The lease would have a minimum term of one year.

JBACE resolution no. 2013-12-16-01 authorizing the Chairperson and the Executive Secretary to sign a lease with an unspecified term for the current office space:

WHEREAS the current lease for the office space shared with the Hunting, Fishing and Trapping Coordinating Committee (HFTCC) expires in December 2014;

WHEREAS the landlord of the current office space has proposed a lease with an unspecified term to the HFTCC and the JBACE; and

WHEREAS a lease with an unspecified term would give the JBACE flexibility while it considers the matter of the location of the Secretariat, because the Committee could move starting in December 2015 or keep its current premises;

On a motion by Marie-Josée Lizotte, seconded by Ginette Lajoie:

It is unanimously resolved to authorize the Chairperson and the Executive Secretary to sign, jointly with the HFTCC, a lease with an unspecified term for the current office space.

4. MEETING WITH CLÉMENT D’ASTOUS, DEPUTY MINISTER OF SUSTAINABLE DEVELOPMENT, ENVIRONMENT, WILDLIFE AND PARKS, AND JACQUES DUPONT, ASSISTANT DEPUTY MINISTER OF WATER EXPERTISE, ANALYSIS AND ENVIRONMENTAL ASSESSMENT

Modernization of the assessment and review procedure

The members first presented the JBACE’s mandate and the main directions of the 2013-2018 Strategic Plan. Over the past year, the JBACE has concentrated its resources on the study of mining exploration projects and their place in the list of projects subject to or exempt from the assessment and review procedure; this matter concerns Schedules 1 and 2 of Section 22 of the James Bay and Northern Québec Agreement (JBNQA). To carry out this mandate, the JBACE has created a Subcommittee that collaborates with several mining experts. The Subcommittee is working with the JBACE Analyst to develop exemption thresholds, which would make it possible to reduce the number of projects in the so-called grey area, in other words those that are not on either list.¹ The outcome would be greater clarity for project proponents and the public. The JBACE plans to adopt recommendations on this matter in February 2014. It will then be up to the parties to Section 22 (Canada, Québec and the Crees) to follow up on them.

The members also reported on their work concerning public participation. The objective is to make the assessment and review procedure more predictable for proponents, the Committees created under Section 22 and the communities concerned. In 2012, the JBACE submitted a progress report and preliminary recommendations to the Provincial Administrator. The objective is to ensure public participation for each project subject to environmental and social assessment, although the participation would be adjusted according to the characteristics of each project. In addition, the participation procedure would be adapted to the context of the Eeyou Istchee-James Bay territory.

To facilitate access to project information, an on-line register would be created. Given that the Cree Regional Authority and the MDDEFP have both begun work in this area, the members suggested that the two bodies collaborate. According to Jacques Dupont, this initiative would make information public earlier in the process, before the project admissibility stage. He said the MDDEFP register was designed to apply to the entire province. A register for the territory covered by Section 22 could be separate.

The JBACE will also recommend that project documentation be available in English in the Cree communities, and as much as possible in the Cree language. Jacques Dupont said that the issue of language was different in the North, where most proponents are anglophone.

The members would like to follow up on the recommendations submitted in 2008 concerning the review of Schedules 1 and 2 of Section 22; the recommendations concern all projects except mining exploration. In this regard, Québec and the Crees have created a committee that has made significant progress with its work. According to Mr. D’Astous, it will then take about a year to amend the *Environment Quality Act*, whose Schedules specify the projects subject to or exempt from review in northern regions, like the JBNQA. In parallel, the Crees have to discuss with Canada the types of project under federal jurisdiction. Ultimately, the three parties will have to agree on the terms and conditions for a review of the schedules to Section 22.

Lastly, the members asked that the JBACE obtain a copy of the minutes of the provincial Review Committee (COMEX), which would facilitate its work of overseeing the assessment and review procedure. Jacques Dupont agreed and suggested that the COMEX Chairperson be contacted about this matter.

¹ The Evaluating Committee examines so-called grey-area projects to determine whether an environmental and social impact assessment is required.

Northern development policies

A member presented the portion of the Strategic Plan concerning acquisition of environmental and social knowledge in the territory. In the spring, the JBACE will hold a workshop on scientific and local knowledge.

The JBACE would also like to identify the main issues arising from northern development policies. In this respect, a member explained the limitations of environmental assessment on a project-by-project basis: at this stage, it is difficult for proponents to deal with strategic issues. The JBACE believes that strategic environmental assessment (SEA) would provide a more integrated picture of development so that environmental and social issues can be taken into account upstream.

According to Jacques Dupont, the strategic assessments of hydrocarbon development in the Gulf of St. Lawrence and exploitation of shale gas are useful to the MDDEFP in its consideration of this matter. Mr. D'Astous believes that initiatives to obtain more information so that new types of development can be assessed more effectively should be encouraged. The objective is to find the strategic assessment model that corresponds best to needs.

Conservation of northern environments

A member pointed out that the previous government had made a commitment in 2011 to protect 20% of the territory covered by the Northern Plan and to set aside 50% of the territory for non-industrial purposes. At that time, the JBACE stressed the need to accelerate ecological planning of proposed protected areas and to take into account the cumulative impacts of projects on northern environments. In addition, the Committee supported two proposals for protected areas made by the Cree First Nations, which would cover the critical habitat of woodland caribou herds.

Clément D'Astous pointed out that the Minister of Sustainable Development, Environment, Wildlife and Parks was a proponent of protected areas. In addition, in the near future the Québec government should be announcing its endorsement of international conservation objectives, including 17% of terrestrial environments. The MDDEFP has reviewed the Crees' proposals for protected areas and has filed a counterproposal.

Pointe Louis XIV (Cape Jones) contaminated site

The JBACE would like the Pointe Louis XIV contaminated site, a former Defence Canada radar site north of Chisasibi, to be restored. The governments must first agree on the site characterization. Its current state prevents the Crees from exercising their wildlife harvest rights. Moreover, the site is part of the Lac Burton-Rivière Roggan-Pointe Louis XIV protected area created by Québec in 2008.

According to Jacques Dupont, everyone agrees on the need to restore the site. The MDDEFP is waiting for a legal opinion on the respective liability of the governments of Canada and Québec. A member suggested that the site-characterization costs be established first; this step could be subject to a separate agreement between the parties. Mr. D'Astous believes that would be a step in the right direction.

Assessment of uranium

Jacques Dupont announced that Québec and the Crees had reached a draft agreement concerning a possible mandate of the Bureau d'audiences publiques sur l'environnement (BAPE) to assess uranium in Québec. The BAPE and the JBACE would have to jointly determine the terms and conditions for public hearings to be held in the territory covered by Section 22 of the JBNQA. After the hearings, the JBACE may work on this section of the BAPE report or write its own report. The MDDEFP does not intend to issue any authorizations for uranium exploration projects until the BAPE has completed its mandate. This undertaking does not bind the other

Québec government departments. The Minister of Sustainable Development, Environment, Wildlife and Parks will make a decision about uranium development that takes the BAPE's recommendations into account.

5. PRESENTATION BY BERNARD LAUZON OF THE SECRÉTARIAT AU DÉVELOPPEMENT NORDIQUE ON THE ORIENTATIONS OF THE LE NORD POUR TOUS PLAN

The Secrétariat au développement nordique has a mission to coordinate development initiatives under the North for All plan (*Le Nord pour tous*). The Parliamentary Committee on Northern Development, chaired by the Minister of Natural Resources, oversees the Secretariat's work by identifying the communities' needs and establishing strategic orientations. The Secretariat will have a team of about 15 people working mainly in Québec City, but in the near future also in northern regions.

The Québec government has two Partners' Discussion Tables, the one for Aboriginal nations (Crees, Inuit, Naskapi and Innu) and the other for all northern partners. The government is also creating four working groups on specific issues:

1. Infrastructure, natural resources and environment
2. Education, training, employment, manpower, research and culture
3. Local development and economic diversification
4. Health and social services development

The groups will have a mandate to discuss the major issues in their areas and to report their priorities to the Northern Partners' Discussion Table.

The Québec government is creating the Northern Development Fund involving strategic investment of almost \$900 million over five years. The Secrétariat au développement nordique advises the government on the initiatives to be given priority. In 2013, the Fund financed the repair work on the James Bay Road at a cost of \$100 million. A member asked whether the Fund could finance environmental initiatives, such as characterization of the contaminated former defence site Pointe Louis XIV (Cape Jones). Mr. Lauzon said that such a proposal would be examined carefully in cooperation with the MDDEFP representatives. He suggested that the JBACE first submit the proposal to the Cree and MDDEFP representatives to advance it within the Infrastructure, Natural Resources and Environment Working Group as well as the Partners' Discussion Table.

In its role of coordinating northern initiatives, the Secretariat has worked with mining companies active on the North Shore to examine the advisability of constructing common infrastructure, which would reduce costs and environmental impacts. For example, a railway line could serve several mining sites. The members said that the JBACE had examined the matter of transportation infrastructure by means of a strategic environmental assessment (SEA). Such an assessment would enable upstream identification of issues associated not only with a railway but the entire planned railway network.

Role of the JBACE

Given that the JBACE had observer status with the former Sustainable Development Consultation Group, Mr. Lauzon suggested that the Committee have the same status with the Infrastructure, Natural Resources and Environment Working Group. Some members pointed out that the JBACE was the governments' preferential forum regarding initiatives that may affect the environmental and social protection regime under Section 22 of the JBNQA. They wonder about the extent to which observer status with the Working Group would enable the Committee to play its role. The members said that the JBACE may not become involved in setting project priorities, because its mandate is to oversee administration of the impact assessment and review process; this could put it in a conflict of interest. That being said, the JBACE has to be informed of developments involving the Québec government's northern development policies.

According to Bernard Lauzon, the work of the Infrastructure, Natural Resources and Environment Working Group would be an excellent source of information, upstream from decision making. If the JBACE needs a connection to obtain additional information, he is prepared to assist. Mr. Lauzon said, however, that the documents submitted for discussion purposes to the various working groups are only working documents; they do not represent the positions of the Québec government.

The members of the JBACE believe they need the opportunity to discuss among themselves issues affecting northern development, once they obtain information from the Working Group or the Secrétariat au développement nordique. According to Mr. Lauzon, it will be necessary to examine how to reconcile this approach with the tight work schedule. The members will examine Mr. Lauzon's proposal concerning the Infrastructure, Natural Resources and Environment Working Group and will give him an answer in the near future.

6. FOLLOW-UP

a. Mineral exploration in relation to the assessment and review procedure

The Analyst has almost completed a draft report of recommendations. To accelerate validation of the preliminary recommendations by the members of the Evaluating Committee and the review committees, the members of each party on the JBACE will follow up with the members of their party on the three committees.

b. Implementation of the Fisheries Act amended in 2012

Richard Nadeau and Gordon Walsh of Fisheries and Oceans Canada met with a JBACE delegation on December 6. It was suggested that the JBACE recommend the development of specific guidelines for the James Bay territory, given that the JBNQA contains provisions on the Crees' participation and their fishing rights. The members were asked to comment on a draft letter to that effect.

For lack of time, the other follow-up items were deferred until the next meeting.

7. NEXT MEETING

The JBACE will hold its next meeting in Val-d'Or on February 27, 2014.



Marc Jetten
Executive Secretary
March 12, 2014