



Comité consultatif pour l'environnement de la Baie James
James Bay Advisory Committee on the Environment
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Synthesis Report and Recommendations

General Forest Management Plan Review

JAMES BAY ADVISORY COMMITTEE ON THE ENVIRONMENT

November 2007

Introduction

The James Bay Advisory Committee on the Environment (JBACE) gave the firm SOFOR Inc. the mandate of analyzing the forest management plans (2008-2013). We will present the results of this analysis along with the recommendations that the JBACE considered necessary in order to meet the objectives and principles of the environmental and social protection regime of the James Bay and Northern Québec Agreement. These recommendations were carried unanimously at the JBACE meeting of November 22, 2007. The complete report developed by the firm SOFOR will soon be made available. Thereby, the JBACE intends to meet its obligations in virtue of the aforementioned Agreement¹.

The implementation of the Agreement Concerning a New Relationship Between Québec and the Crees (ANRQC) has considerably modified the context surrounding the analysis of the general forest management plans (GFMP). Actually, Complimentary Agreement No. 14 adopted in 2002 has added Chapter 30A, which is intended to establish an adapted forestry regime for the Territory. Moreover, the JBACE had recommended the adoption of adapted measures for many years.

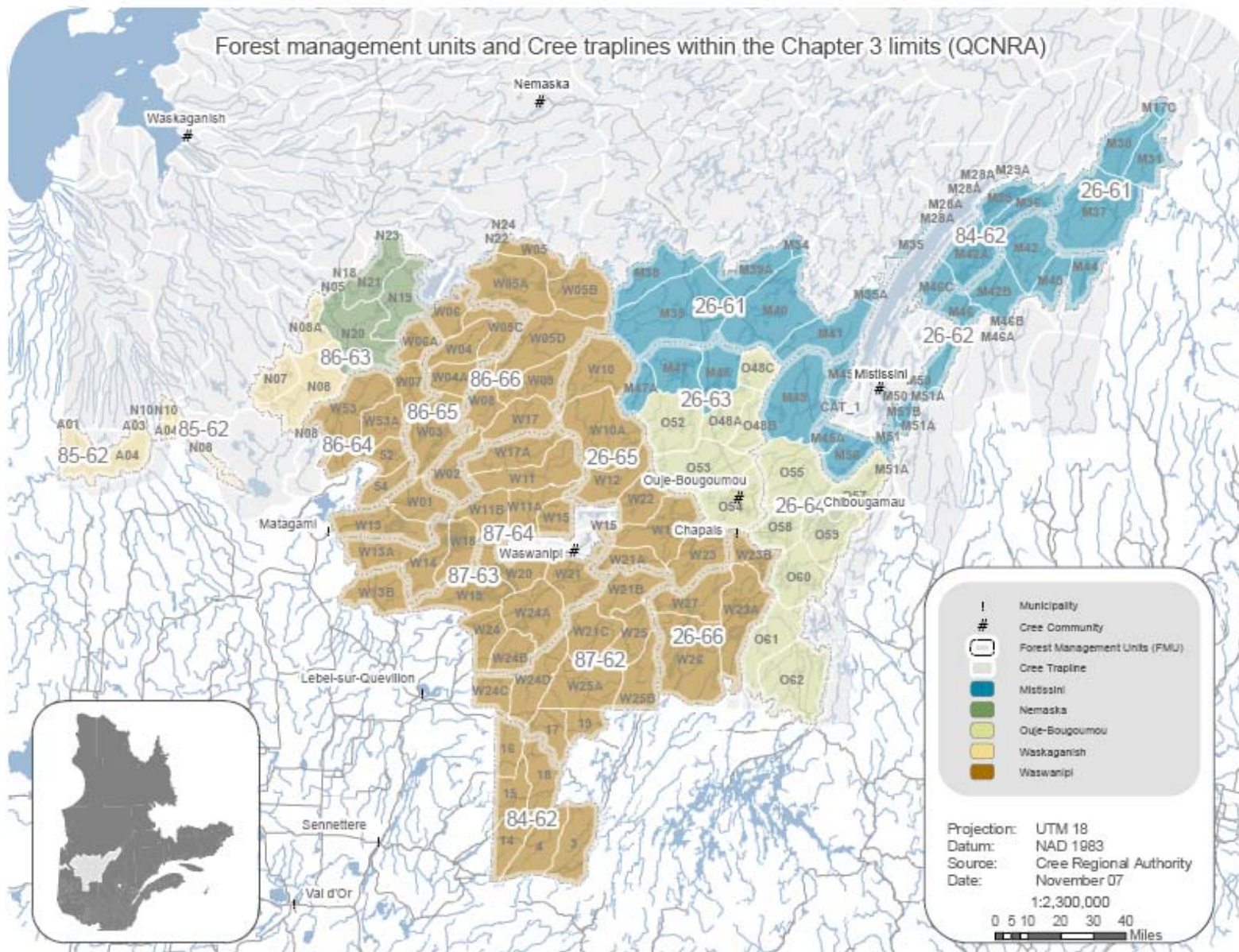
On the one hand, the ANRQC adapted forestry regime resulted in modifications to the plans' content as compared to the former regime. The instructions for the construction of the plans transmitted to the holders by the *ministère des Ressources naturelles et de la Faune* (MRNF) contained details concerning the Crees, namely regarding their participation in the different forest management planning processes. New mechanisms and tools favouring this participation were introduced, which the industry must deal with henceforth at the start of the GFMP development.

On the other hand, the ANRQC provides for the close involvement of the Joint Working Groups (JWG) of the five communities targeted by the development of the GFMP. The Cree-Quebec Forestry Board played an accompanying role before the plan preparation process and holds a review mandate for the submitted GFMP.

For its part, the JBACE still has the same obligations towards the environmental and social protection regime of the James Bay and Northern Québec Agreement (JBNQA), including the review of the plans. Once the plans are submitted, the JBNQA grants the JBACE a 90-day period to review and transmit its comments to the *ministère des Ressources naturelles et de la Faune*.

In this context, the Gouvernement du Québec submitted to the JBACE, in September 2007, a new generation of fifteen GFMP prepared by the holders of timber supply and forest management agreements (TSFMA) working in *Eeyou Istchee*, hereafter designated as the agent.

¹ "The *ministère des Terres et Forêts*, when it develops a management plan for Crown forests and logging, it sends the plan to the advisory committee which studies and comments on it before the plan receives ministerial approval. The said committee, if applicable, transmits its comments to the said Minister within ninety (90) days" (JBNQA; al. 22.3.34).



Approach

In preparing for the GFMP review exercise, the JBACE developed a directive and an analysis grid defining the parameters to watch in order to determine their admissibility. Within this framework, the JBACE tried, as much as possible, to avoid overlapping the works already planned by the CQFB and the JWG.

The analysis grid establishes the eight issues retained by the JBACE to assess the plans. These issues correspond with the determining elements of the JBNQA environmental and social protection regime. Moreover, these issues cut across the previously-set objectives ((ANRQC, Instructions, FPDO) within the development of the GFMP. They are:

1. Recognize the specific and distinct use of the territory by the Cree to meet their cultural, social and economic needs
2. Promote the integration of Cree ecological knowledge into forest management planning
3. Ensure meaningful participation by the Cree people;
4. Respect sites of significance to the Crees;
5. Guarantee the preservation of hunting, fishing and trapping activities;
6. Preserve the integrity of family traplines;
7. Increase the diversity of forest-based economic and social benefits to Cree communities;
8. Implement a continuous improvement process incorporating the Cree land use system.

Following the reception of the plans, each of the 15 GFMP underwent a preliminary analysis of its content according to the JBACE grid.

Following this, the agents having submitted the plans were all met with in order to specify the information arising from this preliminary analysis.

Moreover, the Cree JWG members from the five communities targeted by the plans were also met with by our consultants in order to complete and validate the gathering of information.

We must also emphasize the warm welcome offered by the agents and Cree JWG members during the interview tour. They expressed satisfaction with the possibility of issuing their comments and recommendations on the process and contributing to our exercise.

Limits

We must mention certain difficulties that limited the scope of the analysis. Firstly, although the fifteen GFMP were submitted to the JBACE on September 1st, 2007, the MRNF was not specific in stating whether it considered the plans receivable or not according to their criteria. The lack of such specifications delayed the launching of our analysis. The plans were only transmitted in a hard-to-use electronic format, which caused further delays.

Following this, the MRNF indicated that the participation reports included in the GFMP were mostly non compliant. The MRNF finally submitted the revised versions to us on November 15, 2007, which was fifteen days before the date provided for the deposit of the report. Our consultants had to question the stakeholders about this during the interview tour.

In order to optimize our review of Issues 4 and 5, the JBACE requested access, for its consultants, to information on sites of Cree interest along with planning support maps, information considered as confidential. We finally obtained the approval of the Cree authorities, after having committed ourselves to a confidentiality agreement. The agreement was signed on October 31, 2007 and access to documents was only possible nine days before the deposit of the report. It goes without saying that the verifications for these issues were limited to the observation of specific examples during the meetings of our consultants with the agents and the Cree JWG members.

As for the meetings with the JWG members, we must specify that the Quebec representatives refused to participate in the interviews. Moreover, our consultants met with the Cree representatives at a time when the latter had not yet conducted their own review of the GFMP. As a result, more background information was required during the meetings.

Finally, we must emphasize that our comments and recommendations on the plans are made in a context where the wood allotments of the TSFMA holders have not yet been specified. As a result, this renders the GFMP subject to further modification, which could also influence our analysis.

Results of the analysis

The analysis of the information gathered throughout the plans and during the interviews allowed us to qualify each of the issues for each submitted plan. To do this, we have used a simple qualification system.

Where the agent did not meet the JBACE requirements for a given issue, the plan was considered **unsatisfactory** for this issue. This status requires corrections. When the agent complied with the minimum requirements, the plan was considered **satisfactory**. When the tallyman was not consulted by the agent for reasons beyond his control, then

the issue is categorized “Does not apply”. Nonetheless, the JBACE put an asterisk beside the issues for which improvements were clearly desired, despite the rating of “Satisfactory”. We have five (5) unsatisfactory plans out of a total of fifteen (15), which are the plans covering Units 26-65, 85-62, 86-63, 86-64 and 87-62

The following table synthesizes the results obtained during the analysis:

Issues	Qualification by management unit														
	26-61	26-62	26-63	26-64	26-65	26-66	84-62	85-62	86-63	86-64	86-65	86-66	87-62	87-63	87-64
1 Recognize the specific and distinct use of the territory by the Cree to meet their cultural, social and economic needs	U	U	U	U	S	U	U	U	U	U	U	U	U	U	U
2 Promote the integration of Cree ecological knowledge into forest management planning	S	S	S	S	U	S	X	S*	U	U	S	S*	U	S*	S*
3 Ensure meaningful participation by the Cree people	S	S	S*	S*	U	S*	X	U	U	U	S*	S*	S	S*	S*
4 Respect sites of significance to the Crees	U	U	S	S	U	S	S	U	U	U	U	U	U	U	U
5 Guarantee the preservation of hunting, fishing and trapping activities	U	U	S	S	U	S	S	U	U	U	U	U	U	U	U
6 Preserve the integrity of family traplines	S	S	S*	S*	U	S*	S*	U	S*	S*	S*	S*	S	S*	S*
7 Increase the diversity of forest-based economic and social benefits to Cree communities	S	S	S	S	S	S	S*	U	S	S	U	U	S	U	U
8 Implement a continuous improvement process incorporating the Cree land use system	S	S	S*	S*	S*	S*	S	S	S	S	S*	S*	S	S*	S*

S = Satisfactory U = Unsatisfactory S* = Improvement desired X = Does not apply
X = “Does not apply” is due to the absence of official data at the time of the plan’s development.

In order to determine the admissibility of each plan, the consultants assessed the weight of the issues and conducted a period analysis. The JBACE endorsed their conclusions:

FINDING 1: INCOMPLETE KNOWLEDGE OF ABORIGINAL ISSUES

- We observe a certain trend with Issue 1. Most of the plans were considered as unsatisfactory regarding the information they contained on Cree land use.

Namely, the fact that all the information relating to Aboriginals is prepared in separate sections, presents a sort of infringement – appearing as a specific attention – on the place they are entitled to occupy in the planning. Moreover, several sections of the plans contain information relating to the use of the territory by non-Aboriginals, where it would be relevant to see data relating to Aboriginals. This segregation of the data prevents us from having an integrated idea of the coexistence of the various groups living on the territory.

It also allows the reader to consider that the Aboriginal question is covered once we have read this section. However, the sections relating to tourism, vacation development or wildlife usage, are also themes relating to the occupation of the territory which interact with the Aboriginal lifestyle.

As for the descriptive section on the communities, it is of poor quality and repetitive, namely for the plans entrusted to the same single consultant. It also sometimes contains erroneous and anachronistic information. This section certainly does not allow us to conclude that the agent understands the environment in which he is registered. Nonetheless, this is a prerequisite allowing planners to optimize the ANRQC measures and improve their management proposals.

Recommendation 1

The JBACE recommends that the Minister review his requirements regarding the content required for the description of the social context and land use in order to allow the agent to better reflect their comprehension of the particular and distinct Cree land use in the GFMP.

FINDING 2: CREE PARTICIPATION

- If we focus on issues that are more related to the Cree participation mechanism, such as Issues 2, 3 and 6, no generality was observed as compared to all of the plans. It is rather when we observe the plans individually that we find that the same plans sometimes show shortfalls for several of these issues. This gives us indications of an incomplete implementation of the participation mechanism

planned for these management units. Our consultants even confirmed this result during the interview tour.

Concerning Management Unit # 26-65, the agent's representative specified that his five-year planning had already been completed when he became aware of the trappers' planning support maps and that the tallymen had only been met with once. We also find that several of the harmonization requests raised by the trappers were postponed until the consultation for the annual plans. This was confirmed by the Cree members of the Waswanipi JWG. The latter expressed a great amount of dissatisfaction towards this agent, specifying that he had begun the participation process one day before the deposit date of the plans.

For Management Unit # 85-62, the agent's participation report indicates that only one meeting was held with the Crees, whereas the process required at least two. He also indicated that the planning support maps serve as participation for outside parties, whereas their objective was rather to facilitate exchanges between the original parties. The Cree members of the Waskaganish JWG claim that they feel left out of the process. They feel that not enough importance is given to the tallymen of their community. They also stated that they were still waiting for the results of their first meeting and that the process seemed incomplete.

Management units # 86-63, 86-64 and 87-62 all have the same agent. He considers that he received the planning support maps from the trappers too late to include them in the planning. The CRA also informed us that the JWG confirmed that this body had transmitted these maps in mid-May. For Units # 86-63 and 86-64, he also specified that he had not held all the second meetings planned with the tallymen. The same comments came from the Waskaganish representatives regarding this agent. Cree members of the Nemaska JWG also reiterated the statements of their colleagues from Waskaganish, specifying that only one MRNF representative had attended in order to complete the only participation session. It seems that the MRNF acts as an intermediary for this specific case and that it was impossible for the representative to hold the planning support maps of the concerned tallyman considering the confidentiality agreements that exclude government representatives.

It appears obvious that these cases are in major breach of the planning process. As a result, the JBACE considers these plans as **ineligible** until the required corrections are made.

Recommendation 2

The JBACE considers that the plans of Management units # 26-65, 85-62, 86-63, 86-64 and 87-62 are ineligible due to non respect of the prescribed requirements, and recommends that the Minister compel the concerned agents to complete their Cree participation process according to the system set up by the ANRQC; the agents must, as applicable, correctly use the planning support maps provided by the trappers, hold a minimum of two meetings with the tallymen and meaningfully consult the latter on all forest management activities, including the development of the road network.

FINDING 3: FOREST PROTECTION AND DEVELOPMENT OBJECTIVES (FPDO)

- As for Issues 4 and 5, it was observed that the agent generally respected the ANRQC terms and conditions concerning the Cree interest sites (1 and 25%). Several of them also indicated that they had considered other sites identified by the Crees during the planning. Nonetheless, it is the location of the FPDO in consultation with the tallymen which was a stumbling block, leading to their unsatisfactory results.

Even if it is stipulated in the plans that the agent must consult the tallymen in order to optimize the FPDO location, the interviews indicated that few of the agents had done this. This is the result of the sense of urgency to meet deadlines, as affirmed by the respondents.

Although the agents candidly admitted not having consulted the tallymen, nonetheless, several confirm having located the FPDO according to their knowledge of Cree concerns and some said that they had even used the planning support maps provided by the trappers.

As previously stated, the JBACE consultants were nonetheless unable to validate this information since access to confidential Cree information was only possible nine days before the deadline. But the comments gathered from the Cree JWG members lead us to believe that we must validate the agents' statements. In Waswanipi and Ouje-Bougoumou, among others, several examples were raised where certain FPDO overlapped with the Cree interest sites (1%) whereas in Mistissini, it was mentioned that trappers wished to validate the FPDO in question in the field before possibly compromising themselves.

Moreover, as for the Draft directives on the protection and management of wildlife habitats and the Mixed stand management guide, we observed the same result as for the FPDO. In both cases, most of the agents confirmed not even knowing the existence of such documents despite the fact that their own plan favours their usage.

Recommendation 3

The JBACE recommends that the Minister ensure that the Cree tallymen are meaningfully consulted on the FPDO location and compel the agents breaching this condition restart the participation process; the Minister should meaningfully promote the documents concerning the specific management strategies of the ANRQC such as the Draft directives on the protection and management of wildlife habitats and the Mixed stand management guide.

FINDING 4: JOBS AND CONTRACTS

- Several plans were also unsatisfactory regarding Issue 7. These cases are flagrant since Section 3.2.6 of the GFMP, which should have featured projected jobs and contracts for the Crees (table 25), only contains zeros whereas it is stipulated therein that “the management agent prioritizes the hiring of Cree workers with the forest management contractors operating in this Management Unit”.

Moreover, even where figures are proposed, no indication is given on the means and the implementation.

Recommendation 4

The JBACE recommends that the Minister request specifications from the agent on the means he intends to deploy in order to favour economic spin-offs to the Crees in the form of contracts, jobs and workforce training.

FINDING 5: *PARTICIPATION REPORTS*

- The participation reports are clearly insufficient and inaccurate in their information. Their content did not allow us to judge the substance of the consultation meetings or qualify the level of Cree participation. Other than a lack of uniformity and consistency for the collected information, the lack of thoroughness in the reports does not do honour to the proposed process.

If the participation report is the main record left by the participation process, it will become imperative to establish improvement criteria and a revised methodology for their development.

Recommendation 5

The JBACE recommends that the Minister review Appendix 8 of the Instructions for the construction of the general forest management plans in order to require therein a more detailed and complete description of the participation process, as emphasized in the Forest Act.

FINDING 6: PLANNING SUPPORT TOOLS

- The tools developed within the GFMP preparation process, namely the planning support maps jointly completed by the communities, the Cree Regional Authority, the Cree-Quebec Forestry Board and the Waswanipi Cree Model Forest, significantly contribute to the informed participation of the Cree users of the territory. At this level, they represent an important contribution regarding the respect of the determinant issues of the JBNQA environmental and social protection regime.

The agents have expressed general satisfaction with the value added by these maps and consider that they facilitate the harmonization process with the trappers, particularly when they receive the information contained in the maps prior to the consultation process. In certain cases, the transmission of these planning support tools was delayed for various reasons, which undermined their effectiveness. Therefore, there is room for the optimization of these tools, the potential of which is not doubted by the respondents met among the agents and the JWG.

Most of the agents reported having good relations with the trappers, and their comments on the consultation process leads one to believe that in these circumstances the participation tools led to the possibility of developing the planning on a trapline scale.

The holders leaving an opening to the integration of the sites of interest by bringing options for discussion rather than already-detailed planning to the table were more favourably received by the trappers. Moreover, when we met with them, the Cree JWG members made positive comments on these holders.

Recommendation 6

The JBACE recommends that the Minister ensure the use of the planning support tools with the agents and favour their integration, as much as possible, prior to the development of the plans.

FINDING 7: MONITORING OF THE GFMP IMPLEMENTATION

- Most of the agents felt as if they were divested of their responsibilities concerning the monitoring of the implementation of their plans and the knowledge to be acquired. In the plans and their comments, the agents declared that they expected the MRNF to employ implementation measures in this regard. Such being the case, these measures remain inaccurate within the plans since the MRNF only establishes a monitoring process for its own concerns regarding the deployed management strategy. In addition, Chapter 9 of the GFMP, dealing with the knowledge to be acquired, is basically inexistent.

In the context of implementing a new adapted forestry regime such as that of the ANRQC, the MRNF and the TSFMA holders must demonstrate increased vigilance regarding the accomplishment of the objectives. We feel that the specific criteria, reflecting Cree environmental and social protection, must be an integral part of the protection of the GFMP implementation monitoring measures.

Recommendation 7

The JBACE recommends that the Minister consult the stakeholders, including the JBACE, in order to include criteria reflecting the Cree environmental and social protection within the GFMP implementation monitoring mechanisms and for the acquisition of knowledge towards the development of the next general forest management plans.