

Québec, March 1, 2012

Mr. Clément Gignac
Minister
Ministère des Ressources naturelles et de la Faune
880, chemin Sainte-Foy, 10^e étage
Québec (Québec) G1S 4X4

Re: Advice on the modifications to the general forest management plans of forest management units 086-64 and 086-65

Dear Minister Gignac,

On January 12, 2012, your Deputy Minister, Mr. Robert Sauvé, wrote to the Cree-Québec Forestry Board to extend the deadline for completing the Board's analysis of the modifications to the general forest management plans (GFMPs) of forest management units (FMUs) 086-64 and 086-65 to March 1, 2012. The justification for the extension was essentially the need to have the most recent and most comprehensive data possible on the woodland caribou situation in the Nord-du-Québec region.

The letter that the Board sent you on November 24, 2011 requesting this extension also mentioned our intention to take into account the presence of road infrastructures subject to the environmental and social impact assessment and review procedure as well as the two protected area projects submitted to the Ministère du Développement durable, de l'Environnement et des Parcs (MDDEP) by the Cree communities of Waswanipi and Nemaska.

It is in that context that the Board continued its analysis and, at our February 15-16 meeting, the expert group mandated to study the woodland caribou situation in the Nord-du-Québec region presented its preliminary report to our members.

While the expert group's findings were only preliminary and will be further elaborated in the final report scheduled for late March 2012, they confirm the woodland caribou's vulnerability and the importance of its habitat in the northern portions of the two FMUs being studied. Among other things, the experts highlighted the importance of connectivity between the Assinica and Nottaway herds to increase the woodland caribou's chances of survival and identified the Lake Evans sector as a potential corridor allowing link-ups between them.

In his January 12, 2012 letter, your Deputy Minister stated that a precautionary approach should be adopted regarding this sensitive wildlife species and that provisional mitigation measures governing forestry activities in zones used intensively by the caribou could be implemented based on the conclusions of the experts' preliminary report.

We agree whole-heartedly that a precautionary approach is necessary, given the woodland caribou's current situation. However, the information provided at our meeting confirmed that the zones of intensive use to which the Deputy Minister refers have yet to be defined in the sectors targeted by this advice. Further, based on information that the experts presented, we believe that appropriate provisional mitigation measures would greatly benefit from being defined after the final report is submitted in late March.

Moreover, members of the Review Committee (COMEX), which is responsible for analyzing road infrastructure projects governed by the environmental and social impact assessment and review procedure under the *Environment Quality Act* and the *James Bay and Northern Québec Agreement*, also attended the woodland caribou experts' presentation at the Board meeting. They pointed out that no decision has been made yet about the infrastructures presented in the two FMUs being studied.

At the same meeting, the Board also benefitted from a presentation by Ministère du Développement durable, de l'Environnement et des Parcs (MDDEP) authorities. The representatives we met with confirmed that the two protected area projects presented by the Cree communities of Waswanipi and Nemaska are still being seriously evaluated by the MDDEP in terms of their interest for protecting biodiversity, woodland caribou and the Cree way of life.

The Board wishes to assure you that its deliberations included economic concerns and the need to respect the allowable cuts allocated to forestry companies in the FMUs in question, as far as possible. In this regard, Board discussions raised the fact that the parties could envisage alternative scenarios.

On one hand, one of the possibilities the MRNF authorities have already mentioned is the use of backlogs made available by forest companies who have not harvested their total allowable cuts in recent years. On the other, the Cree authorities have shown that they are open to considering, in a non-prejudicial context, alternative scenarios designed to relieve harvesting pressure in the sectors targeted by the Waswanipi and Nemaska communities' protected area projects and in potential woodland caribou habitats.

In light of this information, the Board cannot recommend approving all of the planned modifications to the GFMPs until the experts' final report has been tabled and the special caribou committee has assessed the precautionary approach to be proposed for the sector. Nor can the Board recommend approving all of the modifications proposed to the GFMPs until COMEX and the MDDEP have, in keeping with their respective responsibilities, given their opinion on the road infrastructures subject to the

environmental and social assessment and review procedure and on the protected area projects.

It is in that context that the Board conducted a more targeted analysis of the planned modifications to the two GFMPs being studied, considering the woodland caribou's habitat, the protected area projects and the road infrastructures subject to the environmental and social assessment and review procedure. The Board also wanted to ensure that the forest companies involved can access their share of allowable cuts located in less problematic sectors.

For FMU 086-65, the Board had already recommended approving the planned modifications to traplines W-13, W-1, W-3 and W-4A in its December 17, 2010 advice. Further, the Board's November 24, 2011 advice recommended approving building a stretch of road in trapline W-4 to accommodate the forestry company authorized to harvest the FMU and give it access to authorized intervention sectors further south.

For the planned modifications to traplines W-4, W-5C and W-6, for which the Board had requested and obtained an extension, the Board notes that a large number of additional cut blocks are proposed in the core forest presented by the MRNF as potential woodland caribou winter habitat, are located inside the perimeters identified by the Cree communities of Waswanipi and Nemaska for their protected area projects or are accessible by road infrastructures that are still subject to the environmental and social assessment and review procedure.

For FMU 086-64, the Board had obtained an extension in the analysis period for the entire FMU. The analysis reveals that a limited number of additional cut blocks are dispersed in the FMU and essentially located outside the core forest identified as potential woodland caribou winter habitat. However, some modifications are planned to trapline W-6A where they overlap the perimeters identified by the Cree communities of Waswanipi and Nemaska for their protected area projects, where core forests have been identified and where a road infrastructure is subject to the environmental and social assessment and review procedure.

Consequently, to enable the MRNF to have access to the extensive data and recommendations of the woodland caribou experts, which will be available in their final report, and to be able to benefit from the work and recommendations of the special woodland caribou committee, the Board submits the following recommendations to you:

1. For FMU 086-65, that you not approve the planned modifications in traplines W-4, W-5C and W-6 and that you not grant permits to intervene in these sectors.
2. For FMU 086-64, that you approve the planned modifications in traplines 52, 54, W-53, W-53A and W-7 but that you not approve the modifications nor grant permits to intervene in trapline W-6A.

3. That MRNF authorities assess alternative scenarios designed to compensate forest companies whose allowable cuts would be reduced in the context of the precautionary approach proposed by the Board, if applicable.

The Board considers that these recommendations reflect an appropriate precautionary approach under the circumstances as well as a reasonable balance between economical, social and environmental considerations, thus promoting a greater integration of sustainable development concerns, as provided in article 3.1 of the *Agreement*.

It should be noticed here that this advice was approved by seven of the nine members who expressed their choice by resolution on this advice. In a spirit of transparency, attached is the argumentation presented by the two members appointed by the Government of Québec who dissented.

As a complement to this advice, we have attached maps illustrating the details of the modifications analyzed by the Board.

In keeping with section 3.31 of the *Agreement*, the Board expects you to give this advice your utmost consideration and to inform it of your position or, if applicable, of the main reasons justifying your decision.

Sincerely,

Albin Tremblay
Chairman of the Board

Appendix 1 : Argumentation of the two members appointed by the Government of Québec :

« Compte tenu que la prolongation de la période d'analyse par le CCQF au 1er mars 2012 était justifiée par la nécessité de disposer d'informations plus complètes relativement à la situation du caribou forestier, et que de telles informations ne soient toujours pas disponible;

Compte tenu que le MDDEP n'a émis aucune indication afin d'appliquer une protection administrative des aires protégées présentées par les Cris;

Compte tenu que le COMEX n'a émis aucune indication quant aux infrastructures routières assujetties et que le CCQF a déjà émis par le passé un avis favorable à un PGAF avant d'avoir la position du COMEX (voir avis sur PGAF 26-63 produit le 12 décembre 2011);

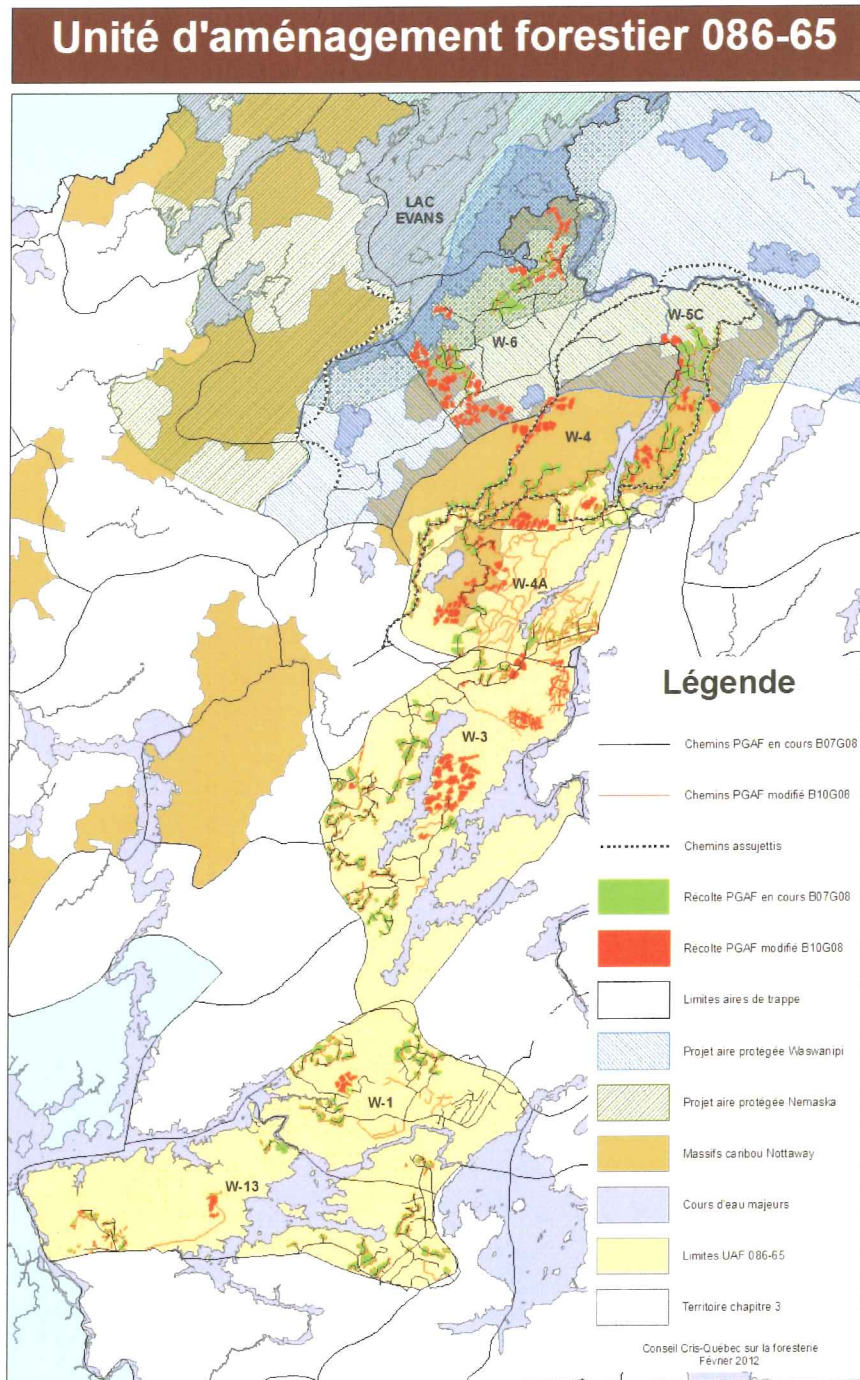
Compte tenu que le CCQF a pour mandat de suivre la mise en œuvre du régime forestier adapté et que les plans proposés respectent les 4 critères d'analyse retenus par le CCQF à cette fin;

Je propose que le CCQF émette un avis favorable sur les modifications proposées aux 2 PGAF, voir s'abstenir dans le cas contraire, et permettre ainsi que se poursuive le cours normal des activités prévues sur le territoire;

S'il le juge à propos, le CCQF pourra faire part au ministre de ses recommandations, à la lumière des discussions tenues par ses membres relativement au rapport des experts sur le caribou forestier, à la proposition d'aires protégées du MDDEP, etc.;

Bien entendu, le Ministère, dans le cadre de sa gestion responsable, considérera toutes informations nouvellement produites lors de l'émission des permis annuels ou leurs modifications. »

Appendix 2 : Maps of the modifications



Unité d'aménagement forestier 086-64

