



MINUTES OF THE 183rd MEETING OF THE JAMES BAY ADVISORY COMMITTEE ON THE ENVIRONMENT

(ADOPTED)

- DATE:** February 27, 2014
- PLACE:** Meeting room, Cree Nation Government, 277 Duke St., Montréal
- PRESENT:** Line Choinière, Canada (by phone)
Manon Cyr, Québec
Anne-Marie Gaudet, Canada
Ginette Lajoie, Cree Nation Government (CNG)
Jean-Pierre Laniel, Québec
Marie-Josée Lizotte, Québec
Chantal Otter Tétreault, CNG
Jean Picard, Canada
Monique Lucie Sauriol, Canada

Marc Jetten, Executive Secretary
Graeme Morin, Environmental Analyst
- ABSENT:** Guy Héту, Québec
Rodney Mark, CNG, Chairman
Isaac Voyageur, CNG, Vice-Chairman

In the chairman's absence, the meeting was presided over by Ginette Lajoie, who invited the members to adopt the agenda.

1. ADOPTION OF THE AGENDA

On motion by Anne-Marie Gaudet, seconded by Chantal Otter Tétreault, the meeting agenda was adopted with changes.

2. ADOPTION OF THE MINUTES OF THE 182nd MEETING (December 16, 2013)

On motion by Jean Picard, seconded by Jean-Pierre Laniel, the minutes of the 182nd meeting were adopted with amendments.

3. ADMINISTRATION

a. Project to move the secretariat to the territory covered by Section 22

The secretary documented the JBACE's decision to move the secretariat from Québec City to Montréal in 2001. The members asked him to assess the achievement of the JBACE's goals in moving the secretariat to Montréal. The members suggested postponing discussion of the secretariat's location to when it can exercise its right to terminate its next lease (end of 2015).

b. *Renewal of lease until 2017 (with termination option)*

The lessor has proposed signing a three-year lease with an option to terminate after one year, subject to six months' prior notice. The secretary explained that these terms are in line with the resolution passed by the JBACE in December. The JBACE chairman and secretary can sign the amended lease together with the secretary-treasurer of the Hunting, Fishing and Trapping Coordinating Committee.

c. *Funding for fiscal 2014-2015*

The secretary said that the funding parties have agreed to maintain the JBACE's funding at \$331 000 for the 2014-2015 fiscal year. The terms of payment for 2014-2015 will remain the same until such time as the parties agree otherwise.

d. *Draft protocol on the role of resource persons on subcommittees*

Members shared their comments on the draft protocol prepared by the secretary. A document intended for resource persons that explains how JBACE subcommittees operate would be preferable to a protocol. The document should state that the subcommittees submit their final recommendations to the JBACE, which either approves or amends them.

4. FILE FOLLOW-UP

a. *Literature review of Cree environmental and social concerns*

The consultant is supposed to submit her preliminary report on March 28. The members will have four weeks to submit their comments.

b. *Workshop on the acquisition and dissemination of environmental and social knowledge*

The workshop is to be held on March 19 and 20, in Mistissini. The consultant who is helping plan the workshop, the JBACE secretary and analyst, and the members present at the workshop will share moderating duties, particularly during small-group discussions.

c. *Improvement of the public participation process*

The analyst is still interviewing resource persons involved in the public consultations on the Matoush uranium exploration project (case study). He will be interviewing the members of the Review Committee (COMEX) as a group on March 13. He will also be updating the comparative study of public participation processes in northern regions with a view to writing his recommendations report. The recent changes to the *Canadian Environmental Assessment Act* (CEAA), among other things, will be taken into consideration.

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

The task force will be resuming its work with a meeting on March 24, 2014. The partners' goal is still to craft an action plan for woodland caribou recovery. The analyst plans to report on his participation in the task force at the JBACE's next meeting.

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

The Ministère des Ressources naturelles (MRN) is revising the restoration plan for a segment of Slam Creek based on the comments received from Environment Canada and Fisheries and Oceans Canada. A representative of the Cree Nation Government is also supposed to comment on the plan. Once the final

reports are ready, the MRN plans to give a presentation in Waswanipi on the results of impact monitoring of fish habitat and the restoration work carried out.

f. Characterization of the Cape Jones (Pointe Louis XIV) contaminated site

The JBACE wrote to the Deputy Minister of MDDEFP and the Grand Chief of the Grand Council of the Crees on February 17 requesting that the site characterization study be paid for out of the Northern Development Fund. The members asked the secretary to follow up on the matter with the Cree Nation of Chisasibi.

5. DISCUSSION AND APPROVAL OF THE PRELIMINARY RECOMMENDATIONS REGARDING IMPACT ASSESSMENT AND REVIEW OF MINERAL EXPLORATION ACTIVITIES

The analyst presented the recommendations of the subcommittee on mineral exploration¹ regarding the revision of the list of developments automatically exempt from impact assessment (Schedule 2 of Section 22). The subcommittee's recommendations were validated by the members of the evaluating and review committees. The analyst passed their comments on to the JBACE.

The analyst said that he is doing a final revision of the analysis forms relating to each recommendation. Following their approval by the members, the forms will be included in the recommendations report, which will be sent to the parties.

JBACE Resolution 2014-02-27-01 approving the recommendations regarding impact assessment and review of mineral exploration activities under the Section 22 procedure:

WHEREAS the JBACE formed a subcommittee to make recommendations regarding the status of mineral exploration projects in relation to the Section 22 impact assessment and review procedure;

WHEREAS the subcommittee received advice from several mining experts;

WHEREAS the subcommittee held a workshop with the evaluating and review committees in May 2013 to discuss the preliminary recommendations, and whereas the current recommendations were validated by email;

WHEREAS the analysis forms will be appended to the recommendations report after being approved by the members;

On motion by Chantal Otter Tétreault, seconded by Jean Picard:

It is unanimously resolved to approve the recommendations clarifying the status of mineral exploration projects under the impact assessment and review procedure and transmit them to the signatory parties of Section 22 of the JBNQA.

¹ The recommendations are appended to these minutes.

6. PROPOSED GUIDELINES FOR IMPLEMENTATION OF THE FISHERIES ACT IN THE TERRITORY COVERED BY SECTION 22

The JBACE is creating a subcommittee to look at how Cree concerns could be considered during implementation of the new *Fisheries Act* (2012). The subcommittee will study the possibility of either preparing a supplement to Fisheries and Oceans Canada's national policy or specific guidelines for the territory covered by Section 22 of the JBNQA.

7. INFORMATION REGARDING BAPE'S MANDATE FOR ASSESSING THE URANIUM SECTOR

A member informed the Committee that the agreement between the Québec government and the Grand Council of the Crees on BAPE's mandate for conducting a generic assessment of Québec's uranium sector would be signed soon. The BAPE will conduct consultations jointly with the JBACE in the territory covered by Section 22 of the JBNQA. The BAPE will likely contact the JBACE as soon as the agreement has been signed to discuss the arrangements for the consultations in the Section 22 territory.

8. PARTICIPATION AS AN OBSERVER IN THE INFRASTRUCTURE, NATURAL RESOURCES AND ENVIRONMENT WORKING GROUP FOR THE "NORD POUR TOUS" PLAN

The secretary attended, as an observer, the first meeting of the Infrastructure, Natural Resources and the Environment Working Group for the "Nord pour tous" plan (held in January 2014). The secretary thinks that the issues addressed by the working group, such as access to the territory, forest management and the creation of protected areas, are relevant to the JBACE's mandate. The members think that the JBACE will have better access to information regarding northern development if it participates in the working group's meetings.

The JBACE will write to the Secrétariat au développement nordique to confirm its presence as an observer at future meetings of the Infrastructure, Natural Resources and the Environment Working Group.

9. REVIEW OF TACTICAL PLANS FOR INTEGRATED FOREST DEVELOPMENT (TPIFDs) FOR 2014-2018

Under Québec's new forest regime, general forest management plans are replaced by tactical or operational plans for integrated forest development. The JBACE has to decide if it will review tactical or operational plans, or both. This decision will be made at the next meeting.

10. REPORT ON THE MEETING OF THE RESIDUAL MATERIALS MANAGEMENT WORKING GROUP

The secretary said that the meeting between representatives of MDDEFP, Recyc-Québec, the Cree Nation Government, the James Bay Regional Government and the Société d'énergie de la Baie James provided an opportunity to take stock of residual materials management in the James Bay territory. Among other things, the participants shared information on the existing regulations and programs.

The JBACE will write to the Cree Nation Government to see whether an integrated residual materials management policy and regulation are being formulated.

11. OTHER BUSINESS: ABORIGINAL AND TREATY RIGHTS INFORMATION SYSTEM (ATRIS)

The members for Canada told the other members about ATRIS, a Web-based information system on Aboriginal and treaty rights. The people in charge of ATRIS would like to meet with the Cree Nation Government to enhance the system. The members asked for a presentation on ATRIS at a future JBACE meeting.

12. NEXT MEETING

The JBACE will hold its next meeting on June 4, 2014, in Chibougamau.



Marc Jetten
Executive Secretary
June 5, 2014

Recommendations relating to mineral exploration activities and related works as adopted by the JBACE members on February 27th 2014

The JBACE adopted the recommendations proposed by the Subcommittee on mineral exploration regarding the revision of Schedules 1 and 2 of Section 22 of the JBNQA, with modifications, on February 27th 2014.

Prior to reviewing these adopted recommendations, please note the following:

- These proposed recommendations were presented and commented on by members of COMEV, COMEX and COFEX-South during the Subcommittee's workshop, held in May 2013, and during a validation period held in February 2014.
- No recommendations stipulating the automatic subjection of specific exploration activities to assessment or review were formulated. Most recommend either the exemption of certain activities and works, or the status quo ('grey zone'); and, a pair of novel recommendations are offered in relation to two crucial issues that do not immediately address textual modifications of either schedule.
- All relevant recommendations must be reconciled in light of the sum of a project's works and activities, prior to determining that a project is exempt or remains in the grey zone (e.g. if accumulation areas and access roads are required during drilling programs or operations, the recommendations on accumulation areas and on access infrastructures should be considered together with those relating to drilling). Here, we understand that if a component of a project is found to fall into the grey zone, the sum of the project's works and activities will be the object of a COMEV evaluation.
- [Decree N° 1307-2013](#) dated December 11th 2013, was published in the Gazette Officielle du Québec on January 3rd 2014. The decree authorises the agreement concerning a mandate to evaluate uranium development throughout Québec was signed between the Gouvernement du Québec and the Cree of Québec (the '*Entente concernant un mandat d'enquete sur la filière uranifère au Québec entre le gouvernement du Québec et les Cris du Québec*'). Insofar as this province-wide evaluation has yet to commence and that it will include uranium exploration activities, the JBACE deems it premature to adopt recommendations pertaining to uranium in this present exercise.

**Recommendations relating to mineral exploration
activities and related works as adopted by the
JBACE members on February 27th 2014**

Activities and Related Works	Exemption Recommendation	Status Quo Recommendation
<p>Preliminary exploration activities, includes:</p> <ul style="list-style-type: none"> - Prospecting; - Claim obtention; - Map designation; - Geophysical and Geochemical surveying works; - Line cutting; - Technical Evaluation; - Preliminary surface sampling, Grab sampling, Chip sampling, Channel and Panel sampling; - Examination of outcrops. 	<p>We recommend that item h) in Schedule 2 of Section 22 of the JBNQA be revised so as to read as follows:</p> <p>h) Preliminary investigation, research, experiments outside the plant, survey and technical survey works prior to any project, work or structure. Such works include, in the context of mineral exploration, the following activities: Prospecting, Claim obtention, Map designation, Geophysical and Geochemical surveying works, Line cutting, Technical Evaluation, Preliminary surface sampling, Grab sampling, Chip sampling, Channel and Panel sampling, and Examination of outcrops.</p>	n/a
<p>Camps and related domestic waste-water treatment and solid waste disposal facilities</p>	<p>Include in Schedule 2 (i.e. exempt) all mineral exploration camps, including those of tent-like structures or domes.</p>	n/a
	<p>Include in Schedule 2 (i.e. exempt) all domestic waste-water treatment facilities and solid waste disposal facilities related to all mineral exploration camps.</p>	n/a

Activities and Related Works	Exemption Recommendation	Status Quo Recommendation
Drilling Operations	<p>Include in Schedule 2 (i.e. exempt) all drilling operations that <u>do not</u> require any (or all) of the following works:</p> <ol style="list-style-type: none"> 1. The displacement of more than 1000m³ of overburden or unconsolidated material, or that cover more than 10,000m² (1 ha) of land; 2. The sampling of greater than 500 metric tonnes of material; 3. Accumulation areas for overburden, waste rock, or extracted ore. <p><u>No distinction is made between drilling on land or in aquatic areas.</u></p>	<p>The status quo (i.e. grey zone) is recommended for projects undertaking drilling activities beyond these thresholds or that require accumulation areas.</p>
Blasting operation and the use of explosives	<p>Include in Schedule 2 (i.e. exempt) the use of explosives and the conduction of blasting operations over the course of all mineral exploration projects that do not require a Mining Lease.</p>	<p>n/a</p>
Surface Stripping, Pitting, and Trenching activities	<p>Include in Schedule 2 (i.e. exempt) all surface stripping, pitting and trenching activities that displace less than 1000m³ of overburden or unconsolidated material, that cover less than 10,000m² (1ha) of land, and that do not require accumulation areas.</p>	<p>The status quo (i.e. grey zone) is recommended for projects undertaking activities beyond these thresholds or that require accumulation areas.</p>

Activities and Related Works	Exemption Recommendation	Status Quo Recommendation
<p align="center">Ramp and Shaft Excavation, Dewatering, and Bulk Sampling Activities</p>	<p>Include in Schedule 2 (i.e. exempt) all ramp and shaft excavations – as well as their related dewatering activities – that displace less than 1000m³ of overburden or unconsolidated material, or that cover less than 10,000m² (1ha) of land.</p>	<p>The status quo (i.e. grey zone) is recommended for projects undertaking activities beyond these thresholds.</p>
	<p>Include in Schedule 2 (i.e. exempt) all bulk sampling operations that extract less than 30,000mt of material that is not susceptible to acid generation.</p>	
	<p>Include in Schedule 2 (i.e. exempt) all bulk sampling operations that extract less than 1000mt of material that is susceptible to acid generation.</p>	
<p>Accumulation areas and related effluent-treatment installations</p>	<p>Include in Schedule 2 (i.e. exempt) the establishment and operation of all accumulation areas and related infrastructures, tailings and effluent treatment facilities and related installations for the accommodation of overburden or unconsolidated material, waste rock or ore-bearing material, that cover less than 10,000m² (1ha) of land.</p> <p><u>This threshold also applies for accumulation areas established for materials susceptible to acid generation.</u></p>	<p>The status quo (i.e. grey zone) is recommended for projects undertaking activities beyond the 10,000m² (1ha) threshold.</p>

Activities and Related Works	Exemption Recommendation	Status Quo Recommendation
<p>Access infrastructures, includes:</p> <ul style="list-style-type: none"> - Trails; - Roads; - Airstrips; - Heliports / helipads; - Boat and float plane docks and wharves; - Fuel storage; - Light and heavy vehicle and equipment traffic; - Aircraft traffic. 	<p><u>For infrastructures established or operated in the winter:</u></p> <p>Include in Schedule 2 (i.e. exempt) all winter roads, winter airstrips, winter heliports and helipads – including all associated fuel storage facilities, ice bridges, and snow fills – that are less than 25km in length and that are established with an intended lifespan of less than 5 years.</p>	n/a
	<p><u>For infrastructures established or operated in all other seasons:</u></p> <p>Include in Schedule 2 (i.e. exempt) all access infrastructure works, and associated fuel storage facilities, that do not require the following activities or that do not exceed the following thresholds:</p> <ol style="list-style-type: none"> 1. The rerouting or diverting of a river; 2. The construction and operation, rebuilding, or enlargement of any new trail or road, or any new branch of trail or road, with a right-of-way less than 15m in width, a roadway of less than 4m in width, a natural foundation, a natural surface, a total length measuring less than 25km, and that is established with an intended lifespan of less than 5 years.¹ 3. The construction, rebuilding, or enlargement of an airstrip totalling 1000m in length or more; 4. The construction of new Heliports or Helipads with more than one take-off and landing site. 	The status quo (grey zone) is recommended for all access infrastructures that require the mentioned activities, that exceed the mentioned thresholds, and for all boat and float plane wharves and docks.

¹ Exploration access trails and roads are classified and controlled by the MRN in the same manner as forestry roads per the Regulation respecting standards of forest management for forests in the domain of the State (CQLR c.A-18.1 r.7). The exploration access trails and roads (or branches of trails and roads) with characteristics so-defined correspond to Class 5 roads according to the MRN's current classification.

Crucial Issues	Recommendation
<p>Notification and dialogue mechanism</p>	<ol style="list-style-type: none"> 1. Implement a mechanism for a systematic notification between proponents and the following organizations, who may then disseminate the information to land users, primarily Cree land users, and who may coordinate a dialogue and exchange between proponents and Cree land users regarding the said information: <ul style="list-style-type: none"> • The Cree Nation Government (CNG), formerly the Cree Regional Authority (CRA); • The Eeyou Istchee James Bay Regional Government (RG); • The Cree Mineral Exploration Board (CMEB); • The First Nation administrations (Band Councils); 2. The following precepts must be set out for this mechanism: <ul style="list-style-type: none"> • The intention of the mechanism is to foster a routine and coordinated procedure for a continued relationship of dialogue and exchange, from year to year, between exploration proponents and Cree land users through the auspices of certain Cree institutions. It is not intended to produce ‘information drop points’ for proponents to meet minimal administrative requirements; • Initial notification and dialogue must occur before the commencement of activities in the field, and must be maintained throughout the life of all exploration projects to ensure a continued, up-to-date, and relevant discourse; • Project objectives, yearly work plans and schedules, Restoration and Rehabilitation Plans, or Emergency Response Plans (or their summaries), for example, should be the object of notification, dialogue, and exchange; • Dialogue and exchanges should be documented in the event that they become useful as exploration projects progress. 3. Implement the necessary programs or means of training and encouraging the employment of Crees in monitoring and compliance inspection activities. Such opportunities must include adequate familiarisation with applicable statutes, with mineral development techniques, and with wildlife and environmental protection measures. 4. Ensure that information is also disseminated and exchanged with the municipalities of the James Bay Territory. 5. These recommendations must apply in conjunction with all others.

Crucial Issues	Recommendation
<p>Cumulative effects</p>	<p><u>The JBACE remains committed to investigating and considering the cumulative effects of exploration, but cannot produce a specific recommendation on the matter within the context of the revision of Schedules 1 and 2 of Section 22 of the JBNQA at this time.² However:</u></p> <ol style="list-style-type: none"> 1. The assessment of these effects at regional or landscape scales, namely by the authorities established under <i>An Act establishing the Eeyou Istchee James Bay Regional Government and introducing certain legislative amendments concerning the Cree Nation Government</i>, is the most desirable course of action, and a distinct study on the cumulative effects of mineral exploration throughout the Territory is recommended; 2. The compilation and exchange of detailed local information is necessary to develop a regional portrait of mineral exploration activities throughout the Territory. Although such exchanges will not necessarily or specifically address the regional cumulative effects of exploration, exchanges of similar information may be helpful in addressing local issues; 3. These issues must thus be considered during the development of the coordinated and documented mechanism of notification, dialogue and information-exchange between proponents, certain organizations, and land-users (see the recommendation relating to notification and dialogue); 4. The cumulative effects of all past, current, and future development projects – including mineral exploration projects – in the area that may be covered by an exploration project, must be accounted for by the evaluation and review committees created under Section 22 of the JBNQA (i.e. COMEV, COMEX, and COFEX-South): <ul style="list-style-type: none"> • In order to account for the impacts arising from cumulative effects relative to the evaluation or review of a given exploration project, these committees must have access to necessary information (e.g. regional portrait of development activities or projects, detailed local information, etc.). This information can be in the form of a database; • In addition, these committees must have the capacity to utilise this information or database (e.g. human resources and computing resources).

² Readers should note that the JBACE will be undertaking a distinct study to address and enhance its own understanding of the cumulative effects of mineral development in the immediate future, under the auspices of its [Strategic Plan 2013-2018](#) (see page 4) and its related [Action Plan](#) (see page 3). It is expected that this study will indeed offer recommendations or suggestions for the eventual conduct of such a regional cumulative effects assessment.