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INTRODUCTION

Under the terms of section 211 of the Forest Act, as amended in 2001, the Minister of Natural Resources is required to prepare a consultation policy that will promote participation by concerned individuals and organizations in establishing the main elements of Québec's forest management and development orientations¹. A draft of the policy was therefore drawn up, and between November 2001 and February 2002 it was submitted for regional consultations led by the regional development boards, Native community consultations and consultations of national associations and bodies with an interest in forest protection and use.

This document summarizes the results of all these consultations. The first section briefly describes the procedure adopted by the organizers, and the second sets out the principal points emerging from the consultation process, including the elements on which a majority of the participants agreed and the subjects on which opinions differed or with which there was general disagreement. The first three appendices (national consultation, regional consultations and Native community consultations) set out in detail the comments and recommendations made to the Minister of Natural Resources at the end of each process. A summary of the draft consultation policy is also appended. Readers who so wish may access the complete draft policy text through the Department's Website at: www.mrn.gouv.qc.ca.

Note: The appendices are available in French only

¹ Forest Act, section 211: "In order to foster the participation of persons and bodies concerned by the development of the main orientations concerning the forest environment, the Minister shall prepare, propose to the Government and implement throughout Québec and at the regional level a consultation policy on priorities for the management and development of the forest environment. The policy shall include a special procedure for the consultation of Native communities."

1. PUBLIC CONSULTATIONS ON THE DRAFT POLICY

Consultations on the Draft Consultation Policy were held in accordance with the procedure described below.

1.1 Consultation of National Associations and Agencies

Approximately forty national associations and agencies representing a broad range of economic, environmental and social interests relating to forest protection and development were formally invited to express their views on the content of the draft policy. A list of those contacted by the Department is attached (see LIST 1). They were all were invited to a meeting in Québec City on January 15, 2002. Two months before the meeting (November 6, 2001), the Department sent them copies of the draft policy, along with a framework to help them prepare their briefs. In response to an invitation from the Minister, some associations and agencies sent preliminary comments to the organizers, to help with preparations for the meeting of January 15, 2002.

At the meeting, the Minister was able to explain the draft policy and participants had an opportunity to discuss their respective expectations and needs. They were invited to submit briefs expressing their views of the draft policy and making recommendations to improve its content and scope. The deadline for submission of briefs to the Minister of Natural Resources was the end of February 2002. APPENDIX 1 summarizes the comments and recommendations made in the briefs².

1.2 Consultation of Native Communities

On November 6, 2001, the Department invited the Native communities (see LIST II) to submit their comments and recommendations on the content of the draft consultation policy, and sent them a response grid. The consultation process had already been announced by the Minister of Natural Resources on October 12, 2001. In accordance with the Forest Act, the Department suggested that the communities should hold separate consultations for their members, and that a consultation procedure would be established with each individual community. A handful of communities responded to the invitation, and APPENDIX II summarizes their comments and recommendations. The James Bay Advisory Committee on the Environment was also invited to comment.

² Twenty-nine associations and agencies submitted briefs on the draft consultation policy.

1.3 Regional Consultations

In response to an invitation from the Minister of Natural Resources, dated October 12, 2001, the regional development boards agreed to organize regional consultations on the draft consultation policy and to establish the most appropriate consultation procedures for their respective regions. The consultations had to be open to as wide a range of participants as possible. A meeting with regional board representatives took place on November 14, 2001, to establish the principal guidelines for the consultations and to determine the support available from the Department.

On November 6, 2001, the Department sent copies of the draft policy to a long list of associations, agencies, enterprises and municipalities, along with an invitation to contact their regional development boards for details of the consultation procedures in their respective regions. The boards completed the mailings prior to the consultations, and submitted an account of the outcome to the Minister of Natural Resources.

Each board:

- Sent out invitations, received briefs and prepared a summary report; or
- Organized an information tour and consultation evenings before preparing its recommendations, which in some cases were ratified by participants; or
- Organized information sessions and public hearings, received briefs and drafted a report; or
- Consulted the regional forestry issues table or the equivalent, received briefs and drafted a report.

Details of the comments and recommendations received appear in APPENDIX 3.

LIST 1

National Associations and Agencies Invited to Participate in Consultations on the Draft Consultation Policy

- Assembly of First Nations of Québec and Labrador
- Association déroulage et sciage de feuillus du Québec
- Association des aménagistes régionaux du Québec
- Association des biologistes du Québec
- Association des centres locaux de développement du Québec
- Association des consultants forestiers
- Québec Forest Industries Association
- Québec Lumber Manufacturers Association
- Association des producteurs de copeaux du Québec inc.
- Association des producteurs en tourisme d'aventure du Québec
- Association des régions du Québec
- Associations touristiques régionales associées du Québec
- Forest Management Manpower Sector Committee
- Confederation of National Trade Unions
- Conférence des coopératives forestières du Québec
- Canadian Religious Conference, Québec Region
- Conseil de la recherche forestière du Québec
- Fédération des clubs de motoneigistes du Québec
- Fédération des pourvoyeurs du Québec inc.
- Fédération des producteurs acéricoles du Québec
- Fédération des producteurs de bois du Québec
- Fédération des trappeurs gestionnaires du Québec
- Fédération des travailleuses et travailleurs du papier et de la forêt
- Fédération des travailleuses et travailleurs du Québec
- Fédération québécoise de la faune
- Fédération québécoise des gestionnaires de zecs
- Fédération québécoise des municipalités
- Fédération québécoise du canot et du kayak
- Fédération québécoise pour le saumon atlantique
- Fondation de la faune du Québec
- World Wide Fund for Nature
- Ordre des ingénieurs forestiers du Québec
- Ordre des technologues professionnels du Québec
- Regroupement des associations forestières régionales du Québec
- Regroupement des locataires des terres publiques du Québec inc.
- Regroupement des sociétés d'aménagement forestier du Québec
- Regroupement national des conseils régionaux de l'environnement du Québec
- Solidarité rurale du Québec
- Syndicat des producteurs de bleuets du Québec
- Union des municipalités du Québec
- Union québécoise pour la conservation de la nature

LIST II

Native Communities Invited to Participate in Consultations on the Draft Consultation Policy

- Abitibiwinni Band Council
- Eastmain Band Council
- Odanak Band Council
- Betsiamites Band Council
- Kitcisakik Band Council
- Nemaska Band Council
- Timiskaming Band Council
- Waskaganish Band Council
- Waswanipi Band Council
- Wolf Lake Band Council
- Wôlinak Abenaki Band Council
- Micmac Band Council of Gesgapegiag
- Montagnais Unamen Shipu Band Council
- Lac-Barrière Band Council
- Kitigan Zibi Anishinabeg Band Council
- Anishnabe Nation Council of Lac-Simon
- Huron-Wendat Nation Council
- Listuguj Mi'gmaq Nation Council
- Atikamekw Council of Manawan
- Atikamekw Council of Opticivan Obedjiwan
- Atikamekw Council of Wemotaci
- Oujé-Bougoumou Cree Council
- Innu Council of Ekuanitshit
- Mohawk Council of Akwesasne
- Mohawk Council of Kahnawake
- Mohawk Council of Kanesatake
- Montagnais Council of Natashquan
- Montagnais Council of Pakuashipi
- Montagnais Council of Schefferville
- Montagnais Council of Lac-Saint-Jean
- Essipit Montagnais Council
- Conseil Innu Takuaitkan Uashat Mak Mani-Utenam
- Cree Nation of Chisasibi
- Cree Nation of Mistissini
- Cree Nation of Wemindji
- Micmac Nation of Gespeg
- Longue-Pointe First Nation
- Eagle Village Kipawa First Nation
- Malecite First Nation of Viger

2. HIGHLIGHTS

Many of the participants expressed similar views concerning the goals of the proposed consultations, and especially concerning the conditions for success. However, their opinions differed with regard to some elements of the draft document, such as the format of consultations involving national associations and agencies, the role of the Department, and the responsibilities delegated or assigned to the regional development boards.

2.1 Points of Convergence

2.1.1 Conditions for Successful Consultations

Among other things, the consultation policy should allow for hearings to be attended by as many people as possible, so that the results are credible. Most participants felt this goal would only be achieved if:

- Sufficient public interest can be generated for forestry issues, so that the general public will be motivated to attend the consultations. The participants asked the Department to organize awareness, information and educational activities in order to encourage public interest in forestry practices and issues.
- The consultations are open to everyone. The list of participants in the policy text should therefore be as exhaustive as possible.
- Information is expressed in general terms that can easily be understood by a broad audience. Information sessions should be organized at the beginning of consultation periods, or if possible before the consultations begin.
- A reasonable amount of time is allowed for participants to prepare for the consultations and write their briefs.
- Consultations are organized at appropriate times of the year. In particular, it was suggested that consultations should be avoided during the summer. However, there was no general agreement on the precise periods to be avoided.

- The Minister of Natural Resources grants financial assistance to participating organizations. Some said assistance should go only to non-profit organizations, to pay travel expenses and hire staff, or only to the regional development boards, so that they are able to play their role to the full. However, very few participants commented on the criteria on which the Minister should base his decision, and no consensus emerged on this point, except that assistance might be required in some cases for some organizations.
- If the other government departments concerned take part in the consultations, both nationally and regionally. This condition was felt to be essential in giving participants an overall view of government thinking in relation to forest protection and development issues, so that they can judge its consistency.
- From the Native standpoint, the consultation procedures take into account the Native peoples' wish to become full partners in resource management and development. Planning processes should be respectful of First Nations' rights and needs.
- The consultations organized by the Department's various sectors or by other government departments or agencies are combined wherever possible. This would enable participants, who are solicited on a range of subjects, to manage their resources and take up the government's invitations to attend.
- The consultations lead to rapid decisions and concrete outcomes. They will be all the more credible if participants can see that they have a real impact.

2.1.2 Clarifications to the Consultation Policy Text

A number of participants suggested that the text of the draft policy should be revised in order to clarify:

- The obligations of holders of rights in the forests;
- The connections between the consultation policy and consultations relating to general forest management plans;

- The scope of the policy's application to private forest management (some participants suggested separate consultations on private forest issues);
- The questions not addressed by the consultation policy, to avoid confusion.

Generally speaking, the participants agreed with the consultation policy objectives³. However, several asked for the final text to stipulate that the consultations were aimed at:

- Identifying and understanding the values and needs of the general public, the communities (Native and others), and other participants;
- Ensuring that specific regional features are taken into account in subsequent orientations and actions;
- Answering participants' questions about forestry issues and ministerial proposals;
- Providing more information about forestry issues;
- Achieving a territorial and comprehensive view of forest management (some people felt the proposed approach was too sector-based and not sufficiently consistent with other government policies, for example the rural policy);
- Increasing public confidence in the Ministère des Ressources naturelles;
- Enhancing public satisfaction with forest management.

Most participants asked about the criteria on which the Minister of Natural Resources would be basing his orientations. The following questions were raised in relation to the text, which states that the Minister

³ The draft policy identifies two objectives for the consultations, namely (1) allowing the general public, its representatives and the various groups concerned to influence forest management; and (2) allowing participants to exchange information and gain a better understanding of forest issues (Draft Consultation Policy on Québec's Forest Management and Development Orientations, Gouvernement du Québec, Ministère des Ressources naturelles, Fall 2001, pages 3 and 4).

must establish orientations and objectives that, as far as possible, reconcile the various expectations expressed and are consistent with the general interest⁴:

- What is meant by the term “general interest”?
- How important does the Minister consider the consultation results to be (national, regional and Native community consultations)? Will some consultations have a greater impact on decisions than others?
- Will urban populations have a greater influence over the Minister than rural populations, because of their demographic weight? (Some participants suggested giving priority to the results of regional consultations).

2.1.3 Organizing the Consultations

The Department offered to publish a yearly program of possible consultations so that participants are informed well in advance and are thus able to prepare properly. This proposal was well received by most participants, who felt the program should be publicized extensively (or at least that interested parties should know where to find it).

2.1.4 Monitoring of the Consultation Policy’s Application

The Department proposed five-yearly monitoring of the policy’s application. Generally speaking, the participants felt it was extremely important:

- For the Minister of Natural Resources to report on his decisions and the reasons for them;
- For the consultation policy to be monitored regularly, and for feedback to be obtained (several participants suggested monitoring its application every year, every two years or every thirty months);
- For a policy assessment grid to be drawn up (some people felt the participants should be involved in this), or for regional and national committees to be formed in order to assess the policy.

⁴ Draft Consultation Policy on Québec’s Forest Management and Development Orientations, Gouvernement du Québec, Ministère des Ressources naturelles, Fall 2001, p. 3.

2.1.5 Consultation Subjects

Most participants approved the list of consultation subjects submitted by the Department, but the following additions were also proposed: general forest management plans, public land use plans, wildlife, tourist and leisure development plans, the Regulation respecting standards of forest management for forests in the public domain, all forestry legislation and regulations, inhabited forests, integrated resource management, protected areas, actions taken as a result of the Department's forestry policies and programs, and projects proposed by other government departments and agencies (policies, programs, etc.) that are likely to have an impact on the forest environment.

2.2 Points of Divergence

The opinions of participants differed significantly with regard to the organization of consultations at the various levels.

2.2.1 Organization of National Consultations

Two major lines of thought emerged, with some minor differences. The first was in favour of reactivating the Forestry Forum, and the second in favour of an independent body to be responsible for the consultations⁵.

- The Forestry Forum

The Forestry Forum, created in 1998, met only once, on October 2, 1998. Its mandate was:

- To inform the Minister of Natural Resources about the concerns of its member organizations;
- To state its views on sustainable forest management in Québec.

The Forum was composed of representatives from approximately 20 organizations and groups in the Native affairs, economic and social development, research, forest and wildlife resource development and protection, private production and forest industry sectors. It was therefore a form of "enhanced table". Many participants were still in favour of this formula, although they asked for its composition to be

⁵ The Department proposed that the national consultations should be open to as many organizations as possible, but did not suggest a specific formula. The possibility of creating a permanent table in the medium term was, however, considered. (Draft Consultation Policy on Québec's Forest Management and Development Orientations, Gouvernement du Québec, Ministère des Ressources naturelles, Fall 2001, page 12).

extended. Among other things, it was suggested that the new Forum be chaired by the Minister of Natural Resources; that its role as advisor to the Minister be renewed; and that it should have a permanent secretariat to be responsible for organizing Forum meetings and offering its expertise in support of regional and Native community consultations.

- An Independent Body

Some participants said they would prefer national consultations to be organized by a neutral and impartial independent body. However, they did not say how such a body should be formed, who should be represented, how it would be funded or how the desired level of neutrality and impartiality would be achieved. Other participants were firmly against such an approach, which had already been discussed on January 15, 2002. They were adamant that the consultation process should be under Departmental authority, but also that rules should be adopted to ensure the transparency of debates and decisions.

2.2.2 Organization of Regional Consultations

The participants differed significantly in their opinions regarding the organization of regional consultations⁶. Many felt the role of the regional boards should be clarified, on the basis that the task of organizing consultations requires a level of neutrality that would be difficult to reconcile with the boards' mission of establishing a regional position. Some thought the regional consultations should be organized by an independent body, while others were in favour of entrusting them to the regional environmental boards or forestry associations.

The regional development boards, too, had different visions of their own roles. Many were prepared to play the role proposed by the Department, although some felt their contribution should be limited to organizing the consultations and preparing the summary report. They did not want to be responsible for establishing a regional position or orientations, and felt they did not have the support they would need to do this. Other boards were willing to take part in the consultations, but did not say what role they felt they should have.

⁶ The Department proposed that the regional development boards should work with its own regional offices to organize the regional consultations and receive comments and proposals from participants. The boards would also be consulted by the Minister prior to defining forest development orientations (Draft Consultation Policy on Québec's Forest Management and Development Orientations, Gouvernement du Québec, Ministère des Ressources naturelles, Fall 2001, page 13).

Lastly, some participants suggested that the role played by the regional boards should vary according to the importance of forest-related issues in their respective regions. Several people felt the role of the Department's regional offices should be clarified, to avoid the possibility of confusion with the role entrusted to the regional boards. Others were anxious to avoid "wall-to-wall" approaches, and suggested different consultation methods, including surveys, studies and interviews.

2.2.3 Organization of Native Community Consultations

Very few comments were made on the proposed consultation procedures for Native communities. Some Native communities and other participants supported the approach proposed by the Department, but others were opposed to the use of different procedures for different communities. Some participants suggested that non-Native regional bodies be allowed to take part in the Native consultations, so that they could express their views, or at least that observers be authorized by the Department to attend the meetings.

CONCLUSION

Overall, the participants were in favour of a consultation policy, but felt that the current draft policy needs to be improved. Many people have very high expectations concerning the outcome of the consultations.