

Québec, June 21, 2010

Ms. Nathalie Normandeau  
Ministre des Ressources naturelles et de la Faune  
5700, 4<sup>e</sup> Avenue Ouest, bureau A-308  
Québec, QC G1H 6R1

Madam Minister,

On May 25, 2009, I wrote to your predecessor, Mr. Béchar, on behalf of the Cree-Québec Forestry Board to provide advice and recommendations on the modified 2008-2013 general forest management plans.

I then took note of your response dated September 9, 2009 in which you expressed an interest in obtaining the Board's views on the questions raised by the Cree party specified in appendix 1 of the advice.

During the June 16, 2010 meeting, the Board has analyzed Cree concerns and hereby presents its conclusions.

The Board observed these problems when making its assessment of the implementation of the forestry provisions 2002-2008. The Board also notes that the concerns raised are twofold: either of fundamental nature, requiring substantial discussions between the parties, or of procedural nature, which can be addressed through improvement of existing processes.

First, the overlapping of the biological sanctuaries and the sites of interest to the Cree (1%), the impact of roads and traffic on sites of wildlife interest (25%) and the extension of watercourse buffers are concerns of fundamental nature that refer to the interpretation and the implementation of Agreement provisions.

Substantive discussions on these matters appear essential for the Cree party. The Board thus recommends that these issues be addressed during the next discussions between the parties on the revision of the Québec forest regime and the evolution of the adapted forestry regime of the Agreement.

Secondly, concerns over the time spent on consultations with the tallymen, particularly the holding of a second validation session, and those regarding inclusion of official records in the plans to better document harmonization measures, are more procedural in nature.

The real and meaningful participation of the tallymen in the different planning processes of forest management activities is at the very heart of the objectives of the adapted forestry regime. The important exercise that led to a new generation of general forest management plans for 2008-2013 represented a concrete plan of implementation and a comprehensive learning experience. The parties can benefit from this experience and can look into the issues identified in order to improve the implementation of the Agreement and its processes on an ongoing basis.

As part of its mandate, the Board intends to provide support to that effect and also proposes the holding of feedback sessions on the mechanisms aimed at ensuring the participation of Cree in the development of the 2008-2013 general forest management plans, together with the parties and the main actors involved. The results from these sessions shall be used to propose improvements to the planning processes and decision-making tools.

In addition to this letter, we have attached a document emanating from the Board's analysis that provides a more detailed account of the problems related to the concerns expressed by the Cree party and that proposes some solutions that the parties can bring to the table.

Madam Minister, please be assured of our full cooperation.

Yours sincerely,

The Chairman of the Board,

*(Original signed)*

Jean-Pierre Gauthier

**APPENDIX****ANALYSIS DOCUMENT  
OF ISSUES EXPRESSED BY THE CREE PARTY****Background**

In March 2008, the Chief Forester presented the results of the revised allowable cut calculations for the Territory of the *Agreement Concerning a New Relationship Between le Gouvernement du Québec and the Crees of Québec*. As a result, the TSFMA holders changed their 2008-2013 general forest management plans to take into account these new calculations.

As part of its mandate, the Cree-Québec Forestry Board reviewed the modified general forest management plans and sent an advice to the *Ministre des Ressources naturelles et de la Faune* to that effect. The Board attached a list of more specific concerns raised by the Cree party to its May 25, 2009 advice. The Minister then solicited the Board's views on questions raised by Cree concerns.

The Board then analysed the questions raised and produced this document which provides a more detailed account of the different issues involved and offers some solutions that the parties may wish to bring to the table.

**A. Time spent on consultations / holding of a second meeting**

According to the concern expressed by the Cree party, it seems that in several cases, the Cree members of the Joint Working Groups (JWG) indicated that the consultations were rushed and that the tallymen were not able to benefit from a second meeting to validate how their requests were reflected in subsequent plan revisions. This second meeting is part of a recognized consultation process by both parties to gather feedback, from planner to tallyman.

In fact, following its analysis of the various JWG reports after the 2008-2013 planning exercise, the Board did note that the planning process was sometimes rushed, since process inputs – such as instructions and source data for plan development, allowable cut calculations and planning support maps – were delivered late in many cases. The Board identified this issue in its 2002-2008 Assessment of the implementation of forestry-related provisions of the Agreement.

The Board understands through comments made by JWG Cree members during the assessment that they were not only concerned with adherence to the process itself, but also with the importance of bringing all the necessary rigour to the participation mechanisms. Cree participation in the different planning processes and forest management activities lies at the heart of the adapted forestry regime of the Agreement. It must, in particular, ensure an improved taking into account of the hunting, fishing and trapping activities of the Cree and improved conciliation of forest activities with such Cree activities.

It is essential to build a trust relationship between tallymen and planners to ensure efficient information-sharing. Tallymen attach the utmost importance to commitments made and to the concept of evidence. They want to be sure that their concerns are reflected in the plans.

The participation process agreed upon among the parties promotes exchanges between the planner and the tallyman at the outset and throughout the forest planning process. Holding a second meeting appears critical to us since it encourages a more meaningful engagement by the tallymen. It must in particular provide them access to the final versions of the plans. The Board advocates ongoing contacts between planners and tallymen because it demonstrates and validates changes made to the plans, thus helping to build a trust relationship among participants.

The work of the JWG is also critical to ensure meaningful participation processes for tallymen. The Board emphasizes the need to provide support and necessary training to JWG members.

As part of its mandate, the Board intends to provide support to that effect and also proposes to conduct feedback sessions on the mechanisms aimed at ensuring the participation of Cree in the development of the 2008-2013 general forest management plans, together with the parties and the main actors involved. The ultimate goal of the various stakeholders involved should be to strengthen the participation processes that have been implemented.

## **B. Official participation registry included in the plans**

The JWG members feel that forest companies have inadequately documented the harmonization measures that were considered in the consultations with the tallymen. The JWG members have urged forest companies to submit a more adequate version of this information in the form of an official participation registry, and that this information be included in the final versions of the plans.

During the GFMP revision, the Board noted that there was, in some cases, a lack of content explaining the discussions and the agreements between the planners and the tallymen. Moreover, the table of harmonization measures included in the plan makes only passing mention of those agreements that have been reached.

The Board's understanding is that the JWG members would like to formalize the discussions on the harmonization measures to some extent so they can be monitored adequately later on. The many undocumented discussions are a source of concern for JWG because planners often put off their decision on harmonization measures until later, during the annual planning, and that in such a context, the JWG or the tallymen themselves have to follow up on these measures. The inclusion of a more detailed participation registry would help make the planner more accountable on following up on the issues discussed.

Further insight into the inclusion of the participation registry seems to indicate that, within the Territory's modified 2008-2013 GFMPs, the MRNW included the records as file attachments to the plans submitted by agreement holders, and it is MRNW representatives who conduct the follow-up. This practice does not seem to meet the needs of the Cree.

The Board feels that the problems mentioned here come down to ensuring and formalizing the proper documentation of the harmonization measures discussed between the tallymen and the agreement holder. The commitments under discussion and the necessary follow-ups will thus be clearly identified and will, once again, help to build a trust relationship between planners and tallymen. Each of the participants involved will then be able to fulfil its role in a more organized and rigorous manner.

It is, therefore, essential to properly document exchanges and to develop the appropriate tools to ensure the necessary follow-ups and to avoid misunderstandings which, moreover, is a common occurrence in the intercultural context of the *Paix des Braves*.

The Board is of the opinion that a thorough review of the participation report and the harmonization table included in forest plans should be undertaken to adapt them to the expected participation under the adapted forestry regime.

Once again, the Board is willing to provide support to that effect and also proposes to conduct feedback sessions on the mechanisms aimed at ensuring the participation of Cree in the development of the 2008-2013 general forest management plans, together with the parties and the main actors involved.

### **C. FPDO 4 / Overlapping of the biological sanctuaries and the 1 %**

The Forest Protection and Development Objectives (FPDO) were defined by the MRNF in 2003 following the signing of the *Paix des Braves*.

With respect to FPDO 4 (biological sanctuaries), the Cree Joint Working Group members from Waswanipi continue to raise concerns over the MNRW's practice of allowing these areas to overlap with sites of interest to the Cree (1%). This issue had already been raised at the first 2008-2013 GFMP review exercise. In particular, the Cree point out that the consultation on biological sanctuary locations was sidestepped for most forest management units.

Further verifications with MNRW demonstrated that such an overlap was occurring in 49 of the 121 traplines present in the whole territory of Chapter 3 of the Agreement, which illustrates that this situation is happening not only in Waswanipi but also in the other Cree communities.

The FPDO issue and the necessary training to that effect were already raised by the Board in its first advice on the 2008-2013 GFMP in March 2008. The Minister at that time suggested that the JWG conduct a review of the FPDO implementation guidelines, which has yet to be done. The Board still feels that a better understanding of the objectives and conditions attached to the biological sanctuaries should help alleviate some concerns. It is particularly important that the Minister's response be followed up and that a FPDO training session (including FPDO 4) be organized.

It should be noted that in 2005, the biological sanctuaries were located in compliance with the *Guidelines for the establishment of biological sanctuaries*. The MNRW has since then published its *Guidelines for the management of biological sanctuaries*, in 2008. In particular, these guidelines recommend that no infrastructure (road, path and cabin) be set up within the biological sanctuaries and that, although the current infrastructure will be tolerated, certain activities such as road construction and expansion or new trapline cabin or rough shelter construction will be prohibited.

Concerns were raised regarding the implementation of these guidelines, since this synergy of protective measures could become incompatible with the tallymen option of developing new infrastructure within their sites of interest 1%. It would therefore be advised to amend these guidelines to define their application in the context of the Agreement.

These stipulations highlight once again the importance of ensuring a proper understanding of the FPDOs. Since discussions are planned between the parties to harmonize Bill 57 and the

Agreement, this provides a good opportunity to agree on common goals and a harmonized implementation in keeping with the principles established in the Agreement.

#### **D. Impact of roads and truck traffic in the 25 %**

In the advice on the modified GFMPs sent May 25 2009, the Board specifically noted that territorial access was a sensitive issue. It went on to recommend that the parties set up a committee to address problems related to territorial access.

Since then, the Board understands that some aspects of the problems will be addressed during the implementation of an environmental assessment process agreed upon between the parties, and that this exercise should help move the agenda forward.

On their part, the Cree members of the Joint Working Groups specifically raised concerns about the impact of major access roads built for extraction of forest products in the sites of wildlife interest (25%). This is a recurrent topic in many exchanges between tallymen and forest planners. The Cree tallymen are frustrated over the little say they have in this matter, considering the impact that traffic can have in sectors that often contain the territory's best wildlife habitats.

The Board notes that there is no specific provision in the Agreement pertaining to the location of roads and traffic in the 25%, even though these sites were chosen for their wildlife interest. The Cree, for their part, emphasize article 3.10.1 of the Agreement which stipulates that specific management standards shall be applied to maintain or improve wildlife habitats.

Under the current provisions of the Agreement, the JWG can help minimize the potential impact by fostering more concerted action between Cree trappers and planners, particularly regarding the location of major access roads built for extraction of forest products and the coordination of logging transportation times in regard to the use of the territory by the Cree.

However, the Cree state that optimal harmonization is sometimes difficult to achieve and that they expect the adoption of specific measures for these sectors, in view of the importance of the sites of interest in terms of wildlife.

To facilitate harmonization and mutual understanding, the parties should undertake a joint review of their respective goals regarding sites of wildlife interest and make sure that the Agreement reflects these changes, when necessary. Once again, this is a good opportunity to have this issue included in the discussions agreed upon between the parties during the review of the Québec forest regime.

#### **E. Extension of the 20 metres watercourse buffers**

Cree trappers often request that the 20-metre watercourse buffers be extended in areas where they feel wildlife is particularly vulnerable. They consider that the current buffers are inadequate.

The current forestry regime offers planners various tools to implement protective measures along watercourses, such as certain provisions of the adapted forestry regime and specific FPDOs. It is difficult to determine how these options are actually exercised during the harmonization of uses.

During the assessment undertaken by the Board, planners were asked about options available to them to address this concern. Very few said they were aware of tools such as the MNRW's Forest Planning Aid Guide and the CQFB's Draft Directives for Wildlife Habitats.

The Board thus feels that it would be in the interest of participants to learn more about the protective measures available to them in order to optimize their use and create synergies around future plans.

With the evolution of the adapted forestry regime of the Agreement, parties should take a closer look at Cree needs regarding measures dealing with watercourse buffers. It would certainly be wise for parties to agree on mutual objectives in these matters during their upcoming discussions.