



Conseil Cris-Québec sur la foresterie
Cree-Québec Forestry Board

**Agreement Concerning a New Relationship Between the
Gouvernement du Québec and the Crees of Québec**

**Status Report on the Implementation of
Forestry-Related Provisions
2002-2008**

September 2009

Executive Summary

The Cree-Québec Forestry Board (CQFB) is responsible for the monitoring, analysis and assessment of the implementation of Chapter 3 of the *Agreement Concerning a New Relationship Between the Gouvernement of Québec and the Crees of Québec*. In keeping with the Board's mandate, this status report sets out the assessment results of the first six years of implementation of the forestry-related provisions of the Agreement, from its signing on February 7, 2002, up to March 31, 2008.

The approach Board members adopted to produce the assessment is based on a two-tiered analysis that involved, on one hand, initiating workshops with the parties' representatives to proceed to the detailed analysis of the implementation of each of the forestry-related provisions of the Agreement and, on the other hand, conducting a tour of the frontline stakeholders engaged in the implementation of Chapter 3 of the Agreement (tallymen, TSFMA holders as well as JWG members and coordinators) to seek out their views and identify potential avenues for improvement.

First and foremost, results of the detailed analysis show that the large majority of forestry-related provisions have been implemented. Modalities of the adapted forestry regime have been gradually integrated into annual planning in the framework of the transitory measures provided for in the Agreement. The tallymen of the five Cree communities of the Territory were especially called upon to map sites of special interest and participate in implementing the elaboration, consultation and monitoring processes of the forest management plans set out in the Agreement. Representatives appointed by the Cree party and the gouvernement du Québec learnt to share different views and outlooks by sitting on the CQFB and on the Joint Working Groups (JWGs).

Even if the detailed analysis shows commitments requiring further development, it is nevertheless important to note that, throughout the first six years of implementation, the parties have shown flexibility and initiative when required. They have worked to implement a new forestry regime and make it operational by adapting its modalities when necessary, in keeping with the spirit of the Agreement.

On the other hand, the tour of the stakeholders constitutes the second dimension of the assessment. Generally speaking, stakeholders were mostly satisfied with all the efforts made and noted the parties' goodwill. They perceived this common will as a positive aspect making it possible to gradually build a relationship of trust and, ultimately, a viable partnership. However, stakeholders voiced a certain amount of lack of understanding and some dissatisfaction in response to several more specific issues regarding some of the adapted forestry regime modalities, which they hope will improve.

For example, many tallymen appreciate their increased involvement in the forest planning process but said they do not observe differences yet in the way operations are carried out in the Territory. JWG members consider they have a positive contribution in the implementation of the Agreement but deplore their lack of training, of resources and of support. Finally, TSFMA holders emphasize the advantage of operating in a clear regime but deplore the very rigid normative framework, which makes planning more complex and leaves little room for initiatives aiming at harmonizing silvicultural practices.

All in all, it seems that stakeholders in no way question the Agreement as a whole. However, they hope for improvement in its ongoing application. Criticism also points to the fact that stakeholders want to be part of the solution, which certainly bodes well.

In order to guide the parties in future actions pertaining to the implementation of the adapted forestry regime, integration of the findings of the detailed analysis and of the tour enables to draw a list of priority issues to target from an ongoing improvement standpoint. First and foremost, the assessment suggests that JWG accountability should be clarified and that JWG members need more training, supervision, support, resources and funding in order to fulfill their mandate. Then, the assessment highlights how important it is to provide stakeholders with clear and timely direction and input in order to optimize forest management plan development, consultation and approval. It is also of the utmost importance to ensure that tallymen are better informed on the mechanisms of the Agreement and on the role they are called upon to play in the implementation of the adapted forestry regime. The assessment also indicates the need to contemplate adding impetus to the initiatives related to the monitoring of the modalities and objectives of the Agreement. Finally, the report conveys the wish of several stakeholders for improved sharing of the information and databases required to implement the adapted forestry regime.

Regarding these issues, the following recommendations are submitted to the parties:

- Mandate a joint task force to assess the different aspects of JWG governance and, if the parties agree, propose adjustments in this regard;
- Ensure that the Agreement development, consultation and approval process for forest management plans is clearly interpreted, better timed and consistently implemented;
- Strengthen tallymen's contribution to the forest management planning process;
- Strengthen JWG members' intervention capability so they can contribute, within their mandate, to the monitoring of the modalities of the adapted forestry regime;
- Jointly establish the monitoring systems required to measure attainment of the objectives of Chapter 3 of the Agreement;
- Ensure that Agreement stakeholders have permanent access to a common, updated data bank.

To give effect to these recommendations, the parties must jointly initiate in depth reflection on the findings of this report. It is thus recommended they:

- Set up a parties' task force mandated to follow up on the priority issues and recommendations as soon as possible.



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List of Acronyms

AFMP	Annual Forest Management Plan
ANRQC	Agreement Concerning a New Relationship Between the Gouvernement du Québec and the Crees of Québec
CQFB	Cree-Québec Forestry Board
CRA	Cree Regional Authority
FMU	Forest Management Unit
FPDO	Forest Protection and Development Objective
GFMP	General Forest Management Plan
JBNQA	James Bay and Northern Québec Agreement
JWG	Joint Working Group
MDDEP	Ministère du Développement durable, de l'Environnement et des Parcs du Québec
MRNF	Ministère des Ressources naturelles et de la Faune du Québec
TRU	Territorial Reference Unit
TSFMA	Timber Supply and Forest Management Agreement



1. Introduction

On February 7, 2002, the Gouvernement du Québec and the Crees signed the “Paix des braves”, a “nation-to-nation Agreement which strengthens the political, economic and social relations between Québec and the Crees, and which is characterized by cooperation, partnership and mutual respect”.

Both the Cree Nation and the Québec Nation agree to “place emphasis in their relations on those aspects that unite them as well as on their common desire to continue the development of Northern Québec and the self-fulfilment of the Cree Nation. The Cree Nation must continue to benefit from its rich cultural heritage, its language and its traditional way of life in a context of growing modernization”.

The Agreement Concerning a New Relationship Between the Gouvernement du Québec and the Crees of Québec (ANRQC) contains a whole chapter on forestry, whose provisions are designed to implement an adapted forestry regime defining specific rules and procedures, applicable to the Territory governed by the Agreement, to better reflect the Cree traditional way of life, increasingly incorporate sustainable development concerns and ensure that the Cree can participate more fully in forest management planning and development activities.

The ANRQC created two implementation mechanisms: the Cree-Québec Forestry Board (CQFB), designed to permit close consultation of the Crees at various stages of forest planning and management activities in order to implement the adapted forestry regime, and Joint Working Groups (JWG) for the different Cree communities to incorporate and implement the Agreement’s specific modalities.

To fulfil its mandate, the CQFB monitors, reports on and evaluates implementation of the Agreement’s forestry-related provisions. In this context, in March 2005, the Board presented an initial assessment on the Agreement’s implementation. Certain priorities allowing the evaluation of the compliance with the Agreement’s modalities and implementation mechanisms were identified and led to exercises such as assessment of the Joint Working Groups, following which a notice on JWG functioning was sent to the parties in November 2005.

The Board then included production of an overall assessment of the first five years of the Agreement’s application in its 2006-2007 action plan. However, given that the production and the upcoming analysis of a new generation of general forest management plans (GFMP) represented a unique opportunity to reinforce the processes while considering the objectives of the Agreement, the Board agreed to postpone the assessment and focus on the GFMPs. Doing so provided the opportunity to include the results of the GFMP exercise in the assessment framework.

The Board pursued its work on the Agreement assessment following its February 21, 2007 meeting, in which its members mandated it to produce a two-tiered analysis: (1) a factual analysis of the Agreement’s forestry-related provisions, section by section, and (2) an overall analysis of

respect of the spirit of the Agreement in order to identify recommendations for adjustments to the adapted forestry regime.

To do so, the Board initiated workshops with the parties' representatives to complete the factual picture of the application of the Agreement's provisions and conducted a tour to consult the stakeholders involved in implementing the Agreement to determine their overall satisfaction and identify potential improvements.

In keeping with the Board's mandate, the present status report contains the results of the assessment of the implementation of the Agreement's forestry-related provisions from its signing, in 2002, to March 31, 2008, the date marking the end of the 2008-2013 GFMP elaboration and analysis process.

Section 2 of the report presents the methodology used for the factual and overall analyses of the Agreement's implementation and comments the results in keeping with the different sections of Chapter 3 and Schedule C. It ends with an evaluation of the extent to which the implementation objectives were attained.

Section 3 deals with stakeholders' viewpoints, describing the survey methodology used and reviewing their assessment based on each of the Agreement's major themes discussed.

Finally, follows Section 4 on the identification of priorities and the formulation of recommendations designed to orient the parties and the Board in their subsequent actions regarding evolution of the ANRQC's adapted forestry regime.

All the documents supporting the analysis are presented in appendix.

2. Analysis of Application of the Agreement's Forestry-Related Provisions

This initial analysis consisted of an in-depth study assessing implementation of each of the Agreement's forestry-related provisions and covered Chapter 3 and Schedule C. The purpose was not to judge the validity or relevance of the provisions at this stage but to assess their implementation and compliance with them as best possible.

The following paragraphs describe the approach used to analyze, summarize and comment findings in keeping with the different sections of Chapter 3 and Schedule C and, more generally, assess the extent to which the implementation objectives were attained. Detailed analysis results can be found in Appendix 1.

2.1 Methodology

In the context of this status report, the Cree-Québec Forestry Board began by analyzing the application of all of the Agreement's forestry-related provisions in depth in close collaboration with both parties' representatives.

This consisted in describing the actions taken to implement each provision of Chapter 3 and Schedule C. The working group met several times to prepare a joint description of actions for each of the Agreement's forestry-related provisions. This information was collated in the table shown in Appendix 1. This detailed analysis describes these actions and the contextual elements needed to understand them, where applicable.

The Board Secretariat supported this work, preparing various compilations, i.e. the number of meetings and Board advices, fact and date accuracy, result integration for presentation in synthesis form.

In further meetings and discussions, the parties' representatives finally validated a complete version of the detailed analysis, which is a thorough examination of the Agreement's implementation.

2.2 Review of Results by Agreement Section

Here, we will present the synthesized findings of the detailed analysis by section of Chapter 3 of the Agreement and Schedule C.

Note that no comments have been made concerning the implementation of sections 3.1 and 3.2, which contain general provisions or state the adapted forestry regime's objectives.

Territory of Application (section 3.3 and Schedule C-1)

The adapted forestry regime's territory of application was determined when the Agreement was signed and considered in its entirety since the Agreement's implementation. The problem that arose was that although the territory illustrated in Schedule C-1 excludes a perimeter around the municipality of Chibougamau, the parties included this perimeter during their discussions on the new forest management unit (FMU) boundaries, an initiative provided for in the Agreement (section 3.8). The parties agreed to discuss about including this perimeter in the territory of application at the next opportunity to amend the Agreement.

Adaptations to and Evolution of the Forestry Regime (sections 3.4 to 3.6)

The parties agreed within the context of the Agreement that the adapted forestry regime was likely to evolve over time. The first six years of implementation allowed the parties to apply the regime and enabled the Board to observe its functioning. The parties showed adaptability when necessary.

To date, adaptations have taken the form of five amendments to the Agreement negotiated between the parties. Two of them specifically affected forestry-related provisions. These amendments allow adjustments to the transition period, which had to be extended due to the need for reviewing the annual allowable cut in Québec forests. Consequently, given the delay in the coming into effect of the new generation of GFMPs, the implementation of elaboration and consultation processes of forest management plans was postponed with both parties' authorization.

An administrative agreement on a technical document provides for a timber recovery procedure in case of a natural disaster (Schedule C-6). This agreement became necessary following a year of devastating forest fires in the Territory, an eventuality the Agreement did not fully address.

Apart from these modifications, the Board also reports on desired developments to the Agreement in its advices to the parties, which were received and should be negotiated by the parties.

Modalities of the adapted forestry regime (sections 3.7 to 3.13)

Considerable work has been done to ensure implementation of the modalities of the new adapted forestry regime instituted by the Agreement. Here are the highlights:

Limits of the Territorial Reference Units and Use of Ecological Data (section 3.7)

In keeping with the standard proposed, the parties adjusted the territorial reference units (TRU) to trapline boundaries. The map defining trapline boundaries supplied by the CRA contains certain discrepancies, however, since some trappers preferred working on a scale of 1:50,000 rather than 1:20,000. Boundaries which do not coincide will have to be rectified to facilitate application of the adapted forestry regime.

Determination of New Management Units (section 3.8)

The work of a Provisional Cree-Québec Working Team made it possible to propose new forest management units based on criteria defined in the Agreement. The AAC for the 2008-2013 planning exercise was calculated on the basis of these new units. Note that the map of FMUs appears in Appendix 1 of the first amendment to the Agreement.

Sites of Special Interest to the Cree (sections 3.9 and 3.10)

The tallymen were consulted, in a cooperative effort involving both parties, to identify sites of interest protected from all forestry activity over an area representing 1% of the total area of each trapline. At March 31, 2008, this exercise had been completed for 109 of the territory's 119 traplines. The modality applicable to 1% sites was implemented and incorporated into forest management planning as soon as mapping of the sites in question had been completed.

A similar cooperative exercise between the parties led to mapping forested areas presenting wildlife interest for the Cree. The size of these lands identified by the tallymen represents 25% of the productive forest area of each trapline. At March 31, 2008, this exercise had been completed for the same 109 traplines. The Cree had not finished identifying sites of special interest in FMU 84-62 and for certain traplines of the community of Nemaska. The measures for conserving these sites were progressively incorporated into annual planning as soon as the information became available.

Overall, the MRNF affirms that the management modalities for these sectors of interest were scrupulously observed. The Cree party deplores its lack of access to MRNF data and analyses concerning monitoring of these modalities.

Maintaining Forest Cover in the Whole of Each Trapline (section 3.11)

Modalities governing maintaining a forest cover in the whole of each trapline were progressively integrated into annual planning. The MRNF maintains a data base allowing the definition of the level of cutting allowable each year based on trapline size and natural disturbances. The Cree party also deplored not having access to MRNF data and analyses for the follow-up of these modalities.

Protection of Forests Adjacent to Watercourses and Lakes (section 3.12)

The MRNF has developed shapefile making it possible to identify permanent watercourses and lakes of sufficient size for application of the modality but no geomatic tool is available to assess the width of a river under 40 meters. For the modality targeting rivers over 5 meters wide, teams must rely on their knowledge of the land.

The Cree party pointed out confusion since determining that a river or lake is of sufficient size to warrant applying the measure seems completely arbitrary.

Development of a Road Access Network (section 3.13)

With regard to measures on the road access network, the analysis reveals that a coordination table on access was, in fact, created and submitted a report by the prescribed deadline. However, the parties did not follow up on the recommendations. Otherwise, the modalities provided for in the Agreement are subject to consultation of the tallymen on a case-by-case basis during forestry activity planning.

Cree-Québec Forestry Board (sections 3.15 to 3.32)

The Cree-Québec Forestry Board was created in 2003, and its Secretariat set up afterward. To date, 12 Cree members and 9 Québec members have held the ten seats available—five per party. The Chairman, who holds the eleventh seat, was appointed in keeping with the procedure decided on in consultation with the Cree Regional Authority. The fact that his mandate was renewed means that the same individual has been Chairman since the Board's creation.

With regard to Board operations, the analysis observed smooth functioning despite certain recurring problems such as the difficulty obtaining a quorum in meetings or the length of time often required to replace members who leave the Board.

By March 31, 2008, the Board had sent a total of 16 advices to the Minister of Natural Resources and Wildlife concerning various files and 3 other advices to the parties. The Board considers that it obtained answers in keeping with Section 3.31 of the ANRQC to only 8 of these 19 notices.

Joint Working Groups (sections 3.33 to 3.47)

Joint Working Groups were set up for the five communities targeted by the adapted forestry regime. As stipulated in the Agreement, each JWG is composed of an equal number of representatives from the Cree communities and the MRNF. The number of members designated by the parties varies from one community to another depending on the scope of the task. JWG members have adopted their own internal operating rules and the parties have designated persons responsible for coordinating the groups' work.

Generally speaking, JWG members fulfil their mandate to the best of their capacity in a context of ongoing learning. For example, all JWGs are actively involved in implementing the majority of modalities governing the consultation of tallymen, helping to determine harmonization measures, analyzing usage conflict and proposing relevant solutions.

The detailed analysis nevertheless stresses that a considerable amount of information, often technical in nature, is transmitted during JWG meetings and that the Cree members are not always able to understand it. The lack of training in this regard is deplored.

While JWG members have made considerable efforts regarding forest management plan development and consultation, to date, no JWG has been involved in the forest management plan monitoring procedure.

Funding (sections 3.48 to 3.53)

As stipulated in the Agreement, each party covers the remuneration and expenditures of the members it designates to the CQFB. The Board Chairman's remuneration and expenses are paid by Québec, in keeping with the Agreement, and the parties pay half of the Board's operating expenses.

For JWG funding, the parties have agreed on special funding from Québec to cover the start-up and transition periods. While Québec covers 100% of the funding of its representatives, a special funding agreement for Cree JWGs was reached by the parties on December 7, 2004. Québec also agreed to pay 50% of Cree member's expenses, including salaries. This special agreement ended March 31, 2008.

Effect of the Adapted Forestry Regime (section 3.54)

At the time of the analysis, nothing allowed us to conclude that the adapted forestry regime affects the Crees' hunting, fishing and trapping rights under the JBNQA or modifies the boundaries of Cree traplines.

Access to Forest Resources (sections 3.55 to 3.59)

Québec has met its commitments regarding Cree access to forest resources in terms of volumes of timber available to Cree enterprises.

Employment and Contracts (section 3.60)

To comply with the Agreement's provisions governing employment and contracts, Québec has made arrangements that once the 2008-2013 general forest management plans are in effect, the information required will be transmitted by the forestry enterprises in their plans and forestry reports.

The relevant documents, i.e. instructions for producing forest management plans and the digital exchange standards governing the annual forest management plan and annual forestry report, were modified accordingly.

No official forum has been organized between the Cree and the Territory's logging companies on the subject of employment and contracts.

Muskuchii Territory (sections 3.61 and 3.62 and Schedule C-5)

The Cree initiated discussions with the MDDEP and this territory is now a "planned biodiversity reserve". The area protected is now much bigger than that presented in the ANRQC and Muskuchii should obtain permanent biodiversity reserve status by 2011.

Firewood (sections 3.63 and 3.64)

The parties do not agree on the interpretation of modalities linked to firewood. However, they have agreed on an interim application to be used for 2008-2013 GFMPs, but no official document has been signed.

Agreements with Forestry Enterprises (section 3.65)

This modality has been implemented but sometimes opens the door to special requests from tallymen or from forestry enterprises which are difficult to harmonize with the adapted forestry regime. The parties accept the concept of agreements that are made directly between tallymen and forestry enterprises but wish that the JWG would not promote them during consultation meetings, particularly when they transgress other provisions of the Agreement.

Mosaic cutting with Protection of Regeneration and Soils (Schedule C-2)

The modality governing mosaic cutting with regeneration and soil protection is applied rigorously according to the MRNF's evaluation.

Maintaining of a Forest Cover in the Whole of Each Trapline (Schedule C-3)

The data needed to assess the implementation of the modality designed to preserve hardwood trees are not available. It is not clear that this modality was implemented in the precommercial thinning operations.

To protect established regeneration, no specific action was taken regarding harvesting techniques in the context of the adapted forestry regime's implementation.

Finally, considering the importance of mixed stands for wildlife habitats and the scarcity of such stands on certain parts of the Territory, the Agreement provides for development of a separate management approach for these stands. The MRNF began developing such a management strategy in September 2004 but various delays and changes in the development approach resulted in the strategy used for the 2008-2013 GFMPs presenting forest-related objectives but no wildlife objectives. The MRNF has never asked the Board to participate in developing a mixed stand management strategy despite the fact that this was stipulated in the Agreement.

Elaboration, Consultation and Monitoring of Forest Management Plans (Schedule C-4)

Schedule C-4 discussing plan elaboration, consultation and monitoring was the object of substantial work by the parties to make the adapted forestry regime's implementation in forestry planning tangible.

General Forest Management Plans (Schedule C-4, section 2)

Generally speaking, the Minister defined a FPDO specific to the Territory in an exercise considering the proposals submitted by JWG members and in conjunction with the CQFB. In his

instructions to TSFMA holders for producing the GFMPs, he issued specific directives including a Cree section reflecting the principles and modalities stipulated in the Agreement.

Specifically for the preparation of general forest management plans, a major process involving documentation of the Crees' occupation of the territory was initiated by the Cree and the CQFB in order to optimize the tallymen's participation in plan development. This tool was incorporated into the development of some 2008-2013 GFMPs despite some problems linked to confidentiality which delayed data availability. These problems were resolved through the signature of confidentiality agreement between the parties and CAAF holders.

The parties also agreed on a dispute resolution process promoting dialogue between TSFMA holders and tallymen and involving JWG members as facilitators. The Board submitted a list of conciliators to the Minister and, by March 31, 2008, only one request for conciliation had been presented by JWG members regarding construction of a road and then withdrawn because the parties finally reached an agreement.

For the 2008-2013 GFMP approval process, members of the JWGs for the communities most affected by the plans (Mistissini, Oujé-Bougoumou and Waswanipi) submitted their analysis to the Minister and the CQFB. The Board reviewed the 15 GFMPs based on an approach and principles previously agreed to with the parties and submitted an advice to this effect to the Minister.

Annual Forest Management Plans (Schedule C-4, section 3)

For the preparation of the annual forest management plans, each JWG adopted its own consultation process. Various such processes were tested by JWG members. At the request of those involved, contrary to what is stipulated in the Agreement regarding consensus-seeking, some of these processes do not involve direct contact between tallymen and TSFMA holders. Some JWG members therefore act as contacts between these stakeholders and, as a result, constitute intermediaries rather than facilitators. Harmonization measures are developed with the support of JWG members when required. Where applicable, usage conflicts are documented using minutes and records specific to each JWG.

The MRNF determines whether the AFMPs comply with the management strategies, prescriptions, allowable cut, provincial forest management standards and the Agreement. Since 2002, no official notice was sent to the Board or the JWGs regarding AFMP compliance or non-compliance.

Plan Monitoring (Schedule C-4, section 4)

To date, JWG members have not been involved in forest management monitoring. No periodic progress report or annual summary of the results of checks on work carried out was transmitted to JWG members.

With regard to monitoring forest evolution, we should point out the initiative of the CQFB, which, within its mandate, worked with various stakeholders to develop a wildlife habitat

protection and development directives project. For the 2008-2013 GFMPs, the MRNF incorporated these directives into a “planning-aid guide” offered to TSFMA holders.

Regarding these directives, no wildlife objective was included in the ANRQC state of the forest review process. Generally speaking, to date, JWG members have not been involved in forest evolution follow-up or monitoring.

Transitional Measures (Schedule C-4, section 5)

The parties agree on the fact that the transitional measures were followed and respected. The transition period was extended from 2005 to 2008 to reflect new GFMP deadlines and allowed progressive implementation of the Agreement’s modalities.

Salvage of Timber in Case of Natural Disasters (Schedule C-6)

Since the parties recognized the existence of a problem linked to timber recovery in cases involving natural disasters, a working group composed of three members designated by the MRNF and three members designated by the CRA was set up in March 2004. In June 2007, the parties reached an administrative agreement in order to implement, for a given period, a technical document on natural disaster management and recovery operations in the Territory. As of March 31, 2008, the technical review committee that was to be set up to monitor the efficacy of the administrative agreement had not been constituted.

2.3 Achievement of Objectives

Generally speaking, the new partnership created by the “Paix des braves” is tangible and positive where forest management is concerned. Over and above discussions between Cree and Québec authorities marking the negotiations, after the Agreement was signed, entities that had not interacted much in the past had to start working together.

For example, representatives designated by the Cree and by Québec learned to share different views and outlooks by sitting on the Cree-Québec Forestry Board and on Joint Working Groups. In the six years since the Agreement was signed, the CQFB has had more than 30 meetings in which we observe that unanimity was reached on almost all Board decisions and advices. The members of the five JWGs are in constant contact and are making progress in understanding and fulfilling their mandate.

With regard to this ongoing contact, the detailed analysis shows that Cree and Québec representatives still face numerous challenges and must continue to learn to collaborate despite their different organizational cultures and procedures. They must continue to develop a common language and common interpretation of the adapted forestry regime’s modalities despite the linguistic barrier and must step up their efforts to train stakeholders in technical forestry aspects and on Cree cultural components.

To ensure that the adapted forestry regime would be implemented and integrated progressively, the signatories agreed on transitional measures. In this regard, we should highlight the parties’

remarkable efforts to incorporate the adapted forestry regime's provisions as quickly into annual management activity planning as possible.

The parties have also shown their willingness to work together to develop forest resources in planned or ad hoc committees, depending on the issue at stake, since the Agreement's signing, e.g. the Coordination Table on Access to the Territory, Provisional Cree-Québec working team and parties task force on natural disasters, all of which were designed to make headway in implementing the adapted forestry regime.

Finally, regarding the preparation of the 2008-2013 GFMPs, the parties developed participation tools, in close collaboration with JWG members, and went to considerable lengths to achieve the Agreement's objectives. The 15 GFMPs on the Territory governed by the Agreement were approved late in the process, with a commitment to recalculate the allowable cut using tools integrating the specific spatial features of the Paix des braves' forestry regime.

The detailed analysis shows that the very great majority of forestry-related provisions have been implemented...a success in itself.

It highlights certain aspects requiring further development—for example, processes linked to planning, commitments resulting from monitoring and the need for the Cree party to be informed in this regard, application of the FPDOs, the MRNF's statistical summary and the modalities of Schedule C-3 regarding maintaining a forest cover.

We should point out that, over the first six years of the Agreement's implementation, the parties have shown flexibility and initiative, when required, working to implement an adapted forestry regime and make it operational by adjusting its modalities in keeping with the spirit of the Agreement.

3. Viewpoints of Stakeholders

To conduct a more comprehensive analysis, validate and round out certain preliminary findings taken from the detailed analysis and define ANRQC implementation priorities, the Board, through its Secretariat, consulted the main Agreement stakeholders (tallymen, JWG members and coordinators, TSFMA holders) via a consultation tour.

The tour's objectives consisted in evaluating stakeholders' satisfaction with application of the Agreement's forestry-related provisions in order to identify potential improvements specific to each stakeholder group or common to all.

This section presents the approach used and summarizes stakeholders' viewpoints according to the Agreement's main themes, which were targeted in the questionnaires. The summary of findings by stakeholder group is shown in Appendix 2.

3.1 Methodology

The Board Secretariat conducted a survey of the three main groups closely affected by the Agreement's forestry-related provisions, namely: tallymen, JWG members and coordinators and, finally, TSFMA holders. The methodologies adapted to each group are summarized in the table below.

Methodology used for different stakeholder groups

Stakeholders	Consultation means	Sampling	Selection criteria
Tallymen	- Semi-directed individual interviews	Waswanipi: 16/62 Mistissini: 10/31 Oujé-Bougoumou: 8/13 Waskaganish: 3/8 Nemaska: 1/7	- Tallymen involved in the participation processes, mainly in the context of the 2008-2013 GFMPs - Tallymen reputed to be satisfied or dissatisfied with the Agreement's implementation, based on indications from Cree and Québec JWG members
JWG members	- Semi-directed joint Québec and Cree group interviews - Individual questionnaire	All groups except Waskaganish:* 4/5	N/A
Coordinators	- Semi-directed individual interviews	Each party's JWG coordinator: 2/2	N/A
TSFMA holders	- Semi-directed individual interviews	Territory's FMU management agents: 9/9	- Having been involved in the participation processes, mainly in the context of the 2008-2013 GFMPs

* At the time of the tour, there was no JWG in the community of Waskaganish.

To meet as many stakeholders as possible in their milieu, the Board Secretariat conducted three main tours of the Territory in 2008.

A first trip in April enabled meetings with the tallymen of Mistissini, Oujé-Bougoumou and Waswanipi. In a second trip in May, Board Secretariat representatives visited Abitibi and the Chibougamau-Chapais area to survey TSFMA holders and returned to the three Cree communities to talk with JWG members. Finally, meetings in Nemaska and Waskaganish in September permitted meeting with members of the Nemaska JWG and some tallymen from the two communities. The JWG coordinators were then met, one in Montréal and the other by conference call.

The Board Secretariat developed both the interview and individual questionnaires. For JWG members, many of the questions raised in the 2005 tour (Ref. Report on the Assessment of the JWG Operations) were used again to assess progress made. Participants were told at the outset that their identity would remain confidential.

All interviews were conducted by two interviewers, i.e. two members of the Board Secretariat and for the tallymen, a member of the Secretariat and an outside consultant experienced in this type of consultation with tallymen in the Territory. In the latter case, local translators not involved in forestry files were hired to enable interviewees to express themselves in the language of their choice (Cree, English or French).

After the meetings, the interviewers prepared a summary of participants' responses to allow information from the three different groups (tallymen, JWG members and their coordinators, TSFMA holders) to be collated according to the Agreement's main themes. This information is presented in Appendix 2.

3.2 Review of Findings by Main Agreement Theme

The following is a list of the highlights mentioned by the stakeholders met with during the tour. These elements are grouped by the main Agreement themes discussed in the interview.

The Technical Modalities of the Agreement and its Adapted Forestry Regime

With regard to the Agreement's modalities, the survey began with questions on forested areas presenting wildlife interest for the Cree. This modality, which stakeholders refer to as the 25%, is omnipresent in everyone's comments.

Many tallymen were confused, saying that they basically believed that these areas would be protected from all forestry activities. They said that this had influenced the process they used to site these sectors. Many tallymen see no difference in the harvesting method used for these areas compared to the method used on the trapline as a whole. They are dismayed, fearing that they have contributed to forestry activity planning in sectors they wanted to protect more than anything.

TSFMA holders also reported initial confusion on the part of the tallymen regarding the 25% but they see that this has now been corrected. They pointed out that the management requirements in these areas are such that they have only very little leeway to propose harmonization measures in other sectors.

On the other hand, the majority of tallymen interviewed felt that the type of management planned for the 25% will not protect wildlife habitats or Cree use of the Territory.

JWG members pointed out that the tallymen are not well acquainted with the adapted forestry regime's objectives and modalities and that it is difficult to optimize their contribution in this area. The tallymen feel that they have not been adequately informed about the Agreement.

TSFMA holders raised the different interpretations of the Agreement's modalities by the five JWGs, which results in a lack of decision-making consistency from one JWG to another. JWG members decry the absence of a data base common to all stakeholders six years after the signature of the ANRQC.

It is also worrisome to note that stakeholders have not fully adopted the tools created since the Agreement was signed. For example, JWG members and TSFMA holders stated that they did not really understand the evaluation criteria of FPDO #11 regarding the Agreement. They said they knew nothing, or very little, about the "planning-aid guide" and wildlife habitat protection and development directive project, tools which they said arrived too late to use in the planning process.

Finally, when asked about monitoring measures, many tallymen deem them insufficient; they see offences in the field but feel powerless to act alone. JWG members deplore the fact that they are not informed about permit issuing, not involved in monitoring, receive no results from the MRNF to this effect and that the harmonization measures TSFMA holders and tallymen agree to are not subject to follow-up or monitoring.

Agreement Stakeholders

Because recognition of stakeholders' roles and interdependence is a key element in collaboration, we asked questions in this regard.

Many tallymen do not recognize JWGs to be a joint Cree-Québec structure, saying that they feel that Québec members dominate Cree members when their requests are discussed. Other tallymen confuse JWG Québec members with TSFMA holders. On the whole, tallymen would like to have more support from JWG members.

We asked JWG members how they see their role and were told that there is no clear, uniform definition of their role or responsibilities. They note that, vis-à-vis the other stakeholders, this situation causes ambiguity as to their real power.

JWG members said that they are accountable to no-one and that they lack support, especially from the coordinators. They are unhappy about the lack of training offered despite repeated requests to the authorities. Finally, JWG Cree members deem their financing and available resources to be insufficient.

TSFMA holders are pleased with the facilitating role played by the JWGs but note that they often do not operate as a cohesive group, but rather a committee composed of two opposing groups.

TSFMA holders' opinions diverge since many would like to delegate the consultation process to the JWG to lighten their workload while others absolutely insist on being involved in procedures to better understand and meet the Crees' needs.

Almost no tallymen know that the CQFB exists. JWG members and TSFMA holders know that it exists but know little about its mandate and actions. They would like to have more direct contact with this entity.

Consultation and Participation Mechanisms

One of the main objectives of Chapter 3 and Schedule C of the ANRQC is to enable the Cree to participate in the different forest management activity planning and management processes. The interviews focussed on and often diverged on this aspect, which represents a collective challenge for stakeholders. Discussions raised various elements.

First, almost all tallymen that were interviewed preferred meeting with a TSFMA holder's representative during consultations. They prefer discussing the field reality directly with the TSFMA holder rather than via a JWG member. JWG members agree.

Tallymen do not like group meetings (several tallymen paired up) since they restrict their ability to express themselves fully and do not allow for direct dialogue between stakeholders.

On the whole, JWG members report major communication (language and cultural) problems at consultation meetings.

Some tallymen also feel that participation tools should be more complete, up-to-date and better adapted. They also think the meetings should be better documented.

To optimize their participation, the tallymen suggested organizing more meetings to ensure continuity and proposed setting up a meeting calendar that better takes traditional Cree activities into account and allows time for reflection, consultation of the other users and feedback to TSFMA holders in the field.

JWGs often agree. Among other things, they suggested meeting with tallymen in their camps, avoiding consultation sessions during traditional holiday periods, standardizing the content of the maps used in consultations and incorporating planning-support maps into consultations. To enhance mutual understanding among stakeholders, they also proposed expressing stakes in layman's terms, broadening consultations to include other Cree users of the Territory, encouraging better feedback on requests made during consultations and planning for sufficiently long meetings. They also added that the meeting calendar should be respected more strictly.

The majority of TSFMA holders expressed satisfaction with the way consultation meetings were held and the JWGs' role in them. They disagree with tallymen, saying they wanted a limited number of meetings. Many noted that, when there are more meetings, tallymen too often ask for harmonization measures that are unrelated to forestry activities. They also have the impression

that they are doing the same work twice and opening the door to having trappers change their mind on measures that have already undergone consultation.

Many tallymen interviewed during the consultation tour replied by denouncing the many annual modifications TSFMA holders make to plans, saying that they are a source of confusion and disturbance for the more active trappers, who plan their activities ahead of time. These tallymen do not understand why the Cree cannot also change their mind about how forestry should be carried out in the Territory.

JWG members summarize, citing generalized uncertainty as to what constitutes a harmonization measure and stating that this creates unhealthy misunderstanding between stakeholders in the participation process.

All three stakeholder groups were unanimous with regard to significant participation by the Cree, saying that the current process is more a consultation process; some even said an information-process, rather than a participation process. For example, some tallymen feel that their role consists in approving plans and that they do not really have the power to influence them.

Many JWG members also feel that meetings are more informational than participatory. Most deem tallymen to have little influence since planning is virtually finished before the consultation process begins. TSFMA holders say that the consultations are often only used to exchange information between the parties. Few TSFMA holders specifically spoke of their obligation to agree on the positioning of residual forests, forest roads and harmonization measures.

One might have thought that the GFMP development process, which provides for upstream participation, and the advent of planning-support maps, a tool designed to optimize the tallymen's participation in this process, would have made a significant difference. But, overridingly, JWG members and TSFMA holders felt that the tool was available too late in the process to have an influence.

In this regard, stakeholders added certain contextual elements, i.e. initially the ANRQC provided for implementation of all of the provisions of Schedule C-4 on plan preparation and approval in the context of the coming into effect of a new generation of GFMPs in 2005. However, in 2004, Québec announced that various aspects of forest management province-wide had to be reviewed and postponed the production of new GFMPs twice. Once, to allow review of annual allowable cut calculations and, again, to reflect the work of the Coulombe Commission.

Although the parties reached an agreement in the context of amendments to the Agreement, these delays resulted in downtime for all stakeholders. Successive postponements slowed initiatives to implement plan development provisions. Activities were late starting up again and, consequently, plans were prepared within a shorter time frame, a fact that definitely did not help optimize Cree participation in forest management activity planning.

Where planning-support maps are concerned, tallymen voiced their frustration at realizing that their map was not considered or that their effort to document land use had resulted in no planning changes. However, planning-support map potential generally seems to be recognized by the three groups, which wish to see the maps updated.

Economic Benefits, Jobs and Contracts for the Cree

Two stakeholder groups discussed economic factors. First, many tallymen deplored not receiving their fair share of the royalties/financial compensation under the new model set up by the ANRQC. They deem elimination of direct compensation by companies to be to their disadvantage and consider that the financial assistance programs established by Cree authorities to replace them do not give back the same amounts.

Many tallymen also expressed their concern about employment. They hope to see users of the Territory and the Cree in general more involved in forestry-related jobs. However, they identified certain constraints: training and requirements (cards and degrees), which restrict Cree access to jobs; the fact that some Cree workers lack motivation to maintain their forestry-related job (intense, demanding work); lack of support from the authorities for Native business start-up initiatives; lack of promotion of forestry-related jobs to interest Native workers; and, finally, with the upswing of hydroelectric and mining projects, forest worker wages are less competitive.

TSFMA holders share the tallymen's opinion on most employment-related points. They agree that, given equal qualification and skills, local Cree workers would be given precedence. According to TSFMA holders, the major factors restricting Cree hiring are the lack of worker training, lack of supervision and, sometimes, lack of desire and motivation to work.

3.3 Overall Assessment

The stakeholders are generally satisfied with the Agreement. For the more general questions on the Agreement's implementation, the majority of Cree and non-Cree stakeholders recognized the efforts made by all and stressed the parties' goodwill. They defined this common will as a positive aspect making it possible to gradually build a relationship of trust and, ultimately, a viable partnership.

Most are satisfied with the new opportunities for meeting and discussion created by the Agreement and see them as an opportunity to explain their viewpoint and understand that of the other party. The tallymen also appreciate their increased involvement in the forestry planning process. JWG members feel that they contribute positively to the Agreement's implementation and TSFMA holders stress primarily the advantage of operating under a clear regime with clear mechanisms.

The stakeholders' general comments lead us to believe that the parties are committed, via the "Paix des braves", to a collaborative learning process focussing on the search for "win-win" solutions.

However, in response to more specific questions on the adapted forestry regime's particular modalities, stakeholders voiced some dissatisfaction and hope for improvement.

For example, some tallymen said they have observed no change yet in means of operating in the Territory. JWG members are unhappy about their lack of training in forestry techniques on one

side and Cree culture on the other side. And, TSFMA holders complain about the very rigid normative context, which makes planning more complex and leaves little room for initiatives to harmonize silvicultural practices, and cite increased operating costs and decreased allowable cut since the Agreement was signed.

These comments are not necessarily contradictory but rather the expression of stakeholders' high expectations for the Agreement. It seems that while they do not question the Agreement's validity, they hope to see its application improve on an ongoing basis. Criticism also pointed to the fact that stakeholders want to be part of the solution, which certainly augurs well.

TSFMA holders nuanced this statement, pointing out that the parties did not really listen to them and that they had not been involved at all in designing the initial adapted forestry regime. In future, they consider it almost utopian to think that they will eventually contribute to the Agreement's evolution but they continue to hope.

4. Synthesis of Priority Issues and Recommendations

This assessment exercise reveals that multiple efforts were undertaken by the parties since the signing of the Agreement in order to reach its objectives. We observe that the concerned stakeholders are relatively satisfied with these efforts, generally speaking. However, looking at things more closely, the assessment reveals specific problematic elements that need to be addressed.

In this section, the Cree-Québec Forestry Board conducts an examination of these problematic elements and informs the parties of actions that can contribute to reaching the Agreement's objectives. The Board concentrates on priority elements it deems potential precursors to development.

Some of these elements are revealed in the detailed analysis, which shows partial or complete non-compliance with certain provisions, evidence that they have not yet attained their full potential.

For some other provisions deemed compliant or applied, the Board saw some inconsistencies between certain provisions and their assessments. While the detailed analysis may show that a provision is applied or respected—initially positive—the stakeholders' point of view may show that this same provision generates discontent or that its application needs to be reinforced.

To orient the parties in their future actions aimed at implementing and helping the ANRQC's adapted forestry regime to evolve, this section is based on integrating the findings of the detailed analysis and tour in order to propose a list of priorities and related recommendations.

The analysis leads to the identification of five priorities that are explained in the following paragraphs:

- Joint Working Group (JWG) governance;
- Elaboration, consultation and approval of forest management plans;
- Tallymen's contribution;
- Monitoring of Agreement's implementation (modalities and objectives);
- Common access to basic information.

These priorities are accompanied by overall recommendations, defining the essence of the means to implement. More specific avenues for action for each priority are shown in Appendix 3 of this report for the parties' benefit. In concluding, we propose an additional recommendation to ensure follow-up to these priorities:

- Setting up a parties' working group

4.1 Joint Working Group Governance

The Joint Working Groups are critical for the Agreement's implementation. It is mainly through the ongoing work of the five communities' JWG members that a new relation between the Cree and Québec can be built.

To ensure coherence and guide the actions of these groups, the Board evaluated JWG functioning in 2005. This study resulted in a series of recommendations whose implementation has been minimal at best.

The present status report contains the same findings as in 2005 in terms of lack of training, supervision, support, resources and funding. The approach then proposed, i.e. strengthening the role of the JWG coordinators, can definitely not change the complete situation on its own.

Our analysis suggests that there is a problem of governance linked to the ambiguity of JWG accountability, stemming, in part, from the fact that the Agreement signatories did not want to identify people in charge of the JWG as such or define their ties of accountability. As a result, each party interprets supervision of its members as it wishes.

On the Québec side, we note more cohesion since all members come from the MRNF. This affiliation however generates questions among many stakeholders as to their potential to act freely within the JWG when Agreement files involve this Department, and to commit themselves 100% to their JWG mandate.

On the Cree side, there seems to be more independence among JWG members but, at the same time, we see a paradox. While Cree JWG members jealously guard their freedom of action, they also seek greater support from their authorities and their counterparts. Most of the stakeholders interviewed decry Cree members' lack of training on the Agreement and forestry in general.

We believe that until JWG accountability is clarified, it will be difficult for Cree and Québec members to develop the organizations' full potential and work toward a common cause.

For example, despite the scope of the mandates assigned to the JWGs under the ANRQC, the task of the JWG members by March 31, 2008 was still limited to facilitating a consultation process targeting forest management plan approval. The other dimensions, such as joint establishment of harmonization measures, joint analysis of land-use conflicts with a view to proposing solutions or joint identification of further technical knowledge required, still remain to be fully explored.

We hope the parties can use this assessment exercise to compare the role actually played by the JWGs with their potential for implementing the Agreement.

Recommendation 1

Mandate a joint task force to assess the different aspects of JWG governance and, if the parties agree, propose adjustments in this regard.

4.2 Elaboration, Consultation and Approval of Forest Management Plans

The adapted forestry regime applied on the Agreement Territory has specific provisions for forest management plan elaboration, consultation and approval processes. The Québec Minister of Natural Resources and Wildlife is responsible for defining the directives to get these processes under way when a new planning exercise is launched, for verifying compliance with these directives and for providing the inputs required through the processes.

After the Agreement was signed, the forestry-related planning process was implemented in keeping with the transitory measures of Schedule C4, as envisaged, over a horizon designed to replace the regular mechanisms as of 2005. This period of transitional measures was extended an additional three years, until 2008, for the reasons mentioned in this report.

The forest management plan elaboration, consultation and approval process finally took tangible form in the 2008-2013 GFMP preparation exercise. Preparing these general forest management plans put all of the Agreement's forestry-related provisions to the test.

Our analysis shows that for the 2008-2013 GFMPs, it was not the provisions that were the problem but the availability of directives and inputs to implement the process at the right time. Not only did the joint GFMP elaboration process begin late, the resulting processes were carried out in a difficult context and an overly short period of time.

The assessment's main finding in this regard is stakeholder consensus on the importance of getting clear directives and inputs at the right time in order to optimize the forest management plan elaboration, consultation and approval processes. All stakeholders wish to see more rigour on this point in the future.

Recommendation 2

Ensure that the Agreement development, consultation and approval process for forest management plans is clearly interpreted, better timed and consistently implemented.

4.3 Tallymen's Contribution

The Cree tallymen play a prominent role in the implementation of the Agreement's adapted forestry regime. In keeping with the Cree culture, the Agreement entrusts the tallymen with a stewardship role for family hunting grounds and, as a result, many responsibilities.

Among other things, each tallyman is responsible for defining sites of interest, contributing to identify residual stands to be preserved in cutting sectors, agreeing on harmonization measures and pointing out any other concern to consider in the forest management plan preparation process.

Since the Agreement was signed, few formal initiatives have targeted informing the tallymen about the adapted forestry regime and their role with regard to it. Our survey showed that the tallymen do not clearly understand the Agreement's objectives, implementation mechanisms (JWGs and CQFB), modalities (mainly the goal and status of protecting sites of wildlife interest),

forest management planning processes, decision-making tools (including the planning-support map) and, consequently, their own role in the Agreement’s processes.

Even if a majority of tallymen express a good level of satisfaction with the Agreement, generally speaking, they feel they have made a better contribution to planning since the onset of the adapted forestry regime. However, they continue to hope that processes and modalities will improve.

The tour also showed that certain aspects of the adapted forestry regime caused dissatisfaction among many tallymen, who generally feel that they are “informed” rather than “consulted”, they consider they do not have insufficient influence on planning; do not really notice a difference in the field between harvesting on sites of wildlife interest compared to the rest of the trapline.

To optimize tallymen’s contribution to the adapted forestry regime’s implementation, we must ensure that they understand their roles and the mechanisms and are satisfied with their application. There is clearly also a need for consolidating relations between tallymen and planners.

Recommendation 3

Strengthen tallymen’s contribution to the forest management planning process.

4.4 Monitoring of Agreement’s Implementation (Modalities and Objectives)

Implementation of the Agreement’s forestry-related provisions involves two types of monitoring. The first concerns all forms of technical follow-up stipulated in the ANRQC designed to evaluate compliance with the adapted forestry regime’s modalities in carrying out the various forest management plans.

With regard to the adapted forestry regime’s modalities, the assessment shows that only the MRNF monitors the modalities and the plans according to its own forest- and environment-related criteria. The results of this monitoring are not shared with Agreement stakeholders. The JWG’s have never been involved in monitoring or establishing parameters to this effect, despite the fact that the Agreement gives them such responsibilities.

Recommendation 4

Strengthen JWG members’ intervention capacity so they can contribute, within their mandate, to the monitoring of the modalities of the adapted forestry regime.

The second type of monitoring concerns attainment of the adapted forestry regime’s objectives. It should evaluate whether the Agreement’s implementation makes it possible to increasingly take into account the Cree traditional way of life, better integrate concerns relating to sustainable development, and enhance the Crees’ participation in the various forest activities operations planning and management processes.

With regard to this second type, the assessment shows that no stakeholder group currently measures attainment of these objectives or studies the provisions of the adapted forestry regime from the viewpoint of whether they are likely to promote their attainment.

While the Agreement's early years focussed on its implementation, the time has come to accord greater importance to assessing actions taken and attainment of target objectives.

In keeping with the principle of adaptive management and the Agreement's sustainable development imperatives, we probably need to adopt criteria other than biophysical forest-related criteria in monitoring the adapted forestry regime. By this, we mean the possibility of introducing economic, wildlife-related, and social criteria in addition to others.

Recommendation 5

Jointly establish the monitoring systems required to measure attainment of the objectives of Chapter 3 of the Agreement.

4.5 Common access to Basic Information

The Agreement's implementation involves a range of information and technical data that is updated on an ongoing basis and taken from many sources. This basic information can take the form of maps, numeric data, statistics, plans, permits, reports, minutes, letters, notices, resolutions, legal texts, etc.

In the context of the present assessment, stakeholders repeatedly raised obstacles linked to accessing this information, expressing the desire to be able to refer to something of a single window to ensure that everyone is using the same basic information so as to facilitate discussion.

To promote mutual understanding and trust among stakeholders, the parties must agree on the best way to ensure that basic information is available.

Recommendation 6

Ensure that Agreement stakeholders have permanent access to a common, updated data bank.

4.6 Setting up of a Parties' Task Force

The priorities and recommendations to the parties result from a major data collection and analysis exercise regarding implementation of the ANRQC's forestry-related provisions.

To ensure proper follow-up to this status report, it is important that the parties go beyond the overall recommendations and study the entire report's contents in depth to define action priorities.

We deem that far-reaching deliberation must begin in the context of a joint initiative by the parties to pursue ongoing improvement of the Paix des braves' implementation.

A parties' task force could draw inspiration from the avenues for action proposed in Appendix 3 of this report.

Recommendation 7

Set up a parties' task force mandated to follow up on the priority issues and recommendations as soon as possible.



5. Conclusion

Six years after the signing of the Paix des braves, assessment of Chapter 3 of the Agreement has been instrumental in taking stock of the implementation of forestry-related provisions and on stakeholders' satisfaction regarding said implementation. On the whole, the result is positive.

All parties showed flexibility and initiative in implementing the large majority of the forestry related provisions of the Agreement. In addition, stakeholders say they are mostly satisfied with the efforts all displayed, even if there still exist some misunderstandings about how certain processes and modalities of the adapted forestry regime are carried out.

In this regard, the ANRQC signatories' intent was that the adapted forestry regime be dynamic and open to change. We have thus identified, for the benefit of the parties, a series of issues emerging from the assessment along with recommendations and suggested action proposals. Among others, it is recommended to set up a parties' task force to follow up on the assessment as soon as possible.

In addition to developing a tangible work plan to follow up on the recommendations, this task force could also propose a two-tier strategy for a communication plan. Indeed, on one hand, the stakeholders who participated in the tour expect feedback on the results of the assessment, and on the other, it would also be desirable to consider issuing a synthesis report of the assessment results intended to inform the public.

Finally, the information set out in the report has become strategic in the context of the Quebec Forest Regime Reform. That is to say that the data gathered will help the Board and the parties analyze the new proposed regime with relation to the objectives of the Agreement and in consideration of the experience gained through the implementation exercise.

In short, Chapter 3 of the ANRQC was found to be an ongoing collaborative learning experience for all stakeholders engaged in its implementation. In light of the findings of this first assessment, we can consider the possibility of carrying on successfully said implementation since the parties have been building on a solid basis and becoming more and more adept at mastering sharing and solution-seeking in this cross-cultural environment.

From a forestry standpoint, we can thus conclude that the “new relationship” between the Gouvernement du Québec and the Cree of Québec is characterized by cooperation, partnership and mutual respect.

Appendix 1
Detailed analysis

Section	Art. #	Main elements to be implemented and / or Complied With	Actions Taken for Implementation	Complementary Information / Comments	Implementation						
					NA	Yes	No	IP*	OG*	SU*	
General Provisions	3.1	The Québec forestry regime will apply in the Territory in a manner that allows: adaptations to better take into account the Cree traditional way of life; greater integration of concerns relating to sustainable development; participation, in the form of consultation, by the James Bay Crees in the various forest activities operations planning and management processes.			✓						
	3.2	The forestry regime, as adapted, applicable in the Territory will respect the principles set out in the Forest Act (R.S.Q., c. F-4.1 as amended by S.Q., 2001, c.6), in the JBNQA, and those set out herein.			✓						
Territory of Application	3.3	The limits of territory for the application of the adapted forestry regime.	The territory of application of the adapted forestry regime was agreed on at the Signature of the Agreement	Through implementation, an issue emerges regarding an area referred to as the "Chibougamau bubble". The FMU map agreed to by the parties does not match the map listed for chapter 3 at part C-1 of the Agreement. The parties agreed to modify the original map in the next amendment of the Agreement. The parties started discussing about including this perimeter in the territory of application next time the Agreement will be amended.	✓						
Adaptations to and Evolution of the Forestry Regime	3.4	The provisions of this Agreement regarding forestry have, among other things, the objective of establishing an adapted forestry regime which will set particular rules and procedures applicable on the Territory to meet the goals of improved taking into account of the hunting, fishing and trapping activities of the Crees and improved conciliation of forest activities with such Cree activities.			✓						

* IP: in part
OG: on going
SU: status unknown

Section	Art. #	Main elements to be implemented and / or Complied With	Actions Taken for Implementation	Complementary Information / Comments	Implementation					
					NA	Yes	No	IP*	OG*	SU*
	3.5	Subject to the adapted forestry regime, the Québec forest standards are respected on the Territory.	Quebec forest standards are being applied on the territory with specific modulations. For example, the 20% province wide annual allowable cut (AAC) reduction that followed the Coulombe Commission was raised to 25% to allow for the anticipated impact of the full application of Chapter 3.	Following consultations with the Cree party, the easing of the standards that are applied elsewhere in the province are sometime entirely applied, applied with some specific modulations or are simply not applied.	√					
Adaptations to and Evolution of the Forestry Regime	3.6	Evolution (amendments) of the adapted forestry regime considering the principles of the Agreement and the Board's recommendations.	There were 5 amendments to the Agreement, of which two are providing modifications to Chapter 3. Amendments mainly allowed to: adjust dates and transitional measures to the postponement of the General Forest Management Plans (GFMPs) deposit, include the recognition by the parties of an issue on salvage operations, include a provisions regarding the transmission of the annual permits to the Cree JWGs members and adjust the deadline for the tabling of the report of the Access Table.	The Board tabled before the parties recommendations for future amendments. The parties will need to negotiate these recommendations before they are included in the Agreement	√					
3.7 Limits of the TRU and Use of Ecological Data	3.7.1	Territorial Reference Units (TRU) boundaries correspond to the boundaries of each trapline.	The TRU boundaries correspond to the boundaries of each trapline.	The delimitation of the TRU is not clear for the "Chibougamau bubble" area (see 3.3)	√					

* IP: in part
OG: on going
SU: status unknown

Section	Art. #	Main elements to be implemented and / or Complied With	Actions Taken for Implementation	Complementary Information / Comments	Implementation					
					NA	Yes	No	IP*	OG*	SU*
3.7 Limits of the TRU and Use of Ecological Data	3.7.2	Specification of the boundaries of each trapline by the CRA before April 1 st , 2002 at the 1:20 000 scale.	The TRU maps were delivered by the CRA in April 2002. The trapline boundaries specified on or before January 30 th , 2004 are used for the application of the adapted forestry regime (art. 18 of amendment #1). At present, some TRU limits are defined at the 1:20 000 scale, but most are at larger scales (e.g. 1:50 000).	Several Cree Tallymen requested that larger scale be used instead of 1:20 000 as it allows for a portrait of the complete trapline on one map. But, the fact that the trapline limits are not specified at the 1:20 000 scale causes aberrations making some technical problems in the application of the adapted forestry regime.	✓			✓		
	3.7.3	Progressive integration of the data compiled by MRNF for the trapline to the AFMPs.		Refers to the progressive implementation of the modalities of the adapted forestry regime. (See C-4 63 to 78).	✓					
	3.7.4	Ecologic and biophysical data available for each trapline are used for the elaboration of the management strategies.	This provision is applied in a general fashion that is currently not specific to the Territory.	When it is referred to "management strategies" or to "forest management strategies", it is not clear if these expressions must be interpreted as the technical term used by MRNF or as a strategy in the broad sense.					✓	
3.8 Determination of the New FMU	3.8.1	The AAC calculations are determined on the basis of new management units formed of a grouping of three to seven traplines with modulations when necessary. The new management units are determined jointly by the Crees and the MRNF.	The Forest Management Units (FMU) have been defined and AAC calculations for the upcoming modified 2008-2013 GFMP are made on this basis. Four of fifteen FMU exceed the seven-trapline limit (in some cases by a fraction of a trapline) and two FMU included less than three traplines.	The AAC calculations have been tabled by the Chief Forester in December 2006 and have been used to make the 2008-2013 GFMP tabled in September 2007. The parties do not have the same understanding of the way the AAC was calculated and applied for 2008-2009. Because Syiva II can not adequately take into account the spatial modalities of the Agreement, the Chief Forester decided to revise AAC for the Territory using Woodstock-Stanley software. The new AAC calculations have been tabled by the Chief Forester on March 19 2008 and are scheduled to be in force on April 1 st 2009, requiring GFMP modification.					✓	

* IP: in part
OG: on going
SU: status unknown

Section	Art. #	Main elements to be Implemented and / or Complied With	Actions Taken for Implementation	Complementary Information / Comments	Implementation						
					NA	Yes	No	IP*	OG*	SU*	
3.8 Determination of the New FMU	3.8.2	The grouping of traplines in management units is based on the criteria determined in the Agreement (Cree communities; family links of the Tallymen; integration of the historical, ecological factors and the Nordic limit; balance of age classes; as much as possible, the FMUs are in a single block.	The parties explored several scenarios and agreed on one that was finally applied.		✓						
	3.8.3	Apply a trapline equivalence value, according to the rule envisaged in the Agreement, to the traplines that are partially included in a management unit because they are located at the edge of the northern limit of the commercial forest and/or partly inside Category 1 lands.	The trapline equivalence rule was applied by the provisory team. Four of fifteen FMU exceed the seven-trapline limit (in some cases by a fraction of a trapline) and two FMU included less than three traplines.		✓						
	3.8.4	Incorporate the rules of chapter 3 in the AAC calculation.	For the transitional period, the AAC was determined on the common area basis. The 25% reduction following the Coulombe commission and the 2006 3 % reduction to consider new protected areas and reduction of the northern limit for commercial logging were also applied on the common area basis. The AAC is now calculated with Woodstock-Stanley softwares.	-					✓	✓	
	3.8.5	If required, following the modification of the northern limit, the parties proceed jointly to determine the grouping of management units in conformity with the provisions of the Agreement.	There were minor modifications to the northern limit since the signature of the Agreement. New grouping of traplines were not required following these modifications, but the proportion of the traplines included in chapter 3 and the FMU limits has been adjusted.		✓						
	3.8.6	Implementation of a provisory team to determine the new management units.	A Cree-Québec working team was constituted to determine the limits of the new management units (Robert Beaulieu, Sam Etapp, Marian Fournier, Jean-François Gravel and other consultants).			✓					

* IP: in part
OG: on going
SU: status unknown

Section	Art. #	Main elements to be implemented and / or Complied With	Actions Taken for Implementation	Complementary Information / Comments	Implementation					
					NA	Yes	No	IP*	OG*	SU*
3.9 Sites of Special Interest to the Cree - Identification of Sites of Interest to the Cree	3.8.7	Submission of a proposal for the management units limits to public consultation.	A general public consultation was held in Spring 2002. The Cree communities were not consulted on the final proposal.		✓					
	3.8.8	Review of the results of the public consultation on the proposed limits for the management units by the provisory team.	Following the public consultation the provisory team studied many proposals.		✓					
	3.8.9	Determination of the new management units' delimitation before September 2, 2002; approval of the limits by the Minister and notification of the agreement holders.	On March 27, 2002, the provisory team made a proposal concerning the limits of the FMUs. The final delimitation was approved and announced by the Minister on June 13, 2003.	The map of the FMUs for the Territory appears at appendix 1 of Amendment 1. The FMU delimitation is linked with the Chibougamau bubble issue (see 3.3)	✓					
3.9 Sites of Special Interest to the Cree - Identification of Sites of Interest to the Cree	3.9.1	Identify and map the sites of special interest to the Cree (total area will not exceed 1% of the total area of the trapline in most cases). Unless agreed otherwise by a tallyman, no forest management can be done in these sites. In such a case, forest activities must comply with protection measures and standards aimed at satisfying the needs of the Crees agreed through the concerned JWG.	Rapidly after the signature of the Agreement the exercise for the delimitation of the sites of special interest was launched and continued all along the transitional period. The MRNF prepared synthesis maps to support this exercise and consultation of the tallymen were conducted by the Crees. At March 31, 2008 the exercise was completed for 109 traplines out of 119. The MRNF verifies that there is no forestry planned in the sites of special interest for both GFMPs and AFMPs.	The parties agreed not to consider large bodies of water in the calculation of the total area covered by sites of special interest per trapline. The Crees still have not completed the identification of sites of special interest for some traplines. The sites of special interest are not identified for the 84-62 FMU (Senneterre area) and for some traplines of the Nemaska community. The Chief Forester considered this problem in the calculation of the AAC by simulating 1% in these areas.			✓			
	3.9.2	Sites of special interest may include, notably: permanent camps, seasonal camps, traditional, cultural and sacred sites, burial sites, fruit picking areas, archaeological sites, sites with archaeological potential, extension of protective strips, portage trails, bear dens, waterfowl blinds, drinking water supply sources, other requests.							✓	

* IP: in part
OG: on going
SU: status unknown

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					NA	Yes	No	IP*	OG*	SU*
3.10 Sites of special Interest to the Cree - Conservation of forested areas Presenting Wildlife Interest for the Cree	3.10.1	Application of specific management to improve or maintain wildlife habitats and of specific protection on portions of each traplines to improve harmonisation level between forest management activities and Cree traditional activities.	The management standards provided for in sections 3.10.4 are applied to the areas of wildlife interest.	At March 31 2008, no survey was put in place to monitor the impact of the modalities prescribed by the Agreement on wildlife habitats and the Cree way of life. The achievement of the objectives to maintain or improve wildlife habitats and to strive for better harmonisation between forestry and the Cree way of life can thus not be measured.	✓					
	3.10.2	Location of the sites of wildlife interest by the tallymen in cooperation with other stakeholders. Said sites cover 25% of the productive forest area of each trapline included in a forest management unit.	Rapidly after the signature of the Agreement the exercise for the delimitation of the sites of wildlife interest was launched and continued all along the transitional period. MRNF prepared synthesis maps to support this exercise and consultations of the tallymen were conducted by the Crees. Some tallymen asked family members or other Cree users of the trapline to locate their main concerns regarding their use of the trapline in order to precise the location of the sites of wildlife interest. At March 31, 2008 the exercise was completed for 109 trapline out of 119.	The Crees still not have completed the identification of sites of wildlife interest for the 84-62 FMU (Senneterre trapline) and for some traplines of the Nemaska community. The Chief forester addressed this problem and simulated 25% for these traplines.			✓			
3.10 Sites of Special Interest to the Cree - Conservation of Forested Areas Presenting Wildlife Interest for the Cree	3.10.3	Planning of forest management activities with the priority goal of maintaining and improving a diversity of ecoforest stands in the areas of wildlife interest. In the long term, this should provide for a structure of standard forest.	The forest management activities are planned with the objective of maintaining or improving the forest stands diversity.		✓					

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					NA	Yes	No	IP*	OG*	SU*
3.10 Sites of Special Interest to the Cree - Conservation of Forested Areas Presenting Wildlife Interest for the Cree	3.10.4	Application of the measures provided for the areas of wildlife interest.	Concerning 3.10.4 a), b) iii and iv, the MRNF systematically analyses all plans with GIS tools to confirm the respect of prescribed modalities. The cooperation of tallymen to identify residual forest, as prescribed by 3.10.4 b) is possible during consultation of AFMP but this is not systematically verified by the MRNF. For 3.10.4 b), i and c), MRNF ensures the maintenance of a data base which allows to establish the authorized annual level of harvesting based on the areas of the traplines and of the disturbances. The database is updated at each annual planning analysis (3 to 4 times per year) and during the development of special harvesting plans.	The Cree members of the JWGs are not well informed of the way MRNF conducts the forest planning analysis. No other modality than those already provided for in the Agreement has been applied since the parties and the Board has not examined new opportunities yet.			✓			
3.11 Maintaining Forest Cover in the Whole of Each Trapline	3.11.1	Apply the measures provided to ensure the protection of a residual forest cover in the whole of each trapline.	To integrate the measures described under a) to e), the MRNF ensures the maintenance of a data base which allows to establish the authorized annual level of harvesting based on the areas of the traplines and of the disturbances. The database is updated at each annual planning analysis (3 to 4 times per year) and during the development of special harvesting plans. The measures provided for under f), are validated through application of section 89 of the RNI. The measures provided for under g) and h) will be covered in section C-3.	The Cree JWGs are not well informed of the way MRNF conducts its analysis. Two treatments that could contribute to the protection of high regeneration, Cutting with Protection of High Regeneration (CPHR) and Cutting with protection of small merchant trees (known as CPPTM), are considered as Cutting with Protection of Regeneration and Soils (CPRS) for the purposes of the AAC calculations on the Territory. Therefore, the agreement holders are not doing it since MRNF does not emit silvicultural credits for these two treatments on the Territory. 3.11.1 (b) have yet to have been mutually interpreted by the parties in the context in salvage operations.					✓	

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3.12 Protection of Forests Adjacent to Watercourses and Lakes	3.12.1	Protect forest adjacent to watercourses and lakes by maintaining a 20 meters buffer strip on each side of permanent watercourses and lakes.	This provision is checked three times by the MRNF: first, the shapefile of the AFMP is checked to make sure that all permanent watercourses have the appropriate buffer strip; second, the buffer strip is measured with a GPS during field visit; third, the aerial photographs are revalidated during the annual report analysis.		√					
3.12 Protection of Forests Adjacent to Watercourses and Lakes	3.12.2	Address concerns related to the maintaining of a variety of wildlife habitats near major rivers more than 5 meters wide by maintaining a forest strip more than 200 meters wide along one of the banks, distributing cutting areas alternatively along the two banks whenever possible by authorizing only mosaic cuttings within the 200 meters band along the banks.	No specific geomatic tool is available for the evaluation of the width of rivers less than 40 meters wide. Each MRNF analysis team developed its own method for evaluating 3.12.2. The teams use their knowledge about the land and the agreement holders' knowledge.	There have been examples when the JWGs failed in applying these provisions. Moreover, the determination of what constitutes a lake or river and its size can be very arbitrary.		√				
	3.12 Protection of Forests Adjacent to Watercourses and Lakes	3.12.3	Preserve the aesthetic appearance of landscapes along the shore of large lakes with a surface area of more than 5 km ² by allowing only mosaic cuttings in forests that are visible from the shores of the lake for a distance of 1.5 km.	MRNF developed a shapefile of all the lakes of more than 5 square kilometres. This shapefile allows to systematically identifying the lakes for which this provision must be applied. Once the lakes are identified, the analysis is done on a case by case basis. Lakes more than 5 square kilometres are identified at figure 24 of the 2008-2013 GFMPs.	There have been examples when the JWGs failed in applying these provisions. Moreover, the determination of what constitutes a lake or river and its size can be very arbitrary. The Cree party has not had an opportunity to review the methodology involved in developing the shapefile.		√			
3.13 Development of the Road Access Network	3.13.1	Facilitate the harmonisation of the various uses of the territory by subjecting the development of the road network to concerted action between the agreement holders and the tallymen.	These provisions are mainly validated with the tallymen during the consultation for the AFMP. There is no assessment of the new access roads to the rivers, but the basic data to do so are available.	There is no process to evaluate the development of the road network since the agreement was signed.				√		

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SU: status unknown

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					NA	Yes	No	IP*	OG*	SU*
3.13 Development of the Road Access Network	3.13.2	Prior to the adoption of the first PRDTP for the Nord-du-Québec region, the Minister consults the CRA regarding all applications for a private vacation lease situated in the Territory.	This has been applied following the Signature of the Agreement. Through the access table, the parties agreed on a set of criteria to guide the location of private vacation lease on the Territory.	The PRDTP doesn't exist anymore, it will be replace by Regional Plan for Integrated Land and Natural Resources Development (<i>Plan régional de développement des ressources et du territoire</i>). The elaboration process of these plans will be under the leadership of the CRÉs. This process is not part of the Agreement.	✓					
	3.13.3	Creation of a coordination table on access with various governmental bodies and the Crees. This coordination table reports to the standing liaison committee prior to December 31, 2006.	The coordination table is in place and a report was filed within the prescribed delays.	The parties have not responded to the findings of the Access table report. Both parties agree on the necessity to reactivate the access table to further discuss issues pertaining to access.	✓					
Implementation Mechanism	3.14	Two levels of intervention are provided for: the Cree-Québec Forestry Board and the Joint Working Groups.	See 3.15 to 3.47.		✓					
CQFB	3.15	Creation of the Cree-Québec Forestry Board.	The Board was created on September 15, 2003 as stipulated by the Decree implementing the Paix des braves.		✓					

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COFB	3-16	Appointment to the Board of 5 members designated by the Crees and 5 members designated by Québec. Appointment of a Chairperson to the Board by the Gouvernement du Québec after recommendation from the Minister of Natural Resources and Wildlife.	At March 31, 2008, the Board had 5 members designated by the GCC-El, 4 members designated by Québec and a Chairman designated by Québec.	For some members designated by Québec, their role as Board members is ambiguous. They have to take position with respect to the ministerial policies, decisions or actions even if they have employment bonds with MRNF.				✓			
	3-17	Consultation of the CRA by the Minister to reach a joint recommendation before recommending a chairperson to the government.	There was a joint recommendation from Québec and the CRA for the designation of the Chairman.				✓				
	3-18	Provide for a process in the case were a joint recommendation is not reached for the designation of the chairperson.	Consultation of the CRA was done at the Standing liaison committee level. The CRA is satisfied with the process.					✓			
	3-19	Unless agreed otherwise, the chairperson should not have employment bonds with the Gouvernement du Québec or with a forestry enterprise having interest on the Territory.	At the time of its designation, the Chairman had no employment bonds either with the Government of Québec or a forestry enterprise having interest of the territory covered by Chapter 3.					✓			
	3-20	Replacement of the Board members from time to time. Appointment of the Chairperson for a non renewable term of a maximum of 3 years unless agreed otherwise.	At March 31, 2008, 12 Cree members and 9 Québec members have succeeded one another. In 2003, the Chairman was appointed for a three years term. In 2006, the Chairman term was renewed for two years with the assent of both parties.	Most of the times, it takes a long time before inactive Board members are replaced, which impairs the Board activities.				✓			
	3-21	Appointment of a vice-chairperson within the Cree Board members.	A vice chairman was in place from November 2003 to May 2006. Right now, there is no vice chairman.						✓		
	3-22	The meetings of the Board are presided by either the Chairman or the member designated by him.	At March 31, 2008, all the meetings had been chaired by the Chairman.						✓		
	3-23	Quorum at the Board is at a majority of its members insofar as at least 3 members from each party are present.	At March 31, 2008, the quorum was reached for 31 out of 34 meetings.	The Secretariat of the Board sometimes reschedules Board meetings to ensure that the quorum will be reached.						✓	

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CQB	3.24	A Board member may execute a written proxy in the form provided by the Board in favour of the other members appointed by his party. The holder of the proxy has the right to vote and act in the place of the absent member who signed the proxy.	A proxy form was prepared by the Board secretariat and is available to Board members on the Web Reference Centre. At March 31, 2008, a total of 35 absences had been replaced with a proxy and 53 absences had not.				✓			
	3.25	Board members from both parties may be accompanied by a maximum of 2 technical advisors per party who can address the Board and participate to deliberations during the meetings.				✓				

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CQFB	3.26	The Board decisions are made at the majority of votes. Dissent must be recorded.	At March 31, 2008, 114 resolutions were adopted unanimously and 4 were adopted with a majority of votes. Dissents are recorded.		✓					
	3.27	Hold at least 6 meetings of the Board per year, unless agreed otherwise. Hold the meetings on the Territory on a regular basis.	Unless agreed otherwise, the Board holds at least 6 meetings per year. At March 31, 2008, 15 meetings out of 34 had been held on the Territory.		✓					
	3.28	Create a secretariat in Waswanipi to answer the needs of the Board. The Minister provides the secretariat with all relevant and available information to properly execute its mandate and operations.	A secretariat was created in 2003 and is located in Quebec City. The secretariat has some of the basic geographic information for the Territory, all the documents regarding the Board activities and a documentation centre.	In 2007-2008, the Board had planned to prepare an assessment of CQFB services delivery in Waswanipi. Considering the context and other priorities, the Board did not discuss the subject yet.				✓		
	3.29	The Board establishes and adopts by-laws to regulate its internal operations.	The Board currently has 7 policies. A policy on information management is in elaboration and existing policies are updated when needed.		✓					
	3.30 a)	The Board monitors, analyses and assesses the implementation of the forestry provisions of the Agreement which contemplate an adapted forestry regime for the Territory.	A monitoring committee was set-up in 2005 and filed a first report on the implementation of the Agreement to Board members. The monitoring committee is still in place and is currently conducting the assessment of the implementation of Chapter 3 from the Signature of the Agreement up to March 31, 2008.	The Board does not have all the information required to monitor, analyse and assess the implementation of the forestry provision of the Agreement. The Boards mainly lacks information on the implementation of the technical aspects of the adapted forestry regime and on the implementation of the Agreement prior to the creation of the Board. The collaboration of both parties in terms of information, interpretations and recommendations is required to analyse and assess the implementation of the forestry provisions of the Agreement.					✓	

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					NA	Yes	No	IP*	OG*	SU*
CQFB	3.30 b)	The Board recommends to the parties adjustments or modifications to the forestry provisions of the Agreement.	In 5 of its advice, the Board recommended adjustments to the forestry provisions of the Agreement: Advice on the assessment of the JWG's operations: Recommendation to define the mandate, role and responsibilities for the coordinators as well as the accountability relation between the coordinators and the JWGs. Recommendation to clarify the technical interpretation of some articles of the Agreement. Advice on the JWGs coordinator mandate: proposal to integrate the coordinators' mandate into the Agreement. Advice on the instructions for the elaboration of the GFMPs: Recommendation to clarify the technical interpretation of some articles of the Agreement. Advice on forest fires: Under the terms of Part C-6, the Board recommended to establish a process of examination and development of the salvage plans taking as a starting point the report tabled May 31, 2005 by the WGND.	The parties have not yet discussed all the Board recommendations regarding proposed modifications to the forestry provisions of the Agreement.	√					

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					NA	Yes	No	IP*	OG*	SU*
	3.30 c)	The Board brings to the attention of the Minister proposals, preoccupations and comments related to laws, regulations, policies, programs, management guides and field guides related to forestry as well as guidelines, directives or instructions related to the preparation of all forest management plans.	The Board brought to the attention of the Minister its proposals, concerns and comments in the following files: Directives for protection and the development of wildlife habitats (2004-04-22, 2005-03-29 and 2006-01-31), Forest protection and development objectives (2004-04-22), postponement of the GFMPs and of the AAC calculation (2004-09-02 and 2005-03-01), Management of forest fires on the Territory (2005-06-15), Instructions for the elaboration of the GFMPs (2005-11-21), Proposed amendments to the Forest Act (2006-11-02, 2007-12-14) Mixed stand and deadline for submitting the GFMPs (2007-04-23, 2007-06-14, 2007-07-10), GFMP analysis (2008-03-03), Evaluation of the forestry performance of the Agreement and Contract Holders (2007-12-19), Update of the forestry regime (2008-03-26).	Certain files affecting the preparation of the of forest management plans have not yet been submitted to the Board's attention by the Minister: mixed forest stands strategy, support planning guide for the elaboration of the 2008-2013 GFMPs, program for the implementation of the Regional Forestry Boards and for the implementation of the Regional Natural Resources and Territory Boards.	✓					
CQFB	3.30 e)	The Board follows the implementation mechanisms of the JWGs regarding the elaboration, the consultations, and the monitoring of all forest management plans applicable in the Territory.	In 2005, the Board conducted the assessment of the JWGs operations and advised the parties on its findings and recommendations following this assessment (Ref. Advice from the Board to the parties, November 2005). The Board has contributed to preparing the JWGs for the elaboration and the analysis of the 2008-2013 GFMPs.	Currently, the JWGs coordinators play an important role in the implementation of the adapted forestry regime even if this position is not provided for in the Agreement.	✓					

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					NA	Yes	No	IP*	OG*	SU*
CQFB	3.30 e)	The Board is involved in the different planning processes of forest management activities in the Territory and participates in the different stages of the management of forest activities, in particular those connected to the review of the GFMPs prior to their approval as well as in regard to proposed modifications to those plans. The Board will have 120 days from the receipt of the GFMPs and 90 days from the receipt of the modifications to make comments to the Minister prior to the approval of the plans or modification. The Minister may extend these timeframes if he considers it appropriate.	At its February 2007 Board meeting, the Board decided to set-up a working group in order to develop the procedure and prepare the tools required for an adequate review of the 2008-2013 GFMPs. The Board reviewed the 2008-2013 GFMPs for the fifteen FMUs based on the principles set forth by the Board members. An advice to the Minister on the GFMPs' review was sent on March 3, 2008.	The Board members have not agreed on the moment when the 120 days period should begin within the approval process.	✓					
	3.30 f)	The Board studies the AFMPs after their approval, which shall be sent to the Board on demand in order to inform the Minister of proposals, concerns and comments regarding these plans, particularly in regard to systemic issues or to the process of elaboration or approval.	The Board has not studied annual plans and has not elaborated a process to do so.	Since April 2008, all AFMPs and permits are systematically made available to the Board Secretariat.			✓			
	3.30 g)	The Board assumes any other responsibilities in regard to forestry which may be assigned to it from time to time jointly by the parties.	The Board was not given other responsibilities jointly by the parties since its creation.					✓		
	3.31	The Minister considers the comments and views of the Board and provides information about his position or about the reasons justifying his decision.	For the advices sent to the Minister up to March 31, 2008, the Board received an answer whose content was in conformity with the provisions of 3.31 for 8 of its 19 advices.	Board's advices need to receive adequate follow-up from the Minister, which was not always the case since the signature of the Agreement.				✓		
	3.32	The Board produces and submits its annual report to the parties.	Since its creation, the Board has produced and submitted 5 annual reports to the parties.		Annual reports were also sent to main stakeholders involved on the Territory.	✓				
JWGs	3.33	JWGs are established in each of the Cree communities of the Territory.	A JWG is set-up in each of the 5 Cree communities of the Territory covered by Chapter 3 of the Agreement.		✓					

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					NA	Yes	No	IP*	OG*	SU*
	3.34	JWGs composed of 4 members are established in each of the Cree communities of the Territory.	According to particular characteristics of each community, number of members for each JWG was adapted (vs 4 members per community - see 3.38). For Mistissini and Oujé-Bougoumou there are 4 members, for Waswanipi 6 members, for Nemaska 2 members and for Waskaganish 3 members.		√					
	3.35	Two of the JWGs members are appointed by each Cree community according to the method of selection of its choice and 2 members are appointed by the Minister.	According to particular characteristics of each community, number of members for each JWG was adapted (vs 4 members per community - see 3.38). For Mistissini and Oujé-Bougoumou there are 2 members from each party, for Waswanipi 3 members from each party, for Nemaska 1 member from each party and for Waskaganish 2 members from the Cree party and 1 member from the Québec party.		√					
JWGs	3.36	The JWGs members are appointed and replaced from time to time at the discretion of the respective parties.	Since the signature of the Agreement, 8 Québec members and 4 Cree members succeeded each other for Waswanipi, 4 Québec members and 4 Cree members for Oujé-Bougoumou, 4 Québec members and 4 Cree members for Mistissini, 3 Québec members and 1 Cree member for Nemaska, 5 Québec members and 4 Cree members for Waskaganish.	Important delays are observed before new nominations on the JWGs are known by the Board.		√				
	3.37	Each JWG adopts any internal operating rule that is consistent with its mandate.	Each JWG has written operating rules.	In some cases, the operating rules are not strictly followed by all the members of a JWG.		√				
	3.38	Following an agreement between the parties, the number of members of the JWGs can be modified to take into account the particular characteristics of each community.	Considering the number of traplines and the level of forest activities, there was an agreement to have 3 members from each party for the Waswanipi JWG, one member from each party for the Nemaska JWG and, one member from the Quebec party and 2 members from the Cree party for Waskaganish and 2 members from each party for Mistissini and Oujé-Bougoumou.			√				

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					NA	Yes	No	IP*	OG*	SU*	
	3.39	Each party designates a responsible person for the JWG.	One responsible person is designated by each party for each of the JWGs.		✓						
	3.40	The JWGs make recommendations that can be unanimous or not. If they are not, the respective positions of the members shall be sent to the Minister and to the Board.	Since the signature of the Agreement, the JWGs have sent 2 recommendations to the Minister. The first one was done unanimously on the proposed FPDOs. The second recommendation followed the tabling of the GFMP (see C-4.39). The Waswanipi, Oujé-Bougoumou and Mistissini JWGs sent a joint (Cree-Québec) report to the Minister, with a specific section for members' individual comments and positions. No report were sent by the Nemaska and Waskaganish JWGs.		✓						
JWGs	3.41 a)	The JWGs integrate and implement the rules agreed upon in Chapter 3.	MRNF ensures the integration and the implementation of the rules agreed upon in Chapter 3. JWG members are not involved in the integration and implementation of the modalities, except for Waswanipi where Québec members are responsible of these files. All JWGs are actively involved in implementing most modalities related to consultation with the tallymen. JWGs are not involved in the monitoring of the modalities.	Most JWG members and especially Cree members are not familiar with the database and the other tools, processes and results of all these technical analyses.				✓			
	3.41 b)	When required, the JWGs elaborate harmonisation measures flowing from the technical provisions of Chapter 3.	In general, harmonisation measures are elaborated by the agreement holders following tallymen comments and requests. JWGs members contribute to this exercise as facilitators and record all measures in their minutes of consultation meetings and sometime in a general register.	Most of the time, JWG members don't feel they have the power to elaborate harmonisation measures between the agreement holders and tallymen. There is no systematic approach in place to ensure that the harmonization measures discussed through consultation are acted upon.						✓	

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					NA	Yes	No	IP*	OG*	SU*	
JWGs	3.41 c)	The JWGs ensure that each party places all relevant and available forestry related information at the disposal of the other party.	Each group adopted its own information exchange processes. Availability of the data or official documents related to the forest activity on the territory does not constitute a problem for the JWGs. Representatives from both parties share the information they have. The Cree members of the JWGs have had difficulty in obtaining agreement holders annual reports, monitoring reports, annual permits and relevant translated correspondence between the agreement holders and MRNF. Since 2008, annual permits and plans are made available to the Cree members of the JWGs.	Cree members regularly face limitations with regard to the use and understanding of said information (e.g annual permits, GIS data, forest management plans). Even if the JWGs members are saying that availability and access to information is not a problem, Cree members, and the Cree party in general, do not have all the information required to monitor and assess the implementation of the technical provisions of the Agreement. JWGs members have yet to be involved in the monitoring of forest management activities.			✓				
	3.41 d)	The JWGs review land use conflicts in order to find acceptable solutions.	Land use conflicts are reviewed with the consultation reports and JWGs meetings minutes. A system of annotation of the consultation map was developed and makes it easy to identify what was discussed during meetings and who was present. JWGs propose their acceptable solutions to agreement holders and tallymen for further discussions.	Sometimes harmonisations measures agreed upon tallymen and agreement holders are overruled by MRNF on the basis of other obligations of the contract holders.		✓					
	3.41 e)	The JWGs discuss any technical issues, including the acquisition of knowledge considered necessary.	JWGs are discussing technical issues related to their mandate. Regarding acquisition of knowledge, requests were made and studied on a case by case basis.	JWGs are discussing technical issues related to their mandate. Regarding acquisition of knowledge, requests were made and studied on a case by case basis.		✓					
	3.41 f)	The JWGs ensure the implementation of the processes relating to the preparation, consultation and monitoring of the forest management plans.	Each group adopted his own consultation process. Various consultation processes were tested within the groups. None of the groups has determined a process for monitoring.	At the annual plan level, several of the consultation processes are not calling on direct exchange between the tallymen and agreement holders. Most of the JWGs are acting as contact between these stakeholders. The JWGs decided to do so mainly to avoid that consultations degraded into negotiations. Direct contact between agreement holders and tallymen did however occur in the context of the elaboration of the 2008-2013 GFMPs.				✓			

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					NA	Yes	No	IP*	OG*	SU*
JWGs	3.41 g)	The JWGs adopt internal operating rules.	Each JWG has written operating rules.	In some cases, the operating rules are not strictly followed by all the members of a JWG.	✓					
	3.42	Following recommendations from the JWGs, the Minister must consider recommendations of the JWGs, their members and the conciliator appointed pursuant to Part C-4, explain his position and inform the JWGs of his reasons for not accepting the recommendations or corrections sought as the case may be.	Following the JWGs recommendations on the proposed FPDOs, ministerial decisions was sent to the JWGs coordinators. No JWG that produced a report on the 2008-2013 received the Minister's reasons for accepting the plans.				✓			
	3.43	JWGs Cree members have the ecological and forest data and the software required to fulfill their mandate.	Availability of the data or official documents related to the forest activity on the territory does not constitute a problem for the JWGs.	Even if the JWGs members are saying that availability and access to information is not a problem, Cree members, and the Cree party in general, do not have all the information required to monitor and assess the implementation of the technical provisions of the Agreement. Cree members regularly face limitations with regard to the use and understanding of said information. The Cree members do not have a clear picture of what could be made available to them (GIS database, silvicultural and ecological guides, and MRNF standards).		✓				
JWGs	3.44	The documents to be translated are identified by each JWG; a list of document to be translated is available. At least the Cree section of the GFMPs is translated in English by the MRNF.	No list of the documents to be translated is available. All documents produced at the JWG level are translated in English by the Québec members. Parts of the instruction for the elaboration of the 2008-2013 GFMPs were translated in English by MRNF. Some information from the 2008-2013 GFMPs (Aboriginal communities section - chap.3, participation reports, fig.24) were also translated in English by MRNF.						✓	

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	3.45	The tallymen and agreement holders have access to the information the JWGs have for use in the process of elaboration, consultation and monitoring of forest management plans.	This is implemented mostly through the elaboration and consultation process on a case by case basis. In some cases the required information has not been transmitted either to the agreement holders or the tallymen (e.g. W-06 file). No information regarding monitoring is currently exchanged.				✓			
	3.46	The JWGs takes appropriate measures to protect the confidential information coming from the Cree traditional expertise.	To protect the information coming from Cree traditional expertise, the JWGs are applying the confidentiality agreement signed between Québec and the Crees. Confidentiality agreements were also signed between Cree tallymen and agreement holders during the 2008-2013 GFMP participation process so that the agreement holders can have access to Cree forest planning supports maps (see C4-13). These maps were not made available to MRNF. They were made available to the Board and the JWGs on a CRA website. This website only allowed to view the information, no detailed analysis was possible. Information regarding the 1 and 25% is available to MRNF, the agreement holders, the JWGs and the Board.	In the spring of 2006, the Conférence régionale des élus de la Baie-James (CRÉ-BJ) filed a request to the Commission d'accès à l'information (CAI) to have a copy of the Cree sites of interest. The CAI process is under way. The CRÉ-BJ request raises Cree party concerns regarding the possibility that anyone may access information coming from their traditional expertise once it is in the hands of a public organization. This situation limits even more the sharing of the Cree land use information with the MRNF and the Board. This issue is referred to as the "Confidentiality issue".	✓					
	3.47	The stages of the elaboration, consultation and monitoring of forest management plans are described in Schedule C-4.			✓					
	3.47.1	The Minister transmits the annual permits and their modifications to the JWGs when they are delivered to the agreement holders.	Since April 2007, actions were taken to transfer annual permits to the CRA.	In the course of the summer of 2008, permits were presented in a user-friendly version (shapefile) and made available to JWGs, CRA and the Board via an ftp site.					✓	
Funding	3.48	The remuneration and expenses of the Board members are assumed by their respective party.	Each party has its payment procedure regarding remuneration and travel cost of the members it designates on the Board.		✓					

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					NA	Yes	No	IP*	OG*	SU*
Funding	3.49	The remuneration and expenses of the Board's Chairperson are assumed by Québec.	The remuneration and expenses of the Chairman are assumed by Québec.		√					
	3.50	The costs of the JWGs members are assumed by their respective party.	A special agreement regarding the MRNF funding of the Cree-JWGs was agreed on by the parties on December 7, 2004. Québec has then agreed to pay 50% of the Cree members' costs, including the wages. This special agreement ended on March 31, 2007 but was renewed for 2007-2008. The parties are currently reviewing this issue.	The original funding agreement reached in 2004 was based on the GFMP planning cycle initially planned. Since then MRNF has extended the GFMP cycle and agreed to renew the special agreement for 2007-2008.			√			
	3.51	From the signing of the Agreement to March 31, 2003, Québec assumes the administrative and secretarial costs of the Board and the JWGs for a total amount of two million dollars.	The parties concluded the implementation and funding agreement related to the administrative and secretarial costs of the Cree-Québec Forestry Board and the Joint Working Groups under section 3.51 of the ANRCQ.#		√					

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Funding	3.52	From April 1, 2003, each party assumes half the costs of the Board and the JWGs, being understood that the signature of the Agreement the cost were estimated at a total of one million dollars per Financial Year.	A special agreement regarding the MRNF funding of the Cree-JWGs was agreed on by the parties on December 7, 2004. Québec at then agreed to pay 50% of the Cree members cost, including the wages. This special agreement ended on March 31, 2007 but was renewed for 2007-2008. The parties are currently reviewing this issue. Since April 1, 2003 both parties assume half the cost of the Board.				✓			
	3.53	Québec assumes the reasonable costs of providing the tools and the relevant and available information for the purposes of the application of the adapted forestry regime.	Québec assumed the cost of several elements essential for the implementation of the adapted forestry regime (ecological and forest data, translation of several documents, part of the expenses of Cree JWG members including their wages).	The parties have not agreed to all the tools and information to be provided by Québec.			✓			
Effect of the Adapted Forestry Regime	3.54	The adapted forestry regime does not have the effect of modifying the boundaries of the Cree traplines and does not affect the hunting, fishing and trapping rights of the Crees provided for in the JBNQA, including the harvesting rights provided for in Section 24.	This is applied and respected.				✓			
Access to Forest Resources	3.55	In February 2007, 350 000 m ³ of timber are annually available to James-Bay Cree enterprises.	See 3.59.						✓	

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Access to Forest Resources	3.56	Timber is allocated by means of CAAF and CtAF.	The timber volumes were all allocated through CtAF and CAAF.	The duration of CtAF is ten years. It can be extended at the end of each GFMP validity period. Each CAAF is for an initial period of 25 years. If the agreement holder has met its obligations as well as the Forest Act provisions and its regulations, it may be extended every five years, for another five-year period.	✓					
	3.57	Allocations provided for under 3.55 and 3.59 are in addition to forestry operations on Category 1A and 1B and to the wood allocated to Nabakatuk Forest Products on the date of the signature of the Agreement.	The timber volumes made available to the Crees were all in addition to forestry operations on Category 1A and 1B and to the wood allocated to Nabakatuk on the date of the signature of the Agreement.		✓					

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	3-58	The CRA determines the distribution of the allocations and advises the Minister.	The CRA distributed the allocations to the communities of Waswanipi and Mistissini. The Minister is advised.		✓						
	3-59	a) During the course of the 2002 calendar year, a minimum 70 000 m ³ is made annually available to Cree enterprises. This volume continues to apply to the 2003 calendar year.	An annual volume of 70 000 m ³ was made available to the Crees by Québec on December 11, 2002.		✓						
	3-59	b) By June 30th, 2004 an additional minimum annual volume of 55 000 m ³ (for a total of 125 000 m ³) is made available to Cree enterprises. This volume continues to apply to the 2004 and 2005 calendar year.	An additional annual volume of 55 000 m ³ (for a total of 125 000 m ³) was made available to the Crees by Québec on May 27, 2004. An additional annual volume of 120 000 m ³ (for a total of 245 000 m ³) was as made available to the Crees by Québec on March 18, 2005.		✓						
	3-59	c) During the course of the 2006 calendar year, an additional volume which allows to reach the minimum annual volume of 350 000 m ³ is made available to Cree enterprises.	An additional annual volume of 105 000 m ³ (for a total of 350 000 m ³) was made available to the Crees by Québec on December 21, 2006.		✓						
Employment and Contracts	3-60 a), b)	Québec encourages forestry enterprises operating in the Territory to employ James Bay Crees in their forestry activities and to provide contracts to James Bay Crees and Cree Enterprises and facilitate such employment and contracts by requiring the forestry enterprises to provide the number of Crees employed as well as the number of contracts concluded with Crees and Cree Enterprises, the employment and contract opportunities expected in the subsequent year in their plans and forestry reports. This information will be provided to the CRA.	The information on Cree employment is at table 25 of Chapter 3 of the GFMPs. This information is not in the AFMP.					✓			

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					NA	Yes	No	IP*	OG*	SU*
	3.60 c)	Québec also facilitates and encourages forums and discussions between the James Bay Crees and the forestry enterprises operating in the Territory. The Minister doesn't issue annual permits for road construction and harvesting for the Muskuchii territory during the six month period following the signature of the Agreement.	Some discussions occurred with the Québec Forest Industry Council (QFIC) but no official forum was organized.		✓					
Muskuchii Territory	3.61		No permits were granted in this territory since the signature of the Agreement		✓					
	3.62	During the six month period following the signature of the Agreement, the Minister evaluates the advisability of recognizing an exceptional forest ecosystem (EFE) within the Muskuchii territory.	In a short time following the signature of the Agreement, it was agreed by the parties that the EFE was not a suitable vehicle for the protection of the Muskuchii territory so no further actions were taken.		✓					
Muskuchii Territory	3.62	During the 6 month period following the signature of the Agreement, the Crees take steps with other departments and agencies of the Gouvernement du Québec to ensure a special status for Muskuchii.	The Crees entered in discussions with the ministère de l'Environnement du Québec and the Muskuchii territory is now a planned biodiversity reserve. The territory under protection is now much larger than the one presented at the Part C-5 map. Muskuchii should obtain the permanent protection status of biodiversity reserve in 2011.		✓					
Firewood	3.63	The needs of tallymen for firewood are provided for. Non-aboriginal holders of permits delivered in virtue of the Forest Act do not harvest firewood within an area of 75 ha surrounding each permanent Cree camp. This measure is applied outside of the area identified around each permanent camp as a site of special interest for the Crees.	The parties do not agree on the interpretation of the provisions regarding firewood. The parties agreed for an interim application that was used for the 2008-2013 GFMPs but no official document was signed. Since the signature of the Agreement, the firewood permits for non-native were granted only in one year old cutting areas, in priority in piling areas and never in sites of special or wildlife interest.	Even if the Board brought the issue of the application of the provisions relating to firewood to the attention of the parties several times, it took the parties a very long period of time before taking concrete action to resolve the issue. The parties currently have a verbal interim agreement on this matter for the 2008-2013 GFMP.				✓		

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Agreements with Forestry Enterprises	3.65	<p>The needs of tallymen for firewood are provided for. When there is no firewood available near the camp, firewood cutting areas covering 75 ha will be set aside and MRNF does not deliver any firewood harvesting permits to non-aboriginals within these areas.</p> <p>The Agreement does not preclude or restrict agreements between Cree individuals or Bands and forestry enterprises.</p>	<p>The parties do not agree on the interpretation of the provisions regarding firewood. The parties agreed for an interim application that was used for the 2008-2013 GFMPs but no official document was signed. Since the signature of the Agreement, the firewood permits for non-native were granted only in one year old cutting areas, in priority in piling areas and never in sites of special or wildlife interest.</p> <p>This provision is implemented but sometimes gives place to special requests which do not respect the modalities of the adapted forestry regime.</p>	<p>Even if the Board brought the issue of the application of the provisions relating to firewood to the attention of the parties several times, it took the parties a very long period of time before taking concrete action to resolve the issue. The parties currently have a verbal interim agreement on this matter for the 2008-2013 GFMP.</p>			✓			
Conflict and Incompatibility	3.66	<p>Subject to the provisions of the JBNQA, in the case of a conflict or incompatibility between the Forest Act and the regulations there under or any other related law and the present adapted forestry regime, the provisions of the adapted forestry regime shall take precedence to the degree necessary to resolve such conflict or incompatibility.</p>	<p>This provision has led to the recognition of issue regarding salvage operations on the Territory (see Part C-6) and to a dispute resolution process to be followed in the case of refusal of silvicultural work by the tallymen (Ref. to the letter sent by the General Manager for the Nord-du-Québec region to the directors of the concerned management units)</p>	<p>The application of the non-application of this provision sometimes leads to conflicting situations. Whether or not section 79 of the Forest Act is applicable to the Territory has lead to the recognition of an issue regarding salvage operations on the Territory (see Part C-6). In April 2007, following a conflicting situation regarding the issue of a permit for silvicultural activities based on the TSFMA holders' obligations provided for in the Forest Act even if the Agreement's consultation and approval processes were not followed, the General Manager for the Nord-du-Québec region sent a letter to the directors of the concerned management units on the dispute resolution process to be followed in the case of refusal of silvicultural work by a tallyman.</p>			✓			
Schedule	3.67	<p>Schedule C, which includes Part I (C-1), Part II (C-2), Part III (C-3), Part IV (C-4), Part V (C-5) and Part VI (C-6) forms an integral part of chapter 3.</p>				✓				

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					NA	Yes	No	IP*	OG*	SU*	
C-1	(C-1)	Territory for the application of the adapted forestry regime.		See 3.3.	✓						
C-2	(C-2) A)	Definition of mosaic cutting with protection of regeneration and soils: Cutting with protection way as to preserve an area of forest between two cutting areas that is at least equivalent in area to the stand harvested.			✓						
	(C-2) B) a)	Logging operations must be distributed so as to promote and maintain, both temporally and spatially, a set of blocks of different shapes and sizes. Thus, for each logging sector identified in an Annual Forest Management Plan (AFMP), the residual stands to be preserved and those to be cut are clearly shown on maps.	The cartographic presentation of the plans has been standardized in 2005 with the PRAIF tool. The identification of cutting blocks and residual blocks is the same for all agreement holders since then.								
	(C-2) B) b)	Logging operations must be distributed so as to promote and maintain, both temporally and spatially, a set of blocks of different shapes and sizes. Thus, in the first phase, logging priority is given to the most mature stands to minimize timber losses.	To give priority to the most mature stands, prematurity analyses are conducted by MRNF for each AFMP. Few premature stands are harvested but a certain percentage is.	The provisions related to harvesting priorities are not easy to apply on the Territory, since the spatial and temporal distribution of the cuts provided for in the adapted forestry regime makes so that the agreement holders don't have much room for manoeuvre regarding harvesting priorities.		✓					✓

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					NA	Yes	No	IP*	OG*	SU*
	(C-2) B) c)	Logging operations must be distributed so as to promote and maintain, both temporally and spatially, a set of blocks of different shapes and sizes. Thus, the harvested areas will vary in size. At least 20% of the blocks are less than 50 ha and at least 70% are less than 100 ha. No more than 30% of the blocks are larger than 100 ha, and no block exceeds 150 ha.	This provision is taken from section 74.3 of the RNI. It is therefore validated with the RNI validation done by MRNF for each AFMP. The traplines are used as TRU for this purpose.		√					
	(C-2) B) d)	Logging operations must be distributed so as to promote and maintain, both temporally and spatially, a set of blocks of different shapes and sizes. Thus, the residual stands to be preserved are located in priority in mixed forests, as they are relatively rare and play an important role as wildlife habitats.	The location of the residual blocks is validated with the tallymen for each harvesting sector of the AFMP, with a special attention given to those located in the sites of wildlife interest. However, the location of the residual blocks into mixed stands is not checked in an exhaustive way.	According to criteria provided for the establishment of the residual stands in the RNI, the residual blocks must have a forest status similar to the one of the harvesting block. Moreover, the strategy to be implemented in the 2008-2013 GFMPs guarantees that there will be no stands conversion (i.e. that mixed stands will remain mixed stands through times).				√		
	(C-2) B) e)	Logging operations must be distributed so as to promote and maintain, both temporally and spatially, a set of blocks of different shapes and sizes. Thus, the forest to be preserved between two cutting areas are at least equal in size to the area of the stand harvested (this equivalency may also be calculated for a set of stands located within an annual harvesting sector).	The ratio of residual hectares on harvested hectare (residual ha / harvested ha) is calculated for each annual harvesting sector by MRNF. The parties have agreed on the maximum distance between the cutting block and the residual block (concept of harvest site or <i>chantier de récolte</i> as defined in the RNI).					√		
	(C-2) B) f)	Logging operations must be distributed so as to promote and maintain, both temporally and spatially, a set of blocks of different shapes and sizes. Thus, the residual forest is composed of productive forest stands more than 7 meters high (this will include many remaining stands of 12 meters high, in light of the present composition of the standing forest.	The height of residual forest is checked by MRNF with the stands designation from the ecoforestry database.					√		

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C-2	(C-2) B) g)	Logging operations must be distributed so as to promote and maintain, both temporally and spatially, a set of blocks of different shapes and sizes. Thus, the residual forest between two cutting areas is at least 200 meters wide (long strips of unvarying width are to be avoided).	The width of residual forest between two cutting areas is checked by MRNF using the buffer tool in the cartographic information system.		√					
		Logging operations must be distributed so as to promote and maintain, both temporally and spatially, a set of blocks of different shapes and sizes. Thus, the residual forest is left standing for a period long enough to allow the new growth to achieve the required level of development (minimum 3 meters).	The height of the new growth is checked by MRNF with the stands designation from the cartographic information system.		√					
C-3	(C-3) A) first two paragraphs	In pre-commercial thinning and stand release operations, special attention is given to the conservation of different habitats. For example, it is possible to preserve a certain number of small fruit trees such as sorbs and cherry trees, preserve hardwood trees in open spaces where there are no coniferous trees.	At this time, the data required to assess the implementation of this provisions are not available. It is not clear that this modality has been implemented so far in precommercial thinning operations.	On the basis of the instructions relating to the application of the regulation respecting the value of silvicultural treatments admitted as payment of dues, agreement holders have room to maintain fruits and hardwood trees when the resinous stocking declines. However, systematic application of this provision would require adjustments to surveys conducted before and after treatment (as already recognized in 2006 by MRNF in his FPDO 11 monitoring chart), a better coordination between MRNF and the agreement holders and the training of the forest workers.						√

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					NA	Yes	No	IP*	OG*	SU*
C3	(C-3) A) 2 nd paragraph	In pre-commercial thinning and stand release operations, special attention is given to the conservation of different habitats. For example, in sectors where large regenerated areas will be the object of such work, it is possible to provide for operations to be spread over two phases, two or three years apart.	This provision was not implemented due to an issue regarding the Forest Management Manual follow-up and the agreement holders' obligation to put back the sites in production.	Implementation of FPDO 7 in the next GFMPs will contribute to the implementation of this provision.		√				
	(C-3) A) 4 th paragraph	In pre-commercial thinning and stand release operations, special attention is given to the conservation of different habitats. For example, it is possible to promote the maintaining of enough hardwood trees to ensure the development of mixed forests on certain rich sites conducive to good hardwood growth.	It is difficult to assess the implementation of this provision since the signature of the Agreement because the old generation of GFMPs allowed strata conversion following harvesting.	The forest management strategy to be implemented in the 2008-2013 GFMPs will make so that the strata likely to offer good mixed stands and for which the birch and poplar competition settles following harvesting will have to be managed in order to preserve the mixed composition.						√
	(C-3) B) 1 st paragraph	The protection of pre-established regeneration is improved, especially tall regeneration. When the conditions allow, cuttings with protection of regeneration and soils is carried out under a special framework in order to protect tall regeneration. Appropriate logging techniques (such as multifunctional cutting heads) that leave the best regenerating trees intact are used.	No specific actions were taken regarding logging techniques in the context of the adapted forestry regime.	The use of multi-functional cutting heads on smaller tractors than the ones used with feller-buncher has great potential to allow a better protection of pre-established regeneration (including tall regeneration). Even if the type of equipment being used in harvesting operations can make difference in the level of protection of the pre-established regeneration (especially tall trees), training of the operators is also very important. For the 2004-2005 fiscal year in the Nord-du-Québec region, 68% of the harvested volume was harvested using whole tree harvesting, 15% using bole only harvesting and 18% using cut-to-length harvesting.						√

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	(C-3) B ² nd paragraph	The protection of pre-established regeneration is improved, especially tall regeneration. When the conditions allow, cuttings with protection of regeneration and soils is carried out under a special framework in order to protect tall regeneration. Appropriate hauling equipment to limit damage to the new growth is selected.	No specific actions were taken regarding logging techniques in the context of the adapted forestry regime.	Even if the type of equipment being used in harvesting operations can make a difference in the level of protection of the pre-established regeneration (especially tall trees), training of the operators is also very important. For the 2004-2005 fiscal year in the Nord-du-Québec region, 68% of the harvested volume was harvested using whole tree harvesting, 15% using bole only harvesting and 18% using cut-to-length harvesting.						√
	(C-3) B ² nd paragraph	The protection of pre-established regeneration is improved, especially tall regeneration. When the conditions allow, cuttings with protection of regeneration and soils is carried out under a special framework in order to protect tall regeneration. A survey of the new growth is conducted before logging to identify the stands that have tall under-storey regeneration.	The pre-harvesting surveys conducted by the agreement holders do not allow identifying the stands that have tall under-storey regeneration.	The MRNF checks that the agreement holders ensure the protection of regeneration while harvesting by carrying out the follow-up of section 89 of the RNI. MRNF verifies that the after cutting stocking of species sought as priority production between hauling trails is greater than 80 % of the stocking before cutting for the trees that are 5 cm in diameter or larger, is greater than 55% of the stocking before cutting for saplings whose DSH is wider than 2 cm, is greater than 35% of the stocking before cutting for saplings whose DSH is wider than 6 cm.				√		

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		A management guide, elaborated by MRNF in cooperation with the Board, applicable specifically to the mixed forests is available. The wildlife and forest-related management objectives are described, as well as the operational methods required to maintain and renew these stands (logging techniques, features of the stands to be preserved, etc.).	The development of mixed forest stand management strategies was started in September 2004 and experienced several delays and changes in the elaboration approach. The strategy retained for 2008-2013 GFMPs presents only forest-related objective with no wildlife objectives. The Board has never been asked to participate to the elaboration of the mixed stand strategy.				✓			
C-4 Objectives	(C-4) 1.	Without restricting the generality of the provisions of the Agreement, the creation of JWGs in the concerned Cree communities has, amongst others, the following objectives: ensure the real and significant participation of the Crees in the planning of forest management activities in the Territory in keeping with the principles established in the Agreement, ensure that forest management takes into account the protection of wildlife habitats and to resolve disputes between users in regard to forestry as they arise.			✓					
(C-4) 2.1 Determination of the FPDOs	(C-4) 2.	To clarify the FPDOs, the Minister receives a proposal from the JWGs, consults the Board and sends agreement holders the elements to take into account in the preparation of the forest management plans.	The JWGs submitted a joint recommendation to the Minister on the proposed FPDOs. The Board was consulted and advised the Minister of its position. This exercise has led to the addition of a FPDO specific to the Territory (FPDO 11). FPDO 11 was included to the FPDO implementation document for the next GFMPs.	A grid for the assessment of FPDO 11 was elaborated between the parties under the MRNF leadership. The implementation of FPDO 11 was introduced in a forest planning support guide intended for the agreement holders to help in implementing the FPDOs in their 2008-2013 GFMPs. It is however not clear that this guide entirely complies with the wildlife habitats follow-up and that it will allow measuring all that must be complied with in FPDO 11, especially regarding the participation process.					✓	

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(C-4) 2.2 Preparation of GFMPs	(C-4) 3	The clarification of the FPDOs sent by the Minister to agreement holders does not have the effect of restricting the provisions of the Agreement. The planning process shall be implemented according to the measures provided for in the adapted forestry regime.	The FPDOs transmitted by the Minister to the Agreement holders do not have the effect of restricting the provisions of the Agreement.		✓						
	(C-4) 4				✓						
	(C-4) 5	The GFMPs include a Cree section identifying the sites of special and wildlife interest and information on the harmonisation measures. The Cree section takes into account the general principle set forth in the Agreement, the use of the Territory by the Crees and their concerns about the realisation of the planned forest management activities.	The instructions for the elaboration of the 2008-2013 GFMPs presented to the agreement holders by the MRNF clearly identified the expectations regarding the Cree section in accordance with the principles set out in the Agreement. This section of the GFMPs was analysed by the MRNF and translated in English by the MRNF for the JWGs.	Because Cree land use information (1 and 25%) was considered confidential, some parts of the Cree section from the GFMP were removed in the context of the public consultation process.	✓						
	(C-4) 6	Each JWG determines the content of working maps for use in the exercise related to the location of sites of special interest to the Crees. These maps will be prepared either by the Crees or MRNF, according to the choice of each JWG.	Rapidly after the signature of the Agreement, synthesis maps were prepared by MRNF to achieve their use in AFMPs. Consultations of tallymen were carried out by Cree JWG members. This exercise continued all along the transitional period (see 3.9.1) and is not completed yet.					✓			
	(C-4) 7	Sites of special interest are located by the tallymen. The JWGs assist the tallymen in this exercise.	Sites of special interest were located before the beginning of the exercise of consultation for the preparation of the GFMPs for most of the traplines. The JWGs assisted the tallymen in this exercise (see 3.9.1).	The sites of special interest are missing for some traplines (see 3.9.1).					✓		

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OG: on going
SU: status unknown

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					NA	Yes	No	IP*	OG*	SU*
	(C-4) 8	Sites of wildlife interest are located by the tallymen in cooperation with other stakeholders. The JWGs assist the tallymen in this exercise.	Sites of wildlife interest were located before the beginning of the exercise of consultation for the preparation of the GFMPs for most of the traplines. The JWGs assisted the tallymen in this exercise. Other Cree stakeholders were involved in this exercise (see 3.10.2).	The sites of wildlife interest are missing for some traplines (see 3.10.2).					✓	

* IP: in part
OG: on going
SU: status unknown

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					NA	Yes	No	IP*	OG*	SU*	
(C-4) 2.2 Preparation of GFMPs	(C-4) 9	The JWGs ensure the availability of the location of sites of special and wildlife interest as identified by the tallyman and the consistency of the selected measures with those agreed to in the adapted forestry regime for the GFMPs following the signing of the Agreement. This information is made available as soon as possible and at the latest by December 31, 2003.	See 3.9 and 3.10.					✓			
	(C-4) 10	In the absence of a Cree tallyman or a Cree user designated by him and capable of identifying the sites of special and wildlife interest, another Cree representative may be designated according to the method chosen by the community.	This provision was not applied yet for some traplines overlapping other native nations (see 3.9 and 3.10), but the Cree communities are currently working on a process to identify official tallymen for these traplines.	Some tallymen asked family members or other Cree users of the trapline to locate their main concerns regarding their use of the trapline in order to precise the location of the sites of wildlife interest (See 3.10.2).				✓			
	(C-4) 11	In the case of disputes concerning the location of the sites of wildlife interest the Minister shall favour the location indicated by the Cree tallyman.	No dispute occurred.						✓		
	(C-4) 12	Agreement holders are informed by the Minister of the location of sites of special and wildlife interest and undertake the preparation of their GFMPs accordingly.	Figure 24 of the Cree section of the 2008-2013 GFMPs, presenting among other things the location of sites of special and wildlife interest was sent to the agreement holders by the Minister between October 1 and 7, 2008.						✓		

* IP: in part
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					NA	Yes	No	IP*	OG*	SU*
(C-4) 2.2 Preparation of GFMPs	(C-4) 13.	From the time the agreement holders are informed of the location of the sites of special and of wildlife interest, and during the entire preparation process of the GFMPs, the agreement holders and tallymen cooperate regarding the choice of location of residual forest blocks to be conserved in the sites of wildlife interest, the road network development plans and the harmonisation measures. Amongst other things, the exercise allows the Crees to identify all concerns other than the already provided locations of sites of special and wildlife interest or any other information relative to the elements of the Cree section of the GFMPs.	In the summer of 2006, the tallymen were consulted with the objective of identifying their concerns and to document their land use. This exercise was under the leadership of the CRA, with the collaboration of the JWGs, representatives from Faune Québec and the Board secretariat. Following the consultation, synthesis maps (planning support maps) were produced for each traplines in 2007. The purpose of these maps was to facilitate the consideration of Cree land use information in the planning process. The planning support maps were used during the consultation meetings and made available to agreement holders who had signed a confidentiality agreement. Participation meeting organised by the JWGs aimed to allow tallymen and the agreement holders to cooperate regarding the position of residual forests blocks in the sites of wildlife interest, the development of the road network and the elaboration of harmonization measures.	Confidentiality issues emerged regarding these planning support maps, but confidentiality agreements were finally signed between most tallymen and the agreement holders. The delay introduced by this confidentiality issue made these maps not much used by most agreement holders for the 2008-2013 GFMP. Because of the confidentiality issue related to public organization (see 3.46), these maps are still not available for the MRNF. The maps are available to the Board on a CRA website. Due to the strategic dimension of the GFMP, not all residual forest blocks and forestry roads that will be presented on one of the 5 coming AFMPs were specifically discussed with tallymen.			✓			
	(C-4) 14.	Following a request from the Crees, the JWGs assist the agreement holders and the tallymen in this exercise.	The JWGs were pretty active in spring and summer 2007 to organize participation meetings. In most cases, tallymen, agreement holders and JWGs were thus able to meet 2-3 times for the elaboration of the GFMPs.			✓				

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	(C-4) 15.	The JWGs follow the progress of the elaboration of the GFMPs and ensure the integration of the measures provided for in the adapted forestry regime.	In March 2006, the Parties' Task Force was set-up to ensure the follow-up of the recommendations emerging from the report on the assessment of the JWGs. The work on this committee allowed to prepare the JWGs to adequately fulfill their mandate regarding the GFMPs. Continuous work was done to develop tools required for the follow-up of the GFMPs elaboration by the JWGs. The JWGs followed the progress of the elaboration of the GFMPs and of the integration of the measures of the adapted forestry regime.	Aside from organizing and following participation meetings between tallymen and agreement holders, most JWGs are not involved so far to ensure the integration of the other measures provided in the adapted forestry regime.	✓					
	(C-4) 16.	The JWGs provide the necessary support for the resolution of conflicts between the activities of the Crees and forest management activities. The JWGs encourage direct dialogue between the parties concerned to favour land-use harmonisation. Disputes are documented and examined; solutions that are acceptable to the parties are found.	A process for decision-making and conflict resolution was agreed on by the parties and was used for the elaboration of the 2008-2013 GFMPs. Contrary to the process used so far for the consultations of the AFMP, direct dialogue between tallymen and agreement holders was favoured by the JWGs for the participation of the GFMPs. Aside from a few specific and localised conflicts (some are still in resolution process), JWGs properly fulfilled their facilitator/mediator mandate.	So far, consultation and participation processes initiated by the JWGs are exclusively calling for the interaction between the agreement holders and tallymen, as Cree representatives. Very few other Cree users or Band Councils are called in these processes by the JWGs. Some major land use conflicts forced the JWGs to meet Band Councils.	✓					

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OG: on going
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					NA	Yes	No	IP*	OG*	SU*
(C-4) 2.2 Preparation of GFMPs	(C-4) 17.	When a conflict persists, the concerned JWGs present a state of the situation and their recommendations to the Minister. The Minister appoints a conciliator that is the Chairman of the Board or a person independent of the parties and of the agreement holders. Conciliators are chosen from a list prepared in advance by the Board.	A list of conciliators provided by the Board is available to the Minister. This list has been revised in the context of the elaboration of the 2008-2013 GFMPs. The Minister asked for the revised conciliator list adopted by the Board. At March 31, 2008, only one conciliation request was presented to the Minister by the JWGs. This request is still in progress (W17A road) and no conciliator has been officially appointed yet.	The parties do not have the same interpretation of the second part of this provision (conciliator appointment). The Crees would like the Chairman of the Board to be asked first by the Minister as the conciliator, whereas Québec would like to have the choice to appoint the Chairman or an independent conciliator, depending on the case.	✓					
	(C-4) 18.	The conciliator examines the dispute, hears the parties and presents his recommendations to the parties and the Minister. If one or both of the parties refuse to follow the conciliator recommendations, the Minister decides on the measures to apply and informs the parties of his decisions and the reasons therefore. The Minister sends a copy of his decision to the concerned JWG and to the Board.	At March 31, 2008, only one conciliation request was presented to the Minister by the JWGs. This request is still in progress (W17A road) and no conciliator has been officially appointed yet.				✓			
	(C-4) 19.	Upon request, the Minister provides the data and the basis of calculation of the AAC for each management unit to the person designated by the Crees who may make recommendations of which he will inform the JWGs and the Board.	Since December 2005, AAC calculation is under the responsibility of the Chief Forester. An exercise to resume calculations on the Territory is taking place and a special process is being tested. The Cree party takes part in this exercise.	The parties do not have the same interpretation of this provision.				✓		
	(C-4) 20.	If a dispute concerns the calculation of the AAC, the Minister retains an independent specialist to make recommendations. The Board may propose a list of specialists to the Minister. In the event that the Minister does not select one of the specialists proposed by the Board, he shall inform the Board of the reasons for his decision.	A list of specialist provided by the Board is available to the Minister.			✓				

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(C-4) 2.3 Approval Procedure for the GFMPs	(C-4) 21.	The agreement holders prepare the five-year program so as to reflect all of the objectives pursued, the information provided concerning sites of special and wildlife interest, the measures taken following the cooperative process and conciliation, if any, and the measures provided for in the Agreement.		The five-year program is now integrated to the general plan.	✓					
	(C-4) 22.	Following the submission of the GFMPs, the MRNF first examines the admissibility and conformity of the plans. Among other things, MRNF verifies that the GFMPs include the information provided by the Crees concerning the sites of special and wildlife interest. MRNF also verifies that the planned forest management activities respect the provisions of the Agreement.	For most technical modalities that can be evaluated at the GFMP level, MRNF has a process to evaluate the admissibility and conformity.				✓			

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					NA	Yes	No	IP*	OG*	SU*
(C-4) 2.3 Approval Procedure for the GFMPs	(C-4) 23.	Plans judged not in conformity are returned to the agreement holders and the Minister forwards a letter to the Board and the JWGs stating the reasons for which the plans are judged not in conformity.	This modality was never applied by the MRNF and the Minister.		√					
	(C-4) 24.	Plans that are judged to be in conformity and the results of the admissibility and conformity examinations are sent to the JWGs of each community and to the Board which will treat the plans in conformity with its mandate.	For the approval of the 2008-2013 GFMPs, the plans were sent to the JWGs once both admissibility and conformity analyses (with regard to Agreement modalities) were done, whereas the Board received the plans only with the admissibility confirmation. No detailed results of the MRNF conformity analysis were made available to the JWGs and the Board. However, the Board took the necessary time to review the same GFMPs version sent to the JWGs.	There are different interpretations of this provision among the parties.			√			
(C-4) 2.3 Approval Procedure for the GFMPs	(C-4) 25.	The JWGs comment on the results of the examinations and proceed to the necessary verifications as necessary. Within 30 days of the receipt of the plans, the JWGs forward to the Minister and to the Board their recommendations regarding the conformity of the plans and ask for any necessary corrections.	An analysis framework was developed by the JWG coordinators, assisted by parties' representatives and the Board secretariat, to support the JWGs in their GFMPs review mandate. This framework did not imply for the JWGs to specifically comment on the MRNF examination results, but did rather present many topics for which the opinion of the JWGs was expected (mainly about participation processes and the integration of the Cree land use information). JWGs from Oujé-Bougourou, Mistissini and Waswanipi commented on the GFMPs. The JWGs from Nemaska et Waskaganish did not. The plans for 12 FMUs (out of 15) have therefore been commented by the JWGs.	Not all JWGs advised the Minister and the Board about the 2008-2013 GFMPs and none of the JWGs received feedback from the Minister about their advice.			√			

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		If the council of each Cree community so chooses, the JWGs assist the concerned community in its participation in the consultations in the framework of the information and public consultation process.	No Cree Band Councils did participate in the information and public consultation process.	An invitation to take part in the information and public consultation process was systematically sent by MRNF to all concerned Cree Band Councils.			✓			
	(C-4) 26.	After having proceeded to make changes, as the case may be, the Minister proceeds to the final approval of the GFMPs.			✓					
(C-4) 24 Modifications	(C-4) 28.	Modifications of the GFMPs are done on the same process of preparation and approval as described in section 2.2 and 2.3 of Part C-4.	This provision only applies to the new generation of GFMPs. For the transitional period (before April 2008), GFMP modifications were dealt as AFMP modifications.	Since the signature of the Agreement, GFMP modifications were dealt as AFMPs modifications, the Board never received and analysed them. Therefore, no advices on these modifications were sent to the Minister either by the Board or the JWGs during the transitional period.			✓			
(C-4) 3.1 Preparation of the AFMPs	(C-4) 29.	The JWGs ensure the participation of the Crees in the elaboration of the AFMPs, the availability of the precise location of the sites of special and wildlife interest. The validated information is sent to the agreement holders before September 1 st of the year preceding the implementation of the annual plan.	Participation of the Crees is ensured by JWGs. Each group adopted its own elaboration and consultation processes. The location of the sites of special and wildlife interest is not validated each year except if the tallymen decide to change their location. There are still some 1 and 25% missing (see 3.9 and 3.10).	Various consultation processes were tested within the various groups. Several consultation processes are not calling on direct exchange between the tallymen and agreement holders and most of the JWGs are acting as contact between these stakeholders. It is taken for granted that the location of the sites of special and wildlife interest stay the same through time.					✓	
(C-4) 3.1 Preparation of the AFMPs	(C-4) 30.	After the validated information is sent to the agreement holders and during the entire process of preparation of the AFMPs, the agreement holders and tallymen concert their efforts to prevent land use conflicts and in the goal of establishing harmonisation measures. The exercise is aimed at allowing the Crees to transmit knowledge identifying concerns other than the sites of special and wildlife interest already provided and any other information relative to elements of the Cree section of the GFMPs implemented in the AFMPs.	Each group adopted its own elaboration and consultation processes. Various consultation processes were tested within the various groups. Currently, several of these processes are not calling on direct exchange between the tallymen and agreement holders. Most of the JWGs act as contact between these stakeholders. Harmonisation measures are elaborated with the support of the JWGs members when required.						✓	

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					NA	Yes	No	IP*	OG*	SU*
(C-4) 3.1 Preparation of the AFMPs	(C-4) 31.	The JWGs provide the necessary support for the resolution of conflicts between the activities of the Crees and forest management activities. The JWG encourage direct dialogue between the parties concerned to favour land-use harmonisation. Disputes are documented and examined. Solutions that are acceptable to the parties are found.	Land use conflicts are documented through minutes and registers specific to each JWG. When it comes to conflict resolution, direct dialogue between the parties concerned (mainly agreement holders and tallymen) is encouraged. In most case, solutions that are acceptable to both parties are found.	So far, consultation and participation processes initiated by the JWGs are exclusively calling for the interaction between the agreement holders and tallymen, as Cree representatives. Very few other Cree users or Band Councils are called in these processes by the JWGs. Some major land use conflicts forced the JWGs to meet Band Councils.				✓		
	(C-4) 32.	When a conflict persists, the concerned JWG present a state of the situation and their recommendations to the Minister. The Minister appoints a conciliator that is the Chairman of the Board or a person independent of the parties and of the agreement holders. Conciliators are chosen from a list prepared in advance by the Board.	There has been no conciliation in the framework on the AFMPs since 2002. A list of conciliator provided by the Board is available to the Minister.	Since 2002, some cases could have gone to the conciliation if the processes provided for in the Agreement had been respected. The parties do not have the same interpretation of the second part of this provision (conciliator appointment). The Crees would like the Chairman of the Board to be asked first by the Minister as the conciliator, whereas Québec would like to have the choice depending on the case. In April 2007, following a dispute concerning the deliverance of forest intervention permits, the General Manager for the Nord-du-Québec region sent a letter to the directors of the concerned management units on the dispute resolution process to be followed (see 3.66). See (C-4) 32.			✓			
	(C-4) 33.	The conciliator examines the dispute, hears the parties and presents his recommendations to the parties and the Minister. If one or both of the parties refuse to follow the conciliator recommendations, the Minister decides on the measures to apply and informs the parties of his decisions and the reasons therefore. The Minister sends a copy of his decision to the concerned JWG and to the Board.	There has been no conciliation in the framework on the AFMPs since 2002.				✓			

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					NA	Yes	No	IP*	OG*	SU*
(C-4) 3.2 Approval of the AFMPs	(C-4) 34.	The result of the conciliation does not modify the results of the elaboration and approval process of the GFMPs and notably the information provided by the tallymen concerning the sites of special and wildlife interest.	There has been no conciliation in the framework on the AFMPs since 2002.	See (C-4) 32.			✓			
	(C-4) 35.	Following the deposit of the plans, the MRNF proceeds to the evaluation of the admissibility and conformity of the AFMPs with the GFMPs and with the measures provided for in the adapted forestry regime.	MRNF evaluates if the AFMPs comply with the forest management strategies, the forest prescriptions, the AAC, the provincial forest management standards and the Agreement. Tools to conduct these analyses were developed by MRNF.				✓			
	(C-4) 36.	Plans judged to be not in conformity are returned to the agreement holders and the Minister advise the Board and the JWGs.	The second part of this modality was never applied by the MRNF and the Minister.					✓		
	(C-4) 37.	Plans judged to be in conformity are forwarded to the JWGs of each community and a notice is sent to the Board.	Since 2002, no notice was officially sent to the Board and the JWG in this regard. Aside from the paper plans produced by MRNF for the consultation purposes, no plan was sent to JWGs.	Since 2008, an ftp site allows the Board secretariat and the CRA to access shapefiles of the annual plans and permits. MRNF is working on a more efficient and adapted process to document and make accessible the information on this ftp site. Such process is essential for the JWGs and the Board to follow the evolution of annual plans that can have up to 4 modifications a year.					✓	
(C-4) 3.2 Approval of the AFMPs	(C-4) 38.	The JWGs ensure the conformity of the AFMPs with the Cree section of the GFMP and proceed to the additional verifications they deem appropriate. The JWGs also verify if contentious situations persist. If so, the JWGs document and examine said situation, ensure that there are discussions on the issue and find solutions acceptable to the parties.	This provision is aimed at the new generation of GFMPs. Since 2002, the JWGs involvement in the AFMPs ends with the consultation sessions. Following the consultations, the JWGs do not analyse the admissibility or conformity the reports from the MRNF.	Since 2002, aside from the consultation of the tallymen, most JWG members are not involved in the analysis of the AFMP with regard to technical modalities of the Agreement.				✓		

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	(C-4) 39.	When an AFMP is judged not to be in conformity, the JWGs inform the Minister and make appropriate recommendations within (30) days of receipt of the plans. The Minister re-evaluates the admissibility and conformity of the AFMP.	Since 2002, the JWGs are only involved in the tallymen consultations. Following the consultations, the JWGs do not analyse the admissibility or conformity reports from the MRNF.		✓					
	(C-4) 40.	The JWGs or certain of their members may seize the Board of any dispute, problem or concern relative to an AFMP and the Board treats the matter in conformity with its mandate. Following a specific request, the Board obtains from MRNF a copy of any AFMP or modification.	Since 2002, the JWG seized the Board of three cases: W06, W24 and the permits for silvicultural activities. In all cases, the actions of the Board allowed addressing the situation.		✓					
	(C-4) 41.	After having proceeded to make changes when required, the Minister proceeds to the final approval of the AFMP and sends a notice to the Cree party of the JWGs and to the Board as well as a copy of the modifications to the JWG.	Since 2002, no notice was officially sent to the Board and the JWGs in this regard. Aside from the paper versions of the plans produced by MRNF for the consultation purpose, no plan was sent to JWGs.	Since summer 2008, an fip site allows the Board secretariat and the CRA to access shapefiles of the annual plans and permits.					✓	
(C-4) 3.3 Modifications of AFMPs	(C-4) 42.	Modifications of the AFMPs that require a modification of the forest management activities provided for in the plans are subject to the same process of preparation and approval described at section 3.1 et 3.2 of Part C-4.	Partially and progressively implemented (see all the section on the AFMP).	Each modification is followed-up by the JWGs through consultation with the tallymen.					✓	
(C-4) 4.1 Annual Monitoring of the Forest Management Activities	(C-4) 43.	The annual monitoring of the forest management activities is aimed at ensuring the respect of the management strategies described in the GFMP and the activities forecast in the AFMP. The forestry monitoring extends to the volumes of wood harvested, the silvicultural treatments undertaken and the application of the standards of forestry management.			✓					

* IP: in part
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					NA	Yes	No	IP*	OG*	SU*
(C-4) 4.1 Annual Monitoring of the Forest Management Activities	(C-4) 44.	In the Territory, particular attention is given to monitoring the application of the standards described in the Agreement as well as the other measures that are set out in the forest management plans, particularly the measures of the Cree section of the GFMPs.	Most technical modalities of the agreement are monitored by the MRNF, but some specific modalities and objectives are not (ex: PCT, wildlife habitat, mixed stands, etc.).				✓			

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					NA	Yes	No	IP*	OG*	SU*
(C-4) 4-1 Annual Monitoring of the Forest Management Activities	(C-4) 45.	When they deem it necessary, the JWGs are involved in the process of establishing the program of annual verification of forest management activities undertaken by MRNF. The program includes notably the list of works that will be verified as well as the sampling techniques that will be used.	The JWGs are not yet involved in the annual monitoring of the forest management activities.		✓					
	(C-4) 46	Involvement of the JWGs takes place at the stage of elaborating the annual program or upon receipt of a proposed program from the MRNF. In the latter case and if required, the JWGs propose modifications to the annual program. The JWGs make the necessary recommendations in both cases.	The JWGs are not yet involved in the annual monitoring of the forest management activities.		✓					
	(C-4) 47.	When the Minister refuses to integrate the JWGs recommendations into the annual verification program, he explains his position and informs the JWGs or their members of the reasons for not accepting their recommendations.	The JWGs are not yet involved in the annual monitoring of the forest management activities.		✓					
	(C-4) 48.	The results of the forest management verification are provided to the JWGs in the form of periodic progress reports on the work and in the form of annual statements of the forestry management monitoring, which are prepared by MRNF. The JWGs first decide on the method of presenting this annual statement.	No periodic progress reports or annual statements regarding the results of the forest management verification are provided to the JWGs.		✓					
	(C-4) 49.	JWGs familiarize themselves with various forest management activities undertaken as well as the methods of verification applied through joint visits of on-site verification operations in Cree traplines. These visits take place during the season at the frequency determined by the JWGs.	In case by case basis and mainly in the context of conflicts, some field visits are jointly organized by the JWGs with the tallymen and / or agreement holders.		✓					

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(C-4) 4.1 Annual Monitoring of the Forest Management Activities	(C-4) 50.	Annual reports on the forest management activities prepared by agreement holders are filed with the JWGs.	In April 2007, MRNF started to transfer annual reports to the CRA. Before that, this provision was not implemented.							
		The JWGs or their members make recommendations to the Board and to the Minister regarding any issue connected to the monitoring of forest management activities or such activities. Upon request, the Board obtains copies of documents produced within the framework of the annual monitoring of forest management activities.	The JWGs are not yet involved in the annual monitoring of the forest management activities.		✓					
(C-4) 4.2 Review of the State of the Forest	(C-4) 52.	Each year, the agreement holders perform evaluations to assess the current state of the forest. For example, inventories are undertaken at silvicultural sites 10 years after planting. These inventories permit an evaluation of whether the works performed are likely to produce the expected results as set out in the GFMPs (validation of the basis of calculation set out in the GFMPs). These inventories also make it possible to evaluate the evolution of the natural regeneration of the forests following forest management activities.				✓				

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Review of the State of the Forest	(C-4) 53.	At present, these reviews of the state of the forest are described in the Manuel d'aménagement forestier published in 1998 and constitute an obligation for the agreement holders. The MRNF shall verify the information that is collected by the agreement holders using a sampling process (e.g. verification of 10% of the parcels performed by the agreement holders).			√						
	(C-4) 54.	The JWGs are involved in the process of establishing the program of validation of information concerning the state of the forest to ensure that the sampling reflects Cree concerns. This program includes, among other things, the list of works that will be verified as well as the sampling techniques that will be used.	No wildlife habitats objective is evaluated through the review of the state of the forest. The JWGs are not yet involved in the review of the state of the forest.				√				
	(C-4) 55.	The Board is informed of the JWGs proposals for the sampling methods regarding the protection of wildlife habitats.	The JWGs are not yet involved in the review of the state of the forest and wildlife habitats.				√				

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	(C-4) 56.	The involvement of the JWGs takes place at the stage of elaborating the annual program or upon receipt of a proposed program from the MRNF. In the latter case, the JWGs may propose modifications to the program. The JWGs make the necessary recommendations in both cases.	The JWGs are not yet involved in the review of the state of the forest and wildlife habitats.		✓					
	(C-4) 57.	The results of the forest management verification are provided to the JWGs and the Board.	Both the Board and the JWGs never received such information on the results of the forest management verifications.		✓					
	(C-4) 58.	If required, the JWGs or their members make recommendations to the Board and to the Minister regarding any issue concerning the current state of the forest.	The JWGs are not yet involved in the review of the state of the forest.		✓					

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Section	Art. #	Main elements to be Implemented and / or Complied With	Actions Taken for Implementation	Complementary Information / Comments	Implementation					
					NA	Yes	No	IP*	OG*	SU*
	(C-4) 59.	<p>Within the framework of the reviews of the state of the forest, the Board elaborates draft directives aimed at introducing into the forest management planning process strategies that can take into account the protection and development of wildlife habitats. These draft directives are transmitted to the Minister before April 15, 2005. If need be, the Minister will proceed in concert with the other governmental entities concerned.</p>	<p>The Board has worked in cooperation with several stakeholders to elaborate the draft directives. The Board filed the draft directives to the Minister on March 29, 2005. The Board also conducted a pilot project aimed at testing the draft directives with several stakeholders in order to identify the implementation constraints on two traplines of the Territory. An advice to the Minister on the result of the pilot project was filed on January 31, 2006. In the context of the 2008-2013 GFMPs, the Minister's answer to the Board's draft directives was introduced in its letter dated June 8, 2007. In this letter, the Minister informs the Board that the spirit of its recommendations from the wildlife directives and pilot project was taken into account in the Forest Planning Aid Guide:</p> <p>Implementation of FPDO and forest management strategies specific to the ANRQC's forest land. This guide is intended to assist agreement holders in setting priorities for the application and optimal localisation of the different measures to be integrated during the development of their 2008-2013 five-year program.</p>	<p>The Draft directives were not elaborated specifically in the context of the review of the state of the forest, it covers a much wider horizon.</p>			✓			

* IP: in part
OG: on going
SU: status unknown

Section	Art. #	Main elements to be implemented and / or Complied With	Actions Taken for Implementation	Complementary Information / Comments	Implementation					
					NA	Yes	No	IP*	OG*	SU*
(C-4) 4.2 Review of the State of the Forest	(C-4) 60.	Directives guiding the elaboration of strategies for the protection and development of wildlife habitats will thereafter be introduced into the Cree section of the GFMPs. These directives will be the subject of recommendations by the Board. This process is finalized before December 31, 2005	No specific directives were included in the Cree section of the instructions for the elaboration of the 2008-2013 GFMPs and the Board was not asked to give its advice on any directives. However, the instructions required the agreement holders to include and take into account the directives provided for under C-4 60 in their GFMPs. The instructions are also referring to a guide developed by the MRNF to implement these directives. A preliminary version of this guide was made available to the agreement holders on April 2, 2007. The CQFB directives were annexed to this version of the guide. The final version was available on June 2007 and the CQFB directives were no more annexed.	<i>The Forest Planning Aid Guide: Implementation of FPDO and forest management strategies specific to the ANRQC's forest land</i> developed by the MRNF refers to the implementation of the FPDOs in a way to create synergy with several other management obligations, among which figure the wildlife directives and the mixed woods strategy. This guide is not the MRNF's final wildlife habitats directives and is not intended to instruct the agreement holders on how to directly apply the draft wildlife habitats directives provided by the Board. The guide's objective is to assist agreement holders in setting priorities for the application and optimal localisation of the different measures to be integrated during the development of their 2008-2013 five-year program.		✓				
(C-4) 4.3 Five-Year Report	(C-4) 61.	Every 5 years, MRNF provides the members of the JWGs a report concerning the verification and monitoring of the application of the standards and measures provided in the Agreement for each Cree trapline. This report also contains a description of the state of regeneration for each management unit. For the period ending March 31, 2008, a first report covering the period ending March 31, 2005 and a second report covering the period from April 1 st , 2005 to March 31, 2008 will be provided to the members of the JWGs	At March 31, 2008 this report was not completed.	The five-year report is in progress.		✓				

* IP: in part
OG: on going
SU: status unknown

Section	Art. #	Main elements to be Implemented and / or Complied With	Actions Taken for Implementation	Complementary Information / Comments	Implementation					
					NA	Yes	No	IP*	OG*	SU*
(C-4) 4 Monitoring of the Standards of the Present Adapted Forestry Regime	(C-4) 62.	When the JWGs find forestry operations that are not in conformity with the approved GFMPs or AFMPs or with the other standards of the adapted forestry regime, that the regeneration is inadequate, or any other problem resulting from forest management activities, they immediately inform the Board and the Minister and make recommendations regarding measures to be taken	The JWGs are not yet involved in the monitoring.		✓					
(C-4) 5. Transitional Measures	(C-4) 63. to 78	Progressive integration and implementation of the provisions of the Agreement.	The parties agree that the transitional measure were followed and complied with. This transitional period was extended several times to fit the new GFMPs schedule. The transitional period allowed a progressive implementation of the adapted forestry regime.		✓					
(C-5)	(C-5)	Muskuchii Territory.			✓					
(C-6)	(C-6) 1.	The parties agree that problems exist with respect to the salvage of timber in the Territory following natural disasters such as forest fires, windfalls, infestations of insects or cryptogamic diseases where substantial damage has been caused to timber stands in a forest area.			✓					

* IP: in part
OG: on going
SU: status unknown

Section	Art. #	Main elements to be implemented and / or Complied With	Actions Taken for Implementation	Complementary Information / Comments	Implementation					
					NA	Yes	No	IP*	OG*	SU*
	(C-6) 2	The parties undertake discussions to resolve the problems regarding the salvage of timber in the Territory, in the spirit of Chapter 3. To this end, a working group of 3 representatives from MRNF and 3 representatives from the CRA is created. At the outset of the discussions, each party prepares a report to be remitted to the other party. The parties thereafter decide whether it is appropriate to prepare a joint report. The parties submit a final report to the Board or to the Standing Liaison Committee at the latest on September 30 th , 2004	A working group composed of three members designated by MRNF and three members designated by the GCC-EI was set-up in March 2004. A joint report was filed to the Standing Liaison Committee on May 31, 2005. In June 2007, the parties agreed, on a technical paper on the management of natural disasters and salvage operations on the Territory.	Even if the obligations envisaged in the Agreement were fulfilled, the issues is still studied by the parties by mean of a pilot project agreement in force until 2010		✓				

* IP: in part
OG: on going
SU: status unknown

Appendix 2

Summary of tour results by stakeholder group

Summary of tallymen interviews

Agreement and technical modalities

Forested areas presenting wildlife interest (25%)

Process used to identify forested areas presenting wildlife interest

Lack of information during the process used to identify sectors of wildlife interest. Certain trappers do not know why they were asked to map wildlife habitats.

Understanding of management and development of forested areas presenting wildlife interest

When locating forested areas presenting wildlife interest, many of trappers interviewed believed that these areas would benefit from full-fledged protection. As a result, they have identified sectors they consider to present real interest for wildlife. Almost all of tallymen interviewed now know that cutting is possible in forested areas of wildlife interest, over and above harvesting that already occurred on many traplines and forested areas of wildlife interest when they are identified.

Understanding and assessment of forestry modalities applied in forested areas presenting wildlife interest

For most of the tallymen interviewed, mosaic cutting is not known and does not differ greatly from what was done before the Agreement. On their scale, they see no difference between what is done in forested areas presenting wildlife interest compared to the rest of the Territory. We noted that, during consultations, very little emphasis is put on the location of blocks of residual forest in forested areas presenting wildlife interest. Those who are more familiar with the concept recognize that mosaic cutting can be less harmful for wildlife because it leaves more residual forest.

The situation described in the preceding paragraph creates a reaction of fear and distrust vis-à-vis any process that involves mapping use of the Territory. Since cutting occurs in forested areas presenting wildlife interest, many are dismayed to realize that they have participated in forestry-related planning when they thought they were protecting sectors of interest. “The information is used against us”.

Assessment of wildlife habitat protection capacity of modalities practiced in forested areas presenting wildlife interest

The majority of the tallymen interviewed do not feel that the way forested areas presenting wildlife interest are managed can protect or improve wildlife habitats and Cree use of the Territory.

Tallymen’s feeling of belonging vis-à-vis their forested areas presenting wildlife interest

The low level of satisfaction with the modalities practiced in forested areas presenting wildlife interest and the fact that numerous mapping processes were carried out over a short period of time generates little feeling of belonging among tallymen vis-à-vis their forested areas presenting wildlife interest. Certain trappers do not even know where the forested areas presenting wildlife

interest on their map come from (some tallymen were not involved in the mapping process). Frequently, forested areas presenting wildlife interest are confused with the planning-support map.

Tallymen's desire to change the location of their forested areas presenting wildlife interest

Given tallymen's current assessment of the technical modalities practiced in forested areas presenting wildlife interest, certain tallymen would like to be able to change their location. Paradoxically, overall, forested areas presenting wildlife interest seem to have been properly positioned (important wildlife habitats and sectors of interest). The position of the tallymen questioned on this subject differ.

Knowledge and understanding

General knowledge of Agreement

Most of the tallymen interviewed do not know the Agreement but would like to become more familiar with it.

Tallymen's level of information regarding the Agreement

Since the signing of the Agreement, tallymen that we interviewed do not feel they have been adequately informed about it.

Assessment of level of information regarding the Agreement given by the JWG's

The tallymen questioned feel that the Cree members of the JWG's bring them little information and that they do not really have the tools to present the Agreement and answer questions on the subject.

Advantages and constraints of the Agreement according to tallymen

Level of satisfaction with Agreement modalities

Most of the tallymen interviewed feel it is too early to judge the positive effects of the modalities of the Agreement. However, they are very pleased about their increased involvement in forestry planning.

The Agreement's economic advantages for tallymen

The Agreement's economic aspect is criticized by many of the tallymen interviewed. Most of them do not differentiate between financial compensation from logging companies, the enhancement program and other Band Council financial assistance programs. In their view, they received more financial compensations, directly and unconditionally, before signing the Agreement. This issue is thorny and sometimes leads tallymen to contest companies' access to their trapline based on unmet financial requests (access roads, camp equipment, firewood, etc).

Most of these tallymen feel that they do not receive a fair share of the monetary benefits resulting from the Agreement. They find it unacceptable that local Cree organizations charge administrative fees on money intended for the trappers.

Follow-up and monitoring

Follow-up and monitoring of forestry operations

Many tallymen deplore the lack of forestry operation field follow-up and monitoring by the authorities (JWG's, MRNF, agreement holders). They see forestry's negative impacts and

situations involving “offences”, but they are not able to properly document them and communicate them to the proper authorities. They feel that follow-up and monitoring of operations, harmonization measures and impacts is insufficient but that this is not their responsibility.

Agreement stakeholders

Joint Working Groups

The tallymen we questioned do not consider Joint Working Groups as a joint Cree-Québec structure. Québec members seem to “dominate” Cree members when it comes time to discuss tallymen’s requests.

Knowledge of JWG roles and mandate

Most of the tallymen we interviewed understand that JWG-Cree members are there to help them. Tallymen often consider them to be their contact for all issues related to the Territory.

Tallymen’s assessment of JWG-Cree work

Certain trappers would like the JWG-Cree members to help them more understand the Agreement, the different programs and their rights. They would also like them to support (defend) them in the participation meetings.

Certain tallymen would like JWG-Cree to have more influence in meetings, especially in conflicting files. Some tallymen feel slighted when a Cree member tells them not to make waves in the meeting (not ask for too much, not raise their voice, etc.).

Tallymen’s assessment of JWG-Québec work

Many of the tallymen questioned do not know who the JWG-Québec members are. They sometimes confuse them with the agreement holders, which would explain the view of these tallymen that company representatives make no decisions in the meetings. All the tallymen that were interviewed have the impression that the JWG-Québec are pro-industry. Most of these tallymen feel that the JWG-Québec do not add much to the process since they do not take a stand and only take notes. In some communities, the Québec members do not even meet with the tallymen.

The fact that the JWG-Québec members act as messengers for the industry bothers certain tallymen since they cannot get an immediate answer to their requests.

Tallymen’s suggestions for improving JWG support for tallymen’s participation

Most of the tallymen interviewed would prefer JWG composition to be more permanent (as much on the Québec side as on the Cree side) in order to build sustainable, trusting relationships.

Certain tallymen feel that the JWGs should be more proactive in improving consultation processes and tools. They also expect the JWGs to be able to monitor what is happening in the field (forestry operations, silvicultural treatment and harmonization measures) so as to inform tallymen as quickly and accurately as possible of their trapline’s status.

Cree-Québec Forestry Board

Tallymen's level of knowledge of the Board

Tallymen do not know the Board. A minority of them know that certain individuals from their community discuss forestry issues at a higher hierarchical level. The tallymen questioned on this subject would like to know more and have a presentation about the Board.

Consultation and participation

Planning-support map

Tallymen's assessment of planning-support map

Interesting process for tallymen and good communication tool.

Tallymen's understanding of planning- support map

Some tallymen have not really understood the goal of the exercise, which causes confusion with the other mapping processes (overall).

Tallymen's assessment of use of planning- support map by agreement holders

Certain frustrations regarding lack of change in the field (no additional protection). During the GFMP exercise, most of the tallymen questioned did not feel that the map was used. Many feel that identifying sectors of interest constitutes a request for their protection.

Tallymen's confidence in the planning- support maps

Some tallymen purposely omit certain information to ensure confidentiality (information is shared only in participation meetings). Some also fear that Native or non-Native hunters or fishermen use these maps without their approval.

Certain tallymen indicated that the location of sites of interest on these family maps is not very accurate and that the planning-support maps must be used with caution.

Other aspects linked to forestry planning- support maps

Some tallymen do not know that the agreement holders have copies of the planning-support maps.

The tallymen show a desire to complete and update Cree information on the Territory.

Stakeholders' role in the process

Assessment of agreement holders' role

Most of the tallymen interviewed understand and are happy that the agreement holders must take them into consideration in their planning since the signing of the Agreement. They are also pleased that a "cordial" atmosphere reigns during these meetings between the different stakeholders. Compared to before the signing of the Agreement, these tallymen feel that, at least, they are kept informed of forestry activities occurring on their trapline.

Tallymen's level of influence in the process

Since the plans presented in the meetings are virtually final and agreement holders are generally not very open to diverging from them (apart from a few cutting block boundaries, but not much

in terms of blocks location, roads or FPDOs), most of the tallymen interviewed feel that the meetings are more informative than consultative or participative in nature. Some tallymen feel that they are there only to “approve” the plan and that they have no power to influence (have the requests they deem legitimate taken into account). The meetings are often too short for tallymen to really express their needs/concerns. Nevertheless, some tallymen feel that they have a certain amount of power to influence planning.

Most of tallymen questioned have experienced situations where their requests were ignored in the field (problem of cultural, linguistic or personal misunderstanding). This limits their confidence in their real role in the participation/consultation process.

Meeting organization and procedure

Assessment of direct contact with agreement holders

Almost all of the tallymen questioned prefer to meet with a representative of the beneficiary individually during consultations. They prefer to discuss based on reality in the field directly with the beneficiary rather than with a JWG-Québec member acting as an intermediary.

Assessment of stakeholders’ capacity to make decisions during participation meetings

The tallymen interviewed would like the individuals attending the meetings to be able to make decisions right away, rather than postponing the decision to a later meeting, which means that the subject being dealt with is sometimes forgotten. This problem was felt more keenly in the 2008-2013 GFMP exercise when the agreement holders did not know whether they would really carry out the plan presented to the tallymen.

Assessment of group participation meetings

Group meetings are not appreciated since they limit people’s capacity to express themselves fully and prevent direct dialogue between stakeholders.

Assessment of participation meeting calendar and planning

The meeting calendar should be better planned and better carried out.

Suggestion for improving participation meeting calendar and planning

To improve the calendar: more meetings to ensure follow-up and monitoring, meeting calendar better adapted to tallymen and permitting reflection, consultation of other Cree users and feedback to agreement holders.

To improve planning: allot enough time to carry out full-fledged consultation, have certain meetings in the bush and in Cree camps.

Other aspects linked to the participation process

Assessment of tools used in the participation process

Some tallymen feel that the tools used in participation should be more complete, updated and better adapted (map with proper trapline boundaries, disturbance history, Cree information, specific operating calendar – summer or winter sectors, etc., language used, simultaneous translation, seeking better mutual understanding). The tallymen questioned on this subject also feel that the meetings should be better documented (minutes made available to the trapper for reference to personal requests – as intended according to the GFMP directives).

Annual modifications

The many annual modifications create confusion and are unpleasant for some tallymen, especially the most active ones who plan their activities in advance. Therefore, these tallymen do not understand why the Cree cannot also change their mind about how forestry will be carried out in the Territory.

Cree jobs

Assessment of the Crees' level of involvement in forestry-related jobs

It would be interesting for the Cree to be more involved in forestry-related jobs (especially users of the Territory).

Factors restricting Cree involvement in forestry-related jobs

Training (both practical and regarding management) and requirements (cards and degrees) restrict Cree job access.

Some Cree workers lack motivation to keep their forestry-related job (intense, demanding work).

Lack of support from authorities for Native initiatives (small businesses). It seems as if all contracts have already been given to non-Native businesses.

Lack of promotion of forestry-related work to interest Native workers.

With growing numbers of hydroelectric and mining development projects, forestry worker wages are less interesting for seasonal workers.

Solutions to envisage increasing Cree involvement in forestry-related jobs

Compagnonnage (buddy system) might be an interesting avenue and effective means to train Crees in the field.

Summary of members of the JWG interviews

Agreement and technical modalities

Forested areas presenting wildlife interest (25%)

Perception of protection level achieved through management of forested areas presenting wildlife interest in part of Territory used by Cree compared to rest of Territory

Most JWG members see no difference between forest management in forested areas presenting wildlife interest and management practices in the rest of the Territory.

Availability of official maps of forested areas presenting wildlife interest

Forested areas presenting wildlife interest are not all mapped. Forested areas presenting wildlife interest and areas of special interest (1%) have not been defined for all traplines.

Knowledge and understanding

Common stakeholder understanding of Agreement modalities

Tallymen do not understand all of the objectives and modalities associated with forested areas presenting wildlife interest.

There is a problem of common understanding of Agreement modalities among all stakeholders but especially among tallymen.

Parties still interpret certain modalities differently, thereby complicating the work of the JWG members.

Implementation tools

Knowledge and assessment of the Draft directives for the protection and development of wildlife habitats

The majority of JWG members do not know the Draft directives for the protection and development of wildlife habitats.

Knowledge and assessment of participation process adopted jointly by the MRNF and the Cree for preparing GFMPs

The JWG members do not fully understand the process. Certain technical points cause problems (residual blocks, specific areas...).

Knowledge of FPDO 11 (evaluation criteria and indicators)

Many JWG members point out problems understanding complementary files related to the Agreement, primarily the FPDOs.

Assessment of tools available to assist JWG members in forest-planning tasks (MRNF-Agreement statistics)

Certain basic data are still missing or not fully understood by many JWG members (shared data base, documentation, etc.).

The CQFB's website and reference centre are not used. Some JWG members would like these resources to contain more layman's guides and satellite photos.

The JWGs are unable to provide tallymen with a clear picture of trapline disturbance levels.

Monitoring of forest management activities, Agreement modalities and harmonization measures

Level of JWG involvement in management activities and Agreement monitoring

The JWGs are not involved in any type of monitoring.

Assessment of documentation received on results of monitoring by other stakeholders

(MRNF, agreement holders)

No results of monitoring by other stakeholders are forwarded to the JWGs.

Assessment of monitoring of harmonization measures

Most of the harmonization measures agreed upon between the tallymen and agreement holders are indicated in the GFMPs but there is little monitoring. Due to their nature, some requests are not subject to any monitoring (e.g. firewood cutting, road construction and maintenance).

Agreement stakeholders

JWG

Clarity of role and responsibilities

There is no clear, uniform definition of the JWGs' role and responsibilities. The other stakeholders feel that this situation creates ambiguity regarding their real power.

Assessment of JWG functioning

The JWGs have adopted operating rules that are increasingly effective and obeyed by the members.

Assessment of quality of relations between JWG members

The relations between JWG members are relatively good. Most JWG members do not consider themselves "joint" but nevertheless feel that they have developed a working method that allows them to fulfil their mandate effectively.

JWG accountability

The JWG members state that they report to no-one, not their immediate superior nor the coordinators. The JWG members consider themselves to be their own boss.

Assessment of coordinators' support

Lack of support from coordinators. Many JWG members mention mainly the low level of support from coordinators in the conflict resolution process.

No action by coordinators to promote discussions between JWG members and encourage harmonization of practices.

Resources and financing

Lack of a permanent position at the MRNF results in a high JWG-Québec turnover rate. Related duties are assigned to the majority of JWG members, thereby limiting their availability for working on Agreement-related files.

The JWG-Cree deem their financing to be insufficient and deplore the fact that a portion of the financing allocated to them is used for and other purposes.

Assessment of level of JWG training and information

Cree members lack sufficient forestry-related knowledge.

Little or no training offered despite repeated requests to authorities.

JWG-Québec would like to know more about the organizational structure of the Cree communities and the different programs available to them.

JWG-Cree would like to know more about the MRNF's departmental structure and about the Faune Québec division.

JWG role in consultation process

Certain JWG members are ambivalent about their intermediary/facilitator/mediator role. They do not fully understand the conflict resolution process and deplore the lack of support from coordinators for this process' implementation.

Assessment of JWG contribution to Agreement implementation

The JWG members feel they make a positive contribution to the Agreement's implementation but identify certain shortcomings in their contribution to tallymen participation and involvement in wildlife habitat protection.

Assessment of relations between JWGs and the different communities

There is no (or very little) discussion between communities.

CQFB

Knowledge about Cree-Québec Forestry Board

The JWG members know that the Board exists but do not really know its mandate or what it does.

Board's "decision-making" or "advisory" role

The JWG members know that the Board plays an advisory role. They would, however, like the Board to make more decisions when files in dispute are submitted to it.

Assessment of relations with the Board

The JWG members enjoy their participation in Board meetings but often do not fully understand the subjects discussed there. They would like to see more information-sharing with the Board.

Consultation and participation

Planning-support map

Assessment of the planning-support map produced by the Cree

The planning-support map is a good tool.

Perception of the importance agreement holders give the planning-support map

The maps were made available late in the GFMP development process and certain JWG members feel that this led to them not being used much.

Use of planning-support maps in future forest-related planning

The JWGs have not envisaged a process for promoting use of planning-support maps in the GFMP development process. No updating process is foreseen.

Meeting process, procedure and organization

Overall assessment of consultation process

On the whole, the process is positive. Relatively few conflicts to manage. Some cite a lack of interaction with tallymen and shortcomings in following up on their requests to explain this low conflict level.

Assessment of quality of communications at consultation meetings

Many JWG members report major communication problems at consultation meetings, primarily related to language and cultural differences.

Assessment of manner in which JWGs document participation meetings

Some JWG members note certain weaknesses in meeting documentation but, overall, they agree on a common version of the minutes. JWG minutes are sometimes contested by other stakeholders.

JWG opinion on maintaining or not maintaining direct contact with tallymen at next annual consultations

Certain annual plan consultation processes always avoid contact between agreement holders and tallymen and little change is foreseen to re-establish direct contact. These consultations via intermediaries generate communication problems.

Suggestions (in order to improve), potential modifications to the process of Cree participation in forestry planning–based on Cree experience and other participation experience

The improvements suggested by the JWG members are: meet with tallymen at their camp, avoid consultation sessions during traditional holiday periods, standardize content and format of maps used in consultations, incorporate planning-support maps into consultations, promote better mutual understanding between stakeholders, increasingly express stakes in layman's terms, broaden consultations to include the Territory's other Cree users, encourage better feedback on requests made during consultations and plan for meetings of sufficient duration. The meeting calendar must be respected more rigorously.

Harmonization

JWG interpretation of what constitutes a harmonization measure

Ambiguity exists regarding the definition of "harmonization measure" and the elements that can be included therein: forestry, social and economic aspects. This ambiguity creates misunderstandings between participation process stakeholders.

Plan analysis

Availability of tools and information needed to analyze plans and level of technical knowledge required

Availability of tools and information has not been a major problem. Some shortcomings have been observed in terms of technical knowledge, mainly on the Cree side. However, the fact that the exercise is carried out jointly offsets these shortcomings.

Level of satisfaction with advices issued by JWG

Generally, the JWG members are satisfied with the advices issued but deplore the fact that they have received little feedback on this subject.

Stakeholders' roles in the process

Tallymen's level of influence in the planning process

Certain JWG members feel that the meetings are more informative than consultative. Most feel that the tallymen have little influence since planning is practically finished before the consultation process begins. The JWG members mention that the tallymen should be better informed of the portrait of their trapline and of possible alternatives to the planning proposed (silvicultural treatment, machines, FPDO) so as to actually be able to take part in the participation process and suggest alternatives.

Certain JWG members deplore the agreements made directly between agreement holders and tallymen. These agreements are often not extensively documented and enjoy little monitoring, which sometimes causes problems during official consultation meetings.

Other elements linked to the participation process

Annual modifications

Many JWG members have observed that carrying one AFMP's harvesting block over to another's creates confusion for many tallymen.

Summary of agreement holders' interviews

Agreement and technical modalities

Forested areas presenting wildlife interest (25%)

Perception of objective for areas presenting wildlife interest related to Cree use of the Territory and wildlife habitats

Agreement holders' perception of the 25% seems to be quite constant. The agreement holders that have been questioned believe these are locations where the Cree have more wildlife considerations and land use concerns than the rest of the trapline.

Perception of protection level of Cree use of the territory in forested areas presenting wildlife interest compared to the rest of the Territory

The agreement holders mention that some tallymen believed that areas presenting wildlife interest would be fully protected when the Agreement was signed. Many tallymen were frustrated when they realized it was not the case. Sites of wildlife interest (25%) are still subject to forest management modalities that are more restrictive for the industry. This additional protection offers one more type of "protection" for Cree use of these lands but limits application of additional protection measures outside the 25% based on the planning-support map.

Perception of current capacity of management modalities for forested areas presenting wildlife interest to maintain and improve wildlife habitats compared to the rest of the Territory

Since a much stricter framework of mosaic cutting is applied it is possible to preserve an unbroken forest canopy that CAAF holders deem useful for wildlife.

Perception of mosaic cutting's capacity to promote Cree use of the Territory and protect and improve wildlife habitats

Good capacity. See previous two sections.

Knowledge and understanding

Knowledge of adapted forestry regime's objectives

The majority of agreement holders agree that the objectives are clear: to promote use of the Territory and wildlife habitat protection for the Cree using the Agreement's modalities.

Understanding of the Agreement's technical modalities and their implementation

Although the beginnings of the Agreement were more laborious in terms of developing a working method, the modalities are now understood and mastered by the agreement holders met with.

Resource persons for questions regarding interpretation of a given modality

Since the Agreement operates similar to the Regulation respecting standards of forest management for forests in the public domain (RNI) in terms of the application of its modalities in the Territory, the agreement holders go to the MRNF or JWG-MRNF for questions of interpretation.

Common understanding of the Agreement’s modalities and related instructions

Stakeholders do not all share exactly the same understanding of the objectives. Although agreement holders feel that the modalities are applied relatively consistently, problems of interpretation persist for some of them. The fact that the MRNF, JWG and tallymen interpret certain specific modalities differently is a major problem. Overall, agreement holders feel that the technical modalities are applied uniformly throughout the Territory. Implementation of transitional measures (simplification, FPDO, etc.), however, sometimes seems to differ depending on the management unit (biological refuges).

Perception of capacity of the Agreement’s technical modalities to allow the Crees’ needs to be better taken into account (based on requests made in the participation process)

The answer to this question was virtually unanimous—the Agreement’s technical modalities allow the Crees’ needs to be better taken into account.

Improvements to be made to the Agreement to achieve a better balance between the various users’ needs in a sustainable development context

The Agreement’s lack of flexibility is a point agreement holders often raise. Given the rigidity of the existing normative framework, CAAF holders are not very open to developing additional harmonization measures (e.g. adapted silvicultural practices). It is difficult, if not almost impossible, to work outside the modality framework in order, for example, to more closely resemble the objectives of adapted silvicultural practices such as partial cutting, cutting with protection of small marketable stems (CPPTM), etc. Refusal to grant access to silvicultural credits for some of these practices also causes problems for CAAF holders. On the other hand, certain trappers are much more permissive as to potential silvicultural treatments and logging on their trapline. This could result in slightly higher harvesting levels in certain areas and restriction elsewhere while complying with the Agreement’s statistics.

Implementation tools

Knowledge and assessment of the Draft directives for the protection and development of wildlife habitats

The agreement holders know little about the Draft directives for the protection and development of wildlife habitats.

Use of the Draft directives in your planning exercise

It was not used in the planning exercise.

Knowledge and assessment of participation process adopted jointly by the MRNF and the Cree for preparing GFMPs

Few agreement holders know the logical diagram. The parties’ participation-related expectations and requirements are also not well known. About two-thirds of agreement holders are satisfied with the current participation process, with its local variants based extensively on the needs of the different users of the land. The fact that the process is based more on consultation (and even information) than participation as such seems not to bother agreement holders much although the comment was made more than once.

Knowledge and assessment of planning-assistance guide produced by the MRNF

Few agreement holders were able to tell us what this guide consisted of.

Use of planning-assistance guide in your planning exercise

This tool was not used because the CAAF holders got it too late. Planning was already almost finished and the plans were ready to be submitted and sometimes even tabled.

Knowledge of FPDO 11 (evaluation criteria and indicators)

Agreement holders' knowledge of FPDO 11 is rather limited. Since the MRNF has not made known FPDO evaluation criteria, the importance accorded to them is limited, especially for FPDO 11. Some simply feel that FPDO 11 consists in applying the Agreement.

Assessment of tools available to assist agreement holders in forest-planning tasks (MRNF-Agreement statistics)

On the whole, agreement holders feel that these tools are satisfactory and useful.

Initiatives that complement the mechanisms and modalities stipulated in the Agreement. Incentives to develop ways of ensuring that Cree needs are better taken into account and to promote increase wildlife habitat protection. Actions carried out to achieve FPDO 11.

All agreement holders seem to feel that application of the Agreement is already a source of much additional work, in terms of consultation, planning and supervision of operations. The majority of them do not want to invest more time and money in other processes in order to achieve FPDO 11.

Identification of other tools that could better assist agreement holders in the forestry-planning task (database, cultural information, etc.)

All appear to feel that the amount of available information supplied by the MRNF is sufficient. However, it is only useful when it arrives at the right time in the planning process.

Identification of complementary elements linked to the Agreement that can help better assist agreement holders in their forestry-planning task (basic information, informational material, training, forum, planning-assistance tool, research and development, intercultural tools).

It is expected that the six-year status report on the Agreement's implementation will provide an additional tool for deliberation on the problems raised by each party. Otherwise, the available tools seem to suit the agreement holders using them.

Advantages and constraints of the Agreement

Major benefits for agreement holders resulting from the Agreement's implementation

The Agreement provides a management framework for forestry-related questions through a series of intervention modalities, thereby making it very easy to know what is allowed and what is not, since it is written in black and white in the text of the Agreement. The relation between the tallymen and the different stakeholders is also simplified through the framework provided by the JWG's and consultation measures whose implementation is required by the Agreement. The agreement holders are less faced with harmonization requests on a case-by-case basis. By complying with the Agreement's modalities and processes, CAAF holders are assured of having

their annual intervention permit and the likelihood of their worksites being stopped by the Cree is greatly minimized.

Major constraints for agreement holders resulting from the Agreement's implementation

The increase in operating costs was a constraint for certain CAAF holders. For others, who were already practicing mosaic cutting prior to the Agreement, these variations are negligible. According to them, the greatest constraint is the decrease in the AAC associated with the application of the different modalities. The very cumbersome, inflexible normative framework also adds a high level of complexity during planning and leaves little or no room for the different initiatives (e.g. partial cutting) of adapted silvicultural practices. At any rate, the MRNF's derogation protocol for obtaining a special intervention permit seems complex and long. The case of the recovery of burned volumes after the fires of 2005 was another major problem raised. The burnt timber recovery file seems to be very thorny for all CAAF holders. Permit obtention deadlines and the obligation to harvest burnt timber in CMO caused grumbling among CAAF holders.

Improvement and evolution of the adapted forestry regime

Agreement holders' contribution to the adapted forestry regime's evolution

This point seems difficult for most agreement holders to implement given the lack of feedback and listening on the part, among others, of the MRNF. It is already hard for them to know whether they are on track simply with regard to application of the Agreement's framework. Consequently, they feel that their contribution to the adapted forestry regime's evolution is virtually utopian in this context of a lack of information transfer. Further, the lack of decision-making power among MRNF stakeholders greatly complicates problem-solving and the process' speed. It, therefore, seems difficult at this point to think about the regime's evolution. The situation seems to be more one of improving current operations.

Access to a forum for sharing and voicing agreement holders' viewpoints

Same comment from most agreement holders—they do not feel they have a venue for expressing what they like and dislike about the adapted forestry regime's application. Some CAAF holders have even made representations before the CQFB, with no conclusive results.

Agreement stakeholders

JWGs

JWG composition and functioning

The JWGs' composition and role seem to be clearly understood. However, the JWGs do not seem to operate as a separate entity but rather two parties that need to agree.

JWG accountability

Many agreement holders are not completely clear about JWG accountability despite the fact that the coordinators' names came up several times during interviews.

Distinction between roles of JWG-Québec member and MRNF representative

The difference seems quite easy for agreement holders to determine.

JWGs' role in the consultation process

The agreement holders know the JWG's role in participation/consultation processes. They see the JWG's members as facilitators and drafters of minutes.

Assessment of JWG contribution to realization of agreement holders' role in the participation process

The majority of agreement holders agree that they are satisfied with the JWGs' contribution to carrying out their role in participation meetings. Some agreement holders were, however, upset when they were withdrawn from the AFMPs consultations. They would have preferred to attend these meetings so that the information shared with the tallymen was clear and unambiguous. Others feel that participating in annual meetings is a waste of time (absence of tallymen, endless discussions on non-forestry-related requests, etc). Some agreement holders would like to see the MRNF play a more assertive decision-making role within JWGs, management units and regional offices.

JWG priority avenues to improve agreement holders level of satisfaction with the participation process

Adaptability to the different agreement holders' needs regarding the participation process would be an avenue to explore. The application of Bill 39 could also simplify the consultation process.

CQBF

Knowledge about Cree-Québec Forestry Board

Limited knowledge. Some know the entity and its role but nothing more.

Board's "decision-making" or "advisory" role

For those who know it, opinions are divided 50-50. Some see the Board as a mere advisor; others feel it has a decision-making role.

Assessment of the Board's work

Divided assessment (50-50). The Board's work is appreciated, but many agreement holders would like their contact with the Board to be more direct.

MRNF

Knowledge of the MRNF's role in the planning process and the Agreement's implementation

The MRNF's role is clearly understood and known by all.

Clarity (accuracy) of MRNF's role

The MRNF's role is quite clear. However, opinion is divided as to the Department's decision-making capacity at the regional level, i.e. in the management unit office, the regional office, or within the JWG.

Assessment of MRNF's contribution (support) to your general understanding of the adapted forestry regime and the role you should be playing in it

In general the agreement holders are satisfied with the MRNF's contribution, which has changed significantly since the Agreement's implementation. At the beginning, the roles were not

necessarily well-defined and application of the Agreement's modalities in the field was unclear. However, things have improved substantially in recent years. Consequently, the MRNF's contribution is appreciated.

Transfer at opportune moments – from MRNF to agreement holders – of all information needed to carry out planning (development instructions, supervision, basic information, implementation tools, disturbance statistics, etc.) for both AFMPs and GFMPs

The information was not provided at the opportune moment when the general plans were being prepared. Although there were many tools (calculation map, disturbance statistics, basic data, tools), it took too long to get them or they were poor (errors in the MRNF's Excel charts tables). However, this seems to have improved near the end of the GFMP process.

Consultation and participation

Planning-support map

Knowledge and assessment of planning-support map produced by the Cree – Use of this tool in agreement holders' planning exercise

This tool is useful for the planning exercise and during meetings upstream of the process. It would be even more useful if it were in a more user-friendly format (i.e. shapefiles) and available in time for plan preparation. The delay in the availability of these maps in the GFMP process led them to be used very little in some cases. It is not clear how the CAAF holders will use these maps in future planning and consultation processes. Some CAAF holders fear that this creates too many expectations on the part of tallymen regarding what should be protected in the Territory.

Agreement holders' assessment of importance of planning-support map

The planning-support map is an interesting tool. However, the fact that certain data (mainly sites presenting wildlife interest) overlap may complicate the process rather than simplify it. Consultation and participation activities are needed to allow the parties to benefit from all accurate, necessary information.

Confidentiality agreement vs. use of planning-support map

The first version of the confidentiality agreement created problems and agreement holders did not want to sign it. It was revised and is now no longer a problem. All tallymen and agreement holders have signed it.

How the confidentiality obstacle was overcome

The problem was solved by reworking the confidentiality agreement.

Meeting process, procedure and organization

Based on agreement holders' consultation needs and objectives, assessment of the process put forward to ensure tallymen's participation in forestry planning – GFMP and AFMP vs. the processes stipulated in the Agreement (mainly on meeting procedure, number, follow-up and monitoring of requests and agreements with agreement holders)

Most agreement holders are satisfied with the processes. Sometimes, one meeting seems sufficient but other more touchy situations require one or two additional meetings. Most agreement holders are satisfied with the JWG's' support for meeting organization. However, opinions are divided on the JWG's' contribution to discussions during the meetings.

Based on agreement holders' consultation needs and objectives, assessment of how the different stakeholders report on the participation meetings

Mitigated assessment. Officially, the MRNF reports on the participation meetings in what appears to be an adequate manner. However, lack of accuracy in identifying problematic sectors, blocks or roads results in decreased effectiveness and misunderstandings. The use of maps in sessions supported by minutes has proved a good solution to this problem. In the specific case of one JWG, there seems to be a difference between what is reported by the Cree party and by the MRNF. Sometimes, the agreement holder, the JWG-Cree and the JWG-Québec have 3 different versions of the same discussion. Efforts should be made for each party to interpret the information similarly so as to avoid problems.

Assessment of direct contact with tallymen in recent GFMP exercise

The majority of agreement holders seem to have good contacts with the tallymen. In some rare cases, the tallyman was completely closed to negotiation, but these situations are rather few and far between. Direct contact allows some agreement holders to better understand tallymen's needs and to build direct relations with them. Other agreement holders feel that direct meetings are a waste of time and do not provide substantial information.

Assessment of relation with tallymen (quality of communications, open-mindedness, goodwill)

See previous section. Good relation and cordial discussions but sometimes this exercise is considered a waste of time.

Agreement holders' opinion on whether or not to maintain direct contact with tallymen at the next annual consultations

Agreement holders' opinion on this point is divided. Some are glad to have the opportunity to discuss directly with the tallymen and wish to continue the process. Others do not consider the meetings useful. During them, tallymen sometimes make requests not related to the forest (snowmobiles, fuel) or out-of-context (boat launching ramp, firewood). Certain agreement holders feel that once the points have already undergone consultation, it is not necessary to recommence the process. However, the tallymen feel that they can re-discuss the aspects that have already undergone consensus-seeking or consultation. This double consultation is deemed a waste of time for the agreement holders.

Suggestions (in order to improve), potential modifications to the process of Cree participation in forestry planning–based on Cree experience and other participation experience (meeting procedure, number, material used, nature of discussions, harmonization measures, meeting documentation and follow-up)

Administrative simplification (Bill 39) in the planning process can have impact on consultation with the Cree. It could simplify annual planning: when blocks are authorized by the Cree, whether they are cut in 1 or 5 years, the impact is low and allows flexibility that is welcomed by the agreement holders. Note also that improvement of the participation process (presence of all stakeholders at meetings, discussions focussing on “forest-related” requests, more complete, joint minutes, use of smaller-scale maps to more accurately site harmonization measures, etc) would be appreciated.

Harmonization

Agreement holder interpretation of what constitutes a harmonization measure. Development of harmonization measures with the tallymen – Means of development and follow-up/monitoring

Agreement holders’ overall interpretation is that any forestry-related request associated with logging activities and silvicultural work is a harmonization measure. Sometimes, access to the Territory is included but, on the whole, a harmonization measure deals more with the geographic location of intervention sectors, dispersion of certain work over time (or a grouping together of work), preservation of additional areas, etc. To “buy peace”, some agreement holders negotiate more specific agreements on a case-by-case basis (e.g. culvert replacement or infrastructure construction) via the Enhancement Program.

Stakeholders’ roles in the process

Interpretation and assessment of agreement holders’ role and responsibilities regarding consultation of the Cree for GFMPs and AFMPs

Each agreement holder interprets the role differently. Depending on the interpretation, satisfaction with consultation is divided: some prefer being directly involved in consultation for the AFMPs; others are prepared to leave this role to the MRNF or JWG. For GFMP consultation, most are satisfied with their role as “information presenter”. The agreement holders know they must consult the Cree but since the JWGs have taken on organizing meetings, they no longer differentiate between consultations related to GFMPs or AFMPs in terms of responsibility for initiating the process.

Agreement holders’ interpretation of management plan elements that should specifically be subject to consultation with the tallymen

Most agreement holders present all of their plans at the participation sessions. However, some deplore the fact that these sessions are more similar to consultation (even an information session) than real participation (they know, however, that for GFMPs, they must initiate the process as soon as work begins on the plan). The meetings are designed simply to transfer information between the different parties. Few agreement holders specifically spoke of their obligation to agree on the positioning of residual forests, forest roads and harmonization measures.

Tallymen's level of influence in the planning process, primarily on cutting block positioning, blocks of residual forest, forest roads, silvicultural work, FPDOs

The agreement holders feel that the tallymen have an influence. The trappers' harmonization requests are taken into account if they are easy and possible to apply: relocation or elimination of cutting blocks, preservation of a moose yard, etc. However, since this point seems difficult to interpret, tallymen's influence on residual forest block location is limited. There was very little consultation on FPDOs. Most tallymen do not object to silvicultural work, apart from certain specific cases of refusal of scarifying and drainage. Each case is judged separately. Some trappers do not appreciate silvicultural work but this is not a major factor, according to CAAF holders.

Cree jobs

Creets' level of involvement in forestry-related jobs (in the forest and in mills)

The agreement holders share the viewpoint that the Crees are not present enough in the industry, both in terms of processing and silvicultural work. All agreement holders agree that given equal qualifications and skills, local Cree workers would have precedence.

Factors restricting Cree employment in the forestry sector and factors promoting it

According to the agreement holders interviewed, the main factors restricting Native involvement are lack of worker training, lack of a framework and supervision, and, sometimes, lack of desire and motivation to work.

Appendix 3

Action proposals related to the recommendations

Recommendation 1

Mandate a joint task force to assess the different aspects of JWG governance and, if the parties agree, propose adjustments in this regard.

Action proposals

- Strengthen the JWGs' role in forestry planning (GFMP and AFMP) analysis and monitoring.
- Ensure that the tallymen know and clearly understand the JWGs' role.
- Ensure a certain permanence and ongoing training of JWG members to facilitate creation of ties of trust.
- Reassess JWG financing to ensure planning and monitoring of funding and resource use.

Recommendation 2

Ensure that the Agreement development, consultation and approval process for forest management plans is clearly interpreted, better timed and consistently implemented.

Action proposals

- Ensure that planning-support tools are updated and available at the right time in order to encourage optimal participation by the tallymen a priori and throughout the forestry-planning process so as to permit planners to prepare the required forest plans as best possible.
- Optimize participation meetings: work with stakeholders to set the consultation calendar and schedule, summarize meetings at the end to ensure common understanding of the decisions made and follow-up required, improve meetings minutes, develop better mapping tools and layman's guides, ensure better request management and proper harmonization measure follow-up and monitoring.
- Define the concept of harmonization measure in the context of the adapted forestry regime to provide a framework for consultation meetings on this subject.
- Ensure that stakeholders attending meetings are empowered to make decisions and reach agreements with the other parties immediately.
- Explain the conflict resolution process agreed to by the parties to the various stakeholders concerned.

Recommendation 3

Strengthen tallymen's contribution to the forest management planning process.

Action proposals

- Ensure that planning-support maps are regularly updated and available, and train the stakeholders concerned (planners and JWG members) regarding their purpose and potential for use.
- Re-establish direct contacts between tallymen and TSFMA holders, with the assistance of the JWGs, to foster better mutual understanding, enable the tallymen to make a real contribution to forestry-related planning and ensure better harmonization measure follow-up.
- Develop communication tools to facilitate a common understanding of stakes, such as silvicultural treatments, FPDOs, planning processes, ANRQC forestry-related provisions and each stakeholder's roles and responsibilities in this area.
- Optimize participation meetings to accommodate tallymen: ensure that they are held at opportune moments in keeping with the Crees' cultural activities, ensure that meetings are long enough for participants to discuss issues fully and set up a meeting calendar enabling the tallymen to consult other Territory users between meetings.
- Analyze forested areas of wildlife interest (25%) and evaluate modalities in conjunction with the tallymen, based on their planning-support map.

Recommendation 4

Strengthen JWG members' intervention capacity so they can contribute, within their mandate, to the monitoring of the modalities of the adapted forestry regime.

Action proposals

- See to it that JWGs develop a monitoring system that includes field inspections, analyses (including management plans), wildlife habitat monitoring (involve MRNF's wildlife department) and harmonization measure monitoring.
- Communicate results of MRNF monitoring activities to the JWGs, the Cree party and the CQFB.

Recommendation 5

Jointly establish the monitoring systems required to measure attainment of the objectives of Chapter 3 of the Agreement.

Action proposals

- Evaluate needs for research to contribute to monitoring Agreement objectives.
- Render operational the Coordination Table on Access to the Territory to ensure appropriate monitoring of provisions associated with road network development.
- Rule and agree on the application of provisions concerning conciliation and firewood and, if need be, amend the Agreement in this sense.
- Ensure the implementation of all the modalities designed to promote forestry-related employment among the Cree – section 3.60 (training, forestry-related job promotion, employment forum, compagnonnage, etc.).
- Develop tools needed for appropriate monitoring of provisions associated with the hardwood component and agree on standards to respect to attain the objective of preserving fruit trees and hardwood trees in pre-commercial thinning and stand release operations.
- Facilitate silvicultural works which help achieve the objectives set by the adapted forestry regime regarding protection of regeneration height.
- Involve TSFMA holders in deliberations on the development of alternative management processes and methods so that the Agreement evolves.
- Agree on an amendment to the Agreement regarding timber recovery following natural disasters.
- Review the mixed stand management strategy to include wildlife objectives.

Recommendation 6

Ensure that Agreement stakeholders have permanent access to a common, updated data bank.

Action proposals

- Enhance the reference centre available to stakeholders so as to facilitate their access to necessary, relevant information.
- Deal with confidentiality issues to facilitate information exchange between stakeholders who are directly involved in implementing the adapted forestry regime, notably as concerns planning-support maps.
- Finish identifying sites of special interest (1%) and wildlife interest (25%), notably for Senneterre sector traplines.
- Correct the most incoherent boundaries of traplines defined on a large scale.

Recommendation 7

Set up a parties' task force mandated to follow up on the priority issues and recommendations as soon as possible.