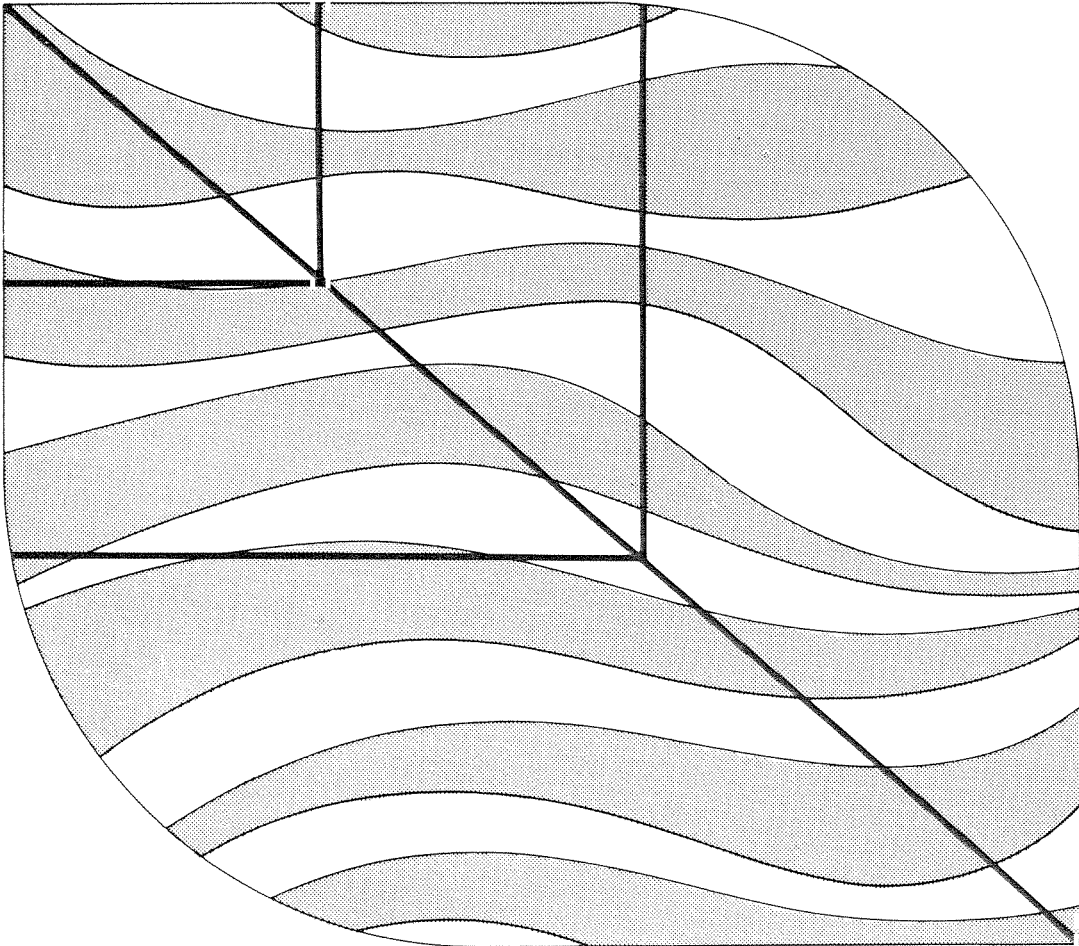


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the James Bay  
and Northern  
Québec Agreement



**The James Bay  
Advisory Committee  
on the Environment**

Annual Report 1996-1997

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**ANNUAL REPORT**

**1996 - 1997**

**JAMES BAY ADVISORY COMMITTEE  
ON THE ENVIRONMENT**

**GAWESHOUWAITEGO ASGEE WESHOUWEHUN**

French and English copies of this report are available  
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December 8, 1997

The Honourable Paul Bégin  
Minister of the Environment and Wildlife  
Édifice Marie-Guyart,  
675, boul. René-Lévesque Est, 30<sup>e</sup> étage  
Québec (Québec) G1R 5V7

Dear Sir:

It is my honour to present the activity report of the James Bay Advisory Committee on the Environment for the year ended March 31, 1997.

Respectfully submitted,

**ROBERT DAIGNEAULT**  
Chairman

December 8, 1997

The Honourable Christine Stewart  
Minister of the Environment  
Environment Canada  
Les Terrasses de la Chaudière  
10, rue Wellington, 28<sup>e</sup> étage  
Hull (Québec) K1A 0H3

Dear Madam:

It is my honour to present the activity report of the James Bay Advisory Committee on the Environment for the year ended March 31, 1997.

Respectfully submitted,

**ROBERT DAIGNEAULT**  
Chairman

December 8, 1997

Mr. Matthew Coon Come  
Grand Chief  
Grand Council of the Crees of Québec  
2 Lakeshore Road  
Nemaska (Québec) J0Y 3B0

Dear Sir:

It is my honour to present the activity report of the James Bay Advisory Committee on the Environment for the year ended March 31, 1997.

Respectfully submitted,

**ROBERT DAIGNEAULT**  
Chairman

## CHAIRMAN'S MESSAGE

Last year was--to say the least--one of paradoxes for the James Bay Advisory Committee on the Environment (JBACE). Despite meagre resources, the Committee kept extremely busy with issues such as forestry, waste management, the review of Section 22 of the James Bay and Northern Québec Agreement (JBNQA) and the operation of the technical committees responsible for the environmental and social impact assessment and review procedure established by the JBNQA. This annual report bears eloquent witness to the work accomplished under adverse conditions.

At the same time, the Committee became all too aware of the extremely precarious and repressive circumstances under which it must operate. In 1996-1997, the Committee no doubt used every bit of leeway afforded it by the JBNQA signatories. In a brief submitted to the Québec Minister of the Environment and Wildlife, the JBACE stressed its key role and mandate under the JBNQA, which is to oversee the application of the environmental and social protection regime in Cree territory, territory which covers a fifth of Québec's land surface.

In 15 years, despite repeated and emphatic requests, the JBACE has yet to receive either the resources or the status needed to carry out its mandate, despite their being set forth in the JBNQA. Moreover, the signatory governments have systematically neglected to consult the Committee in exercising their regulatory and administrative powers, despite the fact that the Committee was created to empower the Cree people to be involved in making decisions affecting their environment and social milieu.

In 1996-1997, the JBACE decided the status quo was no longer acceptable. It submitted a brief to the responsible Minister, who failed to respond, and attempted to meet with the federal Minister of the Environment, who refused. It would seem that the public bodies, which have an obligation in this regard, fail to see the Committee as the environmental management partner it is meant to be. If not for the JBNQA, the JBACE would undoubtedly have been stricken from the government roster, as was recommended by a Québec government committee back in 1985-1986.

The JBACE wondered if one of the reasons for this situation was that the public authorities which control the resources allocated to it are the very ones whose work the Committee is mandated to oversee, putting it in the awkward position of overseer-overseen. This problem at the organizational level was dramatically brought to light by the unilateral decision--against the JBACE's wishes--to move the Committee's secretariat. Furthermore, this decision was made by an administrative body to which the JBACE is not even answerable, i.e. MEF.

The guiding principles established by the environmental and social protection regime are far too important for the JBACE to abandon its functions, despite the glaring lack of both resources and recognition. In such a context, the conviction and motivation of its members, particularly those appointed by Québec, who are not remunerated for their work, is praiseworthy.

The JBACE must continue to demand the status and resources which are crucial to a mandate such as the one conferred by the JBNQA. We can only hope that the signatory governments show that the environment is as important an issue in the James Bay territory as it is in southern Québec.

**ROBERT DAIGNEAULT**  
Chairman

**JAMES BAY ADVISORY COMMITTEE  
ON THE ENVIRONMENT**

GAWESHOUWAITEGO ASGEE WESHOUWEHUN

## MANDATE

The James Bay Advisory Committee on the Environment (JBACE) is a consultative body established by Section 22 of the James Bay and Northern Québec Agreement (JBNQA) and governed by the Environment Quality Act (R.S.Q., c. Q-2) and the James Bay and Northern Québec Native Claims Settlement Act (S.C. 1976-1979, c. 32).

The Committee is the Québec and Canadian governments', as well as the Cree Regional Authority's, Cree village corporations', Native bands', Regional Zone Council's and regional municipalities' preferential and official forum for formulating laws and regulations relating to the physical and social environment of the territory covered by the James Bay and Northern Québec Agreement (the «Territory»). This Territory refers to that area of Québec located south of the 55th parallel, excluding the area near Schefferville south of the 55th parallel, and west of the 69th meridian, including the Category I and II lands of the Whapmagoostui Crees and whose southern boundary coincides with the southern limits of the Cree traplines as defined in the Act respecting hunting and fishing rights in the James Bay and New Québec territories (R.S.Q., c. D-13.1). Appendix 2 of this report contains a map showing the above territorial boundaries.

The JBACE is also mandated to oversee the administration and management of the environmental and social protection regime established by and in accordance with Section 22 of the JBNQA and Chapter II of the Environment Quality Act (EQA). Among other things, this entails making recommendations on:

- . the adoption of legislation, regulations, and other appropriate measures related to the environmental and social protection regime;
- . existing environmental and social laws and regulations relating to the effects of development, as well as existing land use regulations and procedures which may directly affect the rights of Native people established by and in accordance with sections 22 and 24 of the JBNQA;

environmental and social impact assessment and review mechanisms and procedures applicable to the Territory.

The Québec and Canadian governments, the Cree Regional Authority and Cree village corporations consult the JBACE on major issues involving the implementation of the environmental and social protection regime applicable to the Territory, as well as on land use measures.

As stipulated in the EQA, the JBACE also comments on general and five-year forest management plans for public forests in the Territory, before such plans are approved by the Minister of Forests.

Upon request, the JBACE also provides Cree village corporations and bands with technical and scientific information, and advice or technical assistance which it periodically obtains from the federal or provincial government or a government agency.

Finally, the JBACE supervises the administration of the Evaluating Committee, also established by Section 22 of the JBNQA.

All decisions and recommendations formulated by the JBACE are forwarded to either the Québec or Canadian government, the Cree Regional Authority, the Cree village corporations, the bands, the Regional Zone Council or the municipalities for consultation, consideration and appropriate action, where applicable.

## COMPOSITION

The James Bay Advisory Committee on the Environment is a tripartite body composed of thirteen members, four of which are appointed by the Cree Regional Authority (CRA), four by Canada and four by Québec. The thirteenth member, the Chairman of the Hunting, Fishing and Trapping Coordinating Committee (HFTCC), is an ex officio member of the JBACE, except when this individual is appointed from among the members named by the Inuit party, in which case the Second Vice-Chairman of the HFTCC is an ex officio member of the JBACE.

Each year, Québec, Canada and the Cree Regional Authority alternate in appointing a chairman and vice-chairman of the JBACE. In 1996-1997, the Committee Chairman, Robert Daigneault, was named by Québec.

On March 31, 1997, the JBACE was composed of the following members (the party appointing each member is indicated in parentheses) :

Yves Désilets, *Vice-Chairman*  
Indian and Northern Affairs Canada  
(Canada)

Diane Morneau  
Attorney, PhD in environmental law  
President, Cabinet d'affaires Morneau  
(Canada)

Note : Diane Morneau was not present at any meetings in 1996-1997

Pierre Paulhus  
Consultant, Fisheries and Oceans Canada  
(Canada)

Susanne Hilton  
Consultant  
(Cree Regional Authority)

Willie Iserhoff  
Director, Environment and Land Management  
(Cree Regional Authority)

Ginette Lajoie  
Environmental Coordinator  
(Cree Regional Authority)

Diom Roméo Saganash  
Consultant  
(Cree Regional Authority)

Luc Bouthillier  
Faculty of Forestry and Geomatics  
Université Laval  
(Québec)

Robert Daigneault, *Chairman*  
Director, Environmental Law Department  
Attorney, Lapointe Rosenstein  
(Québec)

Louise Filion  
Centre d'études nordiques  
Université Laval  
(Québec)

Jacques Lefebvre  
Continuing Education Department  
Cégep de St-Félicien  
(Québec)

In 1996-1997, the ex officio member for the Hunting, Fishing and Trapping Coordinating Committee was Denis Vandal (Québec).

The JBACE would like to thank the following member, who resigned during the year, for his valuable contribution:

Gilles Frisque  
Director, Centre multirégional de recherche en foresterie  
Université du Québec  
(Québec)

## MEETINGS

The JBACE held five regular meetings and one conference call between April 1, 1996 and March 31, 1997, on the dates and at the locations indicated below :

**92nd meeting** : May 14, 1996, Cree Regional Authority, 277 Duke St., Montréal.

**93rd meeting** : September 10-11, 1996, Eastmain Band Council office.

**94th meeting** : November 6-7, 1996, Ministère de l'Environnement et de la Faune, Québec City.

**95th meeting** : February 4, 1997, Cree Regional Authority, 277 Duke St., Montréal.

**96th meeting** : March 20, 1997, Cree Regional Authority, 277 Duke St., Montréal.

**97th meeting** : March 26, 1997, conference call.

In addition to these regular meetings, the following ad hoc subcommittees also met several times and conducted activities during the year: forestry subcommittee, subcommittee studying the draft JBACE-MEF administrative agreement, subcommittee for the generic hearings on waste management.

## JBACE ACTIVITIES IN 1996-1997

### 1. FORESTRY DEVELOPMENT IN THE JAMES BAY TERRITORY

#### 1.1 Background

In the year under review, the JBACE stepped up its efforts to deal with the problem of forest management in the Territory, particularly as regards forestry development and Cree participation in the decision-making process. Section 22 of the JBNQA contains a number of provisions designed to cover this issue by way of the environmental and social protection regime and, more specifically, the environmental and social impact assessment and review procedure. In accordance with Schedule 1 of Section 22, forest roads, pulp and paper mills or other forestry plants, and any significant change in land use, are automatically subject to impact assessment and review.

In the past, the Committee has encountered numerous obstacles in relation to forestry development, and any progress has been slow in coming. In fact, since 1986, the year the Québec government substantially amended its Forest Act, the JBACE has attempted to use its influence to harmonize the new Act and its attendant regulations with the JBNQA, particularly as regards the guiding principles governing the environmental and social protection regime.

Ever since the adoption of the new Forest Act, the JBACE has repeatedly been informed of decisions after the fact. For example, the Act failed to provide for a separate forest regime for Cree territory. The JBACE found itself having to study forest management plans (general and five-year) henceforth prepared by TSFMA holders instead of by the government, as was previously the case. Furthermore, the new rules for preparing management plans were never submitted to the Committee for consultation.

Forestry is a serious issue, and the JBACE entirely shares the concerns voiced by Cree communities and organizations. Since the signing of the JBNQA, logging has drastically changed the face of the

James Bay landscape; in fact, the annual harvesting rate on Cree traplines has doubled since 1975, and several traplines are now crisscrossed by heavy networks of forest roads without even minimum control of wildlife harvesting, thus threatening the Crees' priority harvesting rights. Huge portions of ecosystems on which the Cree depend for their livelihood have been disturbed, and nothing in the forest management plans submitted to the JBACE indicate that reforestation measures will be taken to restore the ecosystems to their natural state or even enhance it.

The Cree way of life continues to be under heavy pressure from forestry operations. The JBACE is forced to conclude that the current forest regime fails to meet Cree needs and contravenes the guiding principles of environmental and social protection set forth in the JBNQA. The Committee has taken steps to rectify this situation and intends to work as closely as possible with the MRN, forest companies, and Cree communities and organizations to this end. In fact, 1996-1997 marked a major turning point when, for the first time, the JBACE invited MRN representatives to participate in one of its working groups with a view to examining the problem and proposing solutions.

The forestry subcommittee met five times during 1996-1997. However, while the meetings were productive, they once again highlighted the extent and complexity of the forestry problem. The members were able to agree on the surface area of site disturbance thanks to a synthesis map, as well as identify seven traplines affected by overharvesting (see Section 1.8).

To illustrate the extent of logging in the James Bay territory, in January 1997 the CRA's forestry section produced a synthesis map showing site disturbance for the 1970-1999 period. The JBACE learned that :

- the average harvesting rate more than doubled between 1970 and 1999;
- taking forest fires and logged areas into account, in 1999 the level of disturbance will have reached over 60% on more than 12 traplines;

- the disturbance level has reached 80% or over on traplines M-41, W-13A, W-13B and W-19;
- the average annual harvesting rate calculated as a percentage of productive forest for the 1991-2000 period shows more than 19 traplines with a disturbance level of over 3 %.

The Committee still has a long way to go in developing a clear approach to the new requirements for preparing forest management plans. The social impacts of forestry operations must be given greater emphasis and, in this respect, the JBACE's requested moratorium on logging in overharvested areas is of crucial importance. Time is of the essence, however, since forest companies are on the verge of submitting their general forest management plans under the new Forest Act.

Admittedly, the issue is extremely complex and multifaceted, if only because of the vastness of the Territory. Unfortunately, several obstacles prevent the JBACE from fulfilling its mandate. As previously stated, the Committee has tried its best to overcome these obstacles, but if it does not have the ear of the governments it is mandated to advise, then it cannot do much. The will of its members will never be able to compensate for the chronic lack of research funding and support staff (analysts, etc.), let alone the difficulties in obtaining access to data or information in a useful form.

The JBACE is aware that in order to change the situation, it must work in consultation with the different stakeholders, particularly the Cree communities and forest companies. While it recognizes the forest companies' consultation efforts, it is compelled to conclude that these efforts lack structure and do not comply with clearly defined guidelines and standards. The JBACE must address this issue as well in order to ensure that Cree concerns are truly integrated into the planning process.

The JBACE is faced with a de facto situation and its efforts to influence the course of events have thus far been unsuccessful. The Committee

remains convinced that the required content of forest management plans must change in order to reflect the guiding principles set forth in Section 22. This change will necessarily impact on the definition of sustained yield and on the current forest regime.

## **1.2 Study of general and five-year forest management plans**

Under paragraph 22.3.34 of Section 22 of the James Bay and Northern Québec Agreement, the responsible department must forward forest management plans to the JBACE for its consideration and comments before approving them. The Committee has 90 days to make its comments known to the department. Since the signing of the JBNQA in 1975, Québec has made substantial amendments to its Forest Act and attendant regulations, particularly as regards the preparation of management plans, which had been the responsibility of the forest companies, with the content of the plans determined by government regulation. These major changes were all made without involving or consulting the JBACE. Moreover, for technical, administrative and political reasons, the Committee was not operational from May 1987 to December 1989, i.e. when the new act first came into force.

Section 144 of the Environment Quality Act (EQA) stipulates that: "The Minister of Forests shall transmit to the Advisory Committee, for consideration and comment, before approving them, the general and five-year forest management plans for the forest in the public domain situated in the territory contemplated in section 133. The Advisory Committee must transmit its comments, if any, within 90 days." Given the key role the forest plays in the James Bay Crees' traditional way of life, the JBACE attaches tremendous importance to this mandate.

In accordance with Schedule 2 of Section 22 of the JBNQA, forestry development is exempt from environmental impact assessment when included in government-approved management plans, provided they have been forwarded to the JBACE for consideration and comment as stipulated in paragraph 22.3.34. This provision was apparently intended to be a crucial and significant step in the

analysis of management plans by enabling the JBACE to assess the environmental and social impacts of proposed forestry operations. The plans were to provide sufficient information to enable this assessment.

In addition, the changes made to the forest regime in 1987 and their interpretation by the Ministère de l'Environnement et la Faune (MEF) and the Ministère des Ressources naturelles (MRN) have led these departments to exempt virtually all forestry operations in the Territory from environmental impact assessment. The JBACE is against this and hopes the MRN will act swiftly to correct the situation. The situation creates an even greater need for the JBACE to receive all relevant information enabling it to study the plans properly.

Several basic issues have gone unaddressed since the first five-year plans were submitted under the new Forest Act in 1989-1990. One of them is the type of information provided on maps included in the plans and the need to compile or group this information by trapline. The plans provide only a minimum mapping of proposed logging areas and main forest roads, with this information being conveyed on numerous topographical or planimetric sheets of varying quality.

Given the number of changes submitted, the short timeframe allotted for studying them, and the limited human and financial resources available to it, the JBACE is unfortunately unable to study the plans in any depth. This has been true for years now.

On December 20, 1996, the JBACE wrote to the Minister of Natural Resources, Guy Chevrette, to inform him that logging in the James Bay territory is unquestionably the activity with the biggest negative impact on the environment and the Cree way of life. The guiding principles contained in the JBNQA stipulate that due consideration must be given to «the protection of hunting, fishing and trapping rights of Native people in the Territory, and the protection of wildlife resources, physical and biotic environment, and ecological systems in the Territory with respect to developmental activity affecting the Territory» (par. 22.2.4 of the JBNQA).

The JBACE would like to be able to examine forest management plans thoroughly in order to assess the impact of forestry on the Crees' traditional way of life. Unfortunately, the JBACE has never been able to comment on general and five-year forest management plans or amendments thereto in a way that enables even minimal achievement of the JBNQA's objectives or makes its guiding principles operative, which contradicts the spirit of the Agreement.

The JBACE feels that this situation is not right and should change, and that the MRN should instigate the change by providing the JBACE with the human and financial resources it needs to do its job. The Committee estimates its funding requirements from the MRN at approximately \$190 000 for the coming fiscal year, which is when the general forest management plans are to be submitted for consideration and comment.

Environment and Wildlife Minister David Cliche wrote to the Minister of Natural Resources in support of the JBACE's request for funding to study the plans.

So far, however, this request has gone unanswered. It is critical that the MRN respond during the coming budget year, for without the Department's technical and financial support, the JBACE will not be able to achieve its forest management objectives.

### **1.3 Brief on forestry development as subject to impact assessment and review**

On April 5, 1994, a lawyer for Normick Perron inc. raised the question of forestry development as subject to environmental impact assessment and review under Chapter II of the EQA and Section 22 of the JBNQA. In his letter he concluded that forest camps which are part of an annual forestry or five-year forest management plan are exempt from the procedure and do not have to be submitted to MEF.

On May 4, 1994, MEF responded by saying that, in its opinion, forest camps which are part of a five-year plan are not subject to the environmental and social impact assessment and review procedure provided for in Chapter II of the EQA.

On July 23, 1996, the JBACE expressed its disagreement with this interpretation and submitted a brief to MEF.

The JBACE concluded its brief by stating that, in its opinion, forest camps or forest roads of any kind are not automatically exempt from the environmental assessment procedure as set out in Chapter II of the EQA.

However, forest roads of 25 km or more, intended for use for a period of at least 15 years, are automatically subject to the procedure, although the division of a road project into branches may legally exempt it therefrom, subject to the 25-km threshold. This means that a 24-km road could be extended without impact assessment. The JBACE feels it is a matter of proving the proponent's intent, and this is a crucial point since the answer to this question (what is the proponent's intent?) will essentially determine the nature and scope of the project involved.

Given that MEF has not yet responded to the brief, the JBACE intends to contact the Department to ask for its comments on this very contentious matter. The JBACE deplores MEF's attitude, which thus far has been to waive authorization rather than take a preventive approach.

Based on the above, the JBACE also wrote to MEF stating that it does not recognize the certificates of authorization issued for the establishment of camps at Lac-Claverie (Les Chantiers Chibougamau) and Lac-Allard (Domtar).

### **1.4 Waswanipi sawmill project (Nabakatuk)**

On May 10, 1996, a CRA-appointed member of COFEX-South drew the JBACE's attention to a problem raised by the Cree representatives on COFEX-South with regard to the proposed sawmill in Waswanipi. The party's request to have the project's environmental and social impacts assessed was denied, despite the fact that the Local Environment Administrator for Waswanipi expressly requested the assessment.

The Federal Administrator was asked to give his opinion on the matter and concluded that, being a forestry project, it fell under provincial jurisdiction.

The Cree party disagreed because the project also includes a sawmill which is to be built on Category I lands. It therefore requested that the JBACE, in its capacity as overseer of the regime, rule on the matter and see to it that the Local Environment Administrator's request for an assessment be respected. The JBACE invited the chairman of COFEX-South to come and discuss the issue.

Invoking the Federal Court of Appeal's decision in the Eastmain case, the chairman deemed that COFEX-South had no jurisdiction over forestry operations in the context of the proposed sawmill, since forestry is a provincial responsibility.

The JBACE's Cree party remarked that the question of jurisdiction increasingly comes up when the notions of «territory» and «project» are not clearly defined and cause one administrator to deem the project subject to the federal procedure while another considers it subject to the provincial procedure.

The JBACE needs to address this problem during the coming budget year and seek solutions which are satisfactory to all parties.

### **1.5 Forestry subcommittee**

In order to give forestry issues the importance they deserve, the JBACE created a forestry subcommittee to examine the impact of logging on the Territory and recommend measures for ensuring that forestry development is compatible with environmental protection and traditional Cree pursuits.

The subcommittee formed a working group composed of representatives of the MRN, including a regional director, the coordinator of Native affairs, and various forestry technicians. The subcommittee met five times during 1996-1997 :

- April 1996, Cree Regional Authority office;
- July 1996, Cree Regional Authority office;
- October 1996, Cree Regional Authority office;
- January 1997, Cree Regional Authority office;

- March 1997, Cree Regional Authority office.

Given that the next set of forest management plans will be submitted for review beginning in 1998, the JBACE gave the forestry subcommittee the *ad hoc* mandate to :

- stipulate the objectives to be met by the JBACE in studying these plans; and
- draft a protocol between the MRN and JBACE on submitting forest management plans, indicating the type of data the JBACE requires to analyze and comment on them.

The subcommittee also worked on establishing criteria and indicators to be built into the forest management plans (general and five-year).

A working group was formed to develop biophysical criteria and indicators, while the task of establishing socioeconomic criteria was entrusted to INRS-Culture et société under a contract to be paid for by the MRN. INRS-Culture et société submitted a cost estimate of \$26 250, which was approved by the subcommittee.

The forestry subcommittee felt a specialist should be hired to integrate the biophysical and socioeconomic criteria into the management plans. The JBACE asked that the MRN also assume the cost of this contract, estimated at \$10 000.

The JBACE will have to pursue this important matter and see that the contract is completed in time to integrate the criteria and indicators into the forest management plans due to be submitted during the coming budget year.

### **1.6 Consultation of Native communities**

The consultation of Native communities in relation to forestry development in the James Bay territory is another of the JBACE's concerns. It wrote to forest company agents requesting :

- a list of all consultations on general and five-year forest management plans and changes thereto conducted in Native communities in the past two years by the companies which mandated them. Agents were also asked to

enclose a list of the people consulted in Cree communities (individuals or representatives of organizations);

- a report on the outcome of these consultations, i.e. the changes made to forest management plans after consulting Native communities and tallymen (formal or informal consultation);
- a report on the involvement of Crees in terms of consultation and their «commitment» as perceived by the companies for whom they are an agent;
- their comments on how to improve the consultation process.

The JBACE has decided to examine this matter more closely and formulate a draft consultation policy and procedure for projects and activities in the James Bay territory.

Given that a number of TSFMA holders have yet to respond to the JBACE's request, the Committee will continue gathering information on Native consultation during 1997-1998.

#### **1.7 Allocation of timber supply and forest management agreements (TSFMA) in the forest reserve**

After learning that the MRN was considering allocating TSFMAs in the Northern Québec forest reserve, the JBACE acted swiftly and officially by writing to the Minister of Natural Resources stating its position and informing him of the following resolution :

Whereas the JBACE has learned that the Ministère des Ressources naturelles (MRN) has allocated TSFMAs in the Northern Québec forest reserve;

Whereas forest companies are lobbying the Ministère des Ressources naturelles (MRN) to award them timber supply and forest management agreements (TSFMA) in Northern Québec;

Whereas the JBACE is of the opinion that the MRN does not have sufficient information to appreciate the effects of logging and other disturbances (such

as fire) and, consequently, to award TSFMAs in the forest reserve;

Whereas the forest reserve is located on the limits of the commercial forest and this area has been particularly damaged by forest fires due to the specific conditions prevailing in this territory, notably drought;

Whereas the MRN has no fire control or forest protection policy for this territory;

Whereas regeneration of the forest reserve is extremely slow given the latitude at which it is located;

Whereas the impact of logging in the James Bay territory has not yet been assessed and the JBACE is concerned about its potential effects within the region, particularly on the Crees' traditional way of life;

Whereas any precipitated allocation of timber in the forest reserve, under the above conditions, would be a major breach of the sustainable development principle and one that the JBACE has no choice but to denounce;

IT IS HEREBY RESOLVED TO :

- ask the MRN to allow the JBACE to consult the information files on which the MRN based its analysis and subsequent decision to award TSFMAs;
- ask the MRN to put a moratorium on logging in the forest reserve;
- ask the MRN what steps it intends to take to control fires and protect forests in the forest reserve.

Deeming the MRN's decision to allocate TSFMAs in the forest reserve totally inappropriate, the JBACE intends to keep a close eye on this issue during the coming budget year.

#### **1.8 Overharvesting on seven Cree traplines**

Representatives of the Cree Regional Authority (CRA) submitted a map and table demonstrating

that seven Cree traplines meet the overharvesting criteria and warrant corrective measures.

In light of this information, the JBACE unanimously passed the following resolution :

Whereas the JBACE formed a forestry subcommittee to help address forestry issues affecting the territory covered by the Committee;

Whereas the Forestry Subcommittee informed the JBACE that seven Cree traplines in the James Bay territory have apparently been disturbed by overharvesting;

Whereas paragraph 24.3.25 of the JBNQA stipulates that the present system of Cree traplines shall continue;

Whereas the two overharvesting criteria sanctioned by the JBACE and used by the subcommittee to qualify logging as excessive in terms of protecting the rights and guarantees of the Cree people are as follows :

- 1- over 60 percent of productive forest land within the Cree trapline is affected by natural and anthropogenic disturbances;
- 2- the average annual harvest within the Cree trapline exceeds 3 percent of the surface area;

Whereas according to the data collected by the Forestry Subcommittee and the report submitted to the JBACE, logging on Cree traplines M-41, M-49, M-51B, N-20, W-11, W-25B and W-26 meets the above two criteria and, consequently, these traplines have been disturbed by overharvesting;

Whereas the MRN regional representatives participating in a Forestry Subcommittee working group were informed of this situation;

Whereas said regional representatives indicated that they are required to enforce the Regulation respecting standards of forest management for forests in the public domain (RNI) stringently and that, in their opinion, the RNI enables harvesting levels that exceed the percentage considered by the JBACE to constitute overharvesting;

Whereas the JBACE has examined the extent of and trends in logging in the territory covered by the environmental and social protection regime established by Section 22 of the James Bay and Northern Québec Agreement;

Whereas the JBACE submitted a brief on the RNI in which it stressed the importance of establishing special rules governing forestry development in the James Bay territory;

Whereas the JBACE considers that the MRN's regulations respecting forestry development do not sufficiently reflect the realities of the North and, consequently, lead to unacceptable situations such as that described in the Cree Regional Authority document prepared in January 1997 and entitled «Présentation de la carte synthèse intitulée 'Forest Disturbance for 1970-1999 Period Within James Bay Cree Commercial Forest Territory'»;

Whereas without separate regulations for the Territory, the guiding principles of the environmental and social protection regime established by Section 22 of the James Bay and Northern Québec Agreement (JBNQA) are ignored;

Whereas the environmental and social protection regime established by the JBNQA provides for, among other things, «the protection of the Cree people, their economies and the wildlife resources upon which they depend»; and

Whereas the situation affecting the seven Cree traplines in question is urgent and serious :

IT IS HEREBY RESOLVED :

- to ask that the MRN declare an immediate moratorium on logging within the above-mentioned Cree traplines;
- to ask that, if necessary, the MRN take emergency measures to amend the legislation so it can enforce this moratorium;
- to ask that the MRN order the immediate restoration of said Cree traplines;
- more generally, to expedite the study and implementation of concrete measures

designed to take Cree traplines and the traditional Native pursuits carried out thereon into account when planning forestry development in the Territory; and

- to ask that the MRN immediately decree that forest product companies give due consideration to the guiding principles set forth in paragraph 22.2.4 of the JBNQA when preparing the next series of forest management plans and planning forestry development in the Territory.

A copy of this resolution was sent to the Minister of Natural Resources, Guy Chevrette.

### **1.9 Waswanipi model forest proposal**

The JBACE invited the Chief of Waswanipi to one of its meetings to present the Cree community's proposal for an Aboriginal model forest. The proposal was being submitted at the request of the Canadian Forest Service (CFS).

Partners in the project are Domtar, Université Laval and possibly the Québec government. The Band wants to demonstrate how forestry development can be carried out on the basis of traplines, as well as the need to adapt forestry practices to the needs of Cree trappers.

The JBACE decided to lend its support to the project tabled by Chief Kitchen by passing the following resolution :

Whereas the Canadian Forest Service invited the community of Waswanipi to submit a proposal for an Aboriginal model forest;

Whereas the JBACE was created to review and oversee the administration and management of the environmental and social protection regime established by and in accordance with Section 22 of the JBNQA;

Whereas the JBACE deems it fundamental that the Native communities living in the James Bay territory be able to promote their views and values with regard to forestry development;

Whereas Cree traplines should serve as the basic unit of reference for all forest management and development in the Territory;

Whereas forestry development must be carried out in a manner that respects the environment and ensures the sustainability of resources for future generations;

Whereas forestry development must be consistent with the principle of sustainable development and it is in the interest of Native communities to ensure that it is, given their symbiotic relationship with the forest;

Whereas the model proposed by the community of Waswanipi could have positive repercussions for forest management as a whole. The model could be adopted by other Native bands as well as by all timber supply and forest management agreement (TSFMA) holders;

Whereas one of the guiding principles established by paragraph 22.2.4 of the James Bay and Northern Québec Agreement (JBNQA) is «the protection of the hunting, fishing and trapping rights of Native people in the Territory»;

IT IS HEREBY RESOLVED THAT :

The James Bay Advisory Committee on the Environment (JBACE) wholeheartedly and unconditionally supports the community of Waswanipi's proposal for an Aboriginal model forest.

The JBACE will be following this issue closely during the coming year.

### **2. MEF-JBACE ADMINISTRATIVE AGREEMENT**

On February 19, 1985, the JBACE and MEF signed an administrative agreement on the utilization of resources allocated to the Advisory Committee.

With a view to renewing this agreement, MEF submitted an administrative proposal to the JBACE, which the latter rejected.

The JBACE therefore formed a subcommittee to draft a new administrative agreement which better reflects the JBACE's independence vis-à-vis MEF. On November 7, 1996, the JBACE submitted its draft administrative agreement, along with a brief "On the Status and Operation of the James Bay Advisory Committee on the Environment" to the Minister of the Environment and Wildlife.

In its brief, the JBACE deplored the fact that Québec chose to establish the Committee as a government body whose budget is financed by the appropriations voted for that purpose by the National Assembly.

The legislature placed the JBACE under the budgetary authority of the Minister of the Environment and Wildlife by empowering the Minister to ratify or reject the JBACE's budget. The legislature also gave the Minister the power to approve the JBACE's rules of internal management. This has resulted in the MEF's virtual stranglehold on the JBACE, which really does not, and should not, come under the Department.

A closer look at the provisions of the JBNQA illustrates the significant discrepancy between the JBACE's *raison d'être* and the precarious situation in which it has been maintained to date by MEF.

The JBACE is a «**body**» (par. 22.3.1, *JBNQA*; s. 134, *EQA*).

This means that, although it is not a corporation within the meaning of the *Civil Code*, the JBACE nonetheless **exists independently** of the Ministère de l'Environnement et de la Faune.

As an advisory body, the JBACE is the «**preferential and official forum for responsible governments**» (par. 22.3.24, *JBNQA*; s. 140, *EQA*).

The JBACE may, as it decides, make representations to the governments of Canada and Québec, any federal or provincial administration with jurisdiction over matters related to environmental and social protection in the James Bay territory (resource, environment or health mandates,

municipalities, etc.), local and regional Cree governments and municipalities in the Territory.

The JBACE oversees the administration of the regime and application of the environmental impact assessment and review procedure (par. 22.3.1, 22.3.24 and 22.3.27, *JBNQA*; s. 140 *EQA*), which falls under the responsibility of the Minister of the Environment and Wildlife.

With respect to the Minister, then, the JBACE's primary function is to **oversee**, with its advisory function being aimed at governments in general (this of course includes the Minister of the Environment and Wildlife).

The JBACE advises the governments responsible on the formulation of laws and regulations, major issues respecting the implementation of the regime, appropriate measures in relation to the regime, and environmental impact assessment and review mechanisms and procedures for the Territory. Before enacting legislation, the federal and provincial ministers concerned must consult the JBACE on proposed environmental regulations that apply to Category I and II lands, and on forest management plans for the Territory.

The JBACE cannot fulfil its **wide-ranging mandate** without sufficient human and technical resources;

The JBACE's mandate is not limited strictly to the environment as defined in the *EQA*, as it also includes **social protection** of the Crees; nor is it limited to the environmental impact assessment procedure.

To enable it to fulfil its responsibilities, both the JBNQA and the *EQA* grant the JBACE specific powers and means, namely, a budget, a secretariat of not more than five persons, the establishment of offices, the possibility of retaining the services of outside specialists, the right to obtain information, advice or assistance from the appropriate governmental agencies upon request from the local governments, the power to adopt rules for its internal management and to elect officers, and, of

course, the power to consider and formulate recommendations.

This list shows the importance parties to the JBNQA (and reaffirmed by the Québec legislature) accord the JBACE's mandate; in this light, these means constitute a **minimum** for fulfilling its mandate, but a minimum which the JBACE has never obtained.

To safeguard its role as an official forum and ensure special involvement for the Cree people (as provided for under the regime) while enabling the participation of the governments which are party to the JBNQA, chairmanship of the JBACE is assumed on a rotating basis: the Chairman is appointed by the Crees once every two years, and by Québec and Canada each alternating year in turn.

The administrative conditions arising from this rotating chairmanship--a provision that is both necessary and desirable--makes the secretariat of considerable strategic importance; with a new chairman every year, the secretariat is the only permanent element for ensuring follow-up of projects and issues. In other advisory bodies established by the legislation, the chairman holds office for the duration defined by the appointing party and enjoys the rank of deputy head in the Québec government's administrative hierarchy.

In the conclusion to its brief, the JBACE made the following proposal to MEF:

«The JBACE proposes rectifying the situation and implementing concrete measures that will henceforth enable it to carry out its mandate as intended. The mechanism we are recommending is an agreement between the JBACE and the governments of Québec (represented by the Minister of the Environment and Wildlife) and Canada in which the Cree Regional Authority would be involved as the body responsible for overseeing implementation of the JBNQA.»

«The agreement would include statements of principle recognizing 1) the JBACE's autonomy and the need to limit the Minister's administrative control to the strict minimum provided for by law, 2) the importance and breadth of the JBACE's mandate, including the diversity of its interlocutors, and 3) the need to give the JBACE sufficient resources in direct relation to its mandate. The proposed agreement, which is enclosed with this brief, is flexible enough to enable such formulas as the loan of government offices and staff, without compromising the JBACE's autonomy.»

"Furthermore, the JBACE is asking that the Minister of the Environment and Wildlife hasten to find a temporary solution that would enable the JBACE to substantially improve its administrative and budgetary situation during the negotiations leading up to the signing of the proposed agreement, particularly negotiations with the Government of Canada. Indeed, MEF has constantly used the federal government as an excuse for not granting the JBACE's budgetary requests on the pretext that its maximum financial contribution is determined by Canada's maximum contribution. There is no justification for this stance, however, since the federal government agreed that responsibility for the JBACE's secretariat falls to Québec and committed under the JBNQA to pay for half of its budget. This is therefore a debt over which Québec has full control and, unless the Committee's budgetary request is unreasonable, Canada is already bound by the JBNQA to pay its share.»

«The temporary formula would include:

- 1- the JBACE's full exclusion from any form of administrative control by the Ministère de l'Environnement et de la Faune in order that it be under the direct administration of the Minister;
- 2- allocation of a substantially larger budgetary envelope than the current envelope for 1997-1998.»

Despite numerous letters sent to MEF's administrative authorities, the latter made and upheld the unilateral decision to move the JBACE

secretariat to the Nord-du-Québec regional office (DRNQ). In the JBACE's opinion, this decision violates the intent of both section 138 of the EQA and the JBNQA. The JBACE is extremely disappointed at MEF's failure to listen to its concerns and cannot understand how the Department could treat the Committee as one of its administrative units when, in fact, it was established as an independent body by the JBNQA.

### **3. GENERIC HEARINGS ON WASTE MANAGEMENT IN QUÉBEC**

On November 30, 1995, the Minister of the Environment and Wildlife mandated the Bureau d'audiences publiques sur l'environnement (BAPE) to hold an inquiry and public hearing on waste management in Québec.

The JBACE played an active role by supporting and accompanying the BAPE during the sessions held on the James Bay territory. The municipalities of James Bay, Chapais and Chibougamau, several local environment administrators, and the JBACE all submitted briefs during the hearings held in the Cree community of Oujé-Bougoumou.

In addition, the JBACE helped the BAPE write the section of Chapter 10 of the report of the Commission sur la gestion des matières résiduelles au Québec dealing with the James Bay territory.

Recommendation 60 of the report, which pertains specifically to waste management in the James Bay territory, reads as follows :

#### **■ Recommendation 60**

With a view to the harmonious and sustainable development of the James Bay territory, the JBACE and the Commission recommend :

1° That the waste management method ensure regional responsibility for waste generated in the James Bay territory while providing, where necessary, for the redirection of non-recoverable waste and industrial equipment outside the territory;

2° That a coordinating committee be set up to manage waste in the James Bay territory. Composed of elected municipal officials and representatives of the Cree governments in keeping with the intent of sub-paragraph c) of paragraph 22.2.2 of the *James Bay and Northern Québec Agreement (JBNQA)*, the committee's mandate shall be to formulate a waste management plan and submit it for consultation or obtain the approval contemplated in Section 22 of the JBNQA, depending on the case, and monitor the plan's implementation. The committee shall also be responsible for ensuring that the public education and awareness components are carried out in cooperation with all partners. The committee shall fulfil its mandate in keeping with the guiding principles of the environmental and social protection regime established by Section 22;

3° That the management plan include the following elements, among others: waste reduction projections, clearly defined collection territories, collection methods, recovery and conversion approaches and systems, a collection and recovery system for putrescible components, management of household hazardous waste, implementation and management of a network of «re-use centres,» location and operation of recovery and disposal facilities (thermal, biological, etc.);

4° That the management plan be renewed every five years and be subject to public consultation in keeping with the guiding principles respecting special involvement for the Cree people through consultation as stipulated in Section 22 of the JBNQA. The consultation report shall be made public;

5° That the management plan define mechanisms enabling public participation in the monitoring and control of disposal and recovery facilities, in keeping with these same guiding principles;

6° That the following aims be targeted :

- encourage the conversion of putrescible components and organic sludge into compost so that, beginning in 2003, this type of matter is no longer eliminated in disposal sites;
- where possible, recover organic waste for use in soil amendment or rehabilitation rather than for energy purposes;
- support the creation of a network of «re-use centres» serving all municipalities and communities;
- support the creation and operation in the James Bay territory of recycling firms to recover locally generated waste;
- prohibit the diversion of waste from other regions for disposal in the James Bay territory;
- prohibit, until the adoption of the first management plan, the diversion of waste from other regions for recovery (thermal, biological, etc.) in the James Bay territory;

7° That the proposed management structure ensure that suitable mechanisms are put in place to :

- ensure safe management of household, institutional and commercial hazardous waste;
- improve the capacity of recyclable waste collection and recovery systems in order to minimize the amount of waste sent to disposal sites;

8° That no disposal or landfill site receive hazardous waste of any kind as of the year 2000;

9° That a composting pilot project be conducted in the James Bay territory. The

experimental protocol shall be developed by MEF in consultation with the JBACE, which shall evaluate the results in conjunction with the community. The pilot project shall be aimed at determining whether this technology should be applied to all or even part of the James Bay territory;

10° That a pilot project of a pre-defined duration be conducted to test the use of a small incinerator to burn waste which has been sorted so as to remove household hazardous waste :

- the actual project shall be chosen following the impact assessment and review procedure provided for in Section 22;
- a strict protocol shall be developed to evaluate the technical and environmental performance of the technology being tested;
- all results shall be made public, according to the terms defined by the JBACE, and a public consultation shall be held before the JBACE makes its recommendation on this disposal method;
- if incineration is shown to be environmentally, technically, economically and socially acceptable, and insofar as a community decides to use this technology, burning garbage in the open air should be prohibited in that community.
- where necessary, regulations shall be revised accordingly;

11° That on land subject to Québec regulations, landfill sites, in-trench disposal sites and disposal sites used by outfitting operations be subject to the same technical requirements as those in southern Québec. Furthermore, that section 71 of the draft regulation, which stipulates the authorized sitings of in-trench disposal sites, include

Cree communities in the James Bay territory;

12° That outfitters be required to dispose of empty fuel drums and propane gas tanks in an appropriate manner;

13° That all industries, including forest companies located in the Territory, be responsible for any sludge or ash they may produce. This matter shall be stockpiled in a safe manner such that it is not mixed together or with other waste and, where technology and market development allow, it can be recovered and reclaimed;

14° That all industries, including forest companies, produce an environmental audit on their waste management practices at least once every five years, sooner if deemed appropriate. This audit should be made public. All companies shall be subject to the same objectives and requirements as those applicable in southern Québec. Generally speaking, any company established in the Territory should transport outside the Territory all waste and industrial equipment which cannot be re-used, recycled or recovered within the Territory in accordance with the waste management plan;

15° That the provisions of the *Mining Act* pertaining to the removal of debris following the termination of operations be strictly enforced.

#### **4. MEETINGS BETWEEN THE JBACE AND VARIOUS INDIVIDUALS**

##### **4.1 Meeting with the Minister of the Environment and Wildlife**

The Minister of the Environment and Wildlife was present on day two of the JBACE's 94th meeting (November 7, 1996) to discuss the Committee's mandate and operation, the review of Section 22 of the JBNQA, and forestry issues.

This was the first time an environment minister had met with the JBACE since the signing of the JBNQA.

The Minister said he was open to considering any proposals the JBACE might make in relation to the Section 22 review. The Committee agreed to organize the review and contact the various committees responsible for the environmental assessment procedure's application in order to get their suggestions on the matter. The Minister promised to write to the Minister of Natural Resources in support of the JBACE's request for funding from the MRN.

The members were satisfied with this commitment and hope to meet with the Minister again to discuss issues of priority to the JBACE.

The JBACE made several attempts to meet with the federal Environment Minister, but to no avail. It would have liked to discuss issues similar to those broached with the Québec Minister. The Committee will continue trying to schedule a meeting in 1997-1998.

##### **4.2 Meeting with northern committee heads**

Being mandated to review and oversee the administration and management of the environmental and social protection regime established by Section 22, the JBACE decided to meet with the chairmen of the northern committees responsible for application of the environmental assessment procedure, since these committees are the ones that apply the procedure.

The JBACE wants to strengthen ties with the northern committees and so invited the chairmen to come and discuss their experience in applying the procedure, their needs in terms of direction from the JBACE, the support provided by the JBACE secretariat, and their views on this type of meeting.

The Evaluating Committee (COMÉV), the Review Committee (COMEX) and COFEX-South were all represented. The JBACE members got a chance to ask each of the committees about the technical and administrative aspects of their operations. The members and committee representatives discussed

the relations between the technical committees and exchanged views on the JBACE, its mandate and role. The technical committees see themselves in a positive light: even when it comes to difficult issues, they have always been able to reach a consensus on the recommendations to be made to administrators.

The most contentious technical issues are undoubtedly those related to forestry development and this aspect of the JBNQA schedules, at the very least, must be amended. Project follow-up is a long-standing problem. For example, while COMEX can make recommendations to MEF on project follow-up, it is unable to verify what kind of follow-up the MEF regional office actually carries out.

The JBACE members and northern committee representatives agreed they should meet at least once a year to maintain contact and ensure that the environmental and social protection regime is enforced in accordance with the JBNQA and EQA.

## **5. CONSULTATION ON THE ADMINISTRATIVE RESTRUCTURING AT MEF**

On February 22, 1996, the Deputy Minister of the Environment and Wildlife sent the JBACE two documents, «Les grands enjeux 1996-2001» and «Les choix stratégiques 1996-1998,» for consultation and comment.

Both documents deal with the planned organizational realignment of MEF.

The JBACE submitted its comments the following May. They were aimed at enhancing the restructuring process and identifying those aspects of the reform which had to do with the regime applicable to the James Bay territory.

The JBACE's comments dealt with the following:

1. The James Bay and Northern Québec Agreement (JBNQA)
2. Regionalization
3. Native people
4. Environmental assessment

5. Knowledge acquisition and access to information
6. Land use planning
7. The environmental management policy for major reservoirs in the North
8. Other issues such as parks, waste management and how MEF intends to reconcile its roles as developer and protector of the environment.

Given the close relations between the JBACE and MEF, the JBACE intends to keep an eye on any administrative changes within MEF which might impact on the regime established by the JBNQA.

## **6. OTHER ISSUES**

During the year, the JBACE also discussed or issued an opinion on other matters, including:

### **6.1 Meeting in Eastmain**

The JBACE held its 93rd regular meeting in the Cree community of Eastmain. Accompanied by the Local Environment Administrator (LEA), the members toured the following environmental facilities: in-trench disposal site, sewage treatment plant, water treatment plant, and contaminated soil treatment site. The members greatly appreciated the LEA's collaboration and thanked him for making himself readily available.

The JBACE hopes to make more trips to the territory during the coming year in order to strengthen its contacts with the local authorities and residents.

### **6.2 Draft policy on soil conservation and contaminated site rehabilitation**

In March 1996, the Service des lieux contaminés of MEF's Direction des politiques du secteur municipal sent the JBACE its draft policy on soil conservation and contaminated site rehabilitation for consultation and comment.

On December 5, 1996, the JBACE sent the Deputy Minister its brief on the draft policy, making the following recommendations:

(1) That the Ministère de l'Environnement et de la Faune (MEF) formulate and provide a directive on the contents of the preliminary information to be submitted by proponents.

(2) That said directive be tailored to the needs of the environmental and social impact assessment and review procedure established by Section 22 of the James Bay and Northern Québec Agreement and, consequently, that it be drafted under the aegis of the JBACE, with the necessary technical support being provided by the appropriate services of MEF.

(3) That the application of the two procedures provided for in the EQA (certificate of authorization under section 22 and the authorization under Chapter II) be reviewed in terms of decontamination activities. This exercise should provide proponents with a clearer understanding of what is expected of them, the documents to be submitted and the environmental assessment procedure. Having two different procedures is not necessarily conducive to efficient environmental management. This procedural review should be conducted under the direction of the JBACE.

(4) That the JBACE, in conjunction with the appropriate services at MEF, study the draft policy in relation to the main decontamination projects carried out in the Territory in order to assess the different aspects of decontamination work (e.g. cost, effectiveness of bioremediation methods according to decontaminant and treatment time based on weather conditions).

The results of this study could be incorporated into the directives provided to proponents.

(5) That the long-term advantages of establishing contaminated soil and water treatment sites in strategic locations within the Territory be assessed.

(6) That the environmental management of facilities under construction and projects

under way be studied by the JBACE. The feasibility of exempting decontamination activities from the environmental impact assessment and review procedure established by Section 22 of the JBNQA would also be worth examining, possibly during the review of Section 22.

(7) That the decontamination level target a return to the site's original state and, consequently, that the minimum criteria for all types of contaminants be A-B.

Given the numerous soil decontamination projects carried out in the James Bay territory, the JBACE will be watching closely to see if MEF acts on its recommendations.

### **6.3 Section 22 review**

Section 22 has not been reviewed since the JBNQA was signed. After discussing the matter and verifying whether the northern committees responsible for the environmental assessment procedure's application are interested, the Advisory Committee agreed to oversee the review and amendment of Section 22. At a meeting on November 7, 1996, the Environment and Wildlife Minister said he was open to considering any proposals the JBACE might make in this regard.

In keeping with its role as conferred by the JBNQA, the JBACE agreed to lead the review by consulting the northern committees responsible for the procedure's application and carrying out its own deliberations.

The JBACE prepared a questionnaire designed to guide the committees in ensuring a harmonious review process. The questionnaire was also sent to each of the local environment administrators.

The JBACE promised to include a summary of the administrators' and committees' comments in a final report to be submitted to the federal and Québec environment ministers and the committees that completed the questionnaire.

During the coming year, the Section 22 review will be a priority for the JBACE given the substantial amendments required in order to renew this

section and bring it in line with the prevailing social and environmental concerns as we head into the new millennium.

## **7. HUMAN AND FINANCIAL RESOURCES AND JBACE OPERATIONS**

### **7.1 Operating difficulties**

As it did last year, the JBACE took numerous steps in fiscal 1996-1997 to obtain the human and financial resources needed to fulfil its mandate as defined in the JBNQA. Funding requests were made to MEF for the JBACE's general operations, and to the MRN, for mandates related to forestry as a whole.

These steps produced few results and the JBACE is forced to accept that it will be next to impossible to obtain the funding required to carry out its mandate.

### **7.2 Financing of the secretariat**

The JBACE secretariat is located in the offices of the Ministère de l'Environnement et de la Faune du Québec. Under an administrative agreement with the MEF, the latter makes human and material resources available to the JBACE.

Denis Bernatchez was JBACE secretary for 1996-1997. The secretary of the Evaluating Committee (COMEV) was Hervé Chatagnier, who was also secretary of the Review Committee (COMEX). Secretarial duties were performed by Diane Dussault, who divided her time between the JBACE, COMEV and COMEX.

It is important to note that in accordance with the JBNQA and the Environment Quality Act (EQA), the JBACE provides the Evaluating Committee with the necessary secretarial services. The secretariat maintains a record of all JBACE decisions and a data bank on any related information. These records are available for public consultation.

### **7.3 Funding**

All JBACE members except for those appointed by Québec are remunerated where necessary and any

expenses incurred for attending meetings are reimbursed by the party which appointed the member. The fact that only the Québec representatives are not remunerated for their services creates an inequality which, in the JBACE's opinion, impedes Committee operations.

The budget for the secretariat is allocated by Québec, which is allowed to claim half this amount from the Government of Canada under paragraph 22.3.19 of the JBNQA and paragraph 2 of section 174 of the EQA. In 1987, the terms governing secretariat financing were established under an agreement between the Canadian and Québec governments. Since that agreement has expired, the two governments have begun negotiating a new administrative agreement. These negotiations will continue in 1997-1998.

Expenditures related to the secretariat for the fiscal year ended March 31, 1997 are shown in Table I. They also cover expenses incurred by the Evaluating Committee under section 150 of the EQA.

**TABLE 1 : STATEMENT OF JAMES BAY ADVISORY COMMITTEE ON THE ENVIRONMENT AND EVALUATING COMMITTEE EXPENDITURES FOR THE FISCAL YEAR ENDED MARCH 31, 1997**

- Salaries (wages and fringe benefits) for secretariat staff	\$113 469.14
- Travelling expenses	\$3 794.25
- Translation	\$8 810.23
- Office space	\$16 815.00
- Telecommunications	\$2 727.70
- Printing and photocopying	\$1 361.93
- Expertise	\$1 303.79
- Data processing equipment	\$1 536.34
- Miscellaneous	<u>\$1 085.03</u>
<b>SUBTOTAL:</b>	<b><u>\$150 903.41</u></b>
- Administrative expenses 5%	\$7 545.17
<b>TOTAL:</b>	<b><u>\$158 448.58</u></b>

## APPENDIX 1

### LEGISLATIVE PROVISIONS GOVERNING ENVIRONMENTAL AND SOCIAL PROTECTION IN THE JAMES BAY TERRITORY

Environment Quality Act (R.S.Q., c. Q-2), sections 131 to 167, 205 to 214 and schedules A and B;

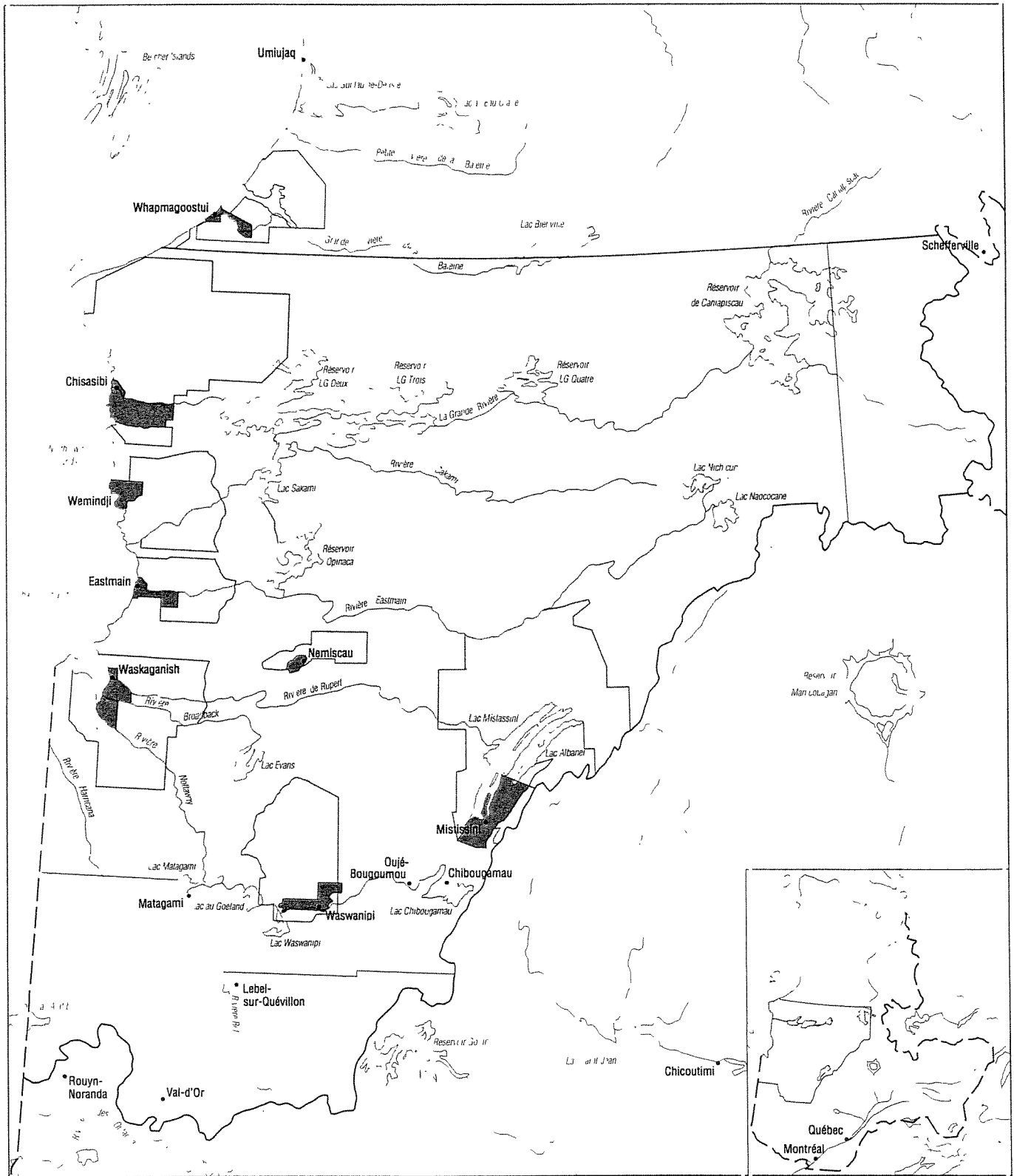
Regulation respecting certain bodies for the protection of the environment and social milieu of the territory of James Bay and Northern Quebec (O.C. 433-79, February 14, 1979); Environment Quality Act (1972, c. 49. s. 124 and 240 a and b);

Regulation respecting the environmental and social impact assessment and review procedure applicable to the territory of James Bay and Northern Québec (O.C. 3452-79); Environment Quality Act (R.S.Q., c. Q-2);






Rules of internal management of the James Bay Advisory Committee on the Environment (c. Q-2, r. 21); Environment Quality Act (R.S.Q., c. Q-2, s. 140);

James Bay and Northern Quebec Native Claims Settlement Act (S.C. 1976-1979, c. 32).

Environmental Assessment and Review Process Guidelines Order (P.C. 1984-2132, June 21, 1984).



**Carte d'application du régime de protection de l'environnement**

-  Territoire d'application du régime
-  Terre de la catégorie I crie
-  Terre de la catégorie II crie
-  Limite du territoire de la Convention de la Baie-James et du Nord québécois
-  Frontière du Québec

Les terres de la catégorie I et II crie sont incluses dans le territoire d'application du régime.

La limite sud du territoire d'application du régime, tel que définie sur la carte, n'est pas reconnue par les crie.