

**2018/2019
ANNUAL REPORT**



Comité consultatif pour l'environnement de la Baie James
James Bay Advisory Committee on the Environment
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TABLE OF CONTENT

LIST OF ACRONYMS	i
MAP OF THE TERRITORY COVERED BY SECTION 22	iii
EXECUTIVE SUMMARY	1
DETAILED SUMMARY OF ACTIVITIES OF THE JBACE IN 2018-2019	3
Comments on initiatives from the Ministère de l'Environnement et de la Lutte contre les changements climatiques	3
Comments on initiatives from the Ministère de l'Énergie et des Ressources naturelles	4
Land use planning	4
Protection of Woodland Caribou and review of forest management plans	4
Comments regarding federal laws, regulations and programs	5
Climate change	5
Cumulative effects	6
Guide on public participation for project proponents	6
JBACE operations	6
CONCLUSION	7
APPENDIX 1 PRESENTATIONS GIVEN TO THE JBACE	8
APPENDIX 2 COMPOSITION AND MEETINGS OF THE JBACE	8
APPENDIX 3 STATEMENT OF FINANCIAL ACTIVITIES – FISCAL YEAR ENDING ON MARCH 31, 2019	10

LIST OF ACRONYMS

CNG	Cree Nation Government	MERN	Ministère de l'Énergie et des Ressources naturelles
COMEV	Environmental and Social Impact Evaluating Committee	MFFP	Ministère des Forêts, de la Faune et des Parcs
ECCC	Environment and Climate Change Canada	PAFIO	Operational integrated forest management plan ("Plan d'aménagement forestier intégré opérationnel" in French)
EIJBRG	Eeyou Istchee James Bay Regional Government	PAFIT	Tactical integrated forest management plan ("Plan d'aménagement forestier intégré tactique" in French)
EQA	<i>Environment Quality Act</i> (CQLR c. Q-2)	PLUP	Public land use plan ("Plan d'affectation du territoire public" – PATP, in French)
JBACE	James Bay Advisory Committee on the Environment	SEA	Strategic Environmental Assessment
JBNQA	James Bay and Northern Québec Agreement		
MELCC	Ministère de l'Environnement et de la Lutte contre les changements climatiques (since October 2018, previously MDDELCC – Ministère du Développement durable, de l'Environnement et de la Lutte contre les changements climatiques)		

March 31, 2019

The Honourable Catherine McKenna
Minister of Environment and Climate Change, Canada

The Honourable Benoit Charette
Ministère de l'Environnement et de la Lutte contre les changements climatiques

Dr. Abel Bosum
Grand Chief
Grand Council of the Crees (Eeyou Istchee)

Ministers McKenna and Charette,
Grand Chief Bosum,

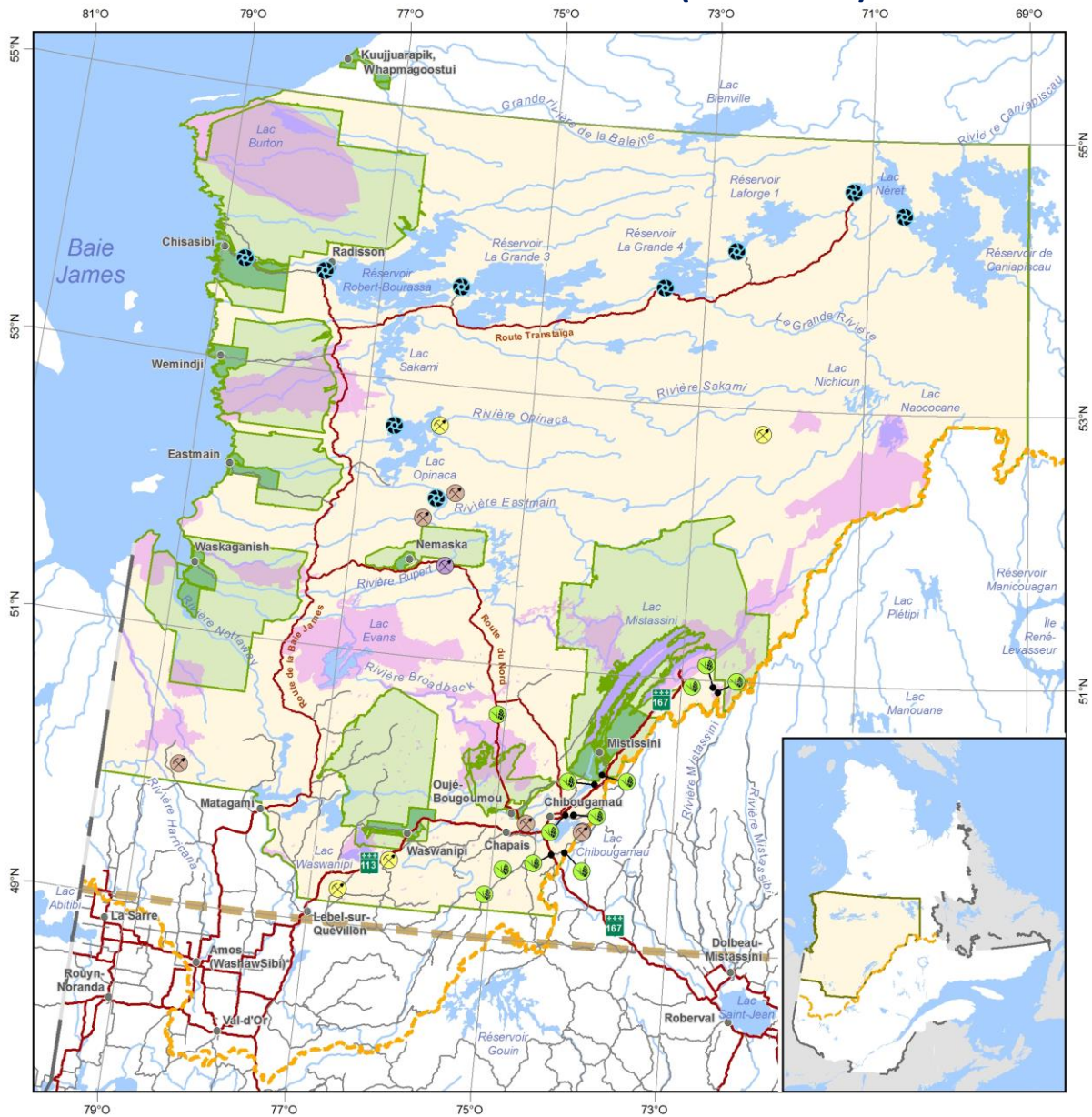
I am pleased to send you the report of the activities of the James Bay Advisory Committee on the Environment for the year ended March 31, 2019.

Yours truly,

A handwritten signature in blue ink, appearing to read 'Jean-Yves Savaria', with a long horizontal flourish extending to the right.

Jean-Yves Savaria
Chairperson

MAP OF THE TERRITORY COVERED BY THE ENVIRONMENTAL AND SOCIAL PROTECTION REGIME (Section 22)



Limits

- Territory covered by the regime ¹
- Cree Category I lands
- Cree Category II lands
- Southern limit of JBNQA Territory
- Border
- Southern limit of Plan Nord territory

Infrastructures

- Mine
- Mine project (enhancement)
- Mine project (development)
- Hydroelectric power station

Conservation areas

- Exceptional forest ecosystem
 - Protected area
- ¹ The Crees do not recognize the southern limit of the regime as defined on this map
- * The Washaw Sibi Eeyou Association is temporarily based in Amos

Sources

Land division, mine site, MERN, 2018
 Exceptional forest ecosystem, MFFP, 2018-04-23
 Protected area, MDDELCC, 2018-12-31
 Hydroelectric infrastructures, CEHQ, 2018
 Native land, MERN, 2018-05-18
 File : 19-0022_loc2_gn_CCEBJ_2019_anglais_190218.mxd

0 45 90 km

Scale : 1 : 4 500 000
 Map projection : Conique de Lambert, NAD83
 Produced by : Groupe Conseil Nutshimit-Nippour, February 2019



Comité consultatif pour l'environnement de la Baie James
 James Bay Advisory Committee on the Environment
 à la Baie James

EXECUTIVE SUMMARY

Background

Section 22 of the James Bay and Northern Québec Agreement (JBNQA) establishes an environmental and social protection regime to minimize the negative impact of development on the environment, wildlife resources and Cree rights. The rights and guarantees recognized in the hunting, fishing and trapping regime set out in Section 24 of the JBNQA must be protected by the procedures established by Section 22. Laws and regulations as well as environmental and social impact assessment and review procedures must thus allow developments that are coherent and compatible with these objectives.

The JBACE is the preferential and official advisory forum for responsible governments concerning the Eeyou Istchee James Bay Territory. It is mandated to oversee the administration and management of the environmental and social protection regime of the JBNQA. The Committee advises the governments concerning the formulation of laws and regulations that may affect the environment or the communities in the Territory. The Committee also examines environmental and social impact assessment and review procedures and mechanisms in order to ensure that, among other things, the Cree special status of involvement is respected. Moreover, the JBACE provides technical and scientific data, advice, and support to the local administrations as obtained from responsible government bodies.

Summary of activities

In 2018-2019, the JBACE commented on several draft regulations and government initiatives, as well as moving forward with its projects.

Provincial

The JBACE provided its point of view on various proposed regulations and initiatives concerning the implementation of the revised EQA. The committee commented on the draft *Regulation respecting ministerial authorizations and declarations of compliance in environmental matters* and participated in an information session launching the work of the sectoral co-creation tables that were created to pursue reflections on the drafting of regulations for the implementation of the EQA. The Committee commented on the *Climate change and environmental authorizations - A Guide for project proponents* and took part in discussions on the development of a regulation on Strategic Environmental Assessment. The JBACE also commented on the draft *Regulation regarding compensation for adverse effects on wetlands and bodies of water*.

Concerning land use planning, the JBACE commented on the proposal for a revised land use planning approach. The committee also sent recommendations to the MFFP to improve the consultation process for PAFIOs and began preliminary work for the review of PAFITs based on the parameters adopted in February 2017.

Finally, the JBACE provided comments on the MERN's guide entitled *"Establishment and operation of a monitoring committee: Good practices guide for project promoters and local actors, and legal obligations of monitoring committees – preliminary version – May 2018."*

Federal

Two bills received the attention of the Committee during the year. The JBACE commented on Bill C-68 and the approach for the revision of the *Applications for Authorization Regulations*. In addition, the Committee sent its comments on Bill C-69 and on the proposed approach for amending the *Regulations Designating Physical Activities*. The JBACE was also provided with a presentation on the Federal Contaminated Sites Action Plan program for a status update.

Issues of interest for the JBACE involving more than one jurisdiction

The recovery of Woodland Caribou is an important issue for the JBACE. In addition to attending the North American Caribou Workshop in the fall, the JBACE followed-up on the progress made in developing measures for the recovery of Woodland Caribou adapted to the James Bay Territory by the federal and provincial governments.

In the area of climate change, the JBACE finalized and published the report entitled *“State of Climate Change and Adaptation Knowledge for the Eeyou Istchee James Bay Territory.”* The committee also participated in

the Regional Climate Change Forum that was held in Eastmain.

Another important issue for the JBACE is that of cumulative effects. During the year, the committee approved a five-year action plan for cumulative effects work and participated in a roundtable for the creation of the Indigenous-led Center of Expertise for Cumulative Effects Management.

The JBACE continued its work of preparing the guide *Best-practice guidance for project proponents: Project-related public participation and engagement in the James Bay Territory*, which should be published in early 2019- 2020.

JBACE Operations

In the fall of 2018, the JBACE adopted its new 2018-2023 Strategic Plan and set up annual work plans for its implementation. The Committee developed a communication plan and began raising awareness in order to increase its visibility. During the year, the JBACE also continued its restructuring operations. A new Executive Director was appointed as well as a new Secretariat Officer. The Administrative Committee has begun the review of the Human Resources Policy and other administrative policies.



DETAILED SUMMARY OF ACTIVITIES OF THE JBACE IN 2018-2019

Comments on initiatives from the Ministère de l'Environnement et de la Lutte contre les changements climatiques (MELCC)

Implementation of the revised Environmental Quality Act (of Québec)

Throughout the year, the JBACE continued its work regarding certain draft regulations for the implementation of the revised *Environmental Quality Act* (EQA).

On April 16, 2018, the JBACE issued comments on the draft *Regulation respecting ministerial authorizations and declarations of compliance in environmental matters*. The JBACE's comments focused on the importance of consistency between the provisions of the draft regulation and Section 22 of the JBNQA and, in particular, the guiding principles.

The JBACE was also active regarding Strategic Environmental Assessment (SEA). On September 26, 2018, the MELCC was invited to give a presentation to JBACE members on the development of a regulation on SEA. Subsequently, the JBACE met on January 30, 2019, with representatives of the MELCC to pursue the discussion on the development of the regulation. The JBACE intends to continue to work in partnership with the MELCC on this issue by commenting on the draft regulation once published in the *Gazette officielle du Québec* and on attendant guidance material as needed.

In July 2018, the MELCC announced the establishment of sectoral co-creation tables in order to continue and deepen the reflection surrounding the development of draft regulations to implement the EQA, in collaboration with the stakeholders involved. On March 5, 2019, the JBACE participated in an information session launching the work. The JBACE will attend the reflection and synthesis workshops that will take place in spring 2019.

On March 23, 2019, JBACE commented on the draft document entitled "*Climate change and environmental authorizations - A Guide for project proponents*." The committee held a positive opinion of the guide and proposed some additions to clarify certain sections.

Bill 132 – An Act respecting the conservation of wetlands and bodies of water

On July 6, 2018, the JBACE sent its comments on the draft *Regulation regarding compensation for adverse effects on wetlands and bodies of water*, where the Committee welcomed the objective of the regulation while underlining that it will not apply in the territory covered by the JBNQA. The Committee noted that if such a mechanism is put in place for northern regions, it should take into account northern realities and include other modes of compensation. In this eventuality, the JBACE would like to be consulted during the exercise.



Comments on initiatives from the Ministère de l'Énergie et des Ressources naturelles (MERN)

On June 6, 2018, the JBACE sent its comments on the guide entitled *“Establishment and operation of a monitoring committee: Good practices guide for project promoters and local actors, and legal obligations of monitoring committees – preliminary version – May 2018.”*

The committee recommended that the guide clearly state that the practices apply to the territory covered by the JBNQA, that the text be revised to better reflect northern realities and include greater incentives for developers to communicate with local and regional administrations.

Land use planning

On August 2, 2018, the JBACE commented on the proposed revised approach to public land use planning where the importance of developing a public land use plan (PLUP) for the Nord-du-Québec region was reiterated. The committee suggested incorporating the new approach into the work already underway, and that the MERN should ensure that it is ready for updating when the PLUP is five years old. An SEA should also be applied in the case of PLUPs. Finally, the JBACE mentioned that the MERN should put in place a clear and specific information-sharing process.

The committee continued its monitoring and follow-up work with EIJBRG, CNG and MELCC on the development of land use planning tools for Category 2 and Category 3 lands.

Protection of Woodland Caribou and review of forest management plans

Woodland Caribou recovery

The recovery of the Woodland Caribou is an important issue for the JBACE. In October 2018, the Executive Director attended the North American Caribou Workshop in Ottawa to meet the major players working on this issue and to

gather valuable information for the committee's work.

On December 21, 2018, the JBACE sent a letter to the MFFP and ECCC to follow up on the progress made in developing measures for the recovery of Woodland Caribou that are adapted to the James Bay Territory. A presentation of representatives from both ministries will be made to members at the May 2019 meeting.

The JBACE ensured that Woodland Caribou protection is considered in all of its relevant files. For example, it will be considered in the JBACE's criteria for the review of the forest management plans.

Review of the MFFP forest management plans

As per the JBNQA, the JBACE is mandated to review forest management plans. The new generation of the five-year tactical integrated forest management plans (PAFITs) was originally scheduled to be sent to the JBACE during the winter of 2019 and the committee prepared accordingly. In the fall of 2018, the JBACE began preliminary work on the PAFIT review based on the parameters adopted in February 2017. The committee hired an external firm in November 2018 to develop criteria and conduct the review for the JBACE. However, the MFFP deferred the tabling of the PAFIT and the review is now scheduled for 2020. The JBACE's contract with the firm selected for the review, as well as the JBACE's funds dedicated for the review of the PAFIT, has been suspended until the MFFP tables the PAFITs.

On November 13, 2018, the JBACE sent recommendations to the MFFP to improve the consultation process for operational integrated forest management plan. Recommendations included developing and using easily accessible tools, be they interactive maps or information sharing platforms.

Comments regarding federal laws, regulations and programs

Bill C-68 – An Act to amend the Fisheries Act and other Acts in consequence

The JBACE followed this file closely. On May 8, 2018, a letter was sent to comment Bill C-68. On September 20, 2018, the JBACE commented on the approach for the revision of the *Applications for Authorization Regulations*. In its comments, the Committee mentioned that there is a need to establish clear orientations for Indigenous communities regarding the project approval notices, coupled with a clear regulatory regime. The JBACE shared its view of the offsets required for projects causing the deterioration, destruction or disruption of fish habitat and also stressed the need for increased project monitoring with the collaboration of land users.

In 2019-2020, the JBACE will continue to monitor this file and will be ready to comment on draft regulations that will be tabled once the law is in force.

Bill C-69 – An Act to enact the Impact Assessment Act and the Canadian Energy Regulator Act, to amend the Navigation Protection Act and to make consequential amendments to other Acts

On April 4, 2018, the JBACE sent a brief regarding Bill C-69 in which the committee supports broadening the scope of assessments to include social, economic and health impacts. It also recommends that the government follow through on its intention to include provisions to provide more opportunities for consultation. Finally, the JBACE reiterates its position “one project, one evaluation”, its interest in cumulative effects and the integration of traditional knowledge. On May 31, 2018, the JBACE sent its comments on the proposed approach to amend the *Regulations Designating Physical Activities*. As it is the case with Bill-68, the Committee is following the evolution of Bill

C-69 and will be ready to comment on draft regulations that will be tabled once the law receives Royal Assent.

Other federal initiative

At its September 26, 2018 meeting, the JBACE received a presentation from Environment and Climate Change Canada regarding the Federal Contaminated Sites Action Plan program. The JBACE will continue to follow this issue case and intervene as is necessary.

Climate change

This file is of great importance for the JBACE. In the fall of 2018, the Committee finalized the report entitled “*State of Climate Change and Adaptation Knowledge for the Eeyou Istchee James Bay Territory*,” available on its website. In November 2018, the JBACE participated in the Eastmain Regional Climate Change Forum.

The committee is currently finalizing its climate change work plan, which will include the preparation of communication materials and the opportunity to meet with other committees from by Section 22 of the JBNQA to discuss this important issue.



Cumulative effects

The JBACE has been studying the issue of taking into account cumulative effects for several years and continued its work on this file during 2018-2019. In December 2018, members approved a work plan for the JBACE on the issue, which aligns with the JBACE's Strategic Plan, and is also spread over a period of 5 years. The first steps of this plan will be carried out during 2019-2020, starting with a gap analysis of missing elements allowing for the consideration of cumulative effects, followed by a comparative analysis of the treatment of this issue by other jurisdictions. This exercise follows the initial work done in 2016.

In addition, the JBACE was invited to participate in the Roundtable on the creation of the Indigenous-led Center of Expertise for Cumulative Effects Management, held in February 2019 in Victoria (BC), – an initiative led by Crown-Indigenous Relations and Northern Affairs Canada. The Committee continued its discussions with the group by participating in a teleconference in March, and will be attending the next meeting in April 2019.

Guide on public participation for project proponents

In 2018-2019, the JBACE continued its preparation work for its guide entitled *“Best-practice guidance for project proponents: Project-related public participation and engagement in the James Bay Territory.”* The guide represents several years of work and collaboration with stakeholders, and should be completed and published in 2019-2020.

JBACE operations

In 2018-2019, the JBACE adopted its new 2018-2023 Strategic Plan and developed annual work plans for its implementation. The Committee also developed a communications plan and established a Communication Subcommittee to facilitate the positioning of the JBACE and sharing of information within the committee and with other stakeholders. The members of the Administrative Committee met with the Provincial Administrator on December 7, 2018. After the meeting, the JBACE sent a series of key messages to the Provincial Administrator to assist him in raising awareness among his colleagues about the JBACE's role and the importance of consulting the Committee in a systematic and timely manner. Another meeting between the JBACE members and the new Provincial Administrator was scheduled for May 2019.

The JBACE continued its restructuring operations initiated the previous year. In May 2018, the new Executive Director took office, and in November 2018, a new Secretariat Officer was hired. In order remain a competitive employer with a capacity to retain expert internal resources, the members adopted an updated salary scale and insurance plan reflective of industry trends for secretariat employees as well as job descriptions that ensure alignment with the role and mandate of the JBNQA. The Administrative Committee began reviewing the human resources policy and other administrative policies during the year. This work will continue in 2019-2020.

CONCLUSION

In 2018-2019, the JBACE was very active in terms of consultations on draft policies, laws and regulations affecting the environmental and social protection regime applicable in the Territory, as well as the measures affecting forest management and land use planning. This allowed the Committee to share its expertise, knowledge and experience with the various governments, as provided for in its mandate to oversee the protection regime set out in Section 22 of the JBNQA regarding the issues affecting the Cree communities and the James Bay Territory.

In the coming year, the JBACE intends to maintain this level of involvement in order to solidify its position as the official and privileged interlocutor in the Territory. In addition to continuing to monitor various federal and provincial legislation and regulations, it will continue his work on cumulative effects and climate change. The committee will also implement its communication plan in order to increase its visibility among the various stakeholders.



APPENDIX 1 PRESENTATIONS GIVEN TO THE JBACE

Presentation given by :	Date	Topic
Adario Masty, Local Environmental Administrator, Ouje-Bougoumou Cree Nation Norman Wapachee, Director of Natural Resources, Ouje-Bougoumou Cree Nation	June 12, 2018	Discussion on local issues
Jeremy Anglesey, Environment and Climate Change Canada Mélanie Talbot, Indigenous Services Canada	September 26, 2018	Update on the Federal Contaminated Sites Action Plan
Georges Gangbazo, Ministère du Développement durable, de l'Environnement et de la Lutte aux les changements climatiques Mireille Paul, Ministère du Développement durable, de l'Environnement et de la Lutte aux les changements climatiques	September 26, 2018	Progress update on the development of the strategic environmental assessment regulation



APPENDIX 2

COMPOSITION AND MEETINGS OF THE JBACE

Composition of the JBACE

Members appointed by the Cree Nation Government

Marc Dunn, Niskamoon Corporation
(starting in June 2018)

Kelly LeBlanc, GNC (until July 2018)

Pamela Macleod, Cree Nation of Mistissini
(starting in August 2018)

Chantal Otter Tétreault, CNG, Vice-chair

Melissa Saganash, CNG

Members appointed by the Gouvernement du Québec

Maud Ablain, MELCC (starting in May 2018)

Mélanie Chabot, MELCC (starting in May 2018)

Manon Cyr, Ville de Chibougamau

François Provost, MFFP

Members appointed by the Government of Canada

Annie Déziel, CEAA (until October 2018)

Judy Doré, CEAA (starting in November 2018)

Caroline Girard, CIRNAC

Jean Picard, ECCC

Jean-Yves Savaria, DFO, Chairperson

Ex-Officio Member

Caroline Girard, HFTCC

Secretariat

Amira Elgiheny, Secretariat Officer
(until August 2018)

Michèle Leduc-Lapierre, Executive Director
(starting in May 2018)

Graeme Morin, Environmental Analyst

Eva Wolf, Secretariat Officer
(starting in November 2018)

Composition of the subcommittees

The list and names of members of JBACE subcommittees are available on the Committee's website:

<http://www.ccebj-jbace.ca/en/about-us>

JBACE Meetings

The Committee held four meetings in 2018-2019:

207th Meeting Ouje-Bougoumou, June 12-13, 2018

208th Meeting Québec City, September 25-26, 2018

209th Meeting Teleconference, December 17, 2018

210th Meeting Québec City, January 31, 2019

APPENDIX 3 STATEMENT OF FINANCIAL ACTIVITIES FOR THE FISCAL YEAR THAT ENDED ON MARCH 31, 2019 (UNAUDITED – SEE NOTICE TO READER*)

INCOME

Subsidy from MELCC, CEAA and CNG	
JBACE secretariat	\$301,000
COMEV secretariat	\$30,000
Subtotal for the subsidy	\$331,000

Total income	\$331,000
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OPERATING EXPENDITURES

Salaries, wages and benefits	\$178,092
Restructuring expenses	\$22,620
Travel expenses	\$11,517
Insurance	\$450
Rent (office space)	\$30,916
Telecommunications	\$3,979
Dues, fees, memberships, conferences	\$651
Translation	\$13,834
Reprography	\$5,027
Messenger services, postage	\$758
Office supplies, furniture and computer equipment	\$10,852
Training	\$ 226
Website	\$213
Professional fees and legal costs	\$1,419
Expert opinions, meeting expenses	\$2,399
Implementation of the Strategic Plan	\$1,617
Forest management plan exam	\$8,658
Interest and bank charges	\$771
Depreciation, amortization	\$2,366

Subtotal - JBACE	\$296,365
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COMEV secretariat	<u>\$30,000</u>
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Total operating expenditures	\$326,365
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OTHER FINANCING ACTIVITY

Interest income	<u>\$678</u>
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* The Financial Statements and Notice to Readers, prepared by RUEL GIROUX, Chartered Professional Accountants, are available on request.

