

Québec, December 12, 2011

TRANSLATION

Mr. Clément Gignac
Minister
Ministère des Ressources naturelles et de la Faune
880 Chemin Sainte-Foy, 10th floor
Québec, Québec G1S 4X4

Subject: Advice on amendments to General Forest Management Plan of forest management unit 026-63

Dear Mr. Gignac:

On September 12, 2011, your Department's Director General for Nord-du-Québec sent the Cree-Québec Forestry Board an amendment to the General Forest Management Plan for Forest Management Unit (FMU) 026-63 for our analysis.

By virtue of the Board's mandate stipulated in Article 3.30 e) of the *Agreement Concerning a New Relationship Between le Gouvernement du Québec and the Crees of Québec*, the Board analyzed the plan and related documents provided by the Department. The Board also reviewed the analysis reports carried out by the Joint Working Groups of Oujé-Bougoumou and Mistissini, received on October 3, 2011.

The Board has noted, as shown on the attached map, that the amendments presented aim to rebuild an existing road (section A) and update the path of a road subject to the environmental and social assessment process (Section B - project L-209). Based on its analysis of the information supplied, the Board recommends approving the amendments presented in the 2008-2013 GFMP of FMU 026-63 provided that the following conditions are met:

1. Ensure compliance with Article 26 of the Final Agreement reached December 2, 2010 between le Gouvernement du Québec and the Grand Council of the Crees, the Cree Regional Authority and the Crees of Ouje-Bougoumou on the realization of forestry activities within areas considered for enlargement of the Assinica national park.

2. For section B of the modification, that is included in the L-209 road project:

- That the tallymen of the M-47A, O-52 and O-53 traplines be consulted when the MDDEP certificate of approval is issued to allow them the opportunity to agree on harmonisation measures for the road's final route.
- That the parties agree on the mitigation measures to be applied in the zones of intensive use by woodland caribou, to promote the restoration and maintenance of woodland caribou populations in the sectors affected by the amendments, prior to the issuance of the intervention permit.

The conditions related to Section B of the modification are determined by the fact that both Joint Working Groups (JWG) affected by the amendment noted in their analysis report that one of the sections of the route mentioned in the amendment, although having been the focus of an impact assessment procedure consultation, did not involve the formal participation of Crees as provided in Schedule C-4 of the *Agreement*. The Board therefore supports the JWG's joint recommendation that the tallymen are to be consulted during annual planning to allow them the opportunity to agree on harmonisation measures to be applied to the road's final route.

Furthermore, since the filing of the GFMP affected by the current amendment, the issue of woodland caribou has been identified within the territory covered by the *Agreement*. Based on the information supplied by your Department, the proposed amendments cover the territory occupied by one of the territory's caribou herds, commonly known as the Assinica herd. In the sectors affected by the amendments, some zones of intensive use by woodland caribou have been identified by your Department's Direction générale du Nord-du-Québec. The Board's analysis therefore considers the noted caribou issue, the parties' creation of a special committee on woodland caribou and the analysis of the caribou situation currently being conducted by a group of experts. The Board's resulting view is that the work of these groups should lead to the identification of mitigation measures to be applied in zones of intensive use affected by the amendments and that the Department should oversee their application.

Moreover, by providing you with its opinion, the Board assumes that forest activities covered by the GFMP in effect and that are now located within the limits of Assinica Park will not be carried out. In addition, the Board understands that permits for the construction of the road segments provided under this amendment will not be issued until the completion of the environmental and social assessment procedure provided in Chapter 22 of the James Bay and Northern Québec Agreement.

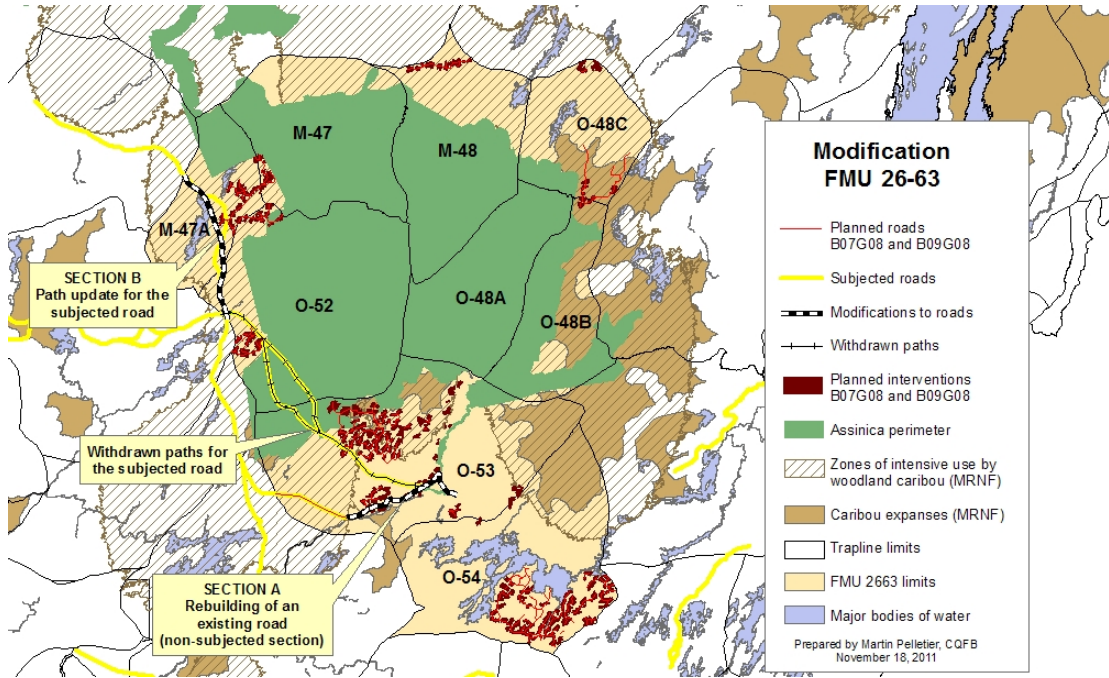
Further to the information in this advice, we include in Appendix 1 a detailed revision sheed of the modifications presented. This document is produced for the benefit of the representatives of your Department.

In compliance with Article 3.31 of the *Agreement*, the Board trusts that you will fully consider its opinion and inform the Board of your position and main reasons for any decision.

Please be assured of our utmost cooperation.

Yours truly,

Albin Tremblay
Chairman of the Board




Annex 1

Revision Sheet of the modified 2008-2013 GFMP for FMU 026-63

**REVISION SHEET BY THE CQFB
MODIFIED GFMP 2008-2013 : FMU 026-63**

FMU technical information

Area of the FMU	4 970 km ²	
Productive forested area of the FMU	1 577 km ²	
Concerned Cree communities	Ouje-Bougoumou et Mistissini	
Beneficiary responsible for the FMU	Barrette-Chapais ltée	
Traplines included in the FMU (territories with forest planning in the GFMP underlined)	<u>M47</u> , <u>M47A</u> , <u>M48</u> , O48A, <u>O48B</u> , <u>O48C</u> , <u>O52</u> , <u>O53</u> , <u>O54</u>	

Analysis results of the JWGs

- The Ouje-Bougoumou and Mistissini JWGs recommend the approval of the plan, since the tallyman for trapline O-53 agreed to the main modification to the plan which is the repair of an existing road.
- Both JWGs specify that the tallymen for the M-47A, O-52 and O-53 traplines will need to be consulted again in the context of the annual plan when the authorization certificate is issued for the L-209 road subject to environmental assessment, for which the path was changed during the study.

Revision results of the CQFB *

The CQFB recommends that this GFMP be

- Accepted
- Accepted with recommendation (s)
- Refused

*Revision findings presented are the outcome of the Secretariat of the Board's analysis of the information given by the beneficiaries' representative, the MRNF and the JWG. A detailed description of the revision methodology can be found annexed to the first CQFB advice on the 2008-2013 GFMPs sent to the Minister on March 3, 2008.

CQFB specific recommendations

- R.1 The tallymen of the M-47A, O-52 and O-53 traplines must be consulted when the MDDEP certificate of approval is issued for road L-209 to allow them the opportunity to agree on harmonisation measures for the path's final route.
- R.2 The parties must agree to the mitigation measures to be applied in the zones of intensive use by woodland caribou, to promote the restoration and maintenance of woodland caribou populations in the sectors affected by the amendments, prior to the issuance of the intervention permit.

Revision timeline

Reception date of conform GFMP by the CQFB	September 12, 2011
Reception date of Ouje-Bougoumou JWG analysis report by the CQFB	October 3, 2011
Reception date of Mistissini JWG analysis report by the CQFB	October 3, 2011
Production date of the GFMP revision sheet	November 16, 2011

**REVISION SHEET BY THE CQFB
MODIFIED GFMP 2008-2013 : FMU 026-63**

Principle 1: GFMPs' conformity to forest allocations per FMU

Statement

- The MRNF has certified that the five-year program presented in the GFMP conforms to the forest allocations based on the annual allowable cut the Chief Forester determined in March 2008.

Comment

- None.

Principle 2: Compliance with the instructions and guidelines

Statement

- In the MRNF's conformity analysis, it is noted that some harvesting blocks do not meet the provisions of the Agreement and that adequate follow-up should be given during the annual planning to ensure compliance.

Comments

- Adequate follow-up should be done during annual planning to ensure compliance with the Agreement's provisions.
- Some sectors are located within the perimeter of the Assinica park.
- Several sectors are located in zones of intensive use by woodland caribou as determined by the MRNF.

Principle 3: Integration of Cree information

Statements

- The participation report does not specify whether the planning support map of the tallyman affected by the modification (O-53) was used but it states that the main subject of the discussion concerned a sturgeon spawning ground identified by the tallyman on Brock River.
- The Ouje-Bougoumou JWG reports that a paper version of the planning support map was consulted in the discussions but it would have been preferable to have access to shapefiles for more information on the sector of the spawning area in question.
- The agreement holder has provided a research report it had commissioned in 2001 showing that there was no spawning river in the area of the Brock river when constructing the bridge.

Comment

- None

Principle 4: Proper consultation of tallymen

Statements

- The report indicates that only one participation meeting was required with a single tallyman concerned by the modification on the repair of the road and that the discussions helped to highlight the disadvantages of removing a bridge in a spawning area identified by the tallyman.
- The Ouje-Bougoumou JWG states that the participation process was successful and that the parties have come to an agreement to keep the contentious bridge in place
- Although only one tallyman (O-53) was consulted for one modification (repair of road), both JWG reports indicate that another modification was included in the plan, the update of the path for subjected road L-209. The JWGs indicate that the decision to introduce this change to the plan comes from the MRNF Nord-du-Québec Regional Directorate to reflect the agreement holder's consultations with the concerned tallymen in the context of the environmental assessment of the subjected road. The JWGs indicate that this correction did not follow the formal participation process as required in Schedule C-4 of the Agreement, that is to say, under supervision of the JWGs. Therefore, they suggest that the tallymen for M-47A, F-52 and O-53 be consulted again (as part of annual planning) when the MDDEP's authorization certificate is issued for road L-209 to give

**REVISION SHEET BY THE CQFB
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- them the chance to agree on harmonization measures on this updated path.
- Schedule 6, on the content of the modification included to the plan, reports an update of the path of road L-209; the Agreement holder also attached excerpts from the public and private consultation report on the impact assessment of road L-209 to demonstrate that the update of the road was actually made in consultation with the Cree tallymen.

Comment

- Following the issuance by the MDDEP's of an authorization certificate, appropriate consultation of the tallymen for M-47A, O-52 and O-53 will give them the chance to agree on harmonization measures based on this updated path in accordance with the Agreement's provisions.