

**BUREAU D’AUDIENCES PUBLIQUES
SUR L’ENVIRONNEMENT**

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**CONSULTATION PUBLIQUE
SUR LA GESTION DE L’EAU
AU QUÉBEC**

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MOT DU PRÉSIDENT

M. ROMÉO SAGANASH, président CCEBJ :

5 Je déclare la présente séance conjointe du Comité consultatif pour l'environnement de la Baie James et du Bureau d'audiences publiques pour l'environnement du Québec. Cette séance ouverte, nous allons donc procéder d'abord et avant tout avec une prière d'ouverture que monsieur Don Mianscum va faire pour nous.

10 So, I now declare opened the joint session of the James Bay Advisory Committee on the Environment as well as the Bureau d'Audiences Publiques pour l'Environnement on water management in Quebec, and particularly Northern Quebec. We will begin by an opening prayer to be given by Mister Don Mianscum. From there on, I will proceed with our agenda for today and I will also explain how we will proceed with these hearings today.

M. DON MIANSUM :

15 On remercie le Seigneur pour tout ce qu'il a fait.

M. ANDRÉ BEAUCHAMP, président BAPE :

20 Merci beaucoup, monsieur Saganash. C'est un honneur et un plaisir pour nous d'être accueillis dans votre communauté pour vous permettre de recevoir l'information, recevoir vos commentaires, recevoir vos questions.

25 Comme monsieur Saganash vous l'a dit, je suis le président de la Commission chargée de tenir enquête et audience sur la gestion de l'eau au Québec. Nous sommes trois commissaires sur cette Commission du Bureau d'audiences publiques sur l'environnement. Je suis le président. Il y a aussi madame Gisèle Gallichan, qui est ici présente. Il y a un troisième commissaire, monsieur Camille Genest, qui ne nous a pas accompagnés dans ce voyage, mais qui évidemment participe à tous les travaux que nous poursuivons.

30 Notre mandat a commencé le 15 mars 1999 et se terminera le 15 mars de l'an 2000. Depuis le début de l'audience, nous avons parcouru l'ensemble des dix-sept régions du Québec, mais nous avons convenu pour les territoires conventionnés, selon la convention de la Baie James, nous avons convenu d'une méthode de travail particulière avec d'une part le Comité consultatif pour l'environnement de la Baie James et avec aussi le Conseil consultatif de l'environnement Kativik.

35 Le but du travail d'aujourd'hui, ainsi que des rencontres que nous aurons demain à Chisasibi et la journée suivante à Whapmagoostui, est de permettre aux communautés de recevoir toute l'information sur les questions qui les concernent dans la présente audience.

Alors, dans la rencontre d'aujourd'hui, bien sûr, après l'exposé du ministère de l'Environnement, vous pourrez venir poser des questions. Peut-être que vous voudrez nous faire des confidences, peut-être vous voudrez nous dire votre expérience. Et c'est extrêmement intéressant. Si vous voulez poser des questions, par ailleurs, il y a là une série de personnes-ressources de grande valeur et qui sont à leur niveau des experts et qui se feront un plaisir de répondre à vos questions.

Alors, je présente rapidement les experts présents. Du ministère de l'Environnement, en commençant par la droite, monsieur Jocelin Dufresne, monsieur Daniel Berrouard, madame Josée Brazeau et monsieur Guy Fournier. De Hydro-Québec, monsieur Vincent Sioui. Et du ministère des Ressources naturelles, monsieur Paul Meunier, madame Nathalie Camden et monsieur Yvon Bouchard. Alors, sur la table arrière, du ministère de la Santé, madame Claire Laliberté et du ministère des Affaires municipales, monsieur Daniel Gaudreau et monsieur Robert Langlais.

Je voudrais dire aussi que nous avons invité un certain nombre d'experts du gouvernement fédéral, qui n'ont pas pu venir pour des questions d'agenda. Il y a eu un gros problème de planification pour la rencontre d'aujourd'hui. On m'a signifié toutefois qu'un certain nombre de ces experts qui sont en réunion à Ottawa, qu'on pouvait leur adresser des questions par fax et qu'ils essaieraient de nous renvoyer des réponses le plus rapidement possible si des questions devaient leur être adressées. These people are Jeff Moore, Mrs. Anne Masson, Mrs. Michèle Giddings, Mister Goldon Balton et Monsieur Goldon Walsh.

Ce moment de l'audience dans la procédure du Bureau d'audiences est pour permettre de ramasser toute l'information. Il y aura une deuxième partie d'audience consacrée aux mémoires, to the briefs you want to present to the Commission. Cette deuxième partie de l'audience commencera à la fin du mois de septembre. Nous ne reviendrons pas dans la communauté, nous irons à Radisson. Et il sera aussi possible de venir présenter des mémoires à Québec ainsi qu'à Montréal, selon un ordre du jour qui sera transmis ultérieurement.

Pour la prise en compte maintenant du travail commun que nous faisons avec le Comité consultatif pour l'environnement de la Baie James, il est bien sûr que sur les objets qui concernent particulièrement la consultation que nous mènerons ici, que nous ferons les deux Commissions ensemble un effort pour rendre compte de la problématique de ce qui aura surgi et que cela sera convenu de part et d'autre dans une partie particulière de notre rapport.

M. DON MIANSCUM :

Pourrais-tu recommencer, s'il vous plaît?

M. ANDRÉ BEAUCHAMP, président BAPE :

85 Oui. Pour la rédaction finale de notre rapport, il est entendu que le Comité conjoint que nous formons les deux Commissions ensemble, nous nous entendrons pour qu'il y ait une partie spéciale de notre rapport qui concernera les échanges que nous avons aujourd'hui.

90 As you will realize, I do speak English, I don't speak it fluently, I try to do my best. Maybe it is easier for you if I speak directly in English, I ask the people here also to do that if possible, otherwise we do have translation as you see. I must remind you that the general statement of the consultation is given in this booklet from the Ministry of Environment. It's a general survey, but we did ask to the regional responsible of the environment, Mister Jocelin Dufresne, to make the portrait of the region here.

95 Alors, monsieur Dufresne, si vous voulez procéder, probablement qu'il va y avoir une traduction. Excusez-moi, avant il y a préalablement un petit mot des gens de l'autorité locale.

M. ROMÉO SAGANASH, président CCEBJ :

100 Before you proceed with the word of the local authorities, which will be given by Mister Roger Lacroix, I just also wanted to take the opportunity to introduce to you the other part of this joint process which is the members of the James Bay Advisory Committee that are also sitting here.

105 As I explained in Cree, this is a joint process between the James Bay Advisory Committee which is given existence through Section 22 of the James Bay and Northern Quebec Agreement to oversee the environmental and social protection regime that is provided under Section 22 of the James Bay and Northern Quebec Agreement.

110 The Bureau d'audiences publiques pour l'environnement takes its existence from the Environmental Quality Act and is expected to carry out inquiries whenever asked to by the Minister of Environment of Quebec. Rather than enter into to an endless jurisdictional or constitutional battle on who has authority or jurisdiction in the territory covered by the James Bay and Northern Quebec Agreement, we have decided to take a collaborative approach to these hearings and that is why we
115 are here together jointly to hear the Cree people on these important and fundamental issues for the Cree way of life certainly, but also for everything else in this territory.

The James Bay Advisory Committee, for the purposes of these hearings, appointed three individuals, myself which I'm also acting as the Chairman of the James Bay Advisory Committee
120 this year; there was also one representative from the people appointed by the Government of Quebec that was named to this joint process, and his name is Jacques Lefebvre, he's to my far left, he's appointed by the Government of Quebec; there is also to my far right the person or individual that is appointed by the Government of Canada, and his name is Harm Sloterdijk. So, these are the two members of the James Bay Advisory Committee and myself. And Mister Beauchamp also
125 explained the members of the Quebec Water Commission.

I guess from there on, we can proceed with the word from the local authority represented today by Mister Roger Lacroix.

130 **M. ROGER LACROIX :**

First, I would like to say thank you and welcome everybody to Oujé-Bougoumou. I was asked to do this presentation this morning, so I hope it goes good.

135 On behalf of the Council and the members of the Oujé-Bougoumou Cree Nation, I would like to welcome you all to our community. We welcome the opportunity to provide to you our comments on the important topic which is the subject of these hearings.

140 Water plays a very critical role in the Cree traditional way of life, not only for sustenance we receive from drinking water, but also because of the habitat of the fish upon which we have for millenia relied on for our sustenance. In addition, water is the medium which connects us to our hunting territories and which connects us to one another. It is all the heart of our physical, social and cultural existence. Therefore, issues relating to water management are of the utmost importance to us.

145 Additionally, as water is so central to issues related to environmental protection, we here in Oujé-Bougoumou have a special concern and special interest in participating in this discussion and in the development of progressive policies which hopefully will be a consequence of these hearings.

150 In the development of our new village, we were guided by a number of important instructions given to us by our elders. We were told by our elders to construct a village which would be in harmony with the environment and respectful of the Cree philosophy on conservation; we were told the village needed to be built in a way which reflected Cree culture; and we were also told that the village needed to work economically. Although our elders expressed these instructions in their own words, what they told us essentially was to build a village based on the concept of «sustainable development». This philosophy guided us during our construction phase and continues to guide us as we lay the basis for the future development of our community. From that perspective, issues related to water quality and water management are very obviously critical to us.

160 I feel that I cannot begin to make my comments on regulatory issues related to water management without, first of all, commenting on the structure of these hearings themselves.

165 The James Bay and Northern Quebec Agreement established various structures and mechanisms to address a wide range of environmental issues. It was clear in the Agreement that these structures were to be the operative structures within the Cree territory. These structures were empowered with sufficient force to exercise their jurisdiction over the environmental assessment procedures respecting proposed projects within the territory and generally to assume responsibility

with respect to the environmental issues within the territory. They were designed to protect Cree rights with respect to environmental issues.

It is important to us that the structures articulated within the Agreement not be diminished in the course of these hearings. We understand clearly the role of the James Bay Advisory Committee on the Environment in these hearings pursuant to its powers as described in Section 22 of the Agreement, however, we are much less clear about the role of the BAPE.

The BAPE is not contemplated in the James Bay and Northern Quebec Agreement and seems to us to represent a potential erosion of the mechanisms established in Section 22. It is important for us in Oujé-Bougoumou to see that the structures, mechanisms and procedures described in the Agreement, and designed to protect Cree rights, are effective and operational. As you may know, Oujé-Bougoumou has not yet been formally incorporated into the James Bay and Northern Quebec Agreement and it needs to be demonstrated to us that what is described in that Agreement is working in a way in which it was originally intended. We need to see very clearly that the Cree rights are protected in every instance.

Our views on water management issues are, of course, informed by our own experience, both in the past and from occurrences currently taking place. As some of you may be aware, Oujé-Bougoumou has had a very difficult history. Our people have had a number of villages in the past, but we were forced to abandon those villages and to relocate to new sites. This occurred about seven times over a seventy years during this century. We were forced to relocate because there was a greater priority which was allowed to be given to the mining industry and this priority superseded to our basic human rights. In some instances, exploitable mineral resources were discovered precisely where our villages were situated. In order to gain access to these resources, we were pushed to the side. Industrial development was unchecked and uncontrolled.

However, in other instances mining operations were undertaken in the very close proximity of some of our earlier villages and the way in which those mining operations were carried out resulted in the unacceptable pollution of the nearby waters upon which we relied for drinking water. Mining effluents were allowed to be deposited directly into our drinking water.

There was no recognition of our rights as aboriginal people, and not even a recognition of our basic human rights and we had no choice but to abandon these sites. There were no or very meager environmental regulations at the time and the north in general was considered out of sight and, therefore, out of mind with respect to industrial development. We were the victims, in numerous instances, of a total absence of any mechanisms designed to effectively monitor or regulate water quality in the context of mining development.

Even today, several of our hunters report on the serious pollution of waters on their hunting territories caused by current mining development. They have observed how the inappropriate handling of mining tailings has had a very drastic and negative impact on the habitat which of course negatively impacts on the animals which are so important for the sustenance of our hunters and their

families. It is our belief that the mining industry should not be exempted from the most effective measures possible to protect the quality of water within the traditional Oujé-Bougoumou territory.

215 An almost identical situation has occurred with respect to forestry activities occurring within our traditional territory. A very significant portion of our traditional territory has been subjected to uncontrolled clearcutting practices. Aside from the obvious surface destruction of habitat, which has been the consequence of such practices, and the negative impact which this has had on our traditional way of life, there have been direct consequences on the quality of water in those areas.

220 This has had the effect of further eroding the integrity of the habitat. We are very concerned that such inappropriate forestry practices alter, in a very significant way, the water balance of the watershed. Of course, serious research needs to be undertaken to confirm this.

225 However, if this concern were to be borne out, it would be clear that minimal replanting practices of the kind which currently take place are totally inadequate in addressing what has become a fundamentally altered habitat. Replanting will not necessarily re-establish the watershed levels to their previous levels. The character of water reserves are critical to an understanding of the genuine and long-term effects of forestry practices.

230 We are also extremely concerned that the clearcutting practices which are permitted, indeed encouraged by current forestry policies, increase the level of mercury in the groundwater and subsequently surface water. We are concerned that the absence of tree cover increases the leaching effects in the soil resulting in a higher concentration of mercury in the water which then works its way into the food chain. These concerns are derived from observations made by our

235 hunters on the quality of water as they have observed these changes following the clearcutting of forest.

The intimate and profound knowledge which our hunters have of the environment must be listened to carefully and taken with the utmost seriousness.

240 The general point which needs to be emphasized is that there is a very direct relationship between industrial practices which involve resource extraction and water quality. When those industrial practices are poorly and inadequately regulated, the potential exists for several and negative impacts on water quality. As water is so critical to the daily life of the Cree communities, we are therefore compelled to urge that the most stringent and progressive regulations, which are

245 protective of the environment, be implemented. Both mining and forestry are permitted to proceed with very little regard given to the effects of those activities on the water resources on our traditional territory. These issues are, of course, magnified in the north where scrutiny of environmental impacts has tended to be less than in other areas.

250 As the stewards of the land and as the protectors of the land which we have been given to look after, we feel a profound sense of responsibility for the integrity of all elements of our traditional territory. As the water resource on our traditional territory occupies such an important part of the land's habitat, we are compelled to make a number of recommendations.

255 Extensive and serious research needs to be undertaken to assess the impacts of forestry activities on watersheds integrity. Although we have every confidence in the views of our hunters on this subject, the Cree communities whose traditional lands are affected by intensive clearcutting need to be given the resources to carry out the research and to produce the data which is needed by
260 policy makers in order to conduct informed discussions on this matter. It is our belief that this will have important implications for future policy directions in the area of water management.

265 Research needs to be undertaken by the affected Cree communities on the impact of clearcutting forestry practices, on the level of mercury occurring in groundwater and other bodies of water within the affected areas.

Similarly, research needs to be undertaken to assess the impacts on water quality and water management issues of effluents from mining activities.

270 In the development of water management policies, it is always essential to acknowledge the needs of local communities. It is the people who live in areas where the quality of water is jeopardized, who have the greatest interest in ensuring effective and appropriate policies to protect the integrity of the water resources. Local communities should therefore be involved in every phase of the policy-making process. In particular, given the jurisdictional realities in the Cree territory, it is
275 essential that the Cree authorities be responsible for required research and be involved in the development and the implementation of regulatory policies with respect to water management in the territory.

280 It is particularly important to acknowledge the impacts of forestry and mining activities on water quality in so-called «remote» areas. «Remote» does not, and should not, mean unpopulated. And the application of effective water management regulations should not be dependent upon population density. The protection of, and access to, decent water should be regarded as a basic human right.

285 I would like to thank you for your attention and for listening to my words. We look forward to working together to find effective solutions to this very important issue.

Meegwetch; thank you.

290 **MR. ANDRÉ BEAUCHAMP, BAPE Chairman**

Thank you, Mr. Lacroix. Just a few words please, I think you did a great statement about the question here as it is perceived by you. And it's a good important testimony on that.

295 Just to tell you that the mandate of the BAPE Commission is only to advise the Minister about the future policies on water. We don't have to analyze any specific project and we don't want to make any conflict between the Advisory Committee on the Environment for the Bay James and

us. We are not here to analyze any or to authorize any specific project, but only to be able to make recommendations to the Ministry about the water politics which are the guiding principles we must put in first, which are our priorities, and maybe which are the good frame, frame to be able to face a few goals, general goals on the water management about drinking water, drinkable water, sewage water, and so on. So, I think that we don't have any conflict on that general question.

The chance we have today is we have here different experts. If we can ask a few specific questions to these experts, maybe we shall have the beginning of answers, we hope, in some times.

MR. ROMEO SAGANASH, JBACE Chairman

I will also, as a co-chair to these hearings, take the opportunity, Mr. Lacroix, to thank you for your statement. I think one of the important concerns that our community had was that it was important for the James Bay Advisory Committee to participate in these hearings as members of a panel in order to provide access and participation to the Cree people on this important issue.

We believe that the specificity of the Cree territory, since it is governed by a very special regime since 1975, deserves and merits a special attention to the issues that we may not find elsewhere in Québec, but that are very specific to the Cree territory, to the Cree rights, to the Cree interests. And I'm glad that you raised some of those issues.

I'm also very grateful that you've also raised an important issue with respect to the role that James Bay Advisory Committee is called upon to have in this territory and the role of the Bureau d'Audiences Publiques pour l'Environnement all over Québec. I think that is an important issue that, one day, has to be addressed. We found a way or means to achieve both our ends, the Bureau d'Audiences Publiques and our Committee, for the time being, but at some point in time in the future, that point that you raised with respect to the respect of mandates and roles has to be addressed correctly for the benefit of not only the Cree but also of the people that live in this region, Cree or non-Cree. So, I'm grateful for your raising that point as well.

So, I think we are now prepared to give the microphone or the floor to Mr. Dufresne that will provide the assembly with a regional profile on water issues. So, allow Mr. Dufresne to do that presentation.

MR. JOCELIN DUFRESNE

Thank you Mr. Saganash, thank you Mr. Beauchamp. I will present you a quick synthesis of the regional water profile. What I will present you is in the document you could reach at the entrance of this room.

But before beginning with the original portrait, I would like to remind you a few events that have taken place a few years ago, in the last few years, the events that will find an issue at the end when the government will produce his water management policy.

We remember, in 1996, the government produced a draft groundwater policy. In 1997, the government held a Water Management Symposium. In 1998, he produced a draft dam safety bill. In 1999, he produced a paper for discussion, the one that Mr. Beauchamp referred to earlier.

And the government gave the mandate to the BAPE hearing board to make a consultation in the province of Quebec. They visited all the administrative regions of the province. And the next step will be the analysis of all the memoirs and comments the BAPE will receive, and the government will produce a water management policy.

In the document that has been produced for the discussion during this consultation, some things have been treated in priority. We find things related to groundwater, surface water, municipal infrastructures and water service management, and water as a global strategic issue.

Now, for the regional profile, we'll treat all the same things. We'll present a short socioeconomic portrait, quantitative portrait of the resource, surface water, qualitative portrait of the surface water, portrait of groundwater, municipal portrait, industrial, agricultural and wildlife and recreational-tourism portrait.

Let's begin with the socioeconomic portrait of the region. This region is the largest region and the least populated one of the province of Quebec. The territory represents 55 percent of all the province of Quebec. And the population is 38,000, 39,000 people.

We have to mention that the Native people are present in the territory since more than 5,000 years ago and they are engaged in traditional activities like hunting, fishing and trapping.

The presence of non-Natives began in the early 1940s with the colonization phase. Then, in the 1950s and 1960s, we assist to a mining and forestry development. And then in the 1970s, we assist to the hydroelectric project.

And finally we have to mention that the territory is under the James Bay Northern Quebec Agreement which has been signed in 1975, and the North-Eastern Québec Agreement signed in 1978.

These tables indicate some characteristics of the region, but I will insist on the percentage of forested territory. It represents 15.8 percent of all the territory of the region that is forested. And this part of the region is in the south, I mean south of the 55th parallel.

Now, for the economic domain, the principal economic activities of the region, first the forest industry. The region is the third most productive in Québec with 99 percent of public lands.

We have the mining industry and the region is again the third one, the third most productive in the province of Quebec with 13 establishments.

Another important activity is the tourism activity and finally the James Bay hydroelectric development. These are the most important economic activities of the region.

Now, the quantitative portrait of the resource surface water. As for the rivers, this table represents the most important rivers of the region. Those in yellow have more than 20,000 square kilometers of area. And five of these rivers are in the south part of the region, in the James Bay section. They represent the most important watersheds of Québec and nine of these watersheds, as we saw in the table, are in excess of 20,000 square kilometers.

Now, regarding the lakes, they are numerous, but the table here represents the most important lakes and reservoirs. And this table indicates the area covered by the lakes and indicates the use or vocation of these lakes. We see that they are for fishing or as reservoirs, vacationing, some are a source of drinking water.

So, the lakes are countless and variable in size in the region and they are among the biggest natural lakes of Québec. Let's mention the Mistassini Lake. Their main vocation is associated with sport fishing and traditional activities and lakes of hydroelectric reservoirs.

We can't speak of water without speaking of dams. There are in the region 296 dams and dikes, and the majority are operated by Hydro-Québec. Just to mention the main ones, LG-2, 4 and 3 are the biggest.

Now, for the quality of the surface water, the Environment Department doesn't have a monitoring system, but all the promoters, like Hydro-Québec and other promoters of big projects, have many data concerning the quality of the water in the rivers. So, the data we have are from many origins. And we have to say that the James Bay hydroelectric works made exhaustive follow-up during the works.

We observe that the region's water is often of good quality due to low human pressure. And the main problems observed are relating to the priming of the reservoirs. We see here the process engaged when we are in the priming of the reservoirs, there is a decomposition of organic matter with a diminution of oxygen that releases nutrients, phosphorous and carbon dioxides. And the carbon dioxides means the acidification of the water. We observe the return to normal condition after three years for the water and a new environmental balance after 10 to 15 years.

Concerning the mercury contamination of fish meat, it's a slow natural process that is accelerated when we are in the priming of the reservoirs. The scope of the contamination varies according to numerous factors like the flooded land area, the duration of the priming and the time water spends in the reservoirs and, finally, the factor related to dynamics of fish populations.

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The higher concentration is found in fish-eating species and we observe three to seven times greater than in a natural environment. And the return to natural condition may vary from 15 to 30 years. And it could have effects on health and we have limited consumption of fish.

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So, the acidity of lakes, for the lakes, the availability of data mainly for the southern part of the region, south of the 55th parallel, we observe that 2 percent of the 228 lakes visited are acidic. And according to the assessment, the region doesn't seem to be affected very much by acidification.

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Now, the portrait of groundwater. The groundwater is used mainly in the southern part of the region. 14 percent of the population is supplied by groundwater. And at this time, a drilling report has been prepared for 120 wells out of 500 wells.

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Now, the municipal portrait in the James Bay sector. The situation is similar to the rest of Québec. The nine Cree communities have aqueduct network, five out of nine supplied by surface water and four supplied by groundwater. Six of them have a chlorination system and we observe reluctance to use chlorinated water.

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The municipalities like Chapais, Chibougamau, Lebel and James Bay municipality have a aqueduct network. Five of them are supplied by surface water, two are supplied by groundwater. And the problem associated with uranium limits being exceeded, mainly north of Matagami, is the main problem.

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Now, for the wastewater management in the James Bay sector, again the situation is similar to the rest of Québec. Nine Cree communities are connected to a sewer network. Eight of them have a wastewater treatment system. And 92 percent of the population have a municipal sewer network. And the investment at this moment is \$13,000,000 made by the government for wastewater treatment.

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Now, for the industrial portrait in the primary sector, mining industry, this industry use a large quantity of water for enrichment of ore, keeping work sites dry and draw-down of the water table. The main problems is acidification of tailing confinement areas and contamination by heavy metals.

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This table indicates the active tailing confinement areas of the region. Five of them, five out of nine are acid-generating. Now, the inactive tailing confinement areas, there are 18 and seven of them are acid-generating.

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Active and inactive tailing confinement areas represent 1,700 hectares. They leave major scars on the environment. The restoration of confinement areas is slow and very costly. Four of them have been completely restored.

The secondary sector, pulp and paper industry, we have Norkraft Quévillon Inc. And in 1996, the volume of effluents discharged in Quévillon River was 75,000 cubic meters a day.

Still in the secondary sector, for wood transformation industry, we have four sawmills, twelve wood-storage areas, five active. And the risk of contamination is rated to leaching waters. Five of the seven inactive storage areas have been restored.

In wood transformation industry, we observe valorization of some wood waste, like co-generation plant and the use of biological sludge as fertilizer.

And the specific issue related to industrial pollution problems in the James Bay sector is the co-existence of forestry and mining industry with vacationing and traditional Aboriginal activities.

Agriculture is a marginal activity and mostly located in the sector of Val-Paradis, Villebois, the southern part of the region.

And finally the wildlife and recreational-tourism portrait, sport fishing, it's a major economic activity. And in 1996, we had 340,000 days/fishing on open territory with many outfitting establishments and outfitting without exclusive rights. We have in the south two wildlife reserves. And the key species are walleye, lake trout, brook trout, arctic char and salmon.

Commercial fishing, we had a few years ago lake whitefish and sturgeon in the Waswanipi sector. They're not operating anymore.

The subsistence fishing, the Chapter 24 of the James Bay Agreement proposes a framework for subsistence fishing. And we have to mention the importance of bodies of water are linked to the traditional activities of Native people and their movements.

So, in conclusion, the consultation has been made with the population. And the memoirs that will be prepared will add, will support the preparation of a preliminary water policy. And this policy has objectives to ensure a long-term survival of water in a sustainable development perspective, to develop a vision of the water resource in our society, and to clarify the responsibility towards the international communities.

So, it was a very short presentation of what is the water statement in the region of Northern Québec. So, Mr. President...

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

Thank you, Monsieur Dufresne. I think we can take a few minutes of break, a break of five minutes if we can. And after that, you are invited to ask a question. You only have to sit to the table here and ask the question. And we'll be happy to find an expert to answer the questions. Thanks.

(SUSPENSION OF THE HEARING)

(CONTINUATION OF THE HEARING)

515 **MR. ANDRÉ BEAUCHAMP, BAPE Chairman**

So, we just thought a few questions. I do remind, if you want to ask a question, you have only to present yourself to the table here and to ask the question or to make a commentary, anything you want.

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I think that Mr. Harm Sloterdijk wants to ask a question, don't you? Yes, one. Start by one; after that, we shall see. Yes?

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MR. HARM SLOTERDĪJK, JBACE Commissioner

I would have a question for Mr. Jocelin Dufresne regarding his last presentation. I just wanted to have a clarification. I understand priming of a reservoir is sort of filling it up with water, but you were talking about in length that it could influence the water quality and also the mercury concentration.

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Could you give me a few clarifications on this?

MR. DANIEL BERROUARD

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In fact, it's a very general comment about what we can see when we have the presence of mercury in a reservoir. But can you precise your question? In fact, we don't want exactly to enter, for example, in the process of methylation, demethylation and all those questions but we want just to indicate that when we have the problematic of one... we can have a problematic with the creation of a reservoir.

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MR. ANDRÉ BEAUCHAMP, BAPE Chairman

But when you speak about 15 years to 30 years to go to the previous situation, do you have any example about specific lakes or reservoirs where the situation is getting back well and where you went to the initial situation? Do you have any example of that?

545

MR. DANIEL BERROUARD

We have some results from monitoring with Hydro-Québec, for example about LG-2A, about the west part of the territory, for example the reservoir of Brisay and Laforge. But in fact, this information is available in the Hydro-Québec monitoring on the reservoir.

550

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

555 You tell us that these results are published?

MR. DANIEL BERROUARD

Yes.

560

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

And they are available at... if we want to have it, it belongs to Hydro-Québec?

565

MR. DANIEL BERROUARD

Yes.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

570

Mr. Sioui?

MR. VINCENT SIOUI

575

I think it's in 1986, I'm not sure, there has been a convention on mercury signed with the Cree. And all the studies on mercury have been made, many studies have been made with the Cree party.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

580

Yes, but if you have monitoring on the reservoirs, do you have any periodical report on that? Do you give the results each year or is it twice a year? And do you have any public publishing about that?

585

MR. VINCENT SIOUI

I don't know if it's an annually report. I think it's an annual report. And I think it's public and I think it's given to the Ministère de l'Environnement because of the certificate of authorization that Hydro has from the Ministère de l'Environnement. And probably that the certificate of authorization prescribes to give the monitoring results to the Ministère de l'Environnement, I think.

590

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

Mr. Berrouard?

595

MR. DANIEL BERROUARD

600 In fact, Hydro, I don't want to speak for Hydro, but Hydro has two sources of information about that. One comes from the monitoring of projects that we have authorized, like LG-2A, like LG-1. And the other source comes from what Hydro call the RSE, Réseau de surveillance écologique.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

605 Yes. But these two results are public results?

MR. DANIEL BERROUARD

610 I don't want to speak for Hydro but, in principle, they are available, because...

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

Okay.

615 **MR. DANIEL BERROUARD**

Yes.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

620

Yes?

MR. ROMEO SAGANASH, JBACE Chairman

625

Perhaps just a sub-question to the questions that are being asked on mercury contamination and the levels of concentration in the reservoirs.

630

You talk about results from the monitoring programs that exist, that are specifically related to certain reservoirs. So, when you say «results», are they conclusive results? Are they firm results? Because there are theories that -- people say the levels or the concentration of mercury only returns to its normal, normal levels after 100 years, some say 50. Now, you tell us it's between 15 and 30 years. I suspect I know who supports that theory, but can you give us some more firm answers to that question?

635 **MR. DANIEL BERROUARD**

In fact, it's a very general conclusion. We can say that for the reservoirs in the north, it's approximately an answer.

640

But if we want to have the results for LG-2, we have to go in the results of LG-2. And if we want to have the results for the west part of the territory, we have to go to see the results in the west part.

MR. ROMEO SAGANASH, JBACE Chairman

645

And in these reservoirs which have large surfaces, over 2,000 square kilometers in one case, over 4,000 Caniapiscau I guess, how many monitoring stations do you have? And how often are they taken? Do you have any numbers on that? The question is addressed either to Mr. Berrouard or Mr. Sioui.

650

MR. VINCENT SIOUI

It could be possible to have the methodology of how the monitoring is made, probably that it's specified in the different studies. And a permanent staff at Hydro study the mercury problem in all the reservoirs of La Grande complex.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

Just for an information, we do have receive from a previous session this report which is a «rapport synthèse» from the year 1978 to 1994. It's a rapport synthèse and it tells us that there is 81 different stations of échantillonnage and so on.

The question I was asking to Hydro-Québec is to know if you do have - this one is a survey, is a synthesis - do you have an annual report of this monitoring with the results year by year or if you don't publish the annual report and you only send this report each five years for an example?

MR. VINCENT SIOUI

I think that the team that studies the mercury problem has published an annual report.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

Okay.

MR. VINCENT SIOUI

And I think that this report is sent to the ministère de l'Environnement.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

Okay. Could you give me an answer tomorrow on this question?

MR. VINCENT SIOUI

Yes.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

On this specific question please?

MR. VINCENT SIOUI

Yes.

695 **MR. ANDRÉ BEAUCHAMP, BAPE Chairman**

Okay.

Mme CLAIRE LALIBERTÉ :

700

Monsieur Beauchamp, je ne sais pas si j'ai bien compris la conversation parce que c'est en anglais puis j'en perds des bouts, mais moi, j'ai ici un rapport d'activités qui était publié chaque année par le comité mercure, le Comité de la Baie James sur le mercure, où il y a des données justement des concentrations de mercure dans le poisson pour chaque réservoir, des données sur la contamination des humains et tout ça. Est-ce que c'est à ça que vous faites référence?

705

M. ANDRÉ BEAUCHAMP, président BAPE :

C'est le monitoring qu'on recherche. C'est le rapport annuel.

710

Mme CLAIRE LALIBERTÉ :

C'est public. Chaque année, c'est...

715 **M. ANDRÉ BEAUCHAMP, président BAPE :**

C'est publié chaque année.

Mme CLAIRE LALIBERTÉ :

720

Oui. Moi, j'ai 94, 95 et il y en a pour les années précédentes.

M. ANDRÉ BEAUCHAMP, président BAPE :

On va faire la traduction d'abord. Puis après ça, on verra.

725

L'INTERPRÈTE:

Peux-tu recommencer, s'il vous plaît?

730

Mme CLAIRE LALIBERTÉ :

Ce que je disais, c'est que le comité mercure, qui a existé après la convention de la Baie James, publiait chaque année un rapport d'activités du comité où on donnait à l'intérieur du rapport des données sur la contamination par le mercure dans les différents réservoirs et sur la contamination des humains aussi. Et c'est un rapport qui était public. J'en ai une copie, puis je n'ai pas eu de difficulté à l'obtenir.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

And the question I'm asking to Hydro-Québec, to have an answer tomorrow please, is I want to know if this Committee is always in action, if he does an annual report; and if he does, I do want the report of the last three years please.

MR. VINCENT SIOUI

Yes.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

Okay?

MR. VINCENT SIOUI

What I could add is that this report is the report of a committee created by a convention signed with Hydro-Québec and the Cree party.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

Yes.

MR. VINCENT SIOUI

This is the report that Mrs. Laliberté is talking about.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

So, you do know that.

MR. VINCENT SIOUI

There was an annual report coming from this committee...

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

775

Yes, but the problem is that this committee doesn't exist anymore, since 1996.

MR. VINCENT SIOUI

780

Yes.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

785

I do want to know if there is a form of survey since 1996. If there is, do they produce a public report and, if they do, I want to have these reports.

MR. VINCENT SIOUI

790

Yes.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

Okay?

795

MR. VINCENT SIOUI

Yes. You're talking about another report from 1996.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

800

1997, 1998 and 1999, if you have.

MR. VINCENT SIOUI

805

After 1996?

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

1996, because the committee doesn't exist since...

810

MR. VINCENT SIOUI

No. The agreement, the convention was finishing...

815

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

Yes.

MR. VINCENT SIOUI

820

... in 1996. So, there was no report after that. I know that Hydro-Québec has asked to the Cree party to mandate some people to renegotiate a new convention on mercury.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

825

Okay.

MR. VINCENT SIOUI

830

And there's something -- there will be probably something coming from that.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

Yes.

835

MR. VINCENT SIOUI

But concerning your specific question, is there a report made by Hydro since 1996 from the mercury team, workers, I will give you an answer on that.

840

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

Thanks.

845

MR. VINCENT SIOUI

Thank you.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

850

Mr. Sloterdijk, you told me you have more than one question. Do you have another one?

MR. HARM SLOTERDĪJK, JBACE Commissioner

855 If I may so, Mr. President. There was question about water, drinking water. Some of the communities were not chlorinating the water. Is it known whether this water is contaminated by coliforms? Is there any monitoring done of this water and also the reason why they do not chlorinate the water?

860 **MR. ANDRÉ BEAUCHAMP, BAPE Chairman**

Mrs. Brazeau?

MRS. JOSÉE BRAZEAU

865 There is a follow-up that has been done on the quality of the drinking water. It is done weekly. And the three communities that don't have chlorination have very good quality groundwater. So...

870 **MR. ANDRÉ BEAUCHAMP, BAPE Chairman**

These tests are made every week?

MRS. JOSÉE BRAZEAU

875 Every week.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

880 Could you explain briefly how they do that? I think it is not in the same way than in the Inuk territory.

MRS. JOSÉE BRAZEAU

885 No. The method used in the Cree community is called Colilert. The local environment administrator is doing the analysis himself. So, they had a training to do the analysis and it's done regularly.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

890 And do they send you the conclusion of the analysis?

MRS. JOSÉE BRAZEAU

895 They send me the results about every two weeks. And if there is contamination, they send me the results right away.

MR. HARM SLOTERDĪJK, JBACE Commissioner

900 Is it possible, Mr. President, to have a copy of the protocol, of the methodology and maybe an example of the results?

MRS. JOSÉE BRAZEAU

905 Yes, it is.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

910 You do have, yes?

MRS. JOSÉE BRAZEAU

I have at the office.

915 **MR. ANDRÉ BEAUCHAMP, BAPE Chairman**

And you'll give me a copy of the protocol please. Thank you.
Madam Gallichan?

920 **MRS. GISÈLE GALLICHAN, BAPE Commissioner**

Thank you, Mr. Presidents.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

925 Yes, both.

MRS. GISÈLE GALLICHAN, BAPE Commissioner

930 I would like to ask to Mr. Dufresne, when we read the regional profile, we see that the municipality of Chapais is dumping the untreated wastewater in the environment. Where in the environment?

935 Does somebody know in the other departments maybe? No?

MR. GUY FOURNIER

No. But if you want an answer, maybe tomorrow we can phone at our office, and those people that work on those dossiers can give us the answer.

MRS. GISÈLE GALLICHAN, BAPE Commissioner

And may we know if there are measures and if the municipality of Chapais is trying to have a service on this point, on this very point, to treat the wastewater?

MR. GUY FOURNIER

The answer we can give you, if that municipality is — how do you say that in English? — in a program of assessment of treating wastewater, because there's some programs like PADEM and so on...

MRS. GISÈLE GALLICHAN, BAPE Commissioner

Yes.

MR. GUY FOURNIER

... and maybe they are in the...

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

In the list?

MR. GUY FOURNIER

In the list.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

The waiting list. But Mr. Langlois, do you have any information on that?

MR. ROBERT LANGLAIS

No. I was just looking at something, but...

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

You don't know the precise situation of the sewage system. No.

980 **MRS. GISÈLE GALLICHAN, BAPE Commissioner**

But may we have some information later on this?

MR. ROBERT LANGLAIS

985

Yes.

MRS. GISÈLE GALLICHAN, BAPE Commissioner

990

Okay. And also concerning the municipality of Chapais, I have a second question. Further in your document, we see that there is fish farming. Is this the right word? A fish farming project in Chapais. In which part of the municipality? Is this near the lake Opemisca I think? Do you have information, more information on this project?

995 **MR. DANIEL BERROUARD**

We know that there is a project, but that's just a project. In fact, your question is if we know where will be built the project or...

1000 **MRS. GISÈLE GALLICHAN, BAPE Commissioner**

Yes, because when we were in southern Québec, we heard that there was often very big problems with the fish farming industry, with wastewater, and also for the water they use, groundwater and surface water they use, because it is a very big quantity. And after there is also big problems with the rejects, the rejects of the company or the industry.

1005

So, if there is a project here in Chapais, we would like to know where the wastewater will go. In the lake or in the environment also? And do you have information on this? And will you accept or authorize this project on the many conditions that you can ask to the company?

1010

MR. JOCELIN DUFRESNE

We'll get the information at our office. And as they said, it's a project; and if the project is serious, it will be probably submitted to environmental evaluations.

1015

MRS. GISÈLE GALLICHAN, BAPE Commissioner

1020 Yes. And a third, maybe the last one, Mr. President, because the lake Opemisca there are many residents around and also holidaying and fishing, so if the rejects go to the lake, it's very important for us to know this.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

1025 If you have any questions, you come to the table and you ask it. Don't be afraid. As a rule, it's the first question which is the most stressing. After that, it comes by itself. As you wish.

MR. ROGER LACROIX

1030 I have quite a few questions actually regarding water and also all the effects causing the degradation of water.

1035 My first question is regarding the monitoring program in the Cree communities. I know, for a number of years, an administration agreement has been signed between the Cree, local governments and the Department of Environment regarding monitoring of the quality of drinking water.

1040 The local environment administrator acts as the main liaison in this monitoring process. As such, they expect to be able to rely on human and financial support from the regional office of the Department of Environment.

I would like to report that these monitoring programs were always underfunded and that training component has suffered ups and downs because of the lack of resources at the regional office or the Department. It was in fact only one training program provided in the mid-1980s.

1045 My question is, I would like to know the position of the Northern and Native Affaires coordinator, will it be maintained at the regional office on a full-time and/or permanent basis and will it be provided with adequate training budget?

1050 **Mme JOSÉE BRAZEAU :**

Est-ce que je peux me permettre de demander la question en français?

M. ROGER LACROIX :

1055 J'aimerais savoir si la position du coordinateur aux Affaires indiennes et du Nord, si cette position va être maintenue à Rouyn sur une base permanente, puis si aussi il va y avoir des fonds pour donner un training pour les communautés?

MRS. JOSÉE BRAZEAU

1060

Merci. For the time being, there is no change, I'm the person responsible for coordinating.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

1065

You're the one!

MRS. JOSÉE BRAZEAU

1070

Yes, I'm the one.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

Congratulation!

1075

MRS. JOSÉE BRAZEAU

1080

For the time being, I will stay in Rouyn. And for the subvention, the procedure to follow is to... since I'm not the one who's deciding the money that is allowed to the community, the procedure to follow is to write a letter to the Minister, because he's the one who's deciding the funding that has been given to the communities for the follow-up of the drinking water.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

1085

What is the amount of the subvention for 1999?

MRS. JOSÉE BRAZEAU

\$14,600 by community.

1090

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

What?

MRS. JOSÉE BRAZEAU

1095

\$14,600 by community.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

1100 For each community?

MRS. JOSÉE BRAZEAU

1105 Yes.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

And is this basis the same as in 1998 and 1997?

1110 **MRS. JOSÉE BRAZEAU**

It's been a while since it has not changed. It's been \$14,000 for a while.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

1115 You didn't have a radical cutting on that at this moment?

MRS. JOSÉE BRAZEAU

1120 No.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

Does it answer your question, sir?

1125

MR. ROGER LACROIX

Yes.

1130 **MR. ROMEO SAGANASH, JBACE Chairman**

1135 Just to clarify one aspect of his question, perhaps the director might know. He's asking if the position, that is now in Rouyn occupied by Josée Brazeau, will become a permanent position and that will stay there. That's the question that's been addressed. And perhaps the director may give us a more clear answer on that.

MR. GUY FOURNIER

1140 I don't know what I will answer to you, Josée. Just like Josée said, at the moment, there's no decision that has been made. Every people knows that we're living a divorce with the Wildlife and in the Environment and there's going to be a reorganization of the principal structure of the Ministry.

1145 So, today there's two regions, the region 10, North of Québec, and region 8, Abitibi-Témiscamingue. And for all the control in the north of Québec, it's made a lot by Rouyn. But after they'll make the restructure, we don't know what's going to be the new structure. Is it going to be one direction, one head office? Where is it going to be? Maybe two? We don't know.

1150 So, before giving a permanence to Mrs. Brazeau, or I don't know, we must wait the decision that's going to be made by the Minister. So, we wish to keep Josée.

MR. ROGER LACROIX

1155 Since I'm aware now of your divorce, will the Department increase the level of funding to the Cree communities for monitoring drinking water after this whole process is over?

MR. GUY FOURNIER

1160 Just like Josée said, we're not part of that decision. We only maybe receive the cheque and give it back to you by the mail. So, it's the Minister that takes the decision on that. So, just like Josée said...

MR. ROMEO SAGANASH, JBACE Chairman

1165 Would you recommend that the program continue on a permanent basis? And would you recommend, based on your experience with the local communities and local authorities, that the position become permanent and the funding be increased based on your experience?

MR. GUY FOURNIER

1170 I can't give you this answer. Maybe after speaking with Josée, because she knows better than me of all the work, all that goes around that, but I can't give you an answer today. I'm not in a position to give you an answer.

1175 **MR. ROGER LACROIX**

My second question relates to groundwater resources. The James Bay and Northern Québec Agreement is silent on the subject of groundwater resources. This presumably means that groundwater resources are subject to Aboriginal title in this region. My question is, how does the

1180 Government of Québec intend to reconcile this situation with domestic policy and legislation in relation to the allocation and management of water resources?

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

1185 I'm not sure that your question is understood. Could you repeat?

MR. ROGER LACROIX

1190 Okay. I'll read it over. How does the Quebec Government intend to reconcile this situation with domestic policy and legislation in relation to allocation and management of groundwater resources?

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

1195 What is the problem between the domestic policy and the situation? Could you explain us what is the situation now and what is making question for you?

MR. ROGER LACROIX

1200 Right now here in Oujé Bougoumou, we are faced with a situation where we're doing a water bottling project. And in certain cases, we feel that we're...

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

1205 You speak about that.

MR. ROGER LACROIX

1210 Yes, exactly now.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

Yes.

1215 **MR. ROGER LACROIX**

Instead of being Labrador, it would be Oujé Bougoumou you would be drinking.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

1220

I'm feeling thirsty when you're speaking about that.

MR. ROGER LACROIX

1225

And right now we feel that the situation right now with groundwater for this project has not been treated fairly.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

1230

Yes.

MR. ROGER LACROIX

1235

And also we want to know how this is going to be reconciled to make this project reasonable. I'm not quite aware of all the details of this project. There's Mark Forsyth here.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

1240

Okay.

MR. ROGER LACROIX

He's going to be questioning it further on later.

1245

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

And did he ask an authorization to the Ministry of the Environment for this project?

MR. ROGER LACROIX

1250

Well...

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

1255

You don't know?

MR. ROGER LACROIX

I don't know. Do we have to?

1260

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

You're suppose to.

1265 **MR. ROGER LACROIX**

Meaning that...

1270 **MR. ANDRÉ BEAUCHAMP, BAPE Chairman**

I don't know the precise...

1275 **MR. ROGER LACROIX**

That's why that's...

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

You know, it's a very, very big discussion in the southern Québec...

1280 **MR. ROGER LACROIX**

Yes.

1285 **MR. ANDRÉ BEAUCHAMP, BAPE Chairman**

... about the bottled water. There is a terrific debate on that. And I don't know if the situation is the same here in the Cree community.

1290 **MR. ROGER LACROIX**

But with respect to resources and also within the James Bay and Northern Québec Agreement, there's certain claims that the Crees have on natural resources, and one being the groundwater.

1295 **MR. ANDRÉ BEAUCHAMP, BAPE Chairman**

Okay.

1300 **MR. ROGER LACROIX**

This is what we need clarification on.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

1305

As a rule, we do say that, at this moment we are speaking, the groundwater belongs to the owner of the land itself, see, as a rule. If it is a private owner, the underground water belongs to this owner.

1310

MR. ROGER LACROIX

Yes.

1315

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

But we do receive in our consultation a lot of representations from people asking us to make a recommendation to change this kind of jurisdiction on the water and to make the underground water a national resource or something like that, you see?

1320

MR. ROGER LACROIX

Yes.

1325

MR. ROMEO SAGANASH, JBACE Chairman

Can I just ask for a clarification? Obviously, I won't make any statements with respect to whom belongs the groundwater resource at this point contrary to the rule that is accepted elsewhere. So, I'm not making any statements with respect to that.

1330

But my question to you is, do you accept this general rule that's just been stated to you as a representative of the Oujé Bougoumou Cree Nation? And that, I would like to hear you on.

MR. ROGER LACROIX

1335

Well, I believe that the resources on land, surface and underground are subject to the Cree. That's theirs basically. And also that's why I said, when we're asked to submit to permits and things like that regarding the project on water bottling, I feel that it's a process that we should not go through as long as that the water quality is good and that everything is there. I don't think we need a permit from any government to give us the right to sell something that belongs to us right away, you know, that always was there.

1340

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

At the Environment, did you receive a request for an authorization about...

1345

MR. DANIEL BERROUARD

In fact, we didn't receive a demand about the project. From our point of view, it's a project. It will have to be submitted under the Chapter 22 disposition in the Agreement. So, it will have to be submitted to the Deputy Minister and the Deputy Minister will have to ask a recommendation from the Evaluating Committee.

And it will have also to receive an authorization according to Chapter 1, according to the Article 32 of the law.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

But there is firstly submitted to the James Bay Agreement?

MR. DANIEL BERROUARD

Yes.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

Yes?

MR. DANIEL BERROUARD

It's a gray zone project.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

Okay.

MR. DANIEL BERROUARD

And the Evaluating Committee will have to recommend if it will have to be submitted or if it will not have to be submitted to an impact statement.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

Okay.

1385 **MR. ROGER LACROIX**

I have a few other questions. I will ask Mark Forsyth after to go more in details on the subject of the water plant. He has more knowledge of it.

1390 The other question I have, it's regarding forestry. I know many effects — many effects — on the Cree way of life with respect to water quality and also to the use of water are affected by forestry activities. One of the main questions I have on... like a question on roads and also primary roads, winter roads, secondary roads, any road, any accessibility you create into the territory.

1395 One main probably we have, it's the crossing rivers, bridges, culverts. What is being done to find ways that will not affect so much areas, crossing areas? I think right now probably 90 percent of the crossing areas are in the proximity of spawning areas. And a lot of the fish habitats are really changed by this.

1400 And also through the knowledge of the people, the trappers, we are told that there is... within two years of a crossing, the fish population will drop maybe 50 percent. And over maybe a five-year period, you'll go down maybe remaining 10 percent of fish population in the same spawning area.

1405 What is being done to change this or improve this to make the standards better?

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

1410 You're telling us that 90 percent of the crossings of the small rivers are...

MR. ROGER LACROIX

Yes.

1415 **MR. ANDRÉ BEAUCHAMP, BAPE Chairman**

... in the salmon areas?

MR. ROGER LACROIX

1420 No, spawning.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

1425 Spawning?

MR. ROGER LACROIX

Les frayères.

1430

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

Spawning, correct. I heard something; I was a little bit surprised. Okay.

1435

Alors, est-ce qu'on peut reformuler la question au ministère des Ressources naturelles? Je pense que ça touche carrément les chemins forestiers, les chemins principaux, les chemins secondaires, les voies d'accessibilité et les traversées des cours d'eau. On veut savoir premièrement si vous êtes au courant de la situation; deuxièmement, quelles sont les mesures qui sont prises pour corriger cela.

1440

J'ai reformulé la question en français, vous pouvez répondre en français ou en anglais. Si vous répondez en français, on attendra le temps de la traduction.

M. PAUL MEUNIER :

1445

Je passerai la parole à mon collègue monsieur Bouchard, qui pourra tenter une partie de la réponse et demander peut-être des éclaircissements nécessaires pour poursuivre.

M. YVON BOUCHARD :

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J'aurais peut-être aimé que la question soit en français, parce que je n'ai pas tout saisi nécessairement le fond de la question.

M. ANDRÉ BEAUCHAMP, président BAPE :

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C'est moi qui l'ai reformulée, monsieur Bouchard. Je l'ai reformulée dans les termes suivants. Monsieur Lacroix a rappelé qu'une des questions importantes, c'est l'impact des routes dans le milieu forestier. Il a évoqué la question des routes primaires, des routes secondaires et des voies d'accès. Et il a évoqué d'une manière très spécifique les traversées de rivières et de cours d'eau, indiquant que selon les témoignages qu'il a reçus, 90 % des traversées se faisaient dans des endroits de frayères et que les pêcheurs signalaient qu'il y avait eu des baisses de productivité qu'ils avaient pu observer.

1460

Est-ce que je traduis correctement, monsieur Lacroix? Il me semble que c'est ça qu'il a dit.

1465

Alors, je veux savoir deux choses. Est-ce que vous êtes au courant de la situation? Est-ce qu'il y a des éléments de la situation que vous confirmez ou que vous infirmez? Et quelles sont les règles du Ministère, et comment le Ministère s'assure que ces règles-là soient respectées?

L'INTERPRÈTE

1470

Monsieur Bouchard, tu pourrais-tu répéter une petite «sentence»?

M. YVON BOUCHARD :

1475 Au niveau des traverses des cours d'eau, il y a des règlements spécifiques, au niveau de la réglementation, qui permettent de respecter l'habitat du poisson et la qualité de l'eau.

 On est au courant que dans certaines circonstances, surtout en opération d'hiver, par exemple, que les traverses de cours d'eau peuvent être beaucoup plus difficiles à installer, mais
1480 c'est des choses qu'on essaie de corriger au fur et à mesure.

 On est au courant qu'il y a certaines problématiques au niveau des infrastructures d'hiver lors de la traverse de cours d'eau l'hiver.

1485 **M. ANDRÉ BEAUCHAMP, président BAPE :**

 Ce règlement dont vous parlez, c'est un règlement ou une directive ou une...

M. YVON BOUCHARD :

1490 C'est au niveau de la Loi sur les forêts, qui dit que... puis en plus, vous avez la Loi sur les forêts et le règlement sur les normes d'intervention en milieu forestier qui réglementent les traverses de cours d'eau.

1495 **M. ANDRÉ BEAUCHAMP, président BAPE :**

 Juste un instant, juste dire que le règlement dont monsieur parle a été déposé dans l'audience et fait partie de la documentation de consultation.

1500 **M. YVON BOUCHARD :**

 Au niveau des traverses des cours d'eau, il y a une autre chose. C'est que par règlement, dès qu'un industriel ou un bénéficiaire traverse un cours d'eau, obligatoirement il doit faire l'étude du bassin versant du cours d'eau qu'il traverse, peu importe la grosseur du cours d'eau, pour s'assurer
1505 de mettre les bonnes infrastructures puis de minimiser l'impact sur le cours d'eau au niveau de la qualité de l'eau.

M. ANDRÉ BEAUCHAMP, président BAPE :

1510 Quand un promoteur doit procéder comme ça, si vous dites qu'il est obligé d'étudier, est-ce qu'il vous fait un rapport? Est-ce qu'il vous envoie un avis comme quoi il va procéder de telle manière et pourquoi il le fait?

M. YVON BOUCHARD :

1515 Oui, c'est-à-dire au niveau de ses opérations forestières, via son plan annuel d'intervention, l'industriel est obligé, lorsqu'il traverse des cours d'eau, surtout des cours d'eau d'importance, de nous fournir avec son plan annuel le calcul de débit et il nous indique la grosseur de ponceau qu'il va mettre sur la traverse.

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M. ANDRÉ BEAUCHAMP, président BAPE :

 Vous m'avez dit tantôt que vous saviez qu'il y avait des problèmes. Quels sont ces problèmes que vous avez observés?

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M. YVON BOUCHARD :

 C'est lors d'opérations d'hiver qu'il y a des dispositifs d'établis, c'est lorsque les bénéficiaires font des infrastructures de chemins l'hiver, il y a certains problèmes au niveau des stabilisations des ponceaux ou au niveau de l'installation en tant que telle des ponceaux. Même si les calculs de débit sont faits, c'est au niveau opérationnel pour poser certaines infrastructures durant les périodes d'hiver. Puis ça, on essaie de trouver des nouveaux mécanismes, des nouvelles façons de faire pour poser ces infrastructures-là. Puis il y a des dispositifs avec notre Ministère d'établis pour essayer de trouver des solutions pour améliorer les problèmes, pour régler les problèmes.

1535

M. ANDRÉ BEAUCHAMP, président BAPE :

 Est-ce que vous faites chaque année le bilan de ces demandes ou de ces informations que vous avez reçues des entrepreneurs pour leurs interventions sur les cours d'eau?

1540

M. ROMÉO SAGANASH, président CCEBJ :

 Peut-être également dans ce cadre-là, dans le cadre de la question de monsieur Beauchamp, je sais que le règlement, la législation forestière en général et la réglementation aussi existe depuis quelque temps, je comprends que le règlement et la loi ont été déposés formellement devant cette Commission, devant la Commission de monsieur Beauchamp, est-ce qu'il serait possible également de déposer le bilan que le Ministère en fait de l'application de cette loi et de sa réglementation?

1545

1550 Je sais que ça a été fait, entre autres, dans le cadre de la réforme du régime forestier et peut-être demander également si, pour les besoins de la population crie dans le territoire qui ont des droits spécifiques, si les Cris aussi ont fait un bilan de l'application de ce régime forestier en particulier depuis 85?

1555 Mr. Beauchamp was asking if there was an annual assessment of the application of the legislation and regulation that is in place with respect to forestry operations in the territory.

In addition, I've asked if there was an assessment that was made with respect to not only the regulation but the Forestry Act that's been in place since, I believe, 1985. I know that there was an assessment made by the department for the purposes of the revision of the forestry regime in Québec.

So, I want to know if, above and beyond what was already submitted officially to Mr. Beauchamp's Commission, if that assessment can be tabled officially to our Commissions. And on the other hand, I also would like to know if the Cree nation did an assessment, an overall assessment of forestry practices and forestry operations in the territory. And if so, if that document can also be submitted officially to our two Commissions.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

1570 Which one will answer the first? Mr. Lacroix, do you have any report of the evaluation on that?

MR. ROGER LACROIX

1575 To the best of my knowledge, I don't know if there was a report, but I could look into it probably within a day or two to know if there was any work done as he requested.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

1580 Okay.

Monsieur Meunier, oui.

M. PAUL MEUNIER :

1585 Monsieur le président, je donnerai certaines informations et puis mon collègue poursuivra.

Si vous vous souvenez, à Rimouski et à certains autres endroits, on a abordé ce sujet-là. Il était question d'un rapport sur l'application du RNI fait à la grandeur des différentes régions du Québec. On vous avait dit à cette époque-là que ce serait un rapport global et puis qu'on n'aurait pas nécessairement des statistiques décortiquées pour chacune des régions.

Cependant, aussi certaines régions ont pu vous livrer, si vous vous en souvenez, des statistiques sur l'observance, entre autres des ponts, des ponceaux, de la bande riveraine, etc., et puis en vous disant qu'ils avaient échantillonné 10 %, 20 %, 30 %, 50 % de ces choses-là sur certains territoires.

M. ANDRÉ BEAUCHAMP, président BAPE :

On donne une chance au traducteur, puis on va revenir.

M. PAUL MEUNIER :

Monsieur Bouchard pourra peut-être nous donner des renseignements au sujet de sa région, si on a des statistiques plus décortiquées puis si elles sont disponibles.

M. YVON BOUCHARD :

Au niveau de la région ici, au niveau des différents bénéficiaires, on fait un suivi systématique de tous les bénéficiaires au niveau du respect de la réglementation. C'est certain qu'au niveau du RNI, on a des données par bénéficiaire, mais ce n'est pas des choses... c'est par bénéficiaire. Ce n'est pas public. Il faudrait que je les donne sur l'ensemble du Saguenay-Lac-Saint-Jean ou sur l'ensemble de la province. C'est qu'on le fournit au niveau du RNI, de la qualité du respect de la réglementation par différents items.

M. ANDRÉ BEAUCHAMP, président BAPE :

Je comprends que les informations nominatives puissent être confidentielles. Ce qu'on vous demande, c'est est-ce que vous avez un bilan du respect ou du non-respect de ces normes-là pour la région.

M. YVON BOUCHARD :

Oui, pour la région 02, on a un bilan du respect et du non-respect de ces normes-là.

M. ANDRÉ BEAUCHAMP, président BAPE :

Vous voulez me déposer ce bilan-là, s'il vous plaît?

1630 **M. YVON BOUCHARD :**

Je vais le retracer, puis je vais le déposer.

1635 **M. ANDRÉ BEAUCHAMP, président BAPE :**

Vous allez le trouver dans les nombreuses...

M. YVON BOUCHARD :

1640 Non, non. On l'a, mais je vais le déposer, je vais le rapatrier. Au niveau du bilan, on a le bilan du respect de la réglementation pour la région, on va le déposer à la Commission dans les jours qui vont suivre.

1645 **M. ROMÉO SAGANASH, président CCEBJ :**

Peut-être juste à titre de clarification par rapport à ça. Une des raisons pourquoi les deux Commissions que vous voyez devant vous siègent ensemble pour le territoire ici, c'est parce que c'est un territoire qui est conventionné et que les Cris ont des droits qui leur sont reconnus spécifiquement dans un document constitutionnel.

1650 Est-ce que, donc, pour les besoins de ce territoire et pour les besoins du respect également des droits qui sont reconnus aux Cris, il y a un bilan spécifique par rapport au respect aussi des droits des Cris dans ce territoire, dans le document dont vous nous faites part?

1655 **M. YVON BOUCHARD :**

Non. C'est les mêmes normes au niveau du respect des règlements sur les normes d'intervention qui s'appliquent à la grandeur du territoire du Québec.

1660 **M. ANDRÉ BEAUCHAMP, président BAPE :**

Mais il n'y a pas non plus de moyen d'identifier l'information spécifique qui concernerait les territoires conventionnés, qui permettrait d'isoler ces informations-là du reste du bilan régional.

1665 **M. YVON BOUCHARD :**

Le bilan est fait par région. Il n'est pas fait par aire de trappe ou par territoire de trappe.

M. ANDRÉ BEAUCHAMP, président BAPE :

1670

Dans le territoire concerné, est-ce qu'il y a eu des infractions et des avis d'infractions qui ont été donnés à des opérateurs ou à des industriels ou responsables, intervenants dans le milieu?

M. YVON BOUCHARD :

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Oui, il y a eu des infractions au règlement sur le territoire conventionné ici, où est-ce que je m'occupe. Bon an mal an, il peut y avoir à peu près de quinze à vingt dossiers d'infractions de montés à tous les ans pour faire des corrections. Il y a des infractions officielles, mais il y a beaucoup de mesures de correction qui sont apportées pour des infrastructures qui peuvent se corriger. Oui, il y a eu des infractions de données.

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M. ANDRÉ BEAUCHAMP, président BAPE :

Et quand vous dites «quinze ou vingt», ça, c'est quinze ou vingt infractions signalées?

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M. YVON BOUCHARD :

Quinze ou vingt infractions qui ont été au ministère de la Justice.

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M. ANDRÉ BEAUCHAMP, président BAPE :

Et donc, beaucoup plus d'interventions, de corrections ensuite pour lesquelles vous obtenez une réponse positive en chemin.

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M. YVON BOUCHARD :

Oui, il y a beaucoup plus de corrections qu'il peut y avoir d'infractions. C'est-à-dire les corrections, lorsqu'on fait un suivi de la réglementation, ça arrive régulièrement dans notre travail courant de faire faire des corrections. Si un industriel veut poser un ponceau, puis pour différentes raisons il n'est pas conforme à la norme, avant de le poser, on lui fait faire une correction: «Tu es obligé de poser une infrastructure plus grosse.» Ou il manque d'enrochement sur le bord d'un cours d'eau pour traverser, on l'oblige de restabiliser son infrastructure.

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M. ANDRÉ BEAUCHAMP, président BAPE :

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Ça va, monsieur Lacroix?

M. ROGER LACROIX :

1710 Oui. Pour une autre question, c'est encore côté foresterie et de l'eau. Je vais faire la question en anglais. Puis après ça, je vais le faire en français par après.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

1715 Yes.

MR. ROGER LACROIX

1720 Concerning water quality and also the use of water for the Cree people, many lakes are accessible only by canoe, or boat, or you fly in to. With the process of forestry and also the accessibility by roads to many lakes that were never open to, I guess you could say, public other than the Cree people, now we see most of the Cree territory is opened to anybody and all lakes are accessible to anyone.

1725 This has played a major role on the hunting, fishing and traditional way of live for the Cree. I know throughout the Oujé Bougoumou territory, basically every lake is accessible. What is being done to control access to lakes?

1730 And also there's another problem with that too, we have noticed on many occasions around lakes that there is a great quantity of windfall, trees blown into the lakes. And also what we have noticed too in many instances, we have windfall that falls into rivers. And many of the rivers and not accessible anymore by lakes. What is being done to change this?

1735 Ma question en français, c'est avec les lacs que les Cris se servent au travers du territoire cri, il y a bien des lacs, avant ce n'était pas accessible à personne, sauf les Cris parce qu'ils restaient sur les territoires. Depuis de nombreuses années, depuis les débuts des coupes forestières, avec le développement d'un réseau routier, soit hiver ou été, il y a bien du territoire qui a été ouvert, accessible à tout le monde. J'ai une question. La première question, c'est c'est quoi les interventions pour diminuer l'accessibilité aux lacs?

1740 Et aussi, deuxième question là-dessus. On a remarqué sur plusieurs lacs au travers du territoire après les coupes de forêts, il y a beaucoup de châblis, les arbres tombent dans le lac. Puis aussi, sur beaucoup de rivières accessibles en canot, il y a du châblis, que c'est plus accessible. C'est quoi les interventions qui vont se faire pour réparer cette situation?

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MR. ANDRÉ BEAUCHAMP, BAPE Chairman

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Mr. Lacroix, do you have also an observation on the quality of the water? Do the people use this water in the lakes for drinking water? And do you have any concern about the change of the quality of the water of these lakes?

MR. ROGER LACROIX

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Well, I think right now... the way I see water, it's not only as a resource for drinking, but also for the Cree, it's a means of transportation.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

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Yes.

MR. ROGER LACROIX

1765

And I think right now with all the forestry practices and accessibility, a lot of this has been diminished. And also the life quality of the lakes has been overtaken either by sedimentation caused by groundwater run often to the lakes, and also the increase population of sports fishermen going to these remote lakes that they had no accessibility before.

1770

And then you're going to find in many cases... and this is something we did a research, well, five years ago on it on the south side of our territory, we found in many places that there was debris left by forestry operators or forestry industry.

1775

And also now we notice in our northern part of our territory lot of mining problems, drilling companies and things like that leaving drums, oil drums and all kind of debris all over the place. And many times these activities are close to waterways. And if they're not close to waterways, it becomes a part of the groundwater after cut that is brought up to the surface and then is sent to nearby rivers or lakes.

1780

And also I think in many cases, the water quality is greatly affected by other natural occurrences. If you take forestry, after the forestry, there's enormous amount of groundwater. I know that they do drainage practices in many areas but, then again, it's just increasing the speed of the water going into nearby lakes. It's not really resolving the problem of the increase of groundwater. It's just pushing it out.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

1785

And you spoke before about the accessibility of the lakes by the rivers?

MR. ROGER LACROIX

1790 Yes, also by roads.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

1795 Okay.

MR. ROGER LACROIX

1800 Because if you speak to the Cree trappers, many times they're going to say there are certain areas that they want to be protected. And also within these areas, you're going to have lakes that are... it means a lot to the families. You know, like Opemisca Lake here, this is the «Kapesisa» territory. They have a history around this lake. You take for other people like the Bosum family, it's around Obataga Lake. Each family has a specific lake that they want to be protected.

1805 If you take Lake Obatagamau, there's a lot of resources around that lake that were harvested or mining, and the lake is greatly affected.

1810 For instance, you take Chibougamau Lake and Lac Doré right by Chibougamau, these two lakes are heavily affected by mining, and also forestry, and also non-Native camping or... Basically around Chibougamau Lake, you have small towns on the shores of lakes, because people are just staying anywhere, you know, building up housing. And they have all the... I believe it's over-stressing a lake when you have so much activity around it.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

1815 Okay. Did you speak about what we call in French châblis?

MR. ROGER LACROIX

1820 Châblis, yes, windfall.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

Yes, you did speak about that?

1825

MR. ROGER LACROIX

On the south-east side of Chibougama Lake, you're going to find a great quantify of windfall that we pictured last year. This has been going on now for probably four or five years that we noticed there's a great deal of it.

1830

Also in the «Kapesisa» territory right here and also the territory of Westly Mianscun, there's a lot of windfall in rivers. And this is very hard because, like I said before, the river is like a road for the Cree people if you have to go, accessible by canoe. And if you go up your river and you have two logs, you'll get by. But in many cases, you're going to have maybe 200 trees that fell down in 500, 600 meters of river. So, then it becomes a... you can't pass, it's impassable. And also that's what I meant by windfall.

1835

And then also it creates a big problem with not only the water quality, but again the use of the water. You see, there's a different element to it too there. Like I know down south... I don't know if many people use the water as the Cree use it for accessible to their hunter territories and what not.

1840

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

Okay. Comme vous voyez, il y a une série de questions interreliées, qui sont fort intéressantes du côté de l'impact, au fond, de l'ouverture d'un territoire à différents usages. Premièrement, est-ce qu'il y a un certain contrôle suite aux opérations forestières? Est-ce qu'il y a des formes de contrôle de l'accessibilité des lacs qui est donné?

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M. YVON BOUCHARD :

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Pour la première question, au niveau de l'accessibilité en forêt, il n'y a pas de contrôle au niveau de l'accessibilité en fonction des opérations forestières puis de l'accessibilité aux lacs. C'est des terres publiques puis il n'y a pas de contrôle.

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Ce qu'on peut se rendre compte, par exemple, c'est que dans l'avenir -- parce que présentement l'industrie forestière, c'est-à-dire le Ministère tient de plus en plus compte des aires de trappe, du pourcentage de couvert forestier par unités territoriales de référence qui correspondent aux aires de trappe, on parle beaucoup de déconcentration des coupes, de coupes mosaïques éventuellement, à un moment donné. C'est des choses, dans l'image forestière, qui s'en viennent de plus en plus, ce qui va sûrement occasionner encore beaucoup plus d'accessibilité sur le territoire public au niveau des lacs puis du territoire, mais on n'a pas de contrôle sur l'accessibilité en tant que telle.

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M. ANDRÉ BEAUCHAMP, président BAPE :

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Je ne voudrais pas trop allonger avec vous, monsieur Lacroix, je pense qu'il y a d'autres personnes qui veulent poser des questions. Est-ce que vous pourriez nous soumettre, si vous avez d'autres questions complémentaires, nous en soumettre par écrit et...

M. ROGER LACROIX :

1870

J'aurais juste deux questions que j'aimerais apporter aujourd'hui.

M. ANDRÉ BEAUCHAMP, président BAPE :

1875

Formulez-les toujours et on verra si on les traitera.

M. ROGER LACROIX :

1880

Moi, c'est une question qui se rapporte au lac Sainte-Lucie, Barrette-Chapais, s'il y a eu des études faites sur ce lac-là.

M. ANDRÉ BEAUCHAMP, président BAPE :

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Au lac Sainte-Lucie?

M. ROGER LACROIX :

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Oui, juste à côté de Barrette-Chapais. Puis aussi, le lac qui est près du chantier Chibougamau à Chibougamau. Est-ce qu'il y a eu des études d'impact sur ces deux lacs?

M. ANDRÉ BEAUCHAMP, président BAPE :

1895

Il a demandé s'il y a eu des études d'impact qui ont été faites sur deux lacs, le lac Sainte-Lucie et le lac du chantier près de Chibougamau.
Monsieur Fournier.

MR. GUY FOURNIER

1900

Maybe the second question, the answer is simple. I don't think so, but can you give me more information on the problem of that lake?

MR. ROGER LACROIX

1905

We're going to be here for a long time.

MR. GUY FOURNIER

No, but...

MR. ROGER LACROIX

Okay. The main problem with the lake of... I think it's Lac Lucie or Ste. Lucie...

MR. ROGER LACROIX

Well, Ste. Lucie, it's okay, but the second one.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

The second one, about the Lake «chantier» near Chibougamau.

MR. ROGER LACROIX

The lake at «chantier» Chibougamau, it's a small lake that's within the... I guess you could say the boundaries of the sawmill and it has a runoff that goes towards Chibougamau. And it's pretty well similar to...

MR. GUY FOURNIER

Ste. Lucie?

MR. ROGER LACROIX

Ste. Lucie, yes. So, those are pretty comparable.

MR. GUY FOURNIER

Okay. On Lake Chibougamau, it's the first time that we heard about that problem. That wasn't signified to the Ministry. It's the first time I hear about that.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

Okay.

MR. GUY FOURNIER

Okay. On the other one, on Ste. Lucie Lake, as you know, the problem, we see that in the dossier, it exists since 1986 and there were a few studies that were made in 1987, 1990 and 1995.

So, the problem that they suspect comes from the sawmill Barrette Chapais. But all those studies didn't put the... I'll say that in French, le doigt sur le bobo.

MR. ROGER LACROIX

Okay.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

They can't find the exact problem?

MR. GUY FOURNIER

It's not clear. All the studies, it's not clear that the source of the problem is the sawmill. But we may suspect that it is.

So, what the Minister of Environment intends to do, first, we intend to meet the company and we would like if one of your members, Mr... I don't know his name, the one who is in charge of the environment...

MR. ROGER LACROIX

Yes.

MR. GUY FOURNIER

... can come with us. So, first, we can have a meeting and look what everybody could bring for a solution. But if we want to make it clear, we must have an exhaustive study, not only to have a little monitoring outside on the ditch but on the lake and further downstream on the other lake, like I think Lake Scott or something like that.

So, after the meeting, we would like to have a kind of an action plan, so we can make after a real study and look after what's the real source of the problem and, after that, look for a solution.

1985

MR. ROGER LACROIX

When do you plan to do this study and meeting with the companies?

1990

MR. GUY FOURNIER

Maybe we could make it, the first meeting, in a few weeks, because the people that go to make inspection and control this summer they're supposed to be here this fall. So, first step, we can organize a meeting...

1995

MR. ROGER LACROIX

Yes.

2000

MR. GUY FOURNIER

... with the company. And maybe you can tell us if... the one who is in charge of the environment in your community just has the communicate with us and so we can organize a meeting on that.

2005

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

As you see, Mr. Lacroix, our hearing is a meeting place also. Good!

2010

MR. ROGER LACROIX

I have one final question...

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

2015

Can we stop for you at this moment? Because I think that a few other people want to...

MR. ROMEO SAGANASH, JBACE Chairman

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I think, Roger, the invitation to submit your questions in writing is an excellent solution to...

MR. ROGER LACROIX

Okay.

2025 **MR. ROMEO SAGANASH, JBACE Chairman**

 ... what we are facing at this moment in the present circumstances. I believe...

2030 **MR. ROGER LACROIX**

 Because I have one, the last one.

MR. ROMEO SAGANASH, JBACE Chairman

2035 I believe...

MR. ROGER LACROIX

2040 And that's the only one I have.

MR. ROMEO SAGANASH, JBACE Chairman

 Well, I believe there are other people in the meeting room that have some questions.

2045 **MR. ROGER LACROIX**

 Yes.

MR. ROMEO SAGANASH, JBACE Chairman

2050 Feel free to come up, but if not, you may go ahead with your last question.

MR. ROGER LACROIX

2055 Yes.

MR. ROMEO SAGANASH, JBACE Chairman

2060 But I think there are other people that deserve a chance.

MR. ROGER LACROIX

 Yes.

2065 **MR. ROMEO SAGANASH, JBACE Chairman**

That doesn't exclude you submitting questions to us or to the people that are here as resource people. But I think it's important that we hear out other concerns and other opinions. Thank you.

2070 **MR. ROGER LACROIX**

Okay, thank you.

2075 **MR. ANDRÉ BEAUCHAMP, BAPE Chairman**

Thank you.

2080 **MR. HARM SLOTERDIJK, JBACE Commissioner**

Mr. President, before we go to the next person, I would just like to submit a question for which I do not need an answer. But there was the problem of the influx of people from outside, from the Cree community and there was some question about fishing and about fish stocks.

2085 What I would like to know if and whether the resource persons can submit or let us know if there have been any studies done on fish population, on the impact of opening up these lakes to the outsiders and, if not so, maybe give us the reason why or whether there are any studies planned for this.

2090 **M. ANDRÉ BEAUCHAMP, président BAPE :**

Je pense bien que cette question-là s'adresse au ministère de l'Environnement. Donc, elle est posée, s'il y a des études sur les populations de poissons et sur le changement des stocks de poissons suite à l'ouverture des lacs à...

2095 **M. HARM SLOTERDIJK, commissaire CCEBJ :**

À des pêcheurs, aussi à des routes.

2100 **M. ANDRÉ BEAUCHAMP, président BAPE :**

... à des pêcheurs, à d'autres activités.

2105 **M. HARM SLOTERDIJK, commissaire CCEBJ :**

Tout l'impact de la présence des non-Autochtones.

MME JOSÉE BRAZEAU :

2110 Oui.

MRS. MINNIE SHARL

2115 My name is Minnie Sharl. I just wanted to find out why is the meeting here and the people are not around here? Because this is their... how do you say that word? Territory.

2120 I just wanted to ask why are you people having the meeting? I don't know which people I'm going to ask. Because it looks so sad, you know, only seven Natives are in here to attend this meeting. And we can't put all that into our head to tell all the others what the meeting was about, even though you have all the books here already.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

2125 I think that two things are important. You're here and you ask questions.

MRS. MINNIE SHARL

Yes.

2130 **MR. ANDRÉ BEAUCHAMP, BAPE Chairman**

And the importance is your presence here. We would prefer that more people would be here, but the circumstances are like that.

2135 But also you must know one thing, that the questions which are asked here, there will be a translation on paper. The lady is doing the translation there. So, all the transcriptions of this discussion we have will be accessible to the population here by documentation. We have transcriptions of this...

2140 **MRS. MINNIE SHARL**

But usually when they want to have our meetings here, they always tell us that we have to be 35 to start a meeting.

2145 **MR. ANDRÉ BEAUCHAMP, BAPE Chairman**

Oh yes?

2150 **MRS. MINNIE SHARL**

Yes. But there's only seven people here. So, what are we going to bring in while the other people are not even here, even though our presence are here?

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

2155

I didn't...

MRS. MINNIE SHARL

2160

Because they're missing a lot of things, what we've already heard during this meeting.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

2165

Yes.

MR. ROMEO SAGANASH, JBACE Chairman

2170

Well, I'll answer the question that you have. I explained at the beginning of the meeting, I don't know if you were here, but the reasons for our presence in your community. The regulation or the by-law that you're referring to, where it is necessary to have 35 people to start a meeting, refers to your general assemblies in this community. That's a by-law that was adopted by the members of Oujé Bougoumou.

2175

This is not a general assembly, it is not meeting called by the local authorities. This is not to say although that your local authorities were not informed. They were informed ahead of time that we were coming, they were informed of the discussions that we would have, they were informed of the opportunity to ask questions to the resource people that you see there from different departments of the Government of Québec.

2180

We had also invited representatives and resource people from the Government of Canada to respond to some of your concerns and questions that you may have in this community.

2185

So, I think we did our outmost best to try to inform the people here that we were coming to discuss what I view as a very fundamental issue for the Cree people, for Cree culture, for the Cree way of life and for Cree rights and interests.

2190

It is unfortunate that our timing was not that excellent. I know that there are a lot of people out in the territory right now, gone hunting, fishing and trapping. And that is the unfortunate aspect of this whole thing. But there are things in this type of exercises or initiatives that are beyond our control and that's the main reason.

It's not that we wanted to exclude anybody from this meeting. I think anybody has a chance to say what they want, to ask the questions that they want. That's why I insisted on Mr. Lacroix to --

2195 although I found that his questions were excellent and raised important issues, I believe that everybody has a chance to speak their minds and ask questions to the people that are here.

And that's the only reason. There was no bad faith in our presence here. I think we wanted to do our best both members of James Bay Advisory Committee...

2200 **MRS. MINNIE SHARL**

You're already answering me.

2205 **MR. ROMEO SAGANASH, JBACE Chairman**

Okay?

MRS. MINNIE SHARL

2210 Yes, thank you.

MR. SAMUEL GULL

2215 My name is Samuel Gull. I come from the community of Waswanipi. And I'm here to... well, I'm glad to be here and to hear out the comments that are being made by other people and I have a few of my own.

2220 One of the first comments that I would like to make is in relation to the presentation that was done by Mr. Dufresne on the regional portrait profile. The aspect touches the water distribution network, whether the source is an underground source or surface in the different nine Cree communities, is in relation to the monitoring process that is actually in place.

2225 I realize that the information that you have is probably concentrated in relation to the communities itself. But I really think that there is relevance and importance in terms of what sort of quality did the people drink in terms of those that reside on the trunk lines in terms of particularly those that reside close to industrial activities such as mine sites or sawmills, because I don't believe that there is any sort of monitoring for the hunting camps that are out there.

2230 And I speak particularly as to the information that I have as far as Waswanipi goes. I would estimate that there's probably at least 60 percent of the community residents who are actually full-time hunters and trappers. And I...

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

2235 60 percent?

MR. SAMUEL GULL

2240 60 percent that are actually out in the bush, let's say between September through May, who are full-time trappers. And I think that the... this is one of the issues that I really think is important. So, I just make that as a comment in terms of...

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

2245 Yes.

MR. SAMUEL GULL

2250 ... the quality. But some...

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

 Okay. It's a comment, but also a very good question too. We shall see later on, yes.

2255 **MR. SAMUEL GULL**

 But some of the questions that I have are mainly related to mining activities, because Waswanipi itself is very much surrounded by mining activities as much as Oujé or Mistissini.

2260 And the questions that I have are in relation to the operations on the monitoring process or control measures that, if any, are in place in relation to effluents that are being discharged and also to tailings.

2265 My question is what kind of monitoring is currently conducted in the territory with regards to mining operations? And added to that is what is being measured and on what frequencies?

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

2270 I lost a few words, I think they were important words.

MR. SAMUEL GULL

 Yes?

2275 **MR. ANDRÉ BEAUCHAMP, BAPE Chairman**

 You're asking for a monitoring on what precisely?

MR. SAMUEL GULL

2280

Because what I am saying is that there are effluents that are being discharged in...

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

2285

Effluents from where?

MR. SAMUEL GULL

From the mining, from mine sites.

2290

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

From mining?

2295

MR. SAMUEL GULL

From mining.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

2300

Yes, okay.

MR. SAMUEL GULL

2305

There are effluents that are being discharged and, of course, there are areas where there are tailings. And my question is what kind of monitoring is currently being conducted within the territory regarding the mining operations?

M. ANDRÉ BEAUCHAMP, président BAPE :

2310

La surveillance des effluents en provenance des entreprises minières, quelles sont les qualités de contrôle qu'on a là-dessus?

MR. GUY FOURNIER

2315

When a company has a project, first they have to have a certificate from the Ministry of Environment. So, that authorization comes from the «directive 09» that we call in French mining directive. And in that, the company has to respect the quality of their effluents.

2320

And the frequency is depending on the result of the monitoring. Depending the parameters, some parameters are monitoring every day, they are continuous, let's say the pH, the conductivity.

And other parameters are monitored once a week like -- I won't give you all the parameters, there are, I think, 15. But the principal are copper, zinc, cyanide and suspension solvents.

2325 So, a company after they have to respect the concentration that is in the mining directive. And the — how do you say that in English? — moyenne mensuelle, a monthly average, they have to respect for those parameters a monthly average. Like the concentration can't overpass 25 milligrams per liter. And depending on the other parameters, some are .5, .3 and so on.

2330 So, every company that has an effluent that comes from the mining water, the one that comes from the underground to keep the mine dry, mostly every mine has those kinds of water, and this water has to go in a pond. And at the end of the pond, there's an effluent. So, they have to take the monitoring there.

2335 And companies that have some minerai to treat, the minerai, they have some waste mining pond, we call it in French parc à résidus miniers, and the same thing, they have to monitor, there's a monitoring for those parameters. And the companies have the obligation to send every month these results.

2340 **MR. SAMUEL GULL**

And is it the company that is responsible to ensure that all of this monitoring is carried out or does the Ministry have certain responsibilities as well?

2345 **MR. GUY FOURNIER**

Just like I said at the beginning, the companies, they have to have a certificate of authorization. And in this certificate, it says they have to install some instruments to monitor those parameters. And the certificate says they have the obligation to monitor every week or every day. So, it's a legal obligation.

2350

So, if they don't do so, the Ministry takes the measure that the company has to conform in this, all those instruments, or if they overpass the quality of their effluent, they must «apport» some correction to make that effluent so as they can meet the quality of the effluent.

2355

MR. SAMUEL GULL

Is the information that comes out from the monitoring process available to the public?

2360 **MR. GUY FOURNIER**

Yes. Every year, we have an annual assessment of the quality of the effluents of all the companies. If the Commission wants to have them...

2365 **MR. ANDRÉ BEAUCHAMP, BAPE Chairman**

Oh yes! We want, all the time.

2370 **MR. GUY FOURNIER**

We have the results since, I think, 1989, something like that. The last one is 1997. And during the year, we're going to have...

2375 **MR. ANDRÉ BEAUCHAMP, BAPE Chairman**

Give me the last three ones please.

2380 **MR. GUY FOURNIER**

Yes. The last three years?

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

The last three ones.

2385 **MR. GUY FOURNIER**

Okay.

2390 **MR. SAMUEL GULL**

Because...

2395 **MR. ANDRÉ BEAUCHAMP, BAPE Chairman**

Yes?

MR. SAMUEL GULL

2400 ... my other concern is that I realize that there are mines that actually started up before any of the environmental process was actually in place. Now, the closure of these mines here and as to the follow-up in terms of the tailing ponds that they have, is there anything in relation to that, information that is available?

2405 **MR. GUY FOURNIER**

I don't know if I can answer for the ministère des Ressources naturelles. If I make some error, you're going to correct me? Okay.

2410 Since March 1995, the Ministry of Natural Resources, they have a regulation that obliges all the companies that were in operation at that date and all new project to «depose» to the Ministry of Environment, Mining Division, and to the Ministry of Environment, they have to «depose» a plan of restoration.

2415 So, at the end of the mine, both ministries, they know how the company is going to restore the site, the tailing pond or the mining site. And depending of the project, if it's a project that has a mill and the project has at least 15 years life, they must «depose» a financial guaranty that can go around 70 percent of the cost of the restoration.

2420 So, that's a measure. It's a good measure. If we go in the past, there was no measure like that. So, we can see, not more here but in the south, in Rouyn, if we had that measure since 20 years or 15 years, we didn't have the problem maybe that we have now. So, we're looking for the future and I think that measure, it's a good thing for the environment.

2425 **MR. SAMUEL GULL**

Because my main concern when I speak of those that did not go through the certificate process, those that are considered as abandoned mines that are still there, and what pose this in terms of the issue that I've spoken with in terms of the effects that it might have on the water quality within the surrounding area.

2430

MR. PAUL MEUNIER

I'll try to answer your question. For the abandoned sites...

2435

MR. SAMUEL GULL

Yes.

2440

MR. PAUL MEUNIER

... when you cannot find the owner or the company is bankrupt, the government has...

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

2445

They call that «orphans».

MR. PAUL MEUNIER

2450

Orphan sites.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

2455

Sites.

MR. PAUL MEUNIER

2460

So, we take care of those sites. Since five or six years ago, we began a program of restoring those sites. At that time, I think about 70 percent of those sites are now secure. And we're making progress for the other part of the...

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

2465

But do you have any specific number about the orphan sites in the Cree territory?

MR. PAUL MEUNIER

2470

I couldn't say in that territory, but I could have some answer...

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

If you can.

2475

MR. PAUL MEUNIER

... tomorrow if you want.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

2480

Thanks. And I just want to ask one more question on that specific topic. About the monitoring process we are speaking about, what does happen when it is a company in operation since 50 years or 15 years? And are they obliged to have now this process, monitoring process? Because they didn't need a new permit to operate.

2485

MR. GUY FOURNIER

Yes. We have here, not very far, the example of a mine Joe Man or Principal. Those kinds of projects, they're not assujettis...

2490

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

Yes, subjected.

MR. GUY FOURNIER

2495

... because they were before 1972. So, before 1972, this was the year that the law of environment was voted, so there was no obligation at that time to present a certificate of authorization. There was even no parameters, no monitoring. So, those companies legally, if we can think like that, today they're not obliged to have a monitoring for pH, or cyanide, or so on.

2500

But I could say mostly of those companies that were over there before 1972, they voluntary -- volontairement they have a monitoring system. So, they provide us all the results every month just like they had an authorization. And most of them do so.

2505

But sometimes when those companies, they have a new project or a modification, we take the occasion to take all the norms and we integrate them in the certificate that we're giving to them. So, that becomes at that time legally. It's a way that we use.

MR. SAMUEL GULL

2510

Okay.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

2515

Does that answer your question?

MR. SAMUEL GULL

Yes.

2520

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

Yes?

2525

MR. SAMUEL GULL

Yes. To respect if there are other people that would like to ask questions, so I'd just like maybe as a recommendation to the BAPE, that I really think that in terms of the work that is being done here, in some areas that an on site visit might give you a fairly clear idea in terms of what some of these problems are. And I think if time allows, then maybe this service can be made. I would strongly recommend. Thank you.

2530

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

Thank you, sir.

2535

MR. MARK FORSYTH

Hi!

2540

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

Hi! Could you give me your name please?

2545

MR. MARK FORSYTH

My name is Mark Forsyth.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

2550

Mark Forsyth, yes.

MR. MARK FORSYTH

2555

And I'm a citizen of Oujé Bougoumou. I work here as Public Safety officer. And I have a number of questions and perhaps concerns that I'd like to address the panel.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

2560 Yes, okay.

MR. MARK FORSYTH

2565 The first one, regarding the studies and water analysis of such things as the reservoirs, I guess my question is, who conducts these studies? And are they conducted by an independent entity? Because I myself and, I think, I speak for many people who question the validity of the reports, because it's like a company that monitors itself, it's always subject to question. So, that's my first question to the panel.

2570 **MR. ANDRÉ BEAUCHAMP, BAPE Chairman**

It's a question on reservoirs?

MR. MARK FORSYTH

2575 Specifically, but I think it also pertains to like the mining companies that I just heard about.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

2580 Okay. About the monitoring?

MR. MARK FORSYTH

2585 Yes, because I hear that each of the companies is monitoring themselves.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

Yes.

2590 **MR. MARK FORSYTH**

And that doesn't seem quite legitimate to me to...

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

2595 Okay.

MR. MARK FORSYTH

2600 ... say that I'm doing a good job.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

2605 Okay. There's a difference between monitoring and control.

MR. MARK FORSYTH

Yes.

2610 **MR. ANDRÉ BEAUCHAMP, BAPE Chairman**

Yes, okay.

MR. PAUL MEUNIER

2615 As for the mine...

M. ANDRÉ BEAUCHAMP, président BAPE

2620 Alors, pour les mines s'il vous plaît, oui.

MR. PAUL MEUNIER

2625 As for the mine, normally it's the industrials that do their own measures and they send reports to Environment-Canada and also Environment-Québec.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

2630 Yes, but can you be sure that these results are scientifically founded, grounded. If the company makes its own monitoring, how can you have confidence in the results they are giving to you? And do you have cross-checking procedures to be sure that the results are good? How must answer to that?

MR. GUY FOURNIER

2635 I'll speak for the mines. We make some cross-check with the company. We know exactly the day that the company is going to monitor its effluent. So, if it's the 15th, after that it's the 22 and the 29. So, we go on the site and we take a bottle, maybe two liters of the effluent, and we split in two bottles.

2640

So, everybody goes back with one liter of the effluent. And the company makes its analysis and us we do the same thing. And mostly, the companies send their samples to an accredited laboratory. So, when the company sends us their results, we compare them with us. So, we can see if the results are the same. So, we can assure the quality of the analysis is good.

2645

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

How many times a year do you do these cross-checking?

2650

MR. GUY FOURNIER

Oh! It's not many times, maybe... I don't know, maybe two or three times at most.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

2655

Okay.

MR. HARM SLOTERDĪJK, JBACE Commissioner

2660

Mr. President...

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

And do you inform the companies when you go there?

2665

MR. GUY FOURNIER

Yes, for... to go?

2670

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

You go by surprise or...

MR. GUY FOURNIER

2675

To go sampling, to take a sample at the same time as them, yes. But when we go on the site to make a control or inspection, most of the time we don't advise the company.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

2680

It's better.

Yes, sir?

MR. HARM SLOTERDĪJK, JBACE Commissioner

2685

I think that sort of answered my question, because what you were talking about was the inter-laboratory control and, you know, that's basically laboratory procedures.

2690

My question was, if they know that you're on the site, can they make sure that their effluent are a better quality than they would be normally? So, I think this sort of joins your question also, I believe, whether they know they're coming or whether they are being surprised that they show up and...

MR. GUY FOURNIER

2695

No. When we go on a site, we don't advise them a month before, maybe a couple of days, one day or two. So, I don't think that the company can modify its effluent in one day. There's a mill, there's some treatment. So, I'm not an expert on that, but I can say that it's going to be very difficult to change the quality of its effluent.

2700

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

There's a first level of the answer, yes.

2705

MR. MARK FORSYTH

2710

Yes. That answers part of my question. I specifically have a question too regarding other kinds of companies such as the sawmill. It's obvious to me and, I think, to a lot of people that our local sawmill here is pushing out effluent that affects the environment. And if it's being monitored, why hasn't it... you know, all these years, and why hasn't it changed, you know, a long time ago? Because, you know, just flying over it from an airplane, you can see where the water from the sawmill meets the lake and then, from there on, it's a different color all the way down the lake.

2715

I mean, it's very obvious what's going on and, yet, I see monitoring taking place, but I don't see any changes. So, that's another concern I have. I don't know if you want to address that now.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

About the sawmill, there is also a monitoring on the effluents of the sawmill?

2720

MR. GUY FOURNIER

No, but sawmills, there's a big difference. I don't think here Scierie Chibougamau or Barrette-Chapais, they have effluent. Some companies, they have some bassin de trempage. How you say that in English? You know, it's a kind of pond that they take some wood, they dip in the wood to get the wood softer and to clean it up. So, those companies that have those systems, we make a monitoring. But today most of the companies, they don't have no more these kinds of ponds.

2725

The only thing I can see, if there's an effluent, it's the... how do you say that in English? La cour à bois, wood yard. So, if they have wood yard and ils arrosent... You know, there's some companies that...

2730

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

Spray.

2735

MR. GUY FOURNIER

... spray all spring and all summer, they spray their wood not to be black, you know, to protect the quality of the wood. Those companies, sometimes there's some problem. The water goes... sometimes it's near a lake or a river and this water goes in the river and the quality mustn't be too good.

2740

I don't know here if it's the same thing. I think Scierie Chibougamau, the one who asked me a moment ago, that must be maybe the problem. There's some water that comes from the wood yard and goes into the river.

2745

One thing that's important, sawmills, there's no regulation. The only thing that we have in our law, it's the Article 20. If a company has — there's no regulation — an effluent that could have some impact on the quality of the water of a river, we can use that article that says that no one can deposit reject contaminated water over if there's a regulation or that makes atteinte at the life or something like that. So, sawmills for the water, there's no regulation.

2750

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

When you speak about sawmills, do you have a specific example? You spoke about the Chibougamau sawmill, but are you speaking about this sawmill or about different sawmills?

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2760

MR. MARK FORSYTH

I have a specific sawmill that I can see, it's...

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MR. ANDRÉ BEAUCHAMP, BAPE Chairman

Yes, which one?

MR. MARK FORSYTH

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It's Barrette-Chapais.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

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Barrette-Chapais.

MR. MARK FORSYTH

Well, you can it from the road.

2780

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

Yes?

MR. MARK FORSYTH

2785

If you drive by, you can see on either side of you where it crosses the road...

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

2790

Okay.

MR. MARK FORSYTH

2795

... both little ponds are brown. And then further downstream where it goes into the major lake, you can see where it joins and it pollutes the water all the way downstream from there.

So, I don't know who is responsible for... from what I hear, there's no monitoring of that. And I would like to know what kind of effect is that having like to our fishing and the water quality. That's my concern.

2800

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

You are speaking about something very, very close to the environment here. And do you know this case and what...

2805

MR. GUY FOURNIER

Yes. This is the same case that we answered...

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MR. MARK FORSYTH

It's the same?

MR. GUY FOURNIER

2815

... a moment ago, Lake Ste. Lucie.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

2820

Okay?

MR. MARK FORSYTH

Okay.

2825

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

And you don't do anything at this moment to change the situation?

2830

MR. GUY FOURNIER

No. What I was telling, we're supposed to meet the company and...

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

2835

Yes. And the result...

MR. GUY FOURNIER

2840

... maybe next year...

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

Okay. A process is already engaged, okay.

2845

MR. GUY FOURNIER

That's right.

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MR. MARK FORSYTH

Thank you.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

2855

Thanks.

MR. MARK FORSYTH

2860

I have another question regarding water bottling. This is...

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

Yes.

2865

MR. MARK FORSYTH

... Roger referred me at a earlier moment. So, I'm on the spot. Thank you, Roger.

2870

I'll try and be brief. We're trying to implement a water bottling process here. As you notice, everybody has a bottle of water here. But maybe you didn't know that the tap water here is just as pure as what you're drinking from the bottle. So, you don't need those.

2875

So, anyways, what we found is that our process seems to be stalled. We've conducted a number of tests and different things. And one test turned out to be negative, okay? I'll just make a long story short, but that's because it was from an alternative source, we were checking on different locations. And that was from actually practically surface water there. The well is only like 25 feet deep or something.

2880

And so now we're getting a negative answer whenever we get a request. It seems like they found a loophole and now we're being rejected in. So, we're kind of frustrated — okay? — by that situation.

2885 But why I'm bringing it up is, well, I feel like Natural Resources should be helping promote industry and yet, at the same time, we feel like we're being stalled in the process. So, that's a concern for me; I'll stop there.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

2890 I think it's a side effect of the great discussion we do have on these topics in the south, because in this hearing a lot of people came and spoke hard on that. So, there is a bigger stress on the Ministry of the Environment on this question and they are checked very strictly by the population in the south.

2895 Did you receive a request for an authorization by these people? Yes?

MRS. JOSÉE BRAZEAU

2900 I'm going to try my best, because this is all new to us, we just received the... the demand has been deposited at the MAPAQ mid-June, around that, okay? But we have an agreement with the MAPAQ...

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

2905 Why at the MAPAQ?

MRS. JOSÉE BRAZEAU

2910 Pardon me?

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

Ah! Because it's...

2915 **MRS. JOSÉE BRAZEAU**

It's consommation water.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

2920 Drinkable, yes.

MRS. JOSÉE BRAZEAU

2925 Drinking water.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

Okay.

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MRS. JOSÉE BRAZEAU

So, we have an agreement with the MAPAQ that we look over the hydro-geology aspect of the project and the vulnérabilité of the source, okay?

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MR. ANDRÉ BEAUCHAMP, BAPE Chairman

Yes.

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MRS. JOSÉE BRAZEAU

So, the MAPAQ transferred us the file, but since it's here in Oujé Bougoumou, the file should be treated in Rouyn, okay? But we do this in collaboration with Mr. Lavallée in Montreal who looks at the other aspects, like I spoke, hydro-geology and all of that.

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And the document that has been deposited by the Oujé Bougoumou Band showed some problems with the source. I'm not familiar with the document that has been deposited, but there's a letter that has been sent to the Band saying that we looked at the project, it seems that there is a problem with the vulnérabilité of the source, okay?

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MR. ANDRÉ BEAUCHAMP, BAPE Chairman

Yes.

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MRS. JOSÉE BRAZEAU

So, they have some guidelines that they have to respect. It's in percentage. La vulnérabilité has to be lower than 35 percent. I don't know what is exactly the... but it showed that it's higher than 35 percent. So, they said...

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MR. ANDRÉ BEAUCHAMP, BAPE Chairman

About this vulnerability you're speaking about, it's about the quantity?

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MRS. JOSÉE BRAZEAU

The quality of the water.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

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The quality also?

MRS. JOSÉE BRAZEAU

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Yes, the quality of the water. They look also at the quantity of the water, but that I'm not... I know that, in the letter, they said, «If you want to maintain the project...»

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

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Yes.

MRS. JOSÉE BRAZEAU

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«... show us that the source is of good quality.» And we received the letter saying that the Oujé Bougoumou Band wants to maintain the project. So, they will have to show us that the results are good.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

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Because one of the discussions we had before in previous hearings is that because this water is for consuming by the individuals, the quality must be very stable all the time, you see? So, if you have some kind of variability, they are checking that very severely.

MRS. JOSÉE BRAZEAU

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I know that the letter said that if you don't show that the water is of good quality, it has a chance of being refused, but they didn't say that: «We are refusing your project.» They're just saying: «If you want to maintain your demand, just show us that the source...»

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And now you're saying that the results have been from another source. So, we're not saying that it's going to be refused automatically, but just that the letter said: «Show us that the quality is good and it's going to be good for a long time.» And they're going to look at all of the aspects of hydro-geology and the quantity of water too.

3005

I received a copy of the letter just on Monday saying that the Band is maintaining the project and is going to pursue the project. So, the project has to be submitted at the Deputy Minister's office for the Chapter 2 of the law. So, that's about what I know of the project.

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MR. ANDRÉ BEAUCHAMP, BAPE Chairman

Okay. Do you know if the source of the water, where it is?

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MR. MARK FORSYTH

Yes.

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MR. ANDRÉ BEAUCHAMP, BAPE Chairman

Yes?

MR. MARK FORSYTH

Yes.

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MR. ANDRÉ BEAUCHAMP, BAPE Chairman

And there is also other users of this resource in the surrounding?

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MR. MARK FORSYTH

Yes, that's correct.

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MR. ANDRÉ BEAUCHAMP, BAPE Chairman

Yes?

MR. MARK FORSYTH

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That's the same source as our drinking water here.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

Oh! Yes, it's the same source?

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MR. MARK FORSYTH

Yes.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

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Okay.

MR. HARM SLOTERDĪJK, JBACE Commissioner

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A question, Mr. President.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

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Yes.

MR. HARM SLOTERDĪJK, JBACE Commissioner

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When you say the vulnerability, it means that one day the water can be acceptable and, another day, it might not be? And for which parameters it is and if you have the same drinking water, you know, that we've been drinking in...

MR. MARK FORSYTH

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Yes.

MR. HARM SLOTERDĪJK, JBACE Commissioner

... the hotel, are we being impacted by that?

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MRS. JOSÉE BRAZEAU

Like I said, I'm not very familiar with... maybe I could ask Michel Lavallée from the...

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

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Yes.

MRS. JOSÉE BRAZEAU

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... Direction de Montréal to explain to me what is the guidelines that he's following, because...

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

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Yes.

MR. HARM SLOTERDĪJK, JBACE Commissioner

We should get a report then.

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MR. ANDRÉ BEAUCHAMP, BAPE Chairman

Because under vulnerability, there is a different... there is the quality itself, but also the disponibilité of the water to each user, because this source is also the source of the municipality, for the village. If you don't have a quantity all the time the same, maybe there will be trouble with the different users. So, this must be checked very strictly before.

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If it is on the quality of the water itself, we must know where is the source if there is a problem there.

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MR. HARM SLOTERDĪJK, JBACE Commissioner

For example, the coliforms or... but we will get a report then from Mr. Lavallée? Is that what is being said?

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MRS. JOSÉE BRAZEAU

Well, I said that I could ask Mr. Lavallée to explain to me what is the vulnerability and all that kind of stuff, because I don't know...

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MR. HARM SLOTERDĪJK, JBACE Commissioner

In this particular case?

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MRS. JOSÉE BRAZEAU

Yes.

MR. HARM SLOTERDĪJK, JBACE Commissioner

3125

And this will be submitted?

MRS. JOSÉE BRAZEAU

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Well, like I said, the project just has been submitted to the Ministry. So, I know that Mr. Lavallée looked at it, but I don't know the... I cannot say for him that he made a report of some kind.

M. ANDRÉ BEAUCHAMP, président BAPE :

3135 C'est ça, vous allez appeler monsieur Lavallée et vous nous direz qu'est-ce qui fait question. Le reste, on ne peut pas intervenir, c'est un processus...

MR. MARK FORSYTH

3140 Thank you. I'm satisfied there. I have another question.

MR. ROMEO SAGANASH, JBACE Chairman

3145 Just to complete that, because I want to make sure that we get a right answer from the person who'll be asked those questions.

3150 More specifically, I would be interested in knowing why MAPAQ or whoever characterizes the source as vulnerable. Is it because a forestry operation that happened in the territory? Is it because of the mining activity that has been taking place in the area? What are the sources of that vulnerability?

That's an important question to answer, because it not only affects the project but also the community. And in that sense, it's important to answer that question specifically.

3155 **MR. MARK FORSYTH**

Mr. Chairman...

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

3160 Yes.

MR. MARK FORSYTH

3165 ... may I continue with other questions? Okay.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

3170 Yes.

MR. MARK FORSYTH

Thank you.

3175 **MR. ANDRÉ BEAUCHAMP, BAPE Chairman**

We made a long trip to hear you.

MR. MARK FORSYTH

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Because I'm trying to go quickly. I read in the Regional Water Resources Profile that there's fish farming on Opemisca Lake. The strange thing is, we weren't aware of this and, yet, it's right here on our doorstep.

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So, my question is, were the Crees ever consulted? That's one big question. And similar things like this seem to be going on and I think it's important that the Crees be involved in the initial stages and not just find out after the fact that this is going on and, you know, hopefully everybody is doing it environmentally safe.

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And then my second question related to this is, we're also working on a fish farming project, but the same thing, it's been stalled, we're waiting for funding. And yet, at the same time, we see somebody else already starting a project and I suspect they've already got fundings. So, why is this happening? I have a question there.

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MRS. GISÈLE GALLICHAN, BAPE Commissioner

Mr. Chairman, if I may. I just want to precise to Messrs Dufresne, and Fournier, and friends that fish farming project I was referring sooner in the afternoon is this one.

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MR. MARK FORSYTH

Okay.

MRS. GISÈLE GALLICHAN, BAPE Commissioner

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This one you have on page 6, this is the French version here, at Lac Opemisca. You have a fish farm project here. And the one I was referring was not the other one you have here on Lac de la Presqu'île which is for Ville de Chapais. There is another project here, but the one I was referring is the same that Mr. Forsyth is speaking about.

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MR. MARK FORSYTH

Okay.

3215 **MRS. GISÈLE GALLICHAN, BAPE Commissioner**

Okay?

3220 **MR. MARK FORSYTH**

Thank you.

MR. DANIEL BERROUARD

3225 About those two projects, I know that we gave some verbal information about the project to the proponent. But we didn't receive the project according to the environmental process. So, those two projects are not submitted yet.

3230 But when they will be submitted, the Cree will be consulted by the fact that the Evaluating Committee will receive the project. And it would be possible for the Cree to comment the project and it is possible at that step to make recommendations, to ask an impact statement or not submit to an impact statement the project.

3235 **MR. MARK FORSYTH**

Thank you.

MR. ROMEO SAGANASH, JBACE Chairman

3240 I just want a clarification from the answer that is being given here. A fish farming project is, as you said a while ago, a gray zone project...

MR. MARK FORSYTH

3245 Yes.

MR. ROMEO SAGANASH, JBACE Chairman

3250 ... due to the fact that it's a project that is not on the list of projects that are automatically subject to Section 22 evaluation. It's not either on the list of projects that are automatically excluded from impact assessment.

MR. MARK FORSYTH

3255 That's it.

MR. ROMEO SAGANASH, JBACE Chairman

3260 What are some of the considerations that's going to the analysis of what you call a gray zone project? In this case, we have Crees and a Cree community that is submitting a similar project to another community which is not Cree as I understand. So, what goes into the evaluation of whether it should or it should not be subject to impact assessment?

3265 **MR. DANIEL BERROUARD**

It's a good question for the Evaluating Committee. But in principle, I would say the importance of the project, I would say the impact maybe on the Opemisca Lake, I would say the social impacts. In fact, it's all those kinds of impacts.

3270 But in fact, we don't know exactly what will be the project. Each project is different. But what I asked before this aspect this afternoon, I have mentioned that I want to come back tomorrow because I want to check what we have exactly received and what are the information we have given to the proponent about that. So, if you agree, we will come back tomorrow morning or tomorrow afternoon about this aspect.

3275 **MRS. GISÈLE GALLICHAN, BAPE Commissioner**

But may we know where? On the east part of the lake or near Oujé Bougoumou? Do you know where this project is located?

3280 **MR. DANIEL BERROUARD**

I don't know. In fact, that's why I want to come back.

3285 **MR. ANDRÉ BEAUCHAMP, BAPE Chairman**

Okay, sir?

3290 **MR. MARK FORSYTH**

May I continue with another question?

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

3295 I must check first with the community if there is other people who want to ask questions. Allez-y.

MR. MARK FORSYTH

3300 Thank you very much. Regarding forestry specifically... I'll read what I wrote. The devastation and the many negative effects of clearcutting are obvious. Who authorizes this? Who is acting to change this practice of clearcutting? Who has control or is money dictating the policy? End of question.

3305 **MR. ANDRÉ BEAUCHAMP, BAPE Chairman**

 There is also a judgment in the question, but very good.

3310 What about the clearcutting and who is responsible for the authorization? And you did ask who will change the situation or something like that.

MR. MARK FORSYTH

3315 Yes. Who's acting to change this practice.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

 Yes.

3320 **MR. MARK FORSYTH**

 Who has control?

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

3325 Yes. Do they practice anymore the clearcutting in the territory now?

 Alors, on pose la question sur la coupe à blanc. On veut savoir si la coupe à blanc est encore en usage sur le territoire.

3330 **M. YVON BOUCHARD**

 Il y a peu de coupe à blanc en usage sur le territoire, c'est toutes des coupes avec protection de la régénération puis du débardage avec des sentiers espacés.

3335 **MR. ANDRÉ BEAUCHAMP, BAPE Chairman**

 There is very few clearcutting and they use different... Il a dit peu, il n'a pas dit du tout.

3340 **M. YVON BOUCHARD :**

Il n'y a plus de coupe à blanc.

M. ANDRÉ BEAUCHAMP, président BAPE :

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Est-ce qu'il y en a eu?

M. YVON BOUCHARD :

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Oui, il y en a eu. Mais là, il n'y en a plus.

M. ANDRÉ BEAUCHAMP, président BAPE :

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Il y en a eu sur le territoire. Il n'y en a plus.

He says that before there was clearcutting, but they don't do anymore and that they are using other ways of cutting.

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Alors, quelles sont les techniques de coupe que vous avez?

M. YVON BOUCHARD :

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C'est les coupes avec protection de la régénération et des sols, c'est-à-dire c'est des coupes qui protègent la régénération déjà établie, ce qu'on appelle les CPRS, les coupes de protection de régénération.

M. ANDRÉ BEAUCHAMP, président BAPE :

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Est-ce qu'il y a un terme anglais pour ça?

M. YVON BOUCHARD :

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Mon anglais est déjà très faible. Je ne sais pas.

M. ANDRÉ BEAUCHAMP, président BAPE :

C'est souvent un terme technique.

M. YVON BOUCHARD :

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Probablement que le CCEBJ doit le savoir le terme.

MR. HARM SLOTERDĪJK, JBACE Commissioner

3385 I think he's talking about, you know, the specific cuts where they take into account environmental consideration and also regeneration, regrowth of... maybe I can ask then at the same time...

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

3390 Yes.

MR. HARM SLOTERDĪJK, JBACE Commissioner

3395 ... what do they mean by respecting environmental consideration and what do they mean by regrowth. Is it natural or do they leave smaller trees? Do they leave some vegetation that we will grow back naturally?

3400 Je peux le répéter en français, si vous voulez. Est-ce que la coupe -- c'est quoi le respect environnemental et c'est quoi la coupe avec la régénération? Est-ce que ça veut dire qu'on laisse des petits arbres pour qu'ils poussent plus grands ou est-ce que c'est la végétation naturelle qui reste?

M. YVON BOUCHARD :

3405 La coupe avec la protection de la régénération, c'est les petits arbres qui sont déjà établis, c'est-à-dire tous les arbres qui sont non marchand sont préservés sur le territoire. Puis avec la méthode de coupe avec protection de la régénération, il y l'approche de débardage avec des sentiers espacés, que l'industrie ne peut pas perturber plus avec la machinerie que 33 % du territoire qui est coupé.

MR. HARM SLOTERDĪJK, JBACE Commissioner

3415 I'll try to translate. Basically what he means by regeneration, regrowth, are the smaller trees that are not commercially useable anyway. And also the impact of the machinery, of the heavy machinery. I think they're not allowed to disturb more than 30 percent of the territory. So, that's basically it. I don't know whether I missed a few details. If somebody wants to...

3420 **MR. ANDRÉ BEAUCHAMP, BAPE Chairman**

It's written in the document on the practice with is in the documentation of the hearing.

MR. HARM SLOTERDĪJK, JBACE Commissioner

3425 Okay.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

3430 This regulation is already done in the documentation.

MR. HARM SLOTERDĪJK, JBACE Commissioner

3435 Okay.

MR. MARK FORSYTH

Thank you.

3440 **MR. ROMEO SAGANASH, JBACE Chairman**

3445 But perhaps we can answer the concern that is expressed here. He's saying that perhaps the measures that are now in place or the norms that are now in place are not adequate to protect the rights and interests of the people that live in the territory.

Does the Ministry or the Department feel that the present practices and norms are acceptable to the Cree people in the territory? That is perhaps the question that we should answer.

3450 La question est peut-être plus d'essayer de répondre à la préoccupation qui est exprimée ici, à savoir si les normes et les pratiques actuelles sont adéquates ou acceptables pour les Cris qui ont des droits certains dans le territoire conventionné. C'est peut-être là plus la préoccupation qui est exprimée ici.

3455 **M. ANDRÉ BEAUCHAMP, président BAPE :**

Par rapport à l'usage qui est fait du territoire.

M. ROMÉO SAGANASH, président CCEBJ :

3460 Oui.

M. YVON BOUCHARD :

3465 Parce qu'au niveau des opérations forestières, les Cris sont consultés sur les différents types d'opération au niveau du plan quinquennal, du plan général, puis tout ça. Puis les trappeurs sont impliqués dans le processus de consultation. La CCEBJ est impliquée dans le processus de consultation. On doit les consulter. Je pense que c'est aux Cris à dire...

M. ROMÉO SAGANASH, président CCEBJ :

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Non, mais est-ce que selon vous - c'est la question que je vous pose - est-ce que selon vous, les mesures qui sont prises à l'heure actuelle sont acceptables et acceptées, selon vous?

M. YVON BOUCHARD :

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Selon moi, les mesures actuelles...

M. ROMÉO SAGANASH, président CCEBJ :

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Selon la préoccupation qui est exprimée ici, ça ne semble pas être le cas. Alors, je vous demande selon vous.

M. YVON BOUCHARD :

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C'est que selon moi, les mesures actuelles permettent de respecter les qualités au niveau des habitats fauniques puis au niveau de la qualité de l'eau. Il n'y a plus aucune machinerie qui peut circuler à moins de 20 mètres en bordure des cours d'eau. Au niveau des infrastructures de traverses de cours d'eau, il n'y a plus aucune sédimentation. On vise la sédimentation 0, à un moment donné. Tu as les règlements, tu as toute l'approche du RNI. Selon moi, ça permet de

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MR. HARM SLOTERDĪJK, JBACE Commissioner

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I will try translation then. I got a new job. The answer was that the Cree are being consulted. They are implied in every process, directly the trappers and also the... what is it? CCEBJ, but in English, you know, because I'm always Advisory Committee of the Baie James Agreement and Northern Québec Agreement, because I'm always used to the expression of CCEBJ. So, I had a bit of trouble getting to the English part of it.

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And the norms or the criteria are being respected in all legality. He applied that particular word. And he gave us examples that they respected the 20 meters of buffer zone with the rivers and what have you, and that they are respectful of minimizing sedimentation, so the impact of what I would imagine then coming from erosion, because of the cutting. And I think these were sort of the elements that were being given, that they say, yes, they feel that they're doing it in an adequate

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way.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

3510 We did ask a question to the Ministry about the acceptability of that and he didn't answer because he cannot speak for you.

On your point of view, is this kind of forestry exploitation acceptable for the population living the territory? And if not, what do you think must be changed?

3515 **MR. MARK FORSYTH**

I think it's an improvement if it's actually being implemented as is said. So, I have another question about who's monitoring that. But specifically such things as 20 meters from a lake or something, I don't think that's sufficient because then, of course, you have windfalls and things. It's 3520 not a very great distance from a lake. So, from my perspective, that's not enough, but it's an improvement over what we had.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

3525 Okay. Okay, sir?

MR. MARK FORSYTH

I have one more short comment, if I'm... 3530

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

A comment, yes.

3535 **MR. MARK FORSYTH**

Okay. I trust that there recognition of the rights of the Crees to control or restrict hunting, or access, or fishing within their territories is known to everyone here.

3540 **MR. ANDRÉ BEAUCHAMP, BAPE Chairman**

Yes.

3545 **MR. MARK FORSYTH**

I just want that to be known that that right is inherent and that whether it's been implemented or recognized before, it should be recognized now. The right to control or restrict hunting or fishing on any lake or river within their territory, I believe that to date hasn't been implemented as it should be and I think that should be respected. Thank you.

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MR. ANDRÉ BEAUCHAMP, BAPE Chairman

Thank you, sir.

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Mr. Lacroix, did you ask all the questions you did want to ask? You won't necessarily have answers tonight, but please ask the questions.

MR. ROGER LACROIX

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Okay. This question is directed to Hydro-Québec. I've noticed in the past, mainly in Oujé Bougoumou territory, all roads that are built by Hydro-Québec at water crossings, they all use culverts regardless the size or the distance that they may cover with a road. What's the reason for this instead of building bridges?

MR. VINCENT SIOUI

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I would ask you to repeat slowly your question please.

M. ROGER LACROIX :

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Je peux le faire en français. J'ai remarqué, au travers du territoire de Oujé Bougoumou, tous les chemins que Hydro-Québec font, construisent, à chaque rivière, au lieu de faire des ponts, ils mettent des ponceaux, des calvettes. C'est quoi la raison de ça?

M. VINCENT SIOUI :

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Quand Hydro-Québec fait un chemin temporaire, ils ont un permis pour mettre des calvettes et puis ils doivent les enlever habituellement quand c'est des chemins temporaires. Si c'est un chemin permanent, à ce moment-là il y a des ponts, mais c'est des ponceaux pour les chemins temporaires. C'est ce que...

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M. ROGER LACROIX :

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J'ai remarqué à deux endroits, c'est des chemins permanents, je pourrais dire, à la rivière Opetaca au nord, puis aussi la rivière Cachisca. C'est pratiquement des lacs qu'ils ont coupé en deux. Puis pour la rivière Opetaca, il y a trois ponceaux, trois calvettes; puis pour la rivière Cachisca, il y a quatre calvettes. D'après moi, ça va représenter à peu près 10 % de la largeur existante du lac. Puis le restant, c'est un chemin qui sépare directement le lac.

M. ROMEO SAGANASH, président CCEBJ :

Dans le cas spécifique qu'il mentionne, c'est des chemins qui servent à l'entretien du réseau de transport électrique. Et donc, je ne sais pas si ça, c'est qualifié comme une route permanente, selon Hydro. Est-ce que c'est le cas ou non? Parce que c'est de ça qu'il parle spécifiquement. La route et les lacs qu'il mentionne, il y a des routes d'entretien du réseau qui existent, qui traversent des rivières et des lacs, et c'est plus spécifiquement les exemples qu'il donne.

M. VINCENT SIOUI :

S'il y a des ponceaux ou des calvettes qui sont là de façon permanente, c'est parce qu'Hydro-Québec a eu une autorisation, un certificat d'autorisation du ministère de l'Environnement pour mettre des ponceaux de façon permanente.

M. ROGER LACROIX :

Je vais prendre une autre question avec ça au ministère de l'Environnement. Avez-vous évalué les effets de ces ponceaux-là sur ces deux rivières-là, Opetaca et Cachisca? Parce que d'après moi, ce n'est pas acceptable.

M. DANIEL BERROUARD :

En fait, il faudrait peut-être avoir un peu plus d'information si ces ponceaux-là ont été construits dans le contexte de... parce que les cinq premières lignes qui ont été construites, ont été construites dans le contexte de ce qu'on appelle La Grande 75, donc n'ont pas été assujetties à des études d'impact, ni non plus à des autorisations du ministère de l'Environnement.

Dans le cas des autres projets, oui, mais comme monsieur Sioui disait tout à l'heure, habituellement, on s'attendait, pour ce qui était des chemins temporaires, à ce que ces chemins-là soient -- à ce que ces ponceaux-là soient enlevés. Maintenant, il faudrait peut-être avoir un petit peu plus de précision, dans quel contexte ces ponceaux-là ont été construits.

M. ROGER LACROIX :

Parce que de la façon que je vois ça, c'est si on parle de qualité d'eau, pour moi, le rapport, comme vous avez dit en rapport avec si c'est sujet à des études d'impact dans le passé ou pas, moi, je pense que c'est pour aujourd'hui, qu'est-ce que vous allez faire pour réparer cette situation sans regarder au passé puis dire: «O.K., dans le passé, c'est correct puis on va vivre avec ça.» C'est ça que...

MR. ROMEO SAGANASH, JBACE Chairman

Mr. Lacroix, can you address your question in English, because...

MR. ROGER LACROIX

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I'm sorry.

MR. ROMEO SAGANASH, JBACE Chairman

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... there are people in the hall that don't understand French.

MR. ROGER LACROIX

Yes.

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MR. ROMEO SAGANASH, JBACE Chairman

And I know that Mr. Berrouard can answer in English as well.

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MR. ROGER LACROIX

Okay.

MR. ROMEO SAGANASH, JBACE Chairman

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Thank you.

MR. ROGER LACROIX

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My question was relating to Opetaca River and also Cachisca River where these two rivers were basically lakes that roads were built and also they put it three culverts on Opetaca, and also on Cachisca, there is four culverts. What is being done to mediate this situation?

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And I know you've answered that in the past with certain agreements that there was no impacts study done, or anything relating to environment had to be done with this project. But now we're talking about water quality. What is going to be done to either mediate or correct this situation? Or is there any impacts studies that are going to be done to see if there's any effects on the wildlife with these two rivers?

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MR. DANIEL BERROUARD

In fact, what I said just before is that we need maybe more information about the situation. The question was or the question is if those two culverts have been put in place in the context of La Grande 1975 or if they were put in place in the context...

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MR. ANDRÉ BEAUCHAMP, BAPE Chairman

It's after 1975.

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MR. DANIEL BERROUARD

But it's not really the question. It's the question of if, for example, the five first lines, five electrical first lines were considered in La Grande 1975.

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MR. ANDRÉ BEAUCHAMP, BAPE Chairman

Okay.

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MR. DANIEL BERROUARD

They were built after 1975.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

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But the question he's asking is not only the process of the authorization, but to know if, now, there is an impact in the milieu and, if there is, how can we correct it? The question of the authorization is one, but the question of the impact on the environment now and the water is important. He is telling us that there is a road which is quite permanent because it's a road for the survey of the line. And he's speaking about seven different places where the river or part of the river is crossed. And we are asking if there is some environment impact on that.

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MR. DANIEL BERROUARD

I consult my colleague.

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MR. ANDRÉ BEAUCHAMP, BAPE Chairman

Okay.

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MR. DANIEL BERROUARD

The only thing we can say tonight, in fact, we need more information.

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MR. ROGER LACROIX

Okay.

MR. DANIEL BERROUARD

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We need to know what is exactly the problem, if we have in fact authorized those culverts.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

Okay.

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MR. DANIEL BERROUARD

If not, in principle, Hydro-Québec is responsible to take out the culverts. But we need more information.

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MR. ANDRÉ BEAUCHAMP, BAPE Chairman

Okay. We understand that, but you will give a written answer...

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MR. DANIEL BERROUARD

We would like to receive the localization of the culverts and we will see.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

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Give them an answer, okay.

MR. ROGER LACROIX

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My last question, I noticed that many times everybody in the panel referred to studies, different documents and you're sort of pulling them out and dating them, different dates and everything.

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And as Monsieur Beauchamp referred to you people as experts in your field, I know for the Cree people, we refer to the elders as experts in their field, as trappers, hunters, fishers. Have you ever used any of the Cree knowledge in your studies? Have you ever went to a trapper and asked him what are the effects of a spawning area and/or what are the effects of forestry on the

watercourse? Has this ever been done by any department in either government, provincial or federal?

3755 **MR. DANIEL BERROUARD**

About that, since maybe four or five years, I think that we consider in the guidelines this aspect. Usually, we ask to the proponent to consider the traditional knowledge. Usually, it's an element of the guidelines.

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MR. ROGER LACROIX

But the way I see... what I mean by my question is, I know right now many studies are being done in different departments of the government, just about every resource. You people as experts, are you asking the Cree? Are you requesting from the Cree people, the trappers themselves, the people on the land, what they think of certain situations? Or are you asking the Cree experts that work for the Cree meaning Ginette Lajoie or different people in her situation? I'm not pointing at her, but for example, you know. That's what I mean.

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You know, because like the way I see a Cree trapper is I think the person I learn the most from is a trapper, because he's going to tell me, «These are the effects of everything.» If you take like the question of a bridge, well, he's going to tell me, «Look, in this many years, this is what's going to happen.» And this does happen.

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And if you take forestry, you cut a moose yard, he's going to tell you, «This is what's going to happen. This is when they're going to come back.» Did you ever consider that, using the tallyman or the trapper in your studies or do you refer to the Cree expert that is hired by the CRA or the Grand Council? You see, because there's a big difference if you take the Cree expert...

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MR. ANDRÉ BEAUCHAMP, BAPE Chairman

Yes.

MR. ROGER LACROIX

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... that's hired by the Grand Council or the CRA, most of them went to the same schools as you, and where the Cree trapper, he was educated on the land. He learned that from the first day he was living, you know. And that's something, I think, that should be considered in all your studies.

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MR. DANIEL BERROUARD

I agree with you. In fact, the consultation process, according to me, is a good way to receive this information.

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MR. ROGER LACROIX

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How do you evaluate your consultation process? How do you know it's valid when you're not sure if the Cree is telling you what he wants to tell you? You see, that's where I have a big problem with consultation.

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MR. DANIEL BERROUARD

Yes. I understand that you want to make a difference between information process and consultation process.

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MR. ROGER LACROIX

Yes.

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MR. DANIEL BERROUARD

That's what you want to...

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

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And he is making also another distinction between the knowledge of the Cree trappers themselves and the knowledge of the experts of the Crees who don't have the same expertise and the same knowledge. So, he is asking you, how do you consult the trappers themselves?

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MR. JOCELIN DUFRESNE

I think that during the consulting process on specific projects, the Evaluating Committee has to ask the questions to the trappers, and Crees, and other Natives. The process permits this to the Cree to speak on the subject and to transmit their traditional knowledge.

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And I'd like to make an example on what we are doing on wildlife projects. We are now elaborating a managing plan for caribou. And in this document, we take into consideration the traditional knowledge of the Natives concerning the caribou. It's an example of how we are considering the traditional knowledge.

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MR. ROGER LACROIX

You know, with respect to that, we were asked to do the land use plans and to submit them. And also we were asked to define certain areas on the forestry cutting maps, sensitive areas, moose yards and things like that.

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This was done once and I think, to this day, everybody is sorry that we did, because we gave information that was very pertinent to the Cree, telling where moose yards are. Within the next two or three years, we noticed a lot of non-Native hunting camps all over these areas.

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And then the problem with that is, like you say, the consultation is done, but then how is it used after? You know, who sees it and what they do with it? Because I noticed with the forestry maps, you'll give it to one person, then after down the line you have the regular guy who's out there cutting the trees, he has the same map of all that area with all the information on it.

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You know, it's a very serious problem with the Cree people, because everybody knows where everything is after.

Same thing for spawning areas, if you come up with a map on all the spawning areas and you say, «This is what it is», everybody sooner or later finds out where it is, where all these areas are.

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MR. DANIEL BERROUARD

Of course, in this particular aspect, there is maybe a question for the forest consultation. But when we need information, we don't have any choice to receive the information. And we can try for some aspects to keep security on the information. But I understand your preoccupation.

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In some cases, we will protect the information. When we receive the information, for example, the tallymen can ask to protect the information and the information will not be public.

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MR. ROGER LACROIX

I think one thing that I know a lot, because I work a lot with the trappers regarding roads and things like that, many times they're going to tell me, «I don't want that there. I don't want a bridge there. I don't want nothing passing over this spawning area.»

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And I think as the basis for the Cree food is fish, it's a big part of their diet. And also when a trapper sees that, there is going to be a culvert or a bridge put on this spawning area, he knows, he really knows that within a period of time, there will be nothing left there.

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He's going to have to adapt many changes in his life, in his way of hunting and fishing to be able to get back what he lost. And it's not going to take two years, three years. It's going to take a lifetime for him to teach his sons and daughters how to deal with each of these aspects.

3880 And we're just talking about water. You look at forestry, you look at mining, those are other things too that the Cree people really have to adapt every day on.

And then also the other thing, we're talking about accessibility with the forestry companies and things like that. We say that any lake on the forestry access roads that are close by, the companies make a place, a boat launch, and that's all over the place. And also the other thing
3885 about that too, whenever you create these places, people are building cabins, garbage is left all over the place.

You know, this is something I'm very sure it's not monitored because, if it was monitored, something would be done about it and it's not being done. Any given day, you go down 209 South
3890 or 209 North and you're going to find something. You know, it's...

MR. DANIEL BERROUARD

I understand. It's not very evident. In the James Bay Agreement, there are two principles. One is to protect the traditional way of live of Natives, and the other is to develop the territory, the right to develop the territory. So...
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MR. ROGER LACROIX

3900 So, which one wins?

MR. ROMEO SAGANASH, JBACE Chairman

I don't know if you stand to be corrected, Mr. Berrouard, but there's more than two principles that are provided for in Section 22. There are nine and only one of those nine is regarding the development of the territory. So, just to correct that statement.
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MR. ANDRÉ BEAUCHAMP, BAPE Chairman

3910 Yes. And it is important to make some surveys to be able to understand the real effects of any kind of development. And it's very important.

So, we can conclude?
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MR. ROGER LACROIX

Yes.

3920 **MR. ANDRÉ BEAUCHAMP, BAPE Chairman**

Thanks.

MR. ROGER LACROIX

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Thank you.

MR. ANDRÉ BEAUCHAMP, BAPE Chairman

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I wish to thank you very much for coming here today. Even if there was not 35 people, I think the people here were great.

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There is an unanswered question which is important for the Ministry of the Environment. I don't want an answer tonight, but later on, about the drinkable water for the people who don't live in the communities. We are speaking about maybe 60 percent in a few times of the year who are outside of the communities here. They do drink water everywhere in the territory.

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Do you have any documentation on that, any information, any evaluation? You don't have. You cannot, I understand, answer today, but if you can give me a later document or later information on that, it would be important.

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I wish to thank you very much. I think that many of the questions you are asking for yourself are the same that the people otherwise in the territory, in Québec, are also asking, about the sharing of the information, about the sharing of the decision power on the territory, about the implication of the population at the decision. I think the problems are quite the same, even if the specific conditions are absolutely different.

So, I wish to thank you myself and I ask Romeo to conclude.

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MR. ROMEO SAGANASH, JBACE Chairman

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Well, I would like to thank at least those who are still present and provided questions or statements to our two commissions. And please, if you do see the people that made their statements as well, thank them on our behalf as well.

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I know that the issues that are before us are important ones, fundamental ones for the Cree people and for this territory. One of the fundamental things that at least came out for me out of this exercise today is the problem of reconciliation between the interests of a certain group in this territory versus the interests of governments and industries.

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It's a major problem. One of the avenues that was expected to solve those issues is the James Bay Agreement, but it doesn't seem really to happen.

Just to mention as well that I did not hear when Mr. Lacroix asked the question about funding or permanent position with respect to support that the local environmental administrators are

being provided by the MEF. I did not hear Municipal Affairs say a word about that situation, despite the fact that Municipal Affairs has also responsibility with respect to category 1B lands.

3970 The local environmental administrators have responsibilities with respect to environmental protection on category 1B lands, also the protection and the quality of water on the category 1B lands. And the responsible department for that is Municipal Affairs. I'm sure that the question will come up again in the next day or two and perhaps you should be prepared to answer that question as well.

3975 So, again, thank you for having come to our hearings and I hope that, in a couple of days, we may be able to answer some of the questions that we could not answer today. I think one of them was what Mr. Beauchamp raised.

3980 So, thank you to the people here, thank you to our support staff and thank you to our resource people as well. Meegwetch!

3985 Je, soussignée, **LISE MAISONNEUVE**, sténographe judiciaire, certifie sous mon serment d'office que les pages ci-dessus sont et contiennent la transcription exacte et fidèle des notes sténographiques prises par moi au moyen du sténomasque, le tout conformément à la Loi.

3990 ET J'AI SIGNÉ:

LISE MAISONNEUVE, s.o.