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**JAMES BAY ADVISORY COMMITTEE ON THE  
ENVIRONMENT (JBACE)**

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# List of Acronyms

CIRNAC	Crown-Indigenous Relations and Northern Affairs Canada	MELCCFP	Ministère de l'Environnement, de la Lutte contre les changements climatiques, de la Faune et des Parcs
CNG	Cree Nation Government		
DFO	Fisheries and Oceans Canada	MRNF	Ministère des Ressources naturelles et des Forêts
ECCC	Environment and Climate Change Canada	PAFIT	Tactical Plan for Integrated Forest Development ("Plan d'aménagement forestier intégré tactique" in French)
HFTCC	Hunting, Fishing and Trapping Coordinating Committee		
IAA	Impact Assessment Act	PLUP	Public land use plan
IAAC	Impact Assessment Agency of Canada		
JBACE	James Bay Advisory Committee on the Environment		
JBNQA	James Bay and Northern Québec Agreement		





# CHAIRPERSON'S MESSAGE

As current Chair of the James Bay Advisory Committee on Environment (JBACE), I have the honour to present to you on behalf of the Committee members a report of our activities for the 2023-2024 fiscal year.

Similarly to many other entities and organizations who work for or from the Eeyou Istchee/James Bay region, the JBACE and its members had to contend with the effects of climate change as unprecedented forest fires raged through the region leaving no doubt to the level of priority that we, as a collective society, must afford to climate change. It was with great interest that the JBACE participated in the Cree Regional Climate Forum hosted by the Cree Nation Government to further advance the climate conservation and explore collaborative relationships in our collective efforts to adapt, and where possible, mitigate the effects of climate change.

Our newly adopted Strategic Plan 2023-2028 is intended to guide us towards exactly this - further collaborations and adapting our own ways of reviewing regulations or legislations to ensure that we are inclusive of current trends and their potential effects on the environmental and social aspects protected by Section 22 of the James Bay and Northern Quebec Agreement. We have included a copy of the Strategic Plan for your review.

Although the year was quite busy as you will see from our report, we have taken the time to attend various seminars and workshops on topics of interest related to our committee members' activities. We have also had the pleasure of engaging a new part-

time analyst who will be joined in June of 2024 by a full-time analyst. We look forward to the expertise and enthusiasm these new staff members will bring to the Secretariat. The dedication of our employees is crucial to our ability to fulfill our mandate and we are thankful for their support.

We look forward to another year with the JBACE and would also like to thank you for the support and collaborations in the past year.

Sincerely,

Melissa Saganash  
Chairperson





# 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 in the territory covered by Section 22 (hereinafter, 'Territory') on the environment, wildlife resources and Cree rights. The processes established under Section 22 are intended, among other things, to protect the rights and guarantees under the hunting, fishing and trapping regime of Section 24 of the JBNQA. Thus, the environmental and social laws and regulations and the environmental and social impact assessment and review process must allow for development that is consistent and compatible with these objectives.

The official and privileged forum established by Section 22 of the JBNQA, the James Bay Advisory Committee on the Environment (JBACE), composed of members appointed by the Cree, federal and provincial parties, studies and oversees the implementation of the environmental and social protection regime in the James Bay Territory (see map p. iv). The JBACE analyzes issues that may affect the environment or communities in the Territory, advises governments on the development of policies, laws and regulations, and facilitates dialogue between stakeholders. This ensures the protection of the rights of the Crees and the environment on which they depend, in accordance with the guiding principles of Section 22 of the JBNQA.

The JBACE's activities, recommendations, and advices are led by the guiding principles of Section 22 of the JBNQA and by the committee's mandate. Additional activities have been developed in line with the expected results for the two areas

of intervention set out in the 2023-2028 Strategic Plan, adopted in June 2023:

1. Environmental and social protection regime of Section 22 of the JBNQA: provide an overview of Section 22 environmental and social protection regime in order to assess whether it is appropriate to make recommendations to improve it;
2. Partnerships and communications: strategically position the JBACE to make relevant comments and recommendations that have an impact, within appropriate timeframes.

The 2023-2028 Strategic Plan is available on the JBACE website at [https://ccej-jbace.ca/images/documents/plan\\_strategique/JBACE\\_Strategic\\_Plan\\_2023-28\\_final.pdf](https://ccej-jbace.ca/images/documents/plan_strategique/JBACE_Strategic_Plan_2023-28_final.pdf)



# SUMMARY OF ACTIVITIES

## Provincial initiatives

### Forestry

Under paragraph 22.3.34, the JBACE may review and comment forest management plans before they receive ministerial approval. In the winter of 2023, the JBACE submitted its comments as part of the review of the 2023-2028 Tactical Integrated Forest Management Plan (better known as PAFIT – Plan d'aménagement forestier intégré tactique – in French). Subsequently, the documents (the report in French and in English and the executive summary in Cree) were published on the JBACE website. A feedback table was sent by the ministère des Ressources naturelles et des Forêts (MRNF) in September 2023.

Discussions held during the review of the 2023-2028 PAFITs raised questions about the JBACE's involvement in this file. The forestry subcommittee met several times during the year to discuss the JBACE's future role. Discussions will continue in 2024-2025 and the committee will be able to make a decision in the coming year.

During the winter of 2024, the JBACE was consulted as part of the reflection on the future of forests. A meeting for Indigenous communities was held in February 2024, to which the secretariat participated. Comments are being prepared and will be sent to the MRNF in April 2024.

### Public Land Planning

The public land use plan (PLUP) for the Nord-du-Québec region has been under development for several years. In July 2023, the JBACE received the documents from the MRNF and began its analysis of the Eeyou Istchee James Bay section. In October 2023, the committee indicated its intention to comment on the draft PLUP.

As part of its analysis, the committee focused on a number of elements, such as the involvement of Crees, Jamesians, JBNQA entities and other regional organizations from the beginning of the process; the consideration for the land regime specific to the Territory as well as the various uses of the Territory by the Crees and Jamesians; and the development and implementation of information and consultation processes or systems adapted to the Territory's social and cultural realities.

The brief was sent to the MRNF in January 2024. Comments mainly concerned the involvement of the Crees, Jamesians and JBNQA entities in the process, as well as the consideration for the specific characteristics of the Territory and the JBNQA, namely the respect of Cree rights under the JBNQA; the hunting, fishing and trapping regime; and finally, the environmental and social protection regime. Important issues for the Territory should also be considered, including mining, forestry, cumulative effects, climate change, caribou and the Grande Alliance, as well as the elements mentioned in the document that do not apply to the Territory (watershed organization, regulations on compensation for wetlands and bodies of water, land use and development plan).

### Mining activity

During winter of 2023, the MRNF held a series of consultations on the harmonious development of mining activity. Indigenous communities were consulted in April 2023, and the Nord-du-Québec region was consulted in May 2023.

A brief was submitted in May 2023. The JBACE's comments focused on the consultation process, the environmental and social protection regime, land use and planning, social acceptability (community

involvement and benefits for the communities), and the impacts of mining activity in the Territory (exploration work and camps, cumulative effects, social impacts).

A feedback meeting with the MRNF was held in September 2023, followed by a second meeting during winter 2024 on the regulatory amendment for the new authorization for impact exploration work. For the authorization, the JBACE had already shared its comments in October 2023. Overall, the committee believed that the draft regulations accurately targeted the mineral exploration work that will require the new authorization. However, the committee noted that the new authorization did not include any requirement for consultation with the communities affected, nor did it tie in with other laws and regulations that apply to activities that could have an impact on the environment or social environment. The JBACE therefore recommended to monitor closely the development of the authorization for impact work for exploration camps, and to discuss with the Ministry during this exercise.

## Conservation

### 2030 Nature Plan

In the spring of 2023, the JBACE was invited by the ministère de l'Environnement, de la Lutte contre les changements climatiques, de la Faune et des Parcs (MELCCFP) to participate in the development of the 2030 Nature Plan. Comments were submitted in July 2023, in which the committee expressed its support and recommendations.

According to the committee's analysis, the 2030 Nature Plan will have to adopt an overall vision for Québec, taking into account the specific characteristics of the province's various territories, as well as the special status of Cree participation and the guiding principles set out in Section 22 of the JBNQA, which are essential to compliance with the environmental and social protection regime set out in that same section. The Cree communities will therefore have to be duly consulted, not only during the preparation of the Nature Plan, but also upstream in the development of the initiatives aimed at achieving the ensuing targets. It will also be essential to take into account existing and developing policies, programs and agreements at the federal, provincial and regional levels, while considering the impacts





of climate change. The JBACE concluded that collaboration with and support for communities will therefore be essential to the implementation of the Nature Plan.

The JBACE also attended a national forum in Quebec City in September 2023 and meetings with the MELCCFP in March 2024. The committee is working on preparing comments on the draft plan that should be submitted in early 2024-2025.

### **Legislative modifications coordinated by the Direction de la protection des espèces et des milieux naturels of the MELCCFP**

The JBACE was contacted in the fall of 2023 and winter of 2024 as part of pre-consultations on legislative amendments to the *Act respecting threatened or vulnerable species*, the *Natural Heritage Conservation Act* and the *Act respecting the conservation and development of wildlife*. Following discussions with the Ministry, it was decided not to comment at this time, but to do so when the legislative amendments will be published.

### **Regulation respecting the water property in the domain of the State**

In June 2023, the JBACE was contacted in the context of the preliminary consultations for the revision of the *Regulation respecting the water property in the domain of the State*. The committee sent its comments in July 2023, reiterating the need to take into account the Territory's specific characteristics, in particular the land regime, the traplines and the protection of traditional hunting, fishing and trapping activities under Section 24 of the JBNQA. In September 2023, the JBACE met with ministry representatives to explain these particularities.

## Federal initiatives

### Fisheries Act

For many years, the JBACE has been involved in consultations on the implementation of the *Fisheries Act*. In 2023-2024, the JBACE continued its participation in the third wave of consultations led by Fisheries and Oceans Canada (DFO) on the following subjects: the *Policy for Applying Measures to Offset Adverse Effects on Fish and Fish Habitat*, the *Guidelines for Establishing and Managing Fish Habitat Banks*, and the *Framework for Aquatic Species at Risk Conservation*. Comments submitted in March 2024 covered compliance with the provisions of Section 22 of the JBNQA, the consultation process, the general scope and objectives of the initiatives, the legislative context and the impacts on the Territory.

### Canada's 2030 National Biodiversity Strategy

As part of its comments on a consultation document in July 2023, the JBACE supported the development of Canada's 2030 National Biodiversity Strategy (hereinafter, 'Strategy'). The committee stressed the importance for the Strategy to adopt a global vision of Canada, taking into account the specific characteristics of the country's various territories. It must also take into consideration the special status of Cree participation and the guiding principles set out in Section 22 of the JBNQA, which are essential to the compliance with the environmental and social protection regime set out in that section. The Cree communities should be duly consulted, not only in the development of the Strategy, but also upstream of the development of initiatives aimed at achieving the ensuing targets. It will be essential to take into account existing and developing policies, programs and agreements at federal, provincial and regional levels. Collaboration with and support for communities will therefore be essential to the implementation of the Strategy.

The JBACE subsequently submitted its comments on the progress document in March 2024, in which the committee maintained its support for the development of the Strategy. It emphasized Canada's cross-cutting vision, while considering the biodiversity, climate change and pollution crises simultaneously. The JBACE wished to reiterate the special participation status of the Cree, the guiding principles set out in Section 22 of the JBNQA, and the species reserved under Section 24. Cree communities should be duly consulted, especially during the eventual implementation of the Strategy, in order to ensure tangible benefits and the creation of measurable indicators that are compatible with the specific characteristics of northern territories. The JBACE also encouraged Environment and Climate Change Canada (ECCC) to continue discussions with entities across the Territory, and then to create a final version that is easier to navigate for its readers.

### Woodland caribou

Throughout the year, the JBACE participated in meetings of the ECCC-First Nations Caribou Round Table. In March 2024, the committee received consultation questions on the event that the recommendation to issue an emergency order was transmitted to the Governor in Council. A letter is being drafted.

### Impact Assessment Act

In October 2023, the Supreme Court of Canada ruled that the *Impact Assessment Act* (IAA) is partially unconstitutional. In its decision, the Supreme Court of Canada confirmed the Government of Canada's right to introduce an impact assessment legislation, to protect the rights of Indigenous peoples and to cooperate with the provinces on environmental protection.

In response to the Supreme Court decision, the JBACE was contacted in January 2024 by the Impact Assessment Agency of Canada (IAAC) to discuss the legislative amendment process. A meeting was held at

the end of February 2024, during which IAAC representatives presented an overview of the first areas of amendments to the IAA and an information guide on the Government of Canada's response to the Supreme Court's decision. Subsequently, the JBACE had the opportunity to discuss the file with the Federal Administrator during the March 2024 meeting with the members.

## Implementation of the 2023-2028 Strategic Plan

The following section describes the work related to the implementation of the Strategic Plan.

### Objective 1.1: Evaluate the legislative framework of the environmental and social protection regime

The purpose of this objective is to provide the JBACE with a better understanding of the legislative and regulatory framework applicable in the Territory in order to assess the current situation and identify interactions, contradictions and duplications. This will also provide a better understanding of the dynamics between the laws and regulations that apply in the Territory, thus helping to better define the issues when assessing whether it is appropriate for the JBACE to take interest in a case and when producing comments.

**Objective for 2023-2024:** Complete the preparatory work

**Results for 2023-2024:** In the fall of 2022, the JBACE commissioned a researcher from the Université de Sherbrooke to prepare a legislative and regulatory portrait of the environmental and social protection regime under Section 22 of the JBNQA, as created by federal, provincial and local laws and regulations and the JBNQA. The researcher submitted her revised report in October 2023. The members of the subcommittee have begun revising the report, which should be completed in the spring of 2024.

### Objective 1.2: Evaluate the transparency of the environmental and social impact assessment and review process

The purpose of this objective is to evaluate the transparency of the impact assessment and review process to assess what is needed to ensure that the process is properly understood by stakeholders.

**Objective for 2023-2024:** Complete 25% of the preparatory work

**Results for 2023-2024:** Over the course of the year, the members of the subcommittee and the Analyst began to reflect on the approach to adopt for the file. The groundwork has been done and the plan for the coming years is being developed.

### Objective 1.3: Evaluate the follow-up and monitoring of authorized projects

The purpose of this objective is to determine, among other things, whether sufficient resources are available or whether monitoring and follow-up are adequate. If necessary, the JBACE could, for example, recommend actions within the framework of monitoring and follow-up programs that do not meet the conditions or do not achieve the anticipated results. Consideration could also be given to develop guidance material for project promoters.

**Objective for 2023-2024:** No work was planned for this objective in 2023-2024

### Objective 1.4: Provide recommendations for the consideration of cumulative effects in the environmental and social impact assessment and review process

The purpose of this objective is to develop and implement a strategy for the courses of action identified by the JBACE members in order to provide recommendations. The courses of action are:

- Data
- Regional planning
- Directives for impact assessments
- Regional policy

**Objective for 2023-2024:** Implement the strategy for the first course of action

**Results for 2023-2024:** During the year, work began on the data strategy. A non-exhaustive inventory of the various databases available was prepared, as well as an inventory of the data required for impact assessments and reviews. The regional planning strategy was also adopted. In addition, a meeting was held with Cree Nation Government (CNG) representatives to explore ideas for implementing the strategies.

### **Objective 2.1: Strengthen the JBACE's network with the community and the Territory**

The purpose of this objective is to develop and maintain a network with stakeholders in the communities and in the Territory in order to be better informed of needs and thus better able to respond to them in our comments and recommendations. This objective also aims to be consulted upstream during consultations and to facilitate access to information or contact persons as part of our work.

**Objective for 2023-2024:** Meet with four strategic partners

**Results for 2023-2024:** During the year, JBACE members met with the three Administrators, Marie-Josée Lizotte (September 2023), Isaac Voyageur (November 2023) and Terence Hubbard (March 2024). The members also met with the Deputy Chief John S. Matoush of the Mistissini community at the November 2023 meeting. In addition to these meetings, the JBACE participated in a number of events that helped strengthen ties with the community: the annual conference of the Association québécoise pour l'évaluation d'impact (October 2023), the annual Québec Mines + Énergie conference (November 2023) and the First Nations of Quebec and Labrador Sustainable Development Institute workshop on forestry (February 2024). Finally, in-house workshops on mining and waste management have helped to create contacts with stakeholders working in the Territory.

### **Objective 2.2: Improve the visibility and communications of the JBACE**

The purpose of this objective is to provide the committee with effective and accessible communication tools, and to make information available in order to ensure that



we are strategically positioned as a reference point for stakeholders on issues related to the environmental and social protection regime of Chapter 22.

**Objective for 2023-2024:** Develop the communication plan

**Results for 2023-2024:** It was not possible to develop the communications plan during 2023-2024 due to other priorities and the training of new Analysts. However, in March 2023, the committee members decided to explore the possibilities for a new website. The work should take place in 2024-2025.

### **Other JBACE initiatives and work of the Secretariat**

In March 2024, the JBACE held two internal workshops to increase its knowledge and better target its future actions.

The first workshop covered mining activity in the region. Guest presenters discussed a number of topics of interest, including mineral resource potential and processing (particularly lithium), activities in the Territory, the GESTIM system, issues with exploration and abandoned sites, and environmental

impacts. Following the presentations, the members discussed the main issues and potential actions for the JBACE.

The second workshop looked at the management of residual materials in the Territory. CNG representative presented an update on the implementation of the deposit system and selective collection, as well as other Extended Producer Responsibilities. He then spoke about the regional CNG study and the upcoming preparation of a residual materials management plan. A representative of Indigenous Services Canada then presented the broad outlines of the First Nations waste management initiative. As with the workshop on mining, the discussions that followed focused on the main issues and potential actions for the JBACE.

In addition to the specific activities described above, the JBACE continued its ongoing monitoring work to identify issues that could be of interest to the committee and its members. Based on a daily review of the Gazette officielle du Québec, the Canada Gazette, newsletters, press releases, traditional media and social media, this exercise enables the secretariat to quickly assess the relevance of an issue and its links with the JBACE's mandate.



# CONCLUSION

The year 2023-2024 saw a number of changes to the membership and Secretariat. The arrival of new members from each delegation has brought new perspectives and expertise to the committee. In addition, the appointment of a new Analyst, followed by the arrival of a second Analyst at the end of the year, breathed new life into the committee's activities. These changes coincided with the adoption of the new five-year Strategic Plan at the beginning of the summer.

In addition to current legislative and regulatory issues, the JBACE has been involved in two major Quebec government initiatives: the harmonious development of mining activity and the future of the forest. The committee is eagerly awaiting the impact of these two initiatives. Biodiversity has also been an important issue with the development of Canada's 2030 National Biodiversity Strategy and the Quebec government's 2030 Nature Plan.

The year 2024-2025 should see the completion of a number of projects on which the JBACE has been working for several years, in particular the legislative and regulatory portrait and the first actions regarding cumulative effects. The committee also anticipates that it will be solicited for a number of issues related to the environmental and social protection regime in the territory covered by Section 22 of the JBNQA.



# APPENDICES

## Appendix 1: Presentations given to the JBACE

Presentation given by	Date	Topic
Youcef Larbi, Cree Mineral Exploration Board	March 12, 2024	Eeyou Istchee Potential & Mineral Exploration
Aurora Hernandez, Cree Nation Government	March 12, 2024	Mining Environmental and Social Issues in Eeyou Istchee
Jean-François Boulanger, Université du Québec en Abitibi-Témiscamingue Marc Legault, Université du Québec en Abitibi-Témiscamingue	March 12, 2024	Overview of the Lithium Cycle – from Exploration to Finished Product
Raphael Joannis-Clément, Cree Nation Government	March 12, 2024	État des lieux – Gestion des matières résiduelles dans Eeyou Istchee
Mélanie Talbot, Indigenous Services Canada	March 12, 2024	First Nation Solid Waste Management Initiative

# Appendix 2: Composition and meetings of the JBACE

## Composition of the JBACE

### *Members appointed by the Cree Nation Government*

Marc Dunn, Conseil SYM Consulting Inc.	Tina Petawabano, CNG (since May 2023), Vice-Chair
Graeme Morin, CNG (since May 2023)	Melissa Saganash, CNG, Chair

### *Members appointed by the Gouvernement du Québec*

Vanessa Chalifour, MELCCFP (until September 2023)	Jean-Philippe Marcoux, MELCCFP (since December 2023)
Manon Cyr, Ville de Chibougamau	Mélanie Savoie, MRNF
Brigitte Goulet, MELCCFP	

### *Members appointed by the Government of Canada*

Alexandre-Guy Côté, ECCC	Madeleine Green, CIRNAC
Elisabeth Gill, IAAC (until May 2023)	Jean-Olivier Roy, IAAC (since May 2023)

### *Ex-Officio Member*

Norman Wapachee, HFTCC

## Secretariat

Michèle Leduc-Lapierre, Executive Director  
Mathilde Butler (June 2023 – March 2024)  
Sarah Flibotte (since February 2024)  
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](http://www.ccebj-jbace.ca/en/about-us/composition)

## JBACE Meetings

The Committee held four meetings in 2023-2024:

228 <sup>th</sup> meeting	Hybrid (Montreal and videoconference), June 13, 2023
229 <sup>th</sup> meeting	Hybrid (Québec City and videoconference), September 6, 2023
230 <sup>th</sup> meeting	Hybrid (Mistissini and videoconference), November 13-14, 2023
231 <sup>th</sup> meeting	Hybrid (Montreal and videoconference), March 13, 2024

## Appendix 3: Statement of financial activities for the Fiscal Year that Ended on March 31, 2024 (Unaudited – see notice to reader\*)

### INCOME

Subsidy from MELCCFP, IAAC and CNG

JBACE secretariat	\$405,000
COMEV secretariat	\$30,000

### Total income

**\$435,000**

### OPERATING EXPENDITURES

Salaries, wages and benefits	\$243,690
Travel expenses	\$9,592
Insurance	\$587
Rent (office space)	\$31,798
Telecommunications	\$2,649
Dues, fees, memberships, conferences	\$1,979
Translation	\$4,950
Reprography	\$7,574
Messenger services, postage	\$104
Office supplies, furniture and computer equipment	\$13,465
Training	\$0
Website	\$601
Professional fees and legal costs	\$1,225
Consultation fees	\$9,606
Implementation of the Strategic Plan	\$1,400
Forest development plan exam	\$0
Interest and bank charges	\$325
Depreciation, amortization	\$549

Allocation – Review of forest management plans	\$10,000
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Subtotal - JBACE	\$343,250
COMEV secretariat	\$30,000

### Total operating expenditures

**\$373,250**

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





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