



JBACE parameters for its examination of the forest management plans that will apply for the 2018-2023 period

The James Bay Advisory Committee on the Environment (JBACE) has the mandate to examine forest management plans prepared by the Ministère des Forêts, de la Faune et des Parcs (MFFP) per paragraph 22.3.34 of the JBNQA. The JBACE intends to examine the next generation of forest management plans that will apply for the 2018-2023 period with a fresh perspective.

The JBACE will now focus its examination in light of two new parameters. The JBACE hereby presents these parameters to the MFFP, the Cree Nation Government (CNG), the Eeyou Istchee James Bay Regional Government (EIJBRG), and the Cree-Québec Forestry Board (CQFB), to inform them thereof in advance of the JBACE's examination.

Additionally, the JBACE must highlight one of its longstanding major concerns that should be addressed by the MFFP over the course of forest management planning initiatives as a whole.

Reasons for the new perspective and the two parameters

1. The JBACE must account for the guiding principles of the environmental and social protection regime over the course of its examinations of forest management plans; namely, the following:¹
 - The Cree hold hunting, fishing and trapping rights in the James Bay Territory. The Cree are thus dependent on continued access to viable and productive wildlife resources and habitats in order to fully exercise their harvesting rights.
 - The Cree have a right to be involved, to comment, and to orient the various developments that may ultimately influence them and the wildlife resources and habitats upon which they rely.
2. A new perspective was required given the evolution of the governance regime in the Territory. Indeed, the [Agreement on Governance in the Eeyou Istchee James Bay Territory](#) redefined the responsibilities of the regional stakeholders in forest planning.

For example, the CNG and the EIJBRG now play a greater role in forest management planning for the lands in their charge. The local integrated land and resource management panels ('TLGIRT' in French) set up for each forest management unit are responsible for ensuring that the stakeholders' environmental concerns are taken into account, and the Joint Working Groups also play a greater role in the consultation of Tallymen.

3. A fresh perspective was also required given the revised provincial forestry regime and the pending harmonization agreement (Amendment number 6) which builds on the adapted forestry regime already established in the Territory since 2002, per the [Agreement Concerning a New Relationship Between le Gouvernement du Québec and the Crees of Québec](#) (ANRQC – also referred to as the 'Paix des Braves').²

Moreover, the JBACE expects that the above-mentioned harmonization agreement will be signed shortly, such that the JBACE may proceed with the examination of the said forest management plans.

4. Because the CQFB also retains the mandate to examine forest management plans, the JBACE continues to make efforts to avoid duplicating the work of the CQFB.

¹ See paragraphs 22.2.4a to 22.2.4i for the full text of the guiding principles.

² The forestry regime established with the signing of ANRQC in 2002 was integrated into the JBNQA as Section 30A.

The JBACE has been deeply concerned about the cumulative effects stemming from past, present, and foreseeable developments throughout the Territory for some time. Forestry access trails and roads are the backbone of forest management operations on the ground. Indeed, forest management activities entail the construction of lasting linear infrastructures (multi-use trails and roads)³ and the disturbance of considerable blocks of forested land across the Territory. These activities impart enduring structural changes at a regional level in and of themselves. They are further compounded when also considering the changes imparted from the other development activities that have, are, and are expected to occur in the Territory (e.g. mineral exploration, mining, hydro-electric development).

At present, strategic forest planning does not provide an adequate basis, or portrait, of the expected road network throughout Territory of Section 22 of the JBNQA that is subject to forest management in order to thoroughly evaluate the cumulative effects that may imparted by them. We believe that the MFFP should reflect on this major issue.

Having said this, the JBACE has developed two parameters that it will use to examine the MFFP's forest management plans. These parameters are designed to address faunal resources, upon which the Cree depend and hold harvesting rights and guaranties, as well as their continued access to these resources.

³ Note that our concern includes all classes of roads, as well as those constructed in specific seasons,

Examination parameter n° 1

Ensure that Cree hunting, fishing and trapping rights and activities are respected and maintained by safeguarding the Territory's faunal resources and the habitats that support them. Namely, the maintenance of culturally-important species (e.g. moose) and the recovery of the Woodland Caribou herds extant in the Territory, in a manner that does not jeopardize the continued availability of habitats required by other species reserved exclusively for the Cree per section 24 of the JBNQA (e.g. beaver, black bear, all mustelids, whitefish, sturgeon and other reserved fish species).⁴

The insights, concerns and harmonisation measures expressed by Tallymen and Cree land users are requisite during the preparation of forest management plans to account for parameter n° 1. The consideration and respect of the inputs of the collaborative planning bodies (e.g. the Joint Working Groups and the CQFB), coupled with a thorough integration of the orientations stemming from applicable legal instruments for wildlife habitat management, are necessary in order to address this parameter.

The JBACE's examination in relation to this parameter will thus seek to confirm that the input concerning sites of wildlife interest for the Cree, timing of Cree harvesting practices on the traplines, faunal capacity or status, along with the orientations, treatments and prescriptions set out in related wildlife management instruments, are documented and explicitly accounted for in the forest management plans. The JBACE will consult the following sources to verify these inputs:

- The CQFB, the Joint Working Groups, and Cree land users, in accordance with the provisions of the adapted forestry regime per ANRQC.
- The Wildlife Habitat Directives and the Mixed Forest Stands Strategy in the territory subject to ANRQC (currently in development by the MFFP in close collaboration with the CNG at the time of writing and prior to April 2018);
- The MFFP's *Action Plan for the Management of Woodland Caribou Habitat*;
- The MFFP's *Sustainable Forest Development Strategy*;
- The wildlife related Values Objectives Indicators and Targets that were submitted by the *Local Integrated Land and Natural Resource Management Panels*.⁵

⁴ Schedule 2 of Section 24 of the JBNQA provides the complete list of species reserved exclusively for the Cree.

⁵ These panels are commonly referred to by their French acronym 'TLGIRTS.'

Examination parameter n° 2

Ensure the implementation of a planning process that accounts for and supports the Crees' continued access to and use of the Territory.

Paragraphs 24.3.1 to 24.3.31 of the JBNQA explicitly state that Cree rights and guarantees regarding wildlife harvesting include the right to travel throughout the Territory, at all times of year, without authorization and subject to a minimum of control or regulations. Examination parameters n° 1 and n°2 are thus different but intimately linked. While parameter n° 1 focuses on the protection of Cree wildlife harvesting rights and on the Territory's faunal resources themselves, parameter n° 2 focuses on the protection of the Cree's continued and unhindered access to the said resources.

The insights expressed by the Joint Working Groups, Tallymen, and Cree land users are requisite in order to account for parameter n° 2. The JBACE's review in relation to this parameter will seek to confirm that these sources, along with the following elements, are documented and explicitly accounted for in the forest management plans:

- That an information-acquisition strategy that reflects Cree concerns is employed.
- How information garnered from Cree sources was ultimately used and why, or not.
- Mitigation measures established to ensure continued Cree access to and use of the Territory (e.g. siting of roads and water crossings).
- Cree proposals for the monitoring of forest management practices in order to ensure that the approved silvicultural treatments and mitigation measures maintain and support continued access to and use of the Territory and, otherwise, meet their respective objectives.