



January 28, 2011

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Subject: Draft Sustainable Forest Management Strategy

Dear Sir:

The James Bay Advisory Committee on the Environment (JBACE) has read the consultation paper you sent it on the sustainable forest management strategy and future regulation. Moreover, Marie-Noël Breton and Guy Héту met with the JBACE on December 2 to explain the salient points of the strategy and regulation. Ms. Breton also sent the JBACE baseline documents that will apparently frame the strategy's implementation.

The JBACE's comments do not address all of the components of the strategy and future regulation on sustainable forest management, but rather key issues in the light of the guiding principles of the environmental and social protection regime established by Section 22 of the James Bay and Northern Québec Agreement (JBNQA). The JBACE's mandate is to oversee the regime's application.

In the JBACE's opinion, the consultation process established for the sustainable forest management strategy and regulation does not comply with the provisions of the JBNQA regarding the adoption of consultation mechanisms to ensure special involvement for the Crees (JBNQA; paragraph 22.2.2). Your department entrusted the responsibility for consultations in the James Bay territory to the James Bay regional conference of elected officers (Conférence régionale des élus de la Baie James; CRÉBJ). However, the CRÉBJ represents the non-Aboriginal

communities of James Bay. Your department will apparently be consulting the Cree communities after the CRÉBJ's consultations. In our opinion, this type of consultation, i.e. occurring after the main consultation process when key issues have already been discussed, fails to comply with the conditions regarding special involvement for the Crees. Proceeding in this manner would make it impossible to give due consideration to the Crees' rights under the JBNQA.

Note that the JBACE has already voiced its concerns about delegating responsibility for forest management to regional entities during the parliamentary committee hearings on the proposed *Sustainable Forest Development Act* (October 1, 2009). In fact, as soon as the program to create regional commissions was announced in 2006, the JBACE informed your department that the program went against the environmental and social protection regime: the program needed (and still needs) to be tailored to the James Bay territory so that the body responsible for its application is representative of the territory's population, over half of which is Aboriginal.

Furthermore, the JBACE is worried about the emphasis the strategy places on ecosystem-based management. We believe that applying this approach on a large scale poses a problem owing to the shortage of data available on the reference state of the boreal forest in general and the James Bay forest in particular. For example, the historical proportion of mature and over-mature forest in the James Bay territory is not known. We understand that your department will be undertaking studies in this regard and that the findings will be released in spring 2011, i.e. well after the consultations on the strategy have ended.

To ensure that implementation of ecosystem-based management is not improvised, we invite the department to take a cautionary approach by waiting to see the results of long pilot projects conducted on small areas in the James Bay territory. *Sustainable* forest management demands an approach grounded in the principles of precaution, environmental protection and biodiversity conservation.

As you know, the entire commercial forest in the James Bay territory is subject to the provisions of the adapted forestry regime established by the Agreement Concerning a New Relationship Between Québec and the Crees (ANRQC). This regime provides for the use of Cree traplines as the basis for delimiting the territorial reference units. Twenty-five per cent (25%) of the productive forest area of each trapline is designated as a "site of wildlife interest" to the Crees and is subject to specific management standards designed to protect the habitat of wildlife species

that are very important to the Crees. The JBACE questions whether ecosystem-based management can be compatible with these specific management standards, in particular mosaic cutting.

It is our understanding that the ANRQC prevails over the sustainable forest management strategy. Therefore, the strategy could not be applied to the James Bay territory unless there is an agreement among the signatory parties of the ANRQC.

Yours truly,

[*ORIGINAL SIGNED*]

Maryse Lemire
Chairperson

cc: Matthew Coon Come, Grand Chief, Grand Council of the Crees (Eeyou Istchee)
Richard Savard, Associate Deputy Minister of Forêt Québec, MRNF
Guy Hétu, Regional Director General for Nord-du-Québec, MRNF
Marie-Noël Breton, Director, Regional Operations, Nord-du-Québec, MRNF
Albin Tremblay, Chairperson, Cree-Québec Forestry Board