

UPDATING THE FOREST SYSTEM

VIEWS OF NATIVE ORGANIZATIONS AND COMMUNITIES

PUBLIC CONSULTATIONS
FALL 1998



Québec 

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NOTE TO READERS

Some of the Native communities taking part in the consultations on the updating of the forest system wished to emphasize that their participation should not be construed as an acknowledgement that the Québec government has any authority whatsoever over their ancestral lands. Their participation and comments are therefore without prejudice to current negotiations.

Cover photographs

Left: Serge Jauvin

Right: ministère des Ressources naturelles

Background: ministère des Ressources naturelles

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Ministère des Ressources naturelles

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MESSAGE FROM THE MINISTER

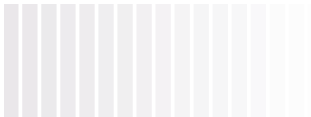
Since the adoption of the *Forest Act* in 1986, the forest system has been the subject of several consultations, clearly illustrating its constant evolution. The updating process undertaken by the ministère des Ressources naturelles, in 1996, reached a crucial stage in the fall of 1998, with consultations involving the general public and interested organizations. Aware of the specific concerns of Native people, my Department, also organized special consultations with Native organizations and communities as well as with the committees created under the *James Bay and Northern Québec Agreement*. This open approach to dialogue, characteristic of the Department's culture, allowed the Native people to play an active role in the process of updating Québec's forest system, either during the consultation meetings or by submitting briefs and opinions on the proposals.

The results of their participation were interesting, as this document clearly shows, and they made some important contributions that will be reflected in the updating of the forest system. I will be tabling a bill and a policy orientation document in the National Assembly in December 1999. Once again, interested individuals and groups, as well as the general public, will have the opportunity to state their reactions and make proposals during the proceedings of the general parliamentary standing committee scheduled for the winter of the year 2000.

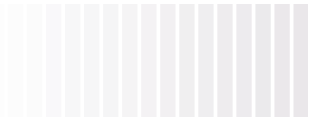
In accordance with the Québec government's orientations with regard to Native affairs, I hope we can work together to achieve our economic and social development goal within a context of mutual respect and while protecting both the forests and their resources.



JACQUES BRASSARD
Minister of Natural Resources



FOREWORD



The project for the updating of the forest system that was submitted for public consultation by the ministère des Ressources naturelles, includes a review of the first ten years of application of the *Forest Act* together with a statement of forest management issues, the goals of a revised forest system and proposals for action. All these elements were included in a consultation document that has been widely circulated among the general public.

Given the very close ties between the Native people and the forests environment, the Department invited Québec's Native organizations and communities, as well as the committees created under the *James Bay and Northern Québec Agreement*, to state their views. Some organizations, several communities and two committees accepted the invitation, attending consultation meetings, submit-

ting briefs (seven in all) or a statement of intention, or in some cases writing letters. It should be noted that the brief submitted by the James Bay Advisory Committee on the Environment (JBACE)¹ had the support of the Hunting, Fishing and Trapping Coordinating Committee (HFTCC). All opinions and briefs were carefully analyzed and they helped enrich our reflections on the updating of the forest system. On page 24, you will find a list of the participants and the type of documents they submitted.

The present document is intended to be a summary rather than a compendium of the comments received. The various proposals and comments are grouped together under the subject headings and themes most frequently addressed by Native individuals and committees during the consultations.

¹ The JBACE acts as advisor to the governments responsible for the areas covered by the Agreement. Its duties include studying and supervising the environmental and social protection system.

NATIVE PRINCIPLES¹

The Earth is the mother that feeds us.

Cooperation is the only path to survival.

Knowledge is a powerful tool only if it is shared.

The spiritual world is not distant from the Earth.

Responsibility is the best practice.

Everything is inter-related.

¹ Taken from *Connaissances des autochtones du Canada en écologie forestière*, a report prepared by the National Aboriginal Forestry Association for Natural Resources Canada, August 1996.

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THE MAIN THEMES ADDRESSED BY THE NATIVE PEOPLE DURING THE CONSULTATIONS

Four main themes emerged from the comments made or received during the consultations, namely recognition, participation, partnership and forest sustainability. These four topics reflect the main concerns and expectations of the participating communities, organizations and committees. This document presents the most significant or most common comments heard on each of these themes during the consultations, as well as some more specific opinions.

RECOGNITION OF THE NATIVE SITUATION

The values, knowledge, culture and special status of the Native people were all highlighted during the consultations. Native participants asked for greater recognition of their particularities as well as better integration of their distinguishing characteristics in forest protection and development activities and decisions.

VALUES

The Native people mentioned their close ties with the land and the forests that have shaped their values and attitudes towards the territory and its resources. These values are reflected in their way of life that promotes a comprehensive, balanced and multiple use of the forests, as well as responsibility, sharing and respect for present and future generations.

KNOWLEDGE AND CULTURE

Native participants described their knowledge of the forest environment and its biodiversity, especially with regard to wildlife. They also underscored the distinctiveness of their culture, their environment or the ancestral activities they practise in the forests. They asked for these elements to be acknowledged and incorporated into a renewed form of forest management. In some cases, the very survival of their communities is at stake, and the operations carried out in areas of concern to the Native people must be more compatible with

the Native way of life. The participants believed that improved awareness of the Native situation and Native rights among forest managers and forestry companies would be a step in the right direction. They also would like to be better informed about management activities in general.

SPECIAL STATUS

Native participants also pointed out the importance of not treating Native communities in the same way as other partners or the general public, and asked that they be allowed to deal with the government on an equal footing. They said acknowledgement of their special status was essential if their particularities were to be considered in the new forest system. They also felt that what is at stake is not simply the maintaining of their traditional activities, but their involvement in economic development. Such involvement might be translated, for example, into the integrated management of resources on their lands.

SPECIFIC COMMENTS

Participants emphasized the need for greater harmonization between their traditional activities, especially hunting, fishing and trapping, and forest operations. For that purpose, they asked, in particular, to be involved in the process of amending the *Regulation respecting standards of forest management for forests in the public domain*. Lastly, they recommended that their values and knowledge be integrated when forest management plans are prepared.

Other communities asked for legal recognition of exceptional areas or areas essential to their social and economic development.

The James Bay Advisory Committee on the Environment recommended that a chapter be added to the *Forest Act*, establishing a separate forest system for the area covered by the Agreement and recognizing the special status of this area as well as the knowledge and values of the communities living in it.

NATIVE PARTICIPATION IN DECISION-MAKING PROCESSES

*Several participants felt that increased Native participation in a form of forest management better suited to the needs of the Native communities would lead to harmony and encourage mutual respect. The main comments on this theme concerned the need to give **priority** to Native people as far as consultation or joint action with regard to the management and use of forest land and resources are concerned. Other comments addressed issues such as the **purpose** of the consultations and the need for consultation **methods** better suited to Native needs.*

PRIORITY TO NATIVE PEOPLE

A number of organizations and communities felt they should be given priority in terms of information, consultation and joint action on all forest management decisions and activities, including the allocation of new forest rights and changes to forest management methods in areas of concern to them. They felt they were the ones most affected and best placed to express their values, needs and interests. One community said the municipal authorities were not able to represent its interests, while another viewed the forest industry as an obstacle to its participation. Several participants thought forest operations should not be carried out in specific areas unless the communities concerned had been consulted first.

CONSULTATIONS – PURPOSE AND PROCEDURE

According to several participants, the Native people should be consulted at every stage of the forest management process, from decision-making to action. This would include the preparation of legislation and regulations, the granting of new forest rights, the selection of development projects and the planning of forest operations, among other things. The participants emphasized the fact that such consultations would give them the opportunity to share and obtain recognition of both their situation and their knowledge.

A number of participants said the current consultation mechanisms and operational procedures were inadequate and should be re-thought, since everyone wanted more consideration for their own specific needs and values. As regards forest planning, they asked to be involved from the beginning in the preparation of forest management

plans applicable to areas of concern to them, and to remain involved throughout the process. They also wanted an opportunity to approve the plans before they were submitted to the Department.

Some participants thought the Department should introduce an intermediary structure between the timber supply and forest management agreement holders and the communities. Failing this, they felt the Department should provide the communities with

the support they need to express their views on an equal footing. A measure such as this would facilitate the process and make it more impartial. The proponents of this view also thought the creation of an independent, recognized organization would help support claims by forest users against the forest companies. Such an organization could even be responsible for carrying out investigations or holding public hearings where necessary.

SPECIFIC COMMENTS

Some of the specific points raised with regard to consultations on forest management in general and forest management plans in particular were concerned with extending delays, simplifying, generalizing and translating documents destined for the general public, allocating the necessary human and financial resources, and creating tools to make public participation more effective. There seemed to be a need for detailed and relevant information on all forest management activities. Some communities even viewed this as a prerequisite for active and informed participation by the Native people.

As regards the content of forest management plans, some communities said that if the aim was to promote multiple use of the forests, the plans should take into account trapping areas, hunting camps, landscape preservation (through better disposition of cutting areas), as well as Native sites and trails. They also thought forest operations should be planned with greater consideration for land-based and aquatic wildlife.

The James Bay Advisory Committee on the Environment recommended strengthening the mechanisms provided in the *James Bay and Northern Québec Agreement*, bringing them into line with Cree participation goals. Recognition of a separate forest system in the area governed by the Agreement would encourage the communities to play a more active role in forest management and development.

PARTNERSHIP: SUSTAINING OR INCREASING DEVELOPMENT

*Two main points emerged from the discussions and briefs dealing with this theme. First, participants wanted their communities to have **better access to forest lands and resources**. Second, they thought they should be allowed to benefit more from the **spin-offs** of forest development, and that the spin-offs themselves should be increased.*

ACCESS TO FOREST LANDS AND FOREST RESOURCES (IN PARTNERSHIP)

The Native people asked the Department to give them priority in the allocation of new forest rights as well as in the delegation of responsibility for forest management or in the carrying out of development activities on their ancestral lands. Some participants felt the new division of responsibilities should be discussed at central land negotiation tables. They also thought signing agreements, on forest management planning and operations, for instance, would be an excellent way not only of harmonizing activities but also of sealing the joint management approach with the government. A number of participants felt the government should give this approach official status by issuing a statement of its intention to introduce joint management on an equal footing, and including such an approach in the *Forest Act*. Participants would also like the forest system to be given additional flexibility so that Native people can be allocated a certain

volume of timber they would use to carry out in their economic development projects.

The James Bay Advisory Committee on the Environment, for its part, felt the Cree should be given priority in the allocation of forest rights in the area governed by the Agreement. One organization also suggested considering the territory of the communities it represents as a large permanent management unit having a special status. It also wanted to be involved, with the Department, in revising the forest system applicable to the territory in question.

Some participants pointed out that the management responsibilities of the regional county municipalities should never be exercised to the detriment of the First Nations. Others said partnership with the Native people should always be formed within the broader framework of multiple use and sustainable development, and should never be used to justify excessive forest operations. One organization proposed setting aside certain forestlands to promote the multiple use of given areas when calculating the allowable annual cut.

INCREASED AND MORE ACCESSIBLE SPIN-OFFS FROM FOREST DEVELOPMENT

The Native people said they had pinned their hopes on receiving a share of the wealth generated by forest use, and pointed out the urgent need to improve their socio-economic conditions. Several participants wanted a share of the forest dues and other spin-offs from development activities carried out within their territories. They felt the new division of wealth should focus on creating jobs, providing training for Native people and developing the wildlife, tourist and environmental potential of the areas in question. Some participants thought this type of approach might even help offset the damage caused by forest operations in some cases.

Participants also thought the Québec government should issue a clear statement of its intention to use more of the spin-offs from forest development for the benefit of the Native communities. Native people should receive priority in the allocation of new development projects to be carried out on ancestral lands, including added value projects. Participants also reacted favorably to proposals concerning improved forest yields, but only on certain conditions. For example, they wanted to be sure that their ancestral rights would be upheld and their basic needs met, that the health and sustainability of the forests would be preserved, that Native people would be involved in forest management decisions and that they would share in the ensuing benefits. Some participants also viewed integrated resource management as an effective way of increasing spin-offs while protecting the environment.

SPECIFIC COMMENTS

Some participants were opposed to excessive development and mergers of common areas where this would be incompatible with sustainable forest management. One organization asked the Department to acknowledge the principle by which the government should pay it dues not only for present and future forest operations, but also for past operations on public lands.

FOREST RESOURCE SUSTAINABILITY AND TRANSPARENT MANAGEMENT

*Most participants agreed on the need for a **sustainable, integrated** approach to forest and resource management. Forest management should also be **transparent** and subject to **tighter controls**.*

INTEGRATED, SUSTAINABLE MANAGEMENT

Most participants regarded sustainable development as the cornerstone of forest management. They said it was important to establish the real potential of the forest, so as to be able to make informed decisions and introduce suitable measures. Some communities were concerned because the sustained yield principle is not respected and because of the impact the increased yield approach could have on other forest resources.

Several people asked for a more integrated form of forest management focused on all forest resources, harmonizing the various forest uses and alleviating the impact of forest operations on wildlife populations. They felt management should be based on comprehensive methods and good forest management plans, and that beaver reserves as well as exclusive outfitting areas should also be brought under integrated management. In addition, they asked for the *Regulation respecting*

standards of forest management for forests in the public domain to be redefined in order to reflect the objectives of multiple use. They also proposed a review of some of the regulation's provisions, including those aimed at bringing territorial reference units into conformity with family hunting grounds, so as to provide better protection for the areas in question.

As well as claiming a separate forest system to protect the biophysical environment and the communities living in the areas governed by the Agreement, the James Bay Advisory Committee on the Environment also recommended a moratorium on logging operations in seven hunting grounds that the Cree felt were threatened by forest operations. The James Bay Advisory Committee on the Environment recommended reconsidering the allowable annual cut in the James Bay area and analyzing the impacts of forest operations on the environment and society before making new timber allocations.

BETTER CONTROL AND GREATER TRANSPARENCY

Some of the methods proposed by participants to improve forest management included better controls, more severe penalties and greater transparency in forest management decisions and activities.

Most participants emphasized the need to tighten the management standards designed to protect all forest resources. Some felt the general and five-year forest management plans should include an independent biologist's analysis of the impacts of the proposed operations on wildlife habitats. Other suggestions included independent controls and monitoring of forest productivity by means of indicators.

Some participants said penalties for non-compliance should be more severe.

For example, they thought the timber supply and forest management agreements of offenders should not be renewed, or at the very least, that new timber allocations should be reduced. On the other hand, they thought agreement holders who really made an effort to practise sustainable management should be encouraged.

Lastly, some participants asked for greater transparency in forest management. Proposals for achieving this included the publication of offences and the preparation of reviews and surveys on the state of the forests by independent specialists. The James Bay Advisory Committee on the Environment thought monitoring reports on forest operations should be made available to the public, and recommended more effective control and monitoring of forest management plans at the implementation stage.

SPECIFIC COMMENTS

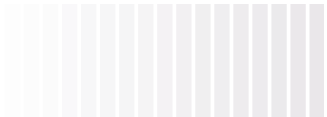
Some communities felt it was essential to complete the network of protected areas, especially in the boreal forest. They also thought it was vital to recognize and preserve certain exceptional ecosystems and ecosystems of particular importance to the Native people. With regard to wildlife resources, participants wanted trappers to be compensated for any losses, and asked for the boundaries of territorial reference units to be adjusted to reflect trapping territories and trapping areas in beaver reserves. Lastly, they thought the Native presence in the forests might provide a way of monitoring forest operations.

GENERAL COMMENT OF NATIVE PARTICIPANTS

Participants criticized both the time frame allowed for the consultations and the consultation procedures, saying that they cast doubt on the ministère des Ressources naturelles' desire to include the Native people in the forest management process. Some participants even went so far as to describe them as an «insult to the First Nations».



CONCLUSION



The opinions and comments obtained from Native communities completed the consultation process, held in 1998, on the updating of Québec's forest system undertaken in 1996 by the ministère des Ressources naturelles and the Regional Development Boards.

As in previous consultations, the Native communities asked for greater recognition of their values, knowledge and culture.

They also wanted to play an active role in the decision-making process, and asked for a more effective partnership that would allow them to maximize their socio-economic development. Some of the concerns addressed by Native representatives included the sustainability of

the forest resource, its management in compliance with the principles of sustainable development, management transparency and adequate control mechanisms.

The comments and opinions expressed by the Native communities have enriched the reflections of the ministère des Ressources naturelles' authorities and will help improve the current forest system.

In December 1999, the minister of Natural Resources will be tabling a bill and a policy orientation document in the National Assembly. Once again, the Native communities will have an opportunity to state their views at the parliamentary standing committee scheduled for the winter of the year 2000.

LIST OF PARTICIPATING COMMUNITIES, ORGANIZATIONS AND COMMITTEES

BRIEFS AND STATEMENT OF INTENTION

- Atikamekw Nation Council
- The Huron-Wendat Nation
- Mamuitum Tribal Council
- James Bay Advisory Committee on the Environment (JBACE)
- Algonquins: Kitcisakik Band Council (Grand Lac Victoria)
Kitigan Zibi Anishinabeg Band Council
- Micmacs: Micmac Band Council of Gesgapegiag
- Montagnais: Innu Takuaihan Uashat Mak Mani Utenam Council

OTHERS (WRITTEN OPINION OR MEETING)

- Hunting, Fishing and Trapping Coordinating Committee
- Abenakis: Wôlinak and Odanak Band Council
- Algonquins: Lake Simon Band Council
Abitibiwini Band Council
- Atikamekws: Various communities and individuals
- Micmacs: Listuguj Mi'gmaq Nation Council
- Montagnais: Council and communities