
1. **CALL TO ORDER AND ADOPTION OF THE AGENDA**

The Chairperson welcomed the members and then called the 111th meeting of the JBACE to order.

The following agenda was adopted.

1. Call to order and adoption of the agenda
2. Discussion with coordinator of the Trapline Forestry Project
3. Mishtuk Corporation: discussion with Peter Gull
4. Discussion with Cree trapper and Domtar representatives

Part related to regular meeting of the JBACE

5. Adoption of the minutes of the 107th, 108th, 109th and 110th meetings and the minutes of the 12th meeting of the forestry subcommittee
6. Business arising from previous meetings
7. Criteria and indicators workshop (offer of services from Jamal Kazi)
8. Public consultation on water management
9. Presentation by Martin Pelletier
10. Directive 019
11. Amendment of five-year plan for common area 26-20
12. JBACE annual report, 1998-1999
13. Varia :- Subsidy from MRN;
 - JBACE budgetary proposal for fiscal 1999-2000;
 - 90-day consultation period for general forest management plans;
14. Date and location of next meeting.

2. **DISCUSSION WITH COORDINATOR OF THE TRAPLINE FORESTRY PROJECT**

The Chairperson welcomed Allan Saganash, who heads the Trapline Forestry Project, and asked the JBACE members to introduce themselves. Susanne Hilton explained how the project relates to the Waswanipi Cree Model Forest (WCMF), of which she is General Manager. Nine forest companies operate on the territory of Waswanipi. In 1997, Allan Saganash and Susanne Hilton started studying the companies' forest management plans from the perspective of long-term solutions to forestry problems. The Trapline Forestry Project is financed under Component II of the MRN's Forest Resource Development Program and the WCMF project. It covers 30 of the territory's 52 traplines. Mr. Saganash is very involved in community affairs.

He explained the project to the members. Because his presentation was so interesting and so full of information, a copy of the original text is being appended to the minutes.

3. **MISHTUK CORPORATION: DISCUSSION WITH PETER GULL**

The Chairperson introduced Peter Gull, President and CEO of Mishtuk Corporation, and thanked him for coming. He briefly explained the JBACE's mandate and role and then asked Mr. Gull to explain the challenges involved for Crees holding a timber supply and forest management agreement (TSFMA).

Mr. Gull was chief of Waswanipi for 12 years and is a past member of the JBACE and HFTCC. He explained that the community had wanted a sawmill since 1982 and so the idea of creating Mishtuk was launched in 1983. An agreement had to be reached with a forest company first, however, since TSFMAs are only awarded to companies owning a sawmill. Such an agreement was entered into with Domtar in 1997.

The first two years, Mishtuk practised clearcutting. However, after listening to the trappers' concerns, the officers in charge decided to change their harvesting method and create buffer zones. Mishtuk's cutting area was situated on Category I lands. Each year, the company submits for approval the planned cutting areas, road construction and silvicultural work to the community.

In 1980-1982, a process for consulting the Cree communities on forestry operations was introduced. Forest companies had to meet with the tallyman concerned to identify sensitive areas in need of protection. Because the fines for non-compliance were so low, most companies preferred to pay the fine rather than comply with regulations.

In 1985, Mishtuk failed to receive a TSFMA from the MRN because there were none left. Its partnership with Domtar eventually enabled the corporation to obtain its first TSFMA, covering 60 000 m³. It applied for an additional 20 000 m³, arguing that the volume of timber allocated under the initial agreement was not enough to supply the sawmill. In 1997, Mishtuk wrote to the MRN asking to be attributed a non-allocated TSFMA for 24 000 m³ on Category I land. It is still waiting for a reply. The lack of timber forces Mishtuk to exceed the allowable cut—something no one wants to do. The sawmill expects to be short of timber by the end of the year. It needs 150 000 m³/year.

Mishtuk's goal is to create jobs, generate economic spinoffs and protect the environment. It pays the band council \$10/m³ of timber harvested on Category I lands and the government the same amount for timber harvested on other categories of land.

The main point Mr. Gull wanted to get across is that all alternatives need to be considered to ensure that forestry operations are compatible with traditional Cree activities and that Crees participate in economic development. Currently, the Cree play only a very small role because they have no experience. Forest companies have their own contractors and collective agreements and cannot hire Cree workers in place of their employees, which makes jobs very hard to get. It is also hard for Crees to obtain funding under government programs to purchase equipment, since they must pay a share of the cost themselves. Following Mr. Gull's presentation, the members got a chance to ask questions.

4. **DISCUSSION WITH CREE TRAPPER AND DOMTAR REPRESENTATIVES**

On June 2, the JBACE members had the opportunity to visit a trapline. They were accompanied by:

Louis Bélanger, Université Laval
Frank Blacksmith, trapper
Harry Blacksmith, trapper
Amélie Dorion, Domtar
Martin Pelletier, student
Jacques Robert, Canadian Forest Service
Allan Saganash, Trapline Forestry Project
Bernard Sénécal, Domtar

The purpose of this field trip was twofold. First, the JBACE wanted to get an idea of how negotiations unfold when a trapper asks the forest company to protect areas slated for logging. By visiting an actual trapline for which such a request has been made, the JBACE members were able to meet with the trapper and the TSFMA holder, both separately and together, to obtain their respective views. Through their questions, the members were able to better understand both sides of the issue as well as the parties' respective reactions during negotiations. Forest companies tend to argue that sites need to be logged for economic reasons, whereas trappers want them protected for their habitat for game, their aesthetic value, what they represent personally, etc. The negotiating process is triggered by a request to amend a forest management plan, and a consensus is generally

reached after only a few meetings. Sometimes, the consensus is reached without any problem; other times, discussions can be heated.

The second goal of the field trip was to visit sites where Domtar's logging operations had been problematic. The members learned about the company's forestry practices, construction of logging roads and reforestation techniques.

The members found the Domtar representatives to be open-minded and spontaneous in their explanations of how they negotiate with the tallyman and how they have to consider the profitability of their logging operations when amending the forest management plan as agreed with the trapper. The tallyman explained very clearly his reasons for asking that certain areas be protected and said that he ends up compromising as well.

At the end of the day, Harry Blacksmith invited the members to have supper at his camp.

ON JUNE 3, THE MEMBERS DISCUSSED THE REMAINING ITEMS ON THE AGENDA

The Chairperson informed the members that Chief John Kitchen was tied up with previous engagements outside the community and would be unable to meet with the Committee.

5. **ADOPTION OF THE MINUTES OF THE 107th, 108th, 109th AND 110th MEETINGS AND THE MINUTES OF THE 12th MEETING OF THE FORESTRY SUBCOMMITTEE**

The minutes of the 107th, 108th, 109th and 110th meetings were adopted as tabled. The minutes of the 12th meeting of the forestry subcommittee were adopted with minor corrections.

6. **BUSINESS ARISING FROM PREVIOUS MEETINGS**

All pending business arising from previous meetings has been dealt with.

7. **CRITERIA AND INDICATORS WORKSHOP (OFFER OF SERVICES FROM JAMAL KAZI)**

The JBACE's development of criteria and indicators of sustainable forest management highlighted the apparent inconsistency between logging practices and the guiding principles set forth in the JBNQA. Last fall, the MRN participated in the working group mandated to identify measures for integration into the next set of general forest management plans. The JBACE seems to have lost momentum with regard to this initiative and needs to get the process moving again. Some members suggested organizing a workshop on the incorporation of new criteria, indicators and measures into the five-year plans to be submitted in December. The workshop would be open to all TSFMA holders, the MRN and other interested organizations and could be held in the third week of September.

Given that the JBACE still has some of the MRN subsidy left, members of the working group proposed asking Jamal Kazi to submit an offer of services based on the project description prepared by the JBACE. Mr. Kazi was closely involved in the organization of the Bas-Saint-Laurent Model Forest's recent symposium on tenant forest farming and has a good reputation. The members received, studied and approved Mr. Kazi's offer of services for the organization and holding of the criteria and indicators workshop. To make his hiring official, the members adopted the following resolution:

JBACE Resolution 99-06-03-01 regarding the hiring of Jamal Kazi to organize a workshop on the criteria and indicators to be integrated into the next set of five-year forest management plans

It is hereby unanimously resolved to accept Jamal Kazi's offer of services to organize a workshop on the criteria and indicators to be integrated into the next set of five-year forest management plans. Mr. Kazi will be hired in the capacity of project leader for a period of 12 weeks, at 28 hours/week. He will be paid \$20/hour. The project description prepared by the JBACE and Mr. Kazi's offer of services are part and parcel of the contract the Secretary is authorized to have Mr. Kazi sign. The total sum allocated for this contract is \$6720, not including expenses related to the logistics of organizing the workshop.

Moved by: Claude Langlois
Seconded by: Harm Sloterdijk

The workshop will provide an opportunity to address the issues raised during the work on the general plans. TSFMA holders received the complete criteria and indicators document, but have not fully implemented it yet. The JBACE needs someone to contact the TSFMA holders to get their opinions on this exercise. The workshop will provide a forum for discussion based on a collaborative learning process. Members of the Cree communities should be invited.

8. PUBLIC CONSULTATION ON WATER MANAGEMENT

In his letter of May 25, 1999, Québec's Minister of the Environment acknowledged the JBACE's expertise on and knowledge of the James Bay territory and its inhabitants. He felt that our working with the BAPE commission would help achieve the objectives of the consultation process. Consequently, the JBACE will join the BAPE commission for the hearings in the Cree communities of Whapmagoostui, Chisasibi and Oujé-Bougoumou.

At the consultation session held in Chibougamau, commission chair André Beauchamp and JBACE chair Diom Romeo Saganash discussed the draft protocol submitted to the BAPE on the consultation procedure for the James Bay territory. Mr. Beauchamp felt that while the protocol was clear and well drafted, it was too legal for him to sign. He proposed drafting another one. The BAPE commission and JBACE/KEAC chairpersons are to meet on June 6, 7 and 8 to determine what form their collaboration will take. The JBACE delegated representatives to the joint JBACE/BAPE commission (NIBI Commission) for the consultations in the territory.

JBACE Resolution 99-06-03-02 regarding the appointment of JBACE representatives to the NIBI commission on water management

It is hereby unanimously resolved that the JBACE will form a commission composed of JBACE representatives and the members of the BAPE commission on water management in Québec for the joint consultations in the James Bay territory. This commission will be known as the «NIBI Commission.» The JBACE will be represented on said commission by Romeo Saganash (CRA), Harm Sloterdijk (Canada) and Carole Garceau (Québec). The JBACE Secretary will accompany the NIBI Commission.

Moved by: Claude Langlois (Canada)
Seconded by: Susanne Hilton (CRA)

9. **PRESENTATION BY MARTIN PELLETIER**

Martin Pelletier, a doctoral student at Université Laval, was invited to present his research project on the development of a collaborative learning process for Native people and the forest industry. Mr. Pelletier first presented his project to the JBACE on February 4, 1997. Since he has done considerable work since then, we asked him to give us an update. His thesis supervisor is Luc Bouthillier.

A schematic representation of the research project was distributed to members. It showed each step in the case study of Waswanipi, including the related objectives, assumptions, activities and results. A copy is included with the minutes.

Martin made his first trip to Waswanipi in June 1998, where he worked with the Model Forest partners. He spent five months in the community collecting data. He met 44 members of the community, 10 forest company representatives and 5 MRN representatives. Maps containing questions and answers were prepared for each interview. Participants were asked to classify the maps in order of importance.

The goal of his research is to develop a collaborative learning process. This type of process has never been applied in Canada, although it has been experimented with Aboriginal peoples in Africa and Australia.

The members thanked Martin for coming and wished him good luck in his research. The Chairperson remarked that his project fits in well with the concept of public participation, which the JBACE considers to be one of the fundamental guiding principles of Section 22 of the JBNQA.

10. **DIRECTIVE 019**

The members all had a chance to read and comment on and approved the draft brief prepared by the working group studying Directive 019, which deals with the mining industry. The brief will be sent to the Minister of the Environment as soon as possible so it can be studied in preparation for the broader consultation of industry stakeholders. The members appreciated the fact that the Ministère de l'Environnement submitted the proposed directive to the JBACE at the in-house consultation stage. This is the first time it has consulted the JBACE so early, and the gesture has not gone unnoticed.

11. **AMENDMENT OF FIVE-YEAR PLAN FOR COMMON AREA 26-20**

On May 21, 1999, the JBACE received documents dealing with amendment #13 for common area 26-20. The documents were transmitted by Yan Lepage, forest engineer for the Chibougamau management unit. The members were surprised to note that this is the thirteenth time the plan has been amended and wondered whether the other twelve amendments had been submitted to the JBACE. The Committee requested additional information, as the file was incomplete and did not respect the interim guidelines issued by the JBACE.

The JBACE studied the file, which is incomplete and not properly presented, despite the fact that the Secretary had requested additional information from Yan Lepage. The documents and maps submitted for consultation are unacceptable and do not provide enough information for the JBACE to properly comment on the amendment, even though it involves precommercial thinning over a relatively small area and Native workers are supposed to receive training.

12. **JBACE ANNUAL REPORT, 1998-1999**

In order to get the 1998-1999 annual report out on time, the Secretary asked the members to submit their comments by June 18, 1999.

13. **VARIA**

MRN subsidy

The JBACE received a copy of the May 28, 1999, letter from Natural Resources Minister Jacques Brassard to Guy Chevrette informing him that the MRN intends to grant the JBACE a subsidy in the amount of \$100 000 to study and comment on forest management plans. This subsidy has been on the MRN's lips for a long time. The JBACE is supposed to be receiving a letter from Mr. Brassard in the near future.

The Secretary was asked to prepare a job description, which will be submitted to the members, so that the JBACE can hire specialists to study the general plans as soon as possible.

JBACE budgetary proposal for fiscal 1999-2000

The Secretary informed the members that we are still waiting for a reply regarding the JBACE's budgetary proposal for fiscal 1999-2000.

90-day consultation period for general forest management plans

The JBACE wants to make the Minister of Natural Resources aware of a management problem related to the consultation of general plans submitted to it in accordance with paragraph 22.3.34 of the JBNQA. In keeping with the guiding principles of Section 22 of the Agreement, the JBACE wants to examine the social, economic and environmental impacts of logging on the Cree way of life on the basis of traplines. Currently, it is not uncommon for a single trapline to be covered by more than one TSFMA, which makes the JBACE's job of studying and commenting on general plans much harder, as it receives a number of different plans on different dates. Consequently, the JBACE feels that the 90-day period accorded for studying these plans should not begin until all information on the trapline as a whole has been received.

In order to get a comprehensive view of forest planning in the Agreement territory, the JBACE will ask that the MRN produce a synthesis map—something that is supposed to be included in every general plan applicable to the territory.

14. DATE AND LOCATION OF NEXT MEETING

The JBACE will hold its next meeting on September 22, 23 and 24, 1999, in Val d'Or, in combination with the criteria and indicators workshop discussed earlier.



DENIS BERNATCHEZ
Secretary

99-07-13