



December 5th 2011

Richard Savard
Associate Deputy Minister, Forêt Québec
Ministère des Ressources naturelles et de la Faune
880, Chemin Ste-Foy, 10^e étage
Québec (Québec) G1S 4X4

Object: Comments regarding the Local Forests Policy Initiative

Dear Sir,

The James Bay Advisory Committee on the Environment (JBACE) has the mandate to review and oversee the administration of the environmental and social protection regime established in Section 22 of the James Bay and Northern Quebec Agreement (JBNQA). The JBACE exercises its mandate as the preferential and official forum for responsible governments concerning the adoption of policies, laws, regulations having an incidence on environment and social setting of the James Bay Territory or on land use.

We thus offer our comments regarding the introduction of a local forests policy, as proposed by the Ministère des Ressources naturelles et de la Faune (MRNF) and as provided for in the *Sustainable Forest Development Act* (R.S.Q. Ch. A-18.1).¹

Please note that we do not address all of the proposed components of this policy initiative. We focus rather on several key issues concerning the James Bay Territory and the JBNQA.

GENERAL COMMENTS

The JBACE understands that the implementation of the local forests policy will respect the provisions of JBNQA, and remains available to provide additional insight to the MRNF in this regard. The JBACE equally understands that the powers delegated to delegates in the James Bay Territory will not circumvent any of the provisions, rights or guarantees stipulated in the JBNQA.

¹ We draw on the document entitled, '[Proposals for the selection, establishment and operation of local forests – Consultation Paper](#),' and on information presented by MRNF representatives to the JBACE on October 13th 2011.

Having said this, there is no doubt that this initiative is a positive step towards local and regional empowerment and involvement in forest management. The JBACE thusly agrees with the objectives of diversifying the management of forested areas and generating socio-economic benefits for the communities concerned by the management of such local forests.

We note, however, that this policy initiative will presumably be another factor acting to reduce the Chief Forester's future overall allowable cut calculations; albeit, to a much lesser extent than other land use initiatives such as the creation of protected areas.

SPECIFIC COMMENTS CONCERNING THE JAMES BAY TERRITORY AND THE JBNQA

Governance and timing

The immediate implications of the local forest policy initiative for the James Bay Territory remain unclear in light of the evolving nature of the governance structures in the Territory.

The signing of the '*Framework agreement between the Crees of Eeyou Istchee and the gouvernement du Québec on governance in the Eeyou Istchee James Bay Territory,*' on May 17th 2011, allows for a one year period to sign a final agreement which will crystallize the future governance structure for the Territory. The final agreement will consolidate the regional governance of the Territory and will outline the future structures and responsibilities of the various administrative and planning bodies responsible for Category I, II and III lands:

- The envisaged Cree government on category IB lands;
- The new Cree Nation Government for Category II lands;
- The new Eeyou Istchee James Bay Regional Government for Category III lands;
- Any new government entities with equivalent powers and responsibilities of a Regional County Municipality (RCM);
- The revamped Regional Conference of Elected Officials; and,
- The revamped Regional Natural Resource and Land Commission.

Evidently, the potential delegates for possible local forest projects in the James Bay Territory will only be once the final agreement is negotiated.

The timeline for the selection of local forest projects is thus impractical for proposals originating from the Territory, conversions or otherwise,² before at least 2013. Cree and Jamesian entities will have difficulty meeting the proposed timetable for the first phase of project selections, when compared to other regions with already-established governance structures and existent land and resource use plans.³

We recommend that the second call for projects, which may occur between 2015 and 2018, afford due regard to local forest proposals originating from the James Bay Territory.

Special status of the Cree

The JBACE wishes to reiterate that the environmental and social protection regime applicable to the James Bay Territory, per Section 22 of the JBNQA, provides for:

"A special status and involvement of the Cree people over and above that provided for in procedures involving the general public through consultation or representative mechanisms wherever such is necessary to protect or give effect to the rights and guarantees in favour of the Native people established by and in accordance with the Agreement."⁴

Public and stakeholder consultations regarding the selection, operation and review of local forest projects, occurring on the Territory, must respect this special status of the Cree.

Cree harvesting rights

We must also underline our concern for the protection of Cree wildlife harvesting rights and guarantees as stipulated in Section 24 of the JBNQA. The JBACE insists that keen attention be afforded to Cree harvesting rights and guarantees if local forests are proposed or managed jointly between municipalities, Band Council, or entities with the equivalent responsibilities of RCMs; or, when a local forest project affects one or more Cree traplines.

² In reference to the conversion of forest management agreements (CtAFs) or forest management contracts (CvAFs) into local forests (we are aware that there are no territory management agreements - CGTs - applicable in the James Bay Territory or in the Nord-du-Québec administrative region).

³ Indeed, no land use and resource use plans currently exist for the James Bay Territory.

⁴ See paragraph 22.2.2c of the JBNQA.

Coordination with the adapted forestry regime of the Paix des Braves⁵

The JBACE appreciates that the MRNF will take all of the steps necessary to ensure that the operation of local forest projects on the Territory will comply with the provisions and silviculture procedures stipulated in the Paix des Braves. We insist, however, that the operation of local forests on the Territory remain flexible to any modifications or revisions of the adapted forestry regime outlined in the Paix des Braves. Moreover, the JBACE expects that the implementation mechanisms designed to coordinate activities and resolve conflicts, as established in the Paix des Braves, be respected and implemented as required.⁶

To conclude, we reiterate that this policy initiative is quite promising. Given that socio-economic development is a priority for the inhabitants of the Territory, local forest projects may provide an innovative opportunity in this regard. Moreover, the JBACE applauds the collaborative approach of this policy initiative as well as the overall objective of empowering municipalities, Native Band Councils and entities with the responsibilities of RCMs, in the management of local forest resources.

Yours truly,



Ashley Iserhoff
Chairman

cc. Matthew Coon Come, Grand Chief, Grand Council of the Crees (Eeyou Istchee)

⁵ Formally entitled the '*Agreement concerning a New Relationship between the gouvernement du Québec and the Crees of Québec.*' Chapter 3 and Schedule C outline the adapted forestry regime applicable to the Territory.

⁶ Namely, the Cree-Québec Forestry Board and the community-level Joint Working Groups as outlined in paragraphs 3.14 to 3.53 of the Paix des Braves.