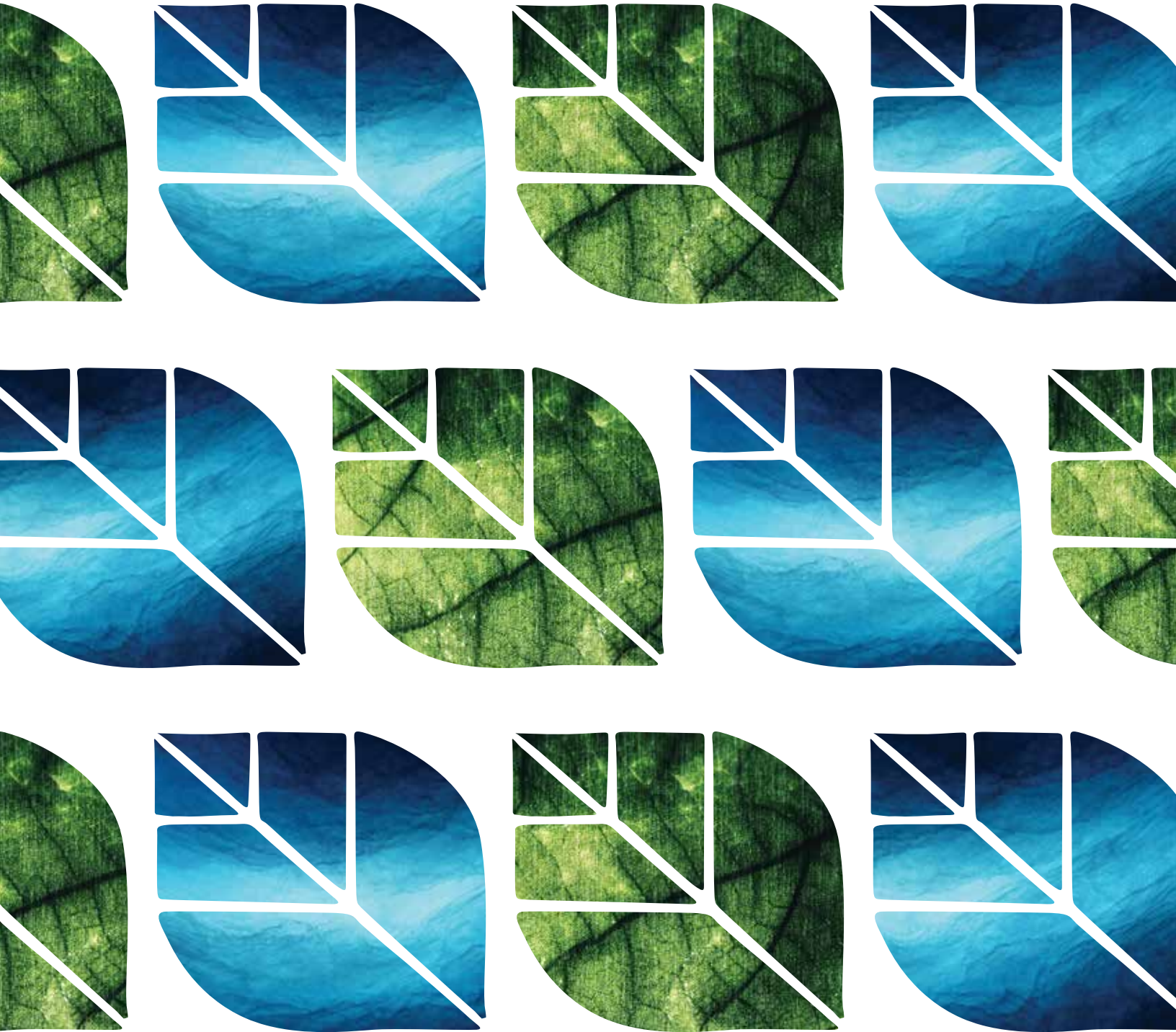


ANNUAL REPORT

2020 - 2021



Comité consultatif pour l'environnement de la Baie James
James Bay Advisory Committee on the Environment
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Legal deposit
Bibliothèque et archives nationales du Québec
ISSN 2562-2749

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LIST OF ACRONYMS

BAPE	Bureau d'audiences publiques sur l'environnement
CIRNAC	Crown-Indigenous Relations and Northern Affairs Canada
CNG	Cree Nation Government
DFO	Fisheries and Oceans Canada
ECCC	Environment and Climate Change Canada
FFHPP	Fish and Fish Habitat Protection Program
FNQLSDI	First Nations of Québec and Labrador Sustainable Development Institute
HFTCC	Hunting, Fishing and Trapping Coordinating Committee
IAAC	Impact Assessment Agency of Canada
JBACE	James Bay Advisory Committee on the Environment
JBNQA	James Bay and Northern Québec Agreement
MELCC	Ministère de l'Environnement et de la Lutte contre les changements climatiques
MERN	Ministère de l'Énergie et des Ressources naturelles
MFFP	Ministère des Forêts, de la Faune et des Parcs
PAFIT	Tactical Plan for Integrated Forest Development ("Plan d'aménagement forestier intégré tactique" in French)



Comité consultatif pour l'environnement de la Baie James
James Bay Advisory Committee on the Environment
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March 31, 2021

The Honourable Jonathan Wilkinson
Minister
Environment and Climate Change Canada

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

Dr. Abel Bosum
Grand Chief
Grand Council of the Crees (Eeyou Istchee) / Cree Nation Government

Ministers Wilkinson 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, 2021.

Yours truly,

Madeleine Green
Vice-Chair



Vice-Chairperson's Message

It is with pleasure that I present on behalf of the James Bay Committee on the Environment (JBACE) the committee's activity report for 2020-2021.

This has undoubtedly been a very challenging year for all, facing a global pandemic and learning to navigate our way through it together. For the JBACE, this has meant greater physical separation from the people and communities of Eeyou Istchee. Every year the committee looks forward to meetings in the Territory it serves and to in-person consultations with the Cree of Eeyou Istchee. Unfortunately these forms of engagement have not been possible in 2020-2021 and I believe we all feel their absence.

Like everyone else, the committee has quickly pivoted to new ways of working and staying connected. The JBACE remains as committed as ever to meeting its responsibilities with regards to the environmental and social protection regime established by Section 22 of the James Bay and Northern Quebec Agreement (JBNQA). The committee has successfully continued its work, carrying out its robust agenda of providing advice and recommendations to the provincial and federal governments and agencies and working in consultation with other stakeholders.

This year the JBACE conducted a multitude of reviews of relevant legislation, regulations and policies. The JBACE also undertook the major and time sensitive project of reviewing and commenting on the Tactical Plans for Integrated Forest Development covering the territory set

out in Chapter 22 of the JBNQA, focusing in on the protection of wildlife resources and continued access to them.

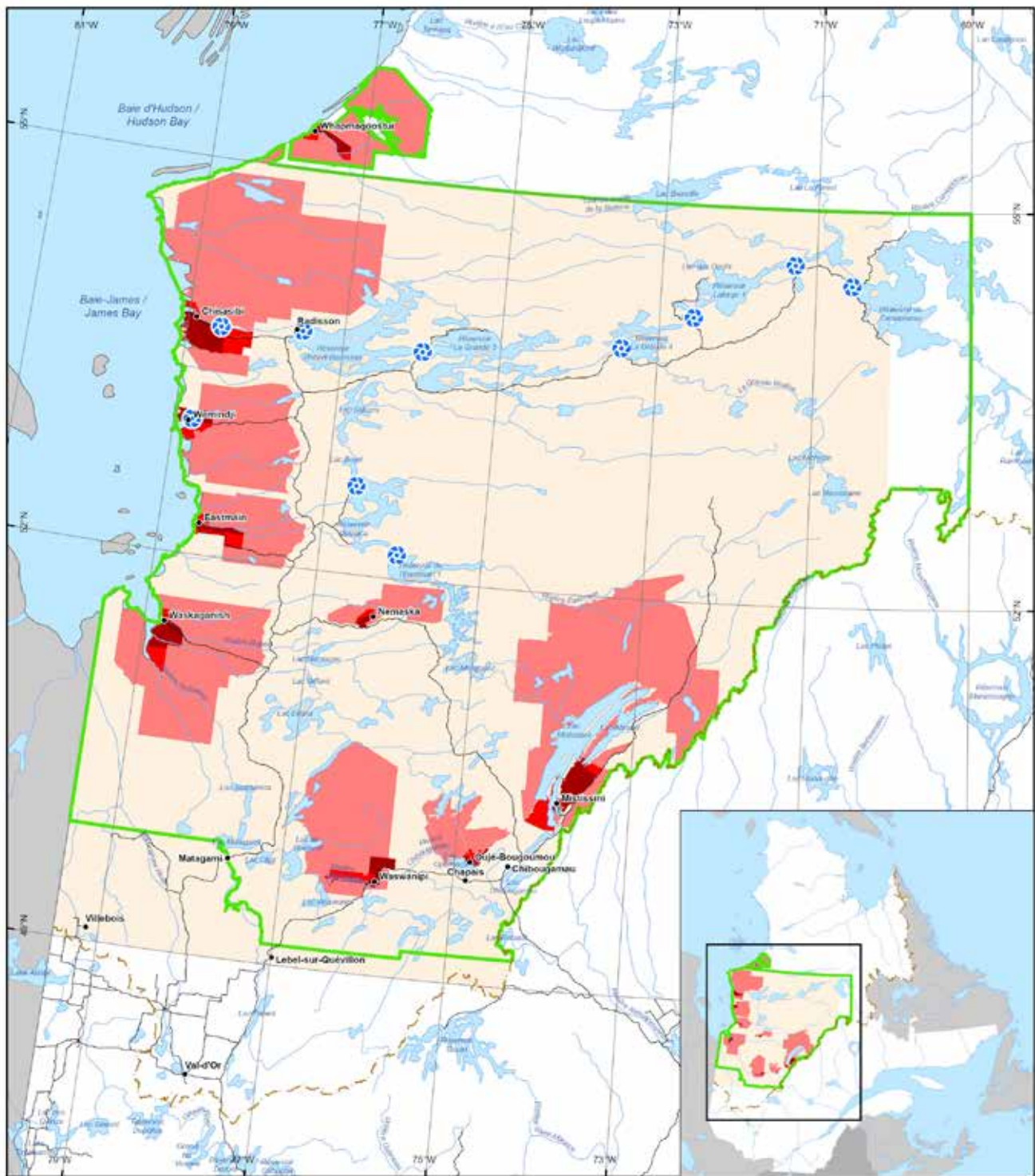
The Committee submitted comments to the Government of Quebec on a wide array of issues including the implementation of the revised Environmental Quality Act, the province's Plan for the Development of Critical and Strategic Minerals, its Wildlife Policy, and its National Heritage Conservation Act, as well as participated in working groups on residual material management. With regards to the federal initiatives, JBACE commented on the guidance material for federal impact assessments and began work concerning fish and fish habitat protection. The committee plans to continue its engagement on several of these subjects into the coming year, anticipating alignment with its ongoing work on the critical issues of climate change and cumulative effects.

It has been a privilege as Vice-Chair to work alongside the knowledgeable and passionate Committee and Secretariat members, contributing to another full year of activities. On behalf of the other committee members, I thank the JBACE team for their dedicated work, as well as for their resilience and adaptability in a time of uncertainty.

We look forward to the coming year and having the opportunity to return to the communities of Eeyou Istchee in the near future.

Madeleine Green
Vice-Chair

Map of the Territory Covered by the Environmental and Social Protection Regime (Section 22)



Centrale hydroélectrique / Hydroelectric power station

Convention de la Baie James et du Nord québécois / James Bay Northern Quebec Agreement and North-eastern Quebec Agreement

Territoire d'application du régime de protection de l'environnement et du milieu social / Territory covered by the environmental and social protection regime ¹

Gouvernement régional d'Eeyou Istchee Baie-James / Eeyou Istchee James Bay Regional Government ²

Terres de catégorie / Categories of lands

■ IA Cri / Cree
■ IB Cri / Cree
■ II Cri / Cree

¹ La limite sud du territoire d'application tel que définie sur la carte n'est pas reconnue par les cri. / The Cree do not recognize the southern limit of the regime.

² Le territoire du Gouvernement régional d'Eeyou Istchee Baie-James exclut les municipalités de Chapais, Chibougamau, Lebel-sur-Quévillon et Matagami. / The territory covered by the regional Government excludes the municipalities of Chapais, Chibougamau, Lebel-sur-Quévillon and Matagami.

Note: Cette carte n'a aucune portée légale et ne doit pas être utilisée pour définir des limites officielles. / This map is for consulting purposes only and should not be used for defining official boundaries.
Projection: Lambert Conformal Conic, NAD83
Sources: NRCan CanVec 5M & 15M, MERN SDA 20K
Credits: Environment and Remedial Works Department, CNG
Date: 2020-08-05



Comité consultatif pour l'environnement de la Baie James
James Bay Advisory Committee on the Environment
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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 outlined 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 for development that is coherent and compatible with these objectives.

The James Bay Advisory Committee on the Environment (JBACE) is mandated to oversee the administration and management of the environmental and social protection regime of the JBNQA. The JBACE is also the preferential and official advisory forum for responsible governments concerning the Territory covered by Section 22 of the JBNQA (see map on p. v) in this capacity. 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.

The activities, recommendations, and advice of the JBACE are formulated according to the guiding principles of Section 22 of the JBNQA and guided by the expected results established in accordance with the four areas of activity set out in the 2018-2023 Strategic Plan:

1. Modernization and optimization of the Section 22 environmental and social impact assessment and review procedure;
2. Reinforce the JBACE's strategic partnerships in the region;
3. Increase awareness and dissemination of environmental and social issues linked to the Territory; and
4. Ensure coherence between land use planning and management initiatives and the Section 22 regime.

The Strategic Plan is available on the JBACE website at www.ccebj-jbace.ca.

Summary of activities

The following is a summary of the activities undertaken in 2020-2021. A detailed description of the activities is available in the next section and a summary table of actions by area of activity is presented in Appendix 1.

Provincial

As part of the implementation of the revised *Environment Quality Act*, the JBACE sent its comments on the draft *Regulation respecting the regulatory scheme applying to activities on*



the basis of their environmental impact. The committee also reviewed and commented on the Tactical Plans for Integrated Forest Development (PAFIT) for the territory covered by Section 22 of the JBNQA. Regarding critical and strategic minerals, the JBACE commented on the *Québec Plan for the Development of Critical and Strategic Minerals 2020-2025*. During the year, the JBACE took interest in the issue of residual materials management by participating in the work on the modernization of deposit and selective collection systems and by initiating discussions concerning the consultation of the BAPE on the status and management of final waste. Finally, the committee participated in the public hearings of the Committee on Transportation and the Environment of the Assemblée nationale on Bill 46 – *An Act to amend the Natural Heritage Conservation Act and other provisions*. The JBACE also commented on the development of the Government Policy on Wildlife.

Federal

As part of the implementation of the *Impact Assessment Act*, the JBACE provided comments on certain chapters of the *Practitioner's Guide to Federal Impact Assessments under the Impact Assessment Act*. The committee also started to work on the various initiatives related to the implementation of the revised *Fisheries Act* which came into force in 2019.

Other initiatives and Secretariat operations

The JBACE began work on sharing the information from the climate change report published in 2018. The committee also continued to reflect on cumulative effects in order to identify priority issues on the matter. In response to a request, the JBACE studied and commented the Cree Nation of Mistissini's draft *Environmental Protection Law*. Finally, during the year, the JBACE finalized the modernization of its IT tools and equipment.

DETAILED SUMMARY OF ACTIVITIES

Provincial initiatives

Implementation of the revised Environmental Quality Act

Since 2019, the JBACE has participated in the work relating to the development of the *Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact*. At the beginning of April 2020, the committee provided comments in which it reiterated its interest in remaining involved in the development of implementation tools, encouraged the MELCC to pursue initiatives that will allow it to further regionalize the “sensitive environment” component, encouraged an increase in resources to ensure enforcement and compliance with the regulation, and suggested creating a single register to centralise information on environmental assessments, ministerial authorizations and declarations of compliance so as to ease navigation for the public.

Review of the MFFP’s Tactical Plans for Integrated Forest Development

One of the JBACE’s mandates is to study and comment, before their ministerial sanction, the Tactical Plans for Integrated Forest Development (‘PAFITs’)¹ covering the territory subject to Section 22 of the JBNQA. The JBACE reviewed the proposed 2018-2023 PAFITs, taking into account the adapted forestry regime of the *Agreement concerning a new relationship between the Government of Quebec and the Crees of Quebec* as

well as the provisions of the *Agreement on Governance in the Eeyou Istchee James Bay Territory between the Crees of Eeyou Istchee and the Government of Québec* that relate to forestry.

The JBACE also took into consideration the new terms and conditions of the 2018 Adapted Forestry Regime. In order to avoid duplication, and with the objective of presenting constructive comments to the MFFP, the JBACE members adopted two novel parameters for the review of the PAFITs: 1) the protection of wildlife resources; and, 2) continued access to these resources. Criteria and indicators were developed from the parameters and used during the review. The JBACE hired an external firm, Le groupe CAF, to conduct the review.

The report from Le groupe CAF² as well as comments of the JBACE were submitted to the MFFP at the beginning of April 2020. Following the submission of the comments, follow-up meetings were held with the MFFP as well as with relevant stakeholders who participated in the review to discuss the observations and recommendations made in the report.

Critical and Strategic Minerals

In the fall of 2019, the MERN initiated a review regarding the Gouvernement du Québec’s role in the development of critical and strategic minerals. The JBACE originally participated in meetings in 2019-2020. During the summer of 2020, the JBACE then was asked to comment the *Québec Plan for the Development of*

¹ The “Plans d’aménagement forestier intégré tactiques,” in French. These plans are most commonly referred to using their French acronyms – ‘PAFITs.’

² The [report](#) is available on the JBACE website. The document is also available in [French](#), and an executive summary is available in [Cree](#).



Critical and Strategic Minerals 2020-2025 (the “Plan”). In its comments sent in August 2020, the committee stressed that the Plan would add to a number of other initiatives already underway or in development and that these would need to be coordinated. The JBACE also reiterated the importance of harmonizing uses in the Territory and taking into account cumulative effects, as well as the development of local and regional expertise.

Residual material management

In the fall of 2020, the JBACE joined working groups regarding the modernization of the deposit and selective collection systems initiated by the Government of Québec, i.e. participated in the joint committee on the deposit system and working group #4 on the selective collection system. JBACE involvement focused mainly on the need to take into account the particular reality of the Territory when developing and implementing the modernized regulations.

In January 2021, the Bureau d'audiences publiques sur l'environnement (BAPE) launched a Commission on the current status and management of final waste (“Commission”). As the

JBACE is the preferential body in the Territory of application of Section 22 of the JBNQA, it was called upon by the Commission to establish the consultation procedures for the Territory. Discussions began in the last quarter of 2020-2021 and are continuing in order to establish these procedures.

Bill 46 – An Act to amend the Natural Heritage Conservation Act and other provisions

In September 2020, the JBACE participated in the public hearings of the Committee on Transportation and the Environment of the Assemblée nationale on Bill 46. In its brief³ prepared in the context of the hearing, the committee recalled the guiding principles of Section 22 of the JBNQA which offer relevant considerations for the planning of northern protected areas and for the implementation of the revised law. It

³ The [brief](#) is available on the JBACE website.





also underscored the importance of taking into account the rights of the Crees as well as their participation in the planning, development and management of protected areas. The committee stressed the need to clearly define the activities which may constitute “sustainable uses” according to the revised law.

Wildlife Policy

In January 2021, the JBACE sent its comments to the MFFP regarding the drafting of the Wildlife Policy. In its comments, the committee supported the ministry’s intention to partner with interested organizations in order to ensure that the Policy and related implementation tools adequately reflect the unique contexts of the JBNQA. It encouraged the MFFP to pursue its efforts in protecting biodiversity and noted that the proposed orientation to ensure “effective control of the erosion of wildlife biodiversity” aligns with a guiding principle of Section 22 of the JBNQA focusing on the protection of wildlife resources, of the physical and biotic environment, and the ecological systems in the Territory. The committee also reiterated its interest in staying informed of the initiative as it progresses.

Federal initiatives

Impact Assessment Act

In the context of the implementation of the Impact Assessment Act, the Impact Assessment Agency of Canada (IAAC) requested comments

on chapters 3.6 and 3.7 of the *Practitioner’s Guide to Federal Impact Assessments under the Impact Assessment Act*. The JBACE submitted its comments in July 2020 in which it suggested documents be added to the reference list. The committee also referred the IAAC to documents produced by the JBACE on issues associated with public participation and environmental assessment in the Territory, including best practices in taking local and traditional knowledge into account, and on the confidential nature of this knowledge.

Fisheries Act

The revised *Fisheries Act* came into force in August 2019. Since then, the DFO has been working on the development of a number of regulations and tools to facilitate the implementation of the revised Act, including a review of the Fish and Fish Habitat Protection Program (FFHPP). The review of the FFHPP comprises various activities and opportunities for mobilization, including the adoption of a policy framework for the consideration of cumulative effects in habitat decision making, habitat offsetting and banking policies, prescribed works and waters regulation, as well as an engagement framework, codes of practice and a registry. In 2020-2021, the JBACE became aware of these activities and related opportunities to contribute, and evaluated which initiatives would be prioritized to its capacities and available resources. The work of the committee will continue during 2021-2022.





Other JBACE initiatives

Climate change

The committee is currently working on developing a series of fact sheets based on the report entitled *State of Climate Change and Adaptation Knowledge for the Eeyou Istchee James Bay Territory* that the JBACE published in 2018, and that is available on the website. A specialized firm has been hired to produce a first fact sheet which should be finalized during the first quarter of 2021-2022.

Cumulative Effects

For several years, the JBACE has been interested in the consideration of cumulative effects in the development of laws, regulations, policies and programs that have an impact on the Territory. An internal reflection exercise on the issue was started in recent years. During 2020-2021, members continued the exercise in order to identify priority issues for which resources (internal and external) are available. This effort will continue in 2021-2022 and will make it possible to optimize the work of the JBACE in

order to offer possible solutions or actions for the consideration of cumulative effects.

The JBACE also provided a progress update on its reflection exercise to the First Nations of Quebec and Labrador Sustainable Development Institute (FNQLSDI) in February 2021.

Mistissini's Environmental Protection Law

In accordance with its mandate, the JBACE may comment on local initiatives for environmental and social protection. During 2020-2021, the Cree Nation of Mistissini requested the opinion of the JBACE regarding the community's draft *Environmental Protection Law* and associated schedules. The committee studied the draft law and submitted comments in November 2020.

Secretariat

In 2020-2021, the JBACE Secretariat finalized the update of its computing resources. The second phase began in March 2020, with the modernization of the email system. This will allow Secretariat employees to have better access to communication tools, particularly when traveling, but also when working from home. In addition, given the health situation, the Secretariat has updated its computer equipment to allow employees to maintain the same level of efficiency when teleworking.

CONCLUSION

This last year has been particularly challenging for all due to the COVID-19 global pandemic. The members and employees of the Secretariat had to quickly adapt to the situation and put in place the means to pursue its work with the same efficiency. Unfortunately, several activities have had to be put aside over the past year, starting with in-person meetings and meetings in the Territory. Despite this, the committee was able to quickly adopt tools to promote remote collaboration and to continue its activities and to exercise its mandate by commenting on a number of federal and provincial initiatives, while also advancing certain internal files.

While some activities planned during the year had to be put aside due to the health situation, others were able to progress. The committee, for example, began to reflect on external communications about its work, including a clear and concise mission statement. This important work will continue in 2021-2022, and will equip the committee with an updated communication strategy.

As the situation subsides, activities will progressively resume their normal course, starting with in-person meetings and meetings in the Territory.



APPENDICES

Appendix 1: Actions by Area of Activity

Area of activity	Action
Modernization and optimization of the Section 22 environmental and social impact assessment and review procedure.	- Comments on the <i>Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact</i> - Comments on the Plan for critical and strategic minerals - Participation in the working groups in the context of the modernization of the deposit and selective collection systems - Discussions in the context of the BAPE Commission on the current status and management of final waste - Comments on Bill 46 – <i>An Act to amend the Natural Heritage Conservation Act and other provisions</i> - Comments on the Governmental Wildlife Policy of the MFFP - Comments on the Practitioner's Guide in the context of the <i>Impact Assessment Act</i> (Indigenous knowledge) - Work in the context of the <i>Fisheries Act</i> - Work on the cumulative effects file - Comments on Mistissini's <i>Environmental Protection Law</i>
Reinforce the JBACE's strategic partnerships in the region.	- Presentation to the FNQLSDI on cumulative effects - Participation in the working groups in the context of the modernization of the deposit and selective collection systems - Discussions in the context of the BAPE Commission on the current status and management of final waste
Increase awareness and dissemination of environmental and social issues linked to the Territory.	- Preparation of a fact sheet on climate change - Presence of major social media platforms
Ensure coherence between land use planning and management initiatives and the Section 22 regime.	- Review of the PAFIT

Appendix 2: Presentations Given to the JBACE

Presentation given by	Date	Topic
Paul John Murdoch, Cree Nation Government	September 15, 2020	Presentation on La Grande Alliance
Corinne Proux, Environment and Climate Change Canada Marie Andrée Hamel, Environment and Climate Change Canada Alexandre Richard, Environment and Climate Change Canada	September 15, 2020	Presentation of the work in the context of the revision of the <i>Wastewater Systems Effluent Regulations</i>
Julie Veillette, Ministère de l'Environnement et de la Lutte contre les changements climatiques	September 15, 2020	Presentation of the <i>Plan pour une économie verte (Green Economy Plan)</i>
Mélanie Chabot, Ministère de l'Environnement et de la Lutte contre les changements climatiques	November 26, 2020	Presentation of work on the creation of protected areas in the Territory



Appendix 3: Composition and Meetings of the JBACE

Composition of the JBACE

Members appointed by the Cree Nation Government

Marc Dunn, Niskamoon Corporation
Kelly LeBlanc, CNG

Chantal Otter Tétreault, CNG
Melissa Saganash, CNG

Members appointed by the Government of Québec

Maud Ablain, MELCC, Chair (until January 2021)
Caroline Chabot, MFFP (since May 2020)

Mélanie Chabot, MELCC
Manon Cyr, Ville de Chibougamau

Members appointed by the Government of Canada

Suzie Boudreau, DFO
Alexandre-Guy Côté, ECCC

Madeleine Green, CIRNAC, Vice-Chair
Audrée Ross, IAAC (since June 2020)

Ex-Officio Members

Serge Tremblay, HFTCC

Secretariat

Michèle Leduc-Lapierre, Executive Director
Graeme Morin, Environmental Analyst
Eva Wolf, Secretariat Officer

Composition of the subcommittees

The list of the JBACE subcommittees and their composition is available at:
www.ccebj-jbace.ca/en/about-us/composition

JBACE Meetings

The Committee held five meetings in 2020-2021:

216 th meeting	Videoconference, June 3, 2020
217 th meeting	Videoconference, September 15, 2020
218 th meeting	Videoconference, November 26, 2020
219 th meeting	Videoconference, March 11, 2021
Special PAFIT meeting	Videoconference, April 2, 2021

Appendix 4: Statement of Financial Activities for the Fiscal Year that Ended on March 31, 2021

(Unaudited – see notice to reader*)

INCOME

Subsidy from MELCC, CEAA and CNG	
JBACE secretariat	\$321,000
COMEV secretariat	\$30,000

Total income	\$351,000
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OPERATING EXPENDITURES

Salaries, wages and benefits	\$220,258
Travel expenses	\$17
Insurance	\$495
Rent (office space)	\$31,193
Telecommunications	\$2,989
Dues, fees, memberships, conferences	\$244
Translation	\$673
Reprography	\$4,197
Messenger services, postage	\$52
Office supplies, furniture and computer equipment	\$13,981
Training	\$752
Website	\$839
Professional fees and legal costs	\$1,419
Meeting expenses	\$0
Implementation of the Strategic Plan	\$2,024
Forest development plan exam	\$6,905
Interest and bank charges	\$393
Depreciation, amortization	\$1,441
Allocation – Forest development plan exam	\$10,000
Allocation – Climate change fact sheet	\$3,109
Subtotal - JBACE	\$300,981
COMEV secretariat	\$30,000

Total operating expenditures	\$330,981
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OTHER FINANCING ACTIVITY

Interest income	\$2
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* The Financial Statements and Notice to Readers, prepared by RUEL GARNEAU INC., Chartered Professional Accountants, are available on request.

