

STATUS REPORT

ON IMPLEMENTATION OF
THE FORESTRY-RELATED
PROVISIONS

2013-2018

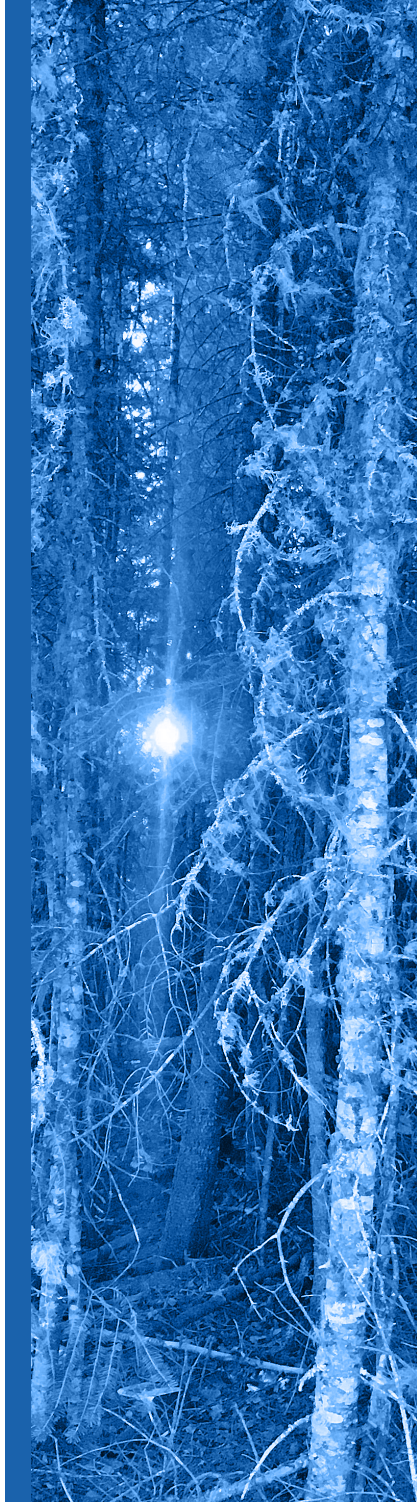
**Agreement Concerning a New
Relationship Between the
Gouvernement du Québec
and the Crees of Québec**

Synthesis



Cree-Québec Forestry Board

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PAIX DES BRAVES ADAPTED FORESTRY REGIME

On February 7, 2002, the Québec government and the Crees signed the Paix des Braves, a nation-to-nation agreement which strengthens their political, economic and social relations and which is based on cooperation, partnership and mutual respect. The *Agreement Concerning a New Relationship Between the Gouvernement du Québec and the Crees of Québec* (ANRQC) contains a chapter on forestry (Chapter 3), whose provisions implement an Adapted Forestry Regime (AFR) comprising rules and procedures applicable on Agreement territory. This regime seeks to ensure greater consideration for the Cree traditional way of life and to integrate concerns related to sustainable development. It allows the Crees to participate and collaborate in the forest activities operations planning and management processes.

IN A CONTEXT OF CHANGE AND TRANSITION

The coming into force of the *Sustainable Forest Development Act* (SFDA), on April 1, 2013, created a four-year period of important changes and transition during which negotiations continued between the Québec government and the Crees to harmonize the new Québec Forest Regime and the Adapted Forestry Regime. New mechanisms for developing forest management plans and interim forest planning processes were gradually implemented in keeping with the changes made to AFR Schedule C-4. The amended Agreement was formalized by the parties in fall 2017.

The amended Agreement provides for a 4th objective, which was added to the 2002 Agreement's three objectives, namely: collaboration, in the form of concerted action, by the Cree Nation Government (CNG) and by the Eeyou Istchee James Bay Regional Government (EIJBRG) in the forest plan development, consultation and monitoring process. This collaborative forest resource management regime applies on the territory's Category II and III lands governed by the AFR and resulted in the implementation of integrated land and resource management panels (TGIRTs). This new objective seeks to reflect the parties' commitments made under the *Agreement on Governance in the Eeyou Istchee James Bay Territory* Between the Crees of Eeyou Istchee and the Gouvernement du Québec, signed on July 24, 2012.

CREE-QUÉBEC FORESTRY BOARD MANDATE

The Cree-Québec Forestry Board (CQFB) was established under the Paix des Braves. Among other things, the Board is responsible for monitoring, reporting on and assessing implementation of Chapter 3 (Forestry) of the

Agreement. The present document offers a synthesis of the results of the third status report on the Adapted Forestry Regime's implementation, produced by the Board for the period 2013-2018.



APPROACH USED TO PRODUCE THE STATUS REPORT

To ensure a certain degree of continuity with the two previous five-year status reports, the 2013-2018 status report is again based on two levels of analysis: (1) factual analysis of the implementation of all Adapted Forestry Regime provisions, commonly called "detailed analysis" and (2) analysis of the stakeholder interviews conducted to get a sample of their viewpoints on achievement of Chapter 3's objectives.

The detailed analysis consists in a section-by-section assessment of the new Adapted Forestry Regime's implementation. For the 2013-2018 exercise, the Board Secretariat proceeded the same way, revising the 2008-2013 status report's analysis grid to identify the provisions requiring monitoring.

Analysis of the interviews of a sample of the Agreement's main stakeholders (tallymen, Joint Working Group (JWG) members and coordinators, Board members, technical advisors and forestry industry representatives) offers a more global viewpoint. It allows certain preliminary findings taken from the detailed analysis to be validated and supplemented and the main issues related to Adapted Forestry Regime implementation to be elaborated on. Two questionnaires were used for the interviews: one adapted to the tallymen and one to the other stakeholders.

ACHIEVEMENT OF AGREEMENT OBJECTIVES, AS SEEN BY THE STAKEHOLDERS INTERVIEWED

Objective 1

Greater consideration for the Cree traditional way of life

Almost all stakeholders feel that using the trapline as the territorial reference unit achieves the objective of consideration for the Cree traditional way of life and that the objective is achieved for the sites of interest to the Crees (1%). For the areas of wildlife interest (25%), the majority of stakeholders feel that the objective has not been achieved.

Considerable dissatisfaction remains among the tallymen, who hope for more influence and less disturbance in the 25%. A lack of understanding of the provisions associated with the 25% also persists among several tallymen. Although the mosaic cutting management approach is deemed better adapted to the Cree traditional way of life, not many new sylvicultural strategies are proposed. The current management approach presents a real harmonization challenge where caribou protection is concerned.

The wildlife habitat management directives and mixed stands management strategy are not yet in place. The current management approach requires the construction of many roads, thereby fragmenting habitats and increasing access for various users of the territory.

Where protection of riparian zones is concerned, the tallymen reiterate that the 20-meter riparian buffers are insufficient to meet wildlife needs and to enable the tallymen to practice their traditional way of life.

With regard to development of the road access network, deciding whether these adaptations meet the objective or not is complex, since needs vary from one tallyman to another and the traditional way of life has evolved significantly.

Objective 2

Greater integration of concerns relating to sustainable development

Economic component: sub-objective not achieved.

Although some positive points were observed and tools and incentives were put in place, there was little economic development and few jobs were created in the Cree communities. Increased Cree involvement is needed to optimize the results.

Social component: sub-objective partially achieved.

The mechanisms are in place, but are not fully operational (TGIRT) or used (public consultations). Understanding of their importance and participation need to be improved.

Environmental component: sub-objective partially achieved.

Where biodiversity protection is concerned, the majority of respondents feel that the situation improved with the onset of the SDFA. However, the caribou still has no recovery plan and the wildlife habitat management directives and mixed stands management strategy are still not in place. For habitats of wildlife species of importance to the Crees, the opinion of the tallymen differs from that of other stakeholders. The objective is considered partially achieved by the tallymen while the majority of other respondents are of the opinion that the objective is achieved. The body of knowledge about the territory has improved and traditional knowledge is shared more. However, efforts must continue in order to know more about and assess the quality of wildlife habitats and promote maintenance of biodiversity.

Objective 3

Participation, in the form of consultation, by the Crees in the various forest activity operations planning and management processes

Recurring problems remain with the consultation and conflict resolution mechanisms, due, notably to the interim context linked to forest regime harmonization. The mechanism is, nevertheless, positive for the tallymen, who, in the majority, succeed in harmonizing forest-related planning to meet their needs. Other stakeholders recall that the AFR is an excellent model for taking the First Nations' interests into account and that it is unique in the world.

All agree that the tallyman's stewardship of the land is recognized.

The status report shows that the means exist for Cree institutions, especially the communities, to be able to take part in forest management planning activities on their territory. However, these means are not used very much.

In terms of individual and institutional capabilities, improvements were noted, due, notably, to the stability of employees on the Cree side and strengthened relations and discussions between the parties. Efforts must be made with regard to training of Cree JWG members (understanding of their mandate, availability of financial resources, development of expertise, updating of equipment and technology).



Objective 4

(added to Chapter 3
of the amended
Agreement)

Collaboration, in the form of concerted action, by the Cree Nation Government (CNG) and by the Eeyou Istchee James Bay Regional Government (EIJB RG) in the participation process for the planning contemplated by Schedule C-4 of Chapter 3 of the Agreement

Since 2016, integrated land and resource management panels (TGIRTs) have gradually been set up on Category II and III lands. They are mandated to ensure that the interests and concerns of people and organizations concerned by planned forest management activities are taken into consideration, to establish local goals for sustainable forest development and to agree on usage harmonization measures.

Between 2016 and 2018, each Category III lands TGIRT held from 6 to 11 meetings. In early 2017, the integrated resource management panel (TGIR) was created on Category II lands. Four meetings were held between 2017 and 2018.

It was noted that time is needed for these new mechanisms to be fully operational and that it is too early to judge their effectiveness. They will be assessed using the monitoring framework developed by the Board.



STATUS REPORT POSITIVE OVERALL AND PROGRESS MADE

For 2013-2018, the stakeholders interviewed and the Board observed a definite improvement in implementation of the provisions of Chapter 3 and progress was made in relations between the parties and AFR stakeholders. A number of key elements are deemed very positive:

- The end of negotiations and the parties' agreement on AFR harmonizations
- The parties' commitment and the role played by certain key individuals, who were willing to work in keeping with Paix des Braves objectives
- Improvement of communication and collaboration between the parties
- Formalization of the Joint Working Group coordinators' role
- Initiatives aimed at improving the forest plan development and consultation process
- Implementation of projects aimed at assessing the effectiveness of certain AFR provisions
- Creation of the Cree-Québec Forestry Economic Council

Some misunderstandings, uncertainties, expectations and frustrations were expressed, notably about files that were not resolved in the context of the long interim period:

- The provisions related to AFR wildlife objectives and management approaches that clearly impact the Cree traditional way of life (forest wildlife habitat areas (25%), riparian area protection, road network development)
- The problems remaining with regard to the consultation and conflict resolution mechanisms
- The provisions related to the economic component that do not procure the anticipated spinoffs for the Crees

RECOMMENDATIONS AND ACTION PRIORITIES

Although the 2013-2018 status report on implementation of the Paix des Braves' AFR is positive overall, challenges and issues remain and necessitate maintaining an ongoing approach aimed at continuous improvement. In terms of general recommendations and action priorities, the Board proposes continuing according to the three main focuses identified in the 2008-2013 status report:

Pursue collaboration and strengthen communication between the AFR implementation mechanisms:

- Ensure appropriate monitoring of the priority actions in the context of assessing the forest plan development and consultation process
- Implement the integrated forest management plan monitoring processes provided for in the Agreement
- Develop individual capabilities and expertise among the Crees, especially the JWG's
- Support the JWG coordinators in carrying out their mandate
- Make good use of the planning-support maps (CLUM), while respecting their confidentiality
- Promote understanding of the TGIRTs' mandate and their effective operation

Remain open to the AFR adaptations required and step up monitoring aimed at AFR assessment and evolution:

- Finalize and implement strategic files as soon as possible to meet AFR objectives: wildlife habitat management directives, mixed stands management strategy, woodland caribou habitat management modalities
- Implement the monitoring required to assess how effective these strategies are
- Analyze certain AFR provisions that generate misunderstandings, dissatisfaction or raise concerns (management of the 25%, riparian buffers, certain sylvicultural treatments and the second mosaic cutting pass)
- Structure knowledge acquisition, ongoing monitoring, information and knowledge transfer to help management approaches evolve

Ensure implementation of the AFR's economic component:

- That the parties ensure that the Cree-Québec Forestry Economic Council (CQFEC) can contribute significantly to the improvement of the anticipated economic benefits for the Crees
- Implement the appropriate monitoring in order to be able to assess the AFR's economic spinoffs for the Crees

ONGOING MONITORING

The Board adopted a monitoring framework to assess the implementation of Chapter 3 of the Agreement on an ongoing basis. This dynamic, interactive tool addresses the issues and needs for AFR evolution when they arise. Courses of action are proposed without waiting for the end of the five-year period and production of the next status report.

Detailed information regarding the 2013-2018 status report and the monitoring framework are available on the Board's website.



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