

**Readers must note that, in the event of discrepancies due to translation,
the French version of this report is the official version.**

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List of Acronyms

AITP	Area of increased timber production
TSG	Timber supply guarantee
JBNQA	James Bay and Northern Quebec Agreement
JBACE	James Bay Advisory Committee on the Environment
CQFB	Cree-Québec Forestry Board
ANRQC	Agreement Concerning a New Relationship Between le Gouvernement du Québec and the Crees of Québec
CNG	Cree Nation Government
JWG	Joint working group
MFFP	Ministère des Forêts, de la Faune et des Parcs
HQM	Habitat quality model
PAFIO	Operational plan for integrated forest development (Plan d'aménagement forestier intégré opérationnel)
PAFIT	Tactical plan for integrated forest development (Plan d'aménagement forestier intégré tactique)
<i>Paix des Braves</i>	Agreement Concerning a New Relationship Between le Gouvernement du Québec and the Crees of Québec
PRAN	Annual program (Programmation annuel)
RSDF	<i>Regulation respecting the sustainable development of forests in the domain of the State</i>
TGIR	Integrated resource management table – Category II lands (Table de gestion intégrée des ressources - Terres II)
TLGIRT	Local integrated land and resource management panel – Category III lands (Table locale de gestion intégrée des ressources et du territoire – Terres III)
FMU	Forest management unit
VOIT	Values, Objectives, Indicators and Targets

Summary of Recommendations

This section outlines all of the recommendations and opportunities for improvement identified in Section 3. Numbers are sequential and in no way reflect an order of importance.

Main recommendations

General observations

RECOMMENDATION #1 – PARTICIPATION IN THE PREPARATION OF PAFITs

The drawing up of PAFITs is an important benchmark for forest planning, as all subsequent activities flow from the plan. It is at this stage that the main orientations for the given management unit are decided. In our view, it is important that the people most directly affected by the planned operations have some degree of understanding of the process. The concept of strategic planning is obviously more abstract, but it can still be put into layperson's terms.

We recommend that greater attention be given to the involvement of JWG Cree members in the tactical planning process by, for example:

- clarifying the objectives of the PAFIT;
- explaining the management strategy and its impact on the operational plans and the Territory;
- clearly stating the activities that are an input to the PAFIT (e.g. wildlife workshop);
- clarifying the role and potential contribution of the Cree to TLGIRT/TGIRs;
- giving feedback on the use of elements drawn from different consultation activities and whether or not they will be incorporated into the PAFIT;
- developing visual aids for illustrating tactical planning; for example, by mapping moose habitat quality and any changes in quality anticipated by the strategy.

Consideration of culturally important species

No recommendation.

Consideration of the insights, observations, concerns and harmonization measures formulated by tallymen, Cree land users and coordination bodies

RECOMMENDATION #2 – CONSULTATION ON ACTIVITIES CARRIED OUT IN THE TERRITORY

Consult tallymen before allocating areas where the harvest of firewood is permitted.

Consideration of wildlife habitat management norms and strategies

RECOMMENDATION #3 – MONITORING PROCESS

In consultation with the Cree, establish a process for communicating the results of monitoring initiatives by:

- explaining all monitoring activities: how they are conducted and the indicators monitored;
- determining what monitoring activities or indicators are of interest for the Cree;
- determining when, how and to whom monitoring results should be communicated;
- jointly developing the communication format (for example, monitoring results must be communicated to tallymen in such a way as to be easy to understand).

Access to the Territory

RECOMMENDATION #4 – ACCESS ROAD MANAGEMENT PLAN

The access road management plan is the only thing in a PAFIT that deals with access to the Territory. Since preparation of the former plan has been suspended, it is appropriate to determine interim measures that can be implemented as soon as possible.

Such measures will be included in the next PAFITs if the access road management plan has yet to be drawn up.

Opportunities for improvement

General observations

OPPORTUNITY FOR IMPROVEMENT #1 – WORK UNDER WAY

Where the PAFIT mentions work that is under way (for example, preparation of the access road management plan), the projected time frame should be specified.

OPPORTUNITY FOR IMPROVEMENT #2 – PROVINCIAL ORIENTATIONS

Include a section discussing the *Plan Nord* and *La Grande Alliance* in the provincial orientations.

Consideration of culturally important species

OPPORTUNITY FOR IMPROVEMENT #3 – LAKE STURGEON

Assess the appropriateness of updating the management methods for sites of wildlife interest. The document entitled *Sites fauniques d'intérêts (SFI) – Région du Nord-du-Québec (R10)* (Sites of wildlife interest in the Nord-du-Québec region) dates back to 2012, before the lake sturgeon was listed as a species of special concern at the federal level. For example, the document includes no management methods relating to mining or gravel pit operations.

OPPORTUNITY FOR IMPROVEMENT #4 – STATE OF WOODLAND CARIBOU HABITAT

Woodland caribou are at risk and the state of the species' habitat is a major issue in the Territory. It would therefore be appropriate to evaluate the state of woodland caribou habitat as part of the PAFIT, respecting the confidentiality of information where required.

PAFITs already contain maps showing the location of tracts of forest protected by the precautionary approach. Including information on habitat quality, using maps or charts showing the availability of preferred habitat (percentage area), would be both relevant and enlightening

OPPORTUNITY FOR IMPROVEMENT #5 – STATE OF MOOSE AND MARTEN HABITAT

In the 2023-2028 PAFITs, illustrate the quality of marten and moose habitat by trapline, based on the HQMs developed and respecting the confidentiality of information where required.

Consideration of the insights, observations, concerns and harmonization measures formulated by tallymen, Cree land users and coordination bodies

OPPORTUNITY FOR IMPROVEMENT #6 – FOLLOW-UP OF CONCERNS

Demonstrate the consideration given to issues by documenting and compiling all needs and concerns expressed during the drawing up of PAFITs and explain if and how they were followed up on (fully considered, considered in part, considered at another level, not considered).

OPPORTUNITY FOR IMPROVEMENT #7 – TABLES IN APPENDIX C TO THE PAFIT

Clarify and complete the tables in Appendix C (“Local issues and objectives raised during TLGIRTs”) to the PAFIT. The progress made on each problem could be stated. Where it is impossible to complete certain parts, the reason could be stated.

Similarly, it would be interesting to make a connection between the concerns raised during the TLGIRT/TGIRs and the consideration given to them in the PAFIT, as was done in Table 1 (“Concerns expressed by the Cree and solutions implemented by the MFFP”) in the Cree section.

OPPORTUNITY FOR IMPROVEMENT #8 – TABLE 1 IN THE CREE SECTION

In Table 1 (“Concerns expressed by the Cree and solutions implemented by the MFFP”) in the Cree section of the PAFIT, indicate the degree of consideration given to each of the stated Cree concerns (none, partial or full), and justify the decision.

OPPORTUNITY FOR IMPROVEMENT #9 – ADDRESSING OF REQUESTS

Better document cases where regulations and compliance with the modalities and specific management standards set out in the *Paix des Braves* take precedence over Cree requests and demands. The standards set out in the *Paix des Braves* are minimums to be met, rather than absolute obligations.

OPPORTUNITY FOR IMPROVEMENT #10 – SATISFACTION WITH THE CONSIDERATION GIVEN TO WILDLIFE

Assess Cree satisfaction with the consideration given to wildlife in land use planning when the mixed forest stands development strategy and the wildlife habitat development directives are unveiled.

Consideration of wildlife habitat management norms and strategies

OPPORTUNITY FOR IMPROVEMENT #11 – STATISTICAL TABLE BY TRAPLINE

Make the statistical tables of traplines more accessible. These tables are helpful to tallymen, but they are currently too hard to understand.

Access to the Territory

Opportunities for improvement #7 and #8 are also tied to access to the Territory.

OPPORTUNITY FOR IMPROVEMENT #12 – ACCESS ROADS

Cree needs in terms of access roads to the Territory should be identified pending release of the access road management plan.

OPPORTUNITY FOR IMPROVEMENT #13 – ROAD CLOSURE

Assess the road closure process to determine whether time can be saved at any point.

1. Context

The James Bay Advisory Committee on the Environment (JBACE) has the mandate to review and comment on forest management plans for the territory covered by Section 22 of the James Bay and Northern Quebec Agreement (JBNQA), before they are approved by the Ministère des Forêts, de la Faune et des Parcs (MFFP). Accordingly, the JBACE was called on to review the tactical plans for integrated forest development (PAFIT) for the period 2018-2023 and retained the services of *Le groupe CAF* to assist it in this mandate.

Le groupe CAF's review of the plans takes into account the adapted forestry regime under the Agreement Concerning a New Relationship Between le Gouvernement du Québec and the Crees of Québec (also referred to as the *Paix des Braves*) as well as the forestry provisions of the Agreement on Governance in the Eeyou Istchee James Bay Territory between the Crees of Eeyou Istchee and the Gouvernement du Québec.

The review focuses on two parameters, namely, the protection of wildlife resources and access to such resources.¹

1.1 Examination Parameters

EXAMINATION PARAMETER 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).

EXAMINATION PARAMETER 2

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

¹ The full text of Appendix 1 of the call for tenders for the review of the 2018-2023 tactical plans for integrated forest development (*Appel d'offre pour l'Examen des plans d'aménagement forestier intégrés tactiques – Période 2018-2023*), which discusses the parameters in more detail, appears in Appendix 1 of this report.

1.2 Scope of the review

Cree concerns and needs can be taken into consideration at various levels. Since PAFITs are strategic planning exercises, the consideration given to Cree concerns and needs must also be examined on a strategic level. Some issues may not be addressed in the PAFIT, but be considered during operational planning. It is important to make this distinction when reviewing the PAFITs.

Similarly, we hold that a need or concern may be taken into account, but not necessarily be addressed favourably. And, where a decision is made not to act on a need or concern, whether in whole or in part, we expect the reason for that decision to be clearly explained.

Lastly, it is important to mention that PAFITs are reviewed taking a constructive approach with a view to continuous improvement in the planning process.

2. Method

The main stages in the PAFIT review process are as follows:

- Establishment of an analysis matrix including monitoring indicators for each parameter;²
- Development of an interview questionnaire;³
- Reading and analysis of the PAFITs released for consultation on January 6, 2020. Note that the 14 forest management units (FMUs) were grouped under four (4) PAFITs;
- Reading and analysis of PAFIT-related documents:
 - Woodland Caribou Habitat Stewardship Plan
 - Sustainable Forest Development Strategy
 - Calculation of allowable cuts
 - Land uses
 - Management standards for sites of wildlife interest⁴
 - *Regulation respecting the sustainable development of forests* (RSDF)
 - SFI and FSC forest certification standards
 - *Guide de demande de fermeture de chemin* (Road closure request guide)
- Identification of key stakeholders for interviews:
 - MFFP representative for each of the joint working groups (JWG)
 - Cree representative for each of the JWGs
 - Person in charge of drawing up the PAFITs
- Conducting of interviews with key stakeholders;⁵
- Consultation of other stakeholders to obtain additional information;
- Summary of the information gathered and formulation of recommendations.

² The analysis matrix appears in Appendix 2.

³ The questionnaire given to all key stakeholders appears in Appendix 3.

⁴ Identified sites of wildlife interest are subject to special management standards/procedures. These sites are not to be confused with areas of wildlife interest under the ANRQC (25%).

⁵ A summary of the interviews appears in Appendix 4.

3. Results and Recommendations

We applaud the initiative to group PAFITs and the efforts to synthesize the information.

The four PAFITs reviewed were drawn up from a common framework. A number of sections are therefore specific to the Nord-du-Québec administrative region (Region 10) and identical from one PAFIT to the next. There are no significant differences in the wildlife and access elements of the plans, except for FMUs 087-62, 087-63 and 087-64, for which there is no issues and solutions sheet pertaining to woodland caribou.

We decided to divide the recommendations into two categories: recommendations per se and opportunities for improvement.

A recommendation is made where a deeper issue arose and where we believe that Cree needs and concerns could be better taken into account if changes were made.

An opportunity for improvement is proposed where an enhancement could be made to the PAFIT. In most cases, it involves clarifying information for better understanding without affecting the consideration given to wildlife and territorial access concerns.

An opportunity for improvement may be identified in relation to both wildlife and territorial access, in which case it will be repeated but keep the same number.

3.1 General observations

3.1.1 Consultation process for PAFITs

We note gaps in understanding of the different planning levels (PAFIT, PAFIO, PRAN) among organizations representing the Cree. PAFITs are a strategic level of planning. While this seems clear to the Cree Nation Government (CNG) and Cree-Québec Forestry Board (CQFB), it is apparently less clear to most Cree representatives of JWG and less so to tallymen.

The confidential section of the PAFIT states the opportunities for JWG participation during the drafting of the plan:

- Presentation of new participation procedures and schedules (November 2015)
- Participation in the wildlife workshop (April 2016)
- Presentation of Cree Land Use Maps (CLUMs, July 2016)
- Presentation of the new timeline for drawing up PAFITs (September 2017)
- Meeting to discuss wildlife habitat requirements in the Territory and the means of indicating suitable habitat on CLUMs. Presentation of the management and development approach for woodland caribou. Review of areas of special interest (1% and 25%) (July 2018)
- Presentation of the draft PAFITs followed by a presentation on the content of the ensuing 30-day reports (July 2018)
- Pre-consultation for PAFITs (30-day reports) (September 2018)⁶
- Information sessions and workshops on woodland caribou habitat and the mixed forest stands development strategy (May 2019)

Despite the foregoing, the interviews revealed that JWG representatives, both MFFP and Cree, do not feel they are involved early on in the tactical planning process. The perception of the MFFP representatives is that they are involved only for the pre-consultation report. The Cree representatives do not seem to make a distinction between strategic planning and operational planning. JWG members see their work as being focused on harmonization at the operational level (PAFIO and PRAN).

The Cree representatives of JWGs also sit on TLGIRTs and TGIRs. Here, the pre-consultation documents reveal the need to clarify the role of the Cree members to ensure more meaningful participation. In addition, Cree participation varies from panel to panel, being generally better for TGIRs than TLGIRTs.

⁶ Pre-consultation is a targeted consultation held prior to public consultation, and not a consultation upstream of planning.

RECOMMENDATION #1

The drawing up of PAFITs is an important benchmark for forest planning, because all subsequent activities flow from the plan. It is at this stage that the main orientations for the given management unit are decided. In our view, it is important that the people most directly affected by the planned operations have some degree of understanding of the process. The concept of strategic planning is obviously more abstract, but it can still be put into layperson's terms.

We recommend that greater attention be given to the involvement of JWG Cree members in the tactical planning process; for example, by:

- clarifying the objectives of the PAFIT;
- explaining the management strategy and its impact on the operational plans and the Territory;
- clearly stating the activities that are an input to the PAFIT (e.g. wildlife workshop);
- clarifying the role and potential contribution of the Cree to TLGIRT/TGIRs;
- giving feedback on the use of elements drawn from different consultation activities and whether or not they will be incorporated into the PAFIT;
- developing visual aids for illustrating tactical planning; for example, by mapping moose habitat quality and any changes in quality anticipated by the strategy.

3.1.2 Documents currently under preparation

A number of documents cited in PAFITs are currently under preparation:

- Climate change adaptation strategy for forests
- Wildlife habitat development directives (transitional measures in effect)
- Mixed forest stands development strategy (transitional measures in effect);
- Woodland caribou strategy (interim measures in effect)
- Black bear management plan
- Access road management plan
- Analysis of the different types of management applied to riparian environments
- Economic profitability analysis of different silviculture scenarios
- Regional timber production strategy (already several actions in a PAFIT)
- Identification and implementation of AITPs

We appreciate the decision to discuss work in progress and understand that it represents a commitment by the MFFP to complete the work. To strengthen this commitment and counter the perception that work is unfinished, certain clarifications are in order, at the very least the projected timeframe.

OPPORTUNITY FOR IMPROVEMENT #1

Where the PAFIT mentions work that is under way (for example, preparation of the access road management plan), the projected time frame should be specified.

3.1.3 Provincial orientations

The “Provincial Orientations” section of a PAFIT mentions the Sustainable Forest Management Strategy but not the *Plan Nord*, even though the *Plan Nord* applies to the territory covered by PAFITs and includes policy directions for the forest sector. Mention should also be made of the recently concluded *La Grande Alliance*. The goal of these two initiatives is to ensure sustainability of the wildlife resource in order to increase the social and economic benefits of wildlife activities.

OPPORTUNITY FOR IMPROVEMENT #2

Include a section discussing the *Plan Nord* and *La Grande Alliance* in the provincial orientations.

3.2 Wildlife

3.2.1 Taking into account of culturally important species

Species of interest

Wildlife species of importance to the Cree, as mentioned in Chapter 3 of the *Paix des Braves* (moose, marten, beaver, hare, caribou, partridge and fish: walleye, lake trout and brook trout), are considered in the PAFITs.

The PAFITs also deal with most of the species reserved exclusively for the Cree under Section 24 of the JBNQA. However, some species are not mentioned at all:⁷

- Skunk
- Porcupine
- Woodchuck
- Sucker (fish)

The interviews revealed that the most important species is without question moose. Bear, small fur-bearing animals (marten, fox, hare, beaver, etc.) and all fish species are also of cultural value. Caribou were also discussed in terms of the attention given to the caribou recovery plan currently being developed.

In reading the PAFITs, we therefore see that species of cultural value to the Cree are duly mentioned in the plans.

Culturally important species listed as threatened or vulnerable

The following wildlife species are covered by Section 24 of the JBNQA and/or Chapter 3 of the *Paix des Braves* and are also on the list of species at risk in Northern Québec:

- Woodland caribou
- Least weasel

⁷ The polar bear and freshwater seal are not taken into account here, as they do not range in the area under study.

- Wolverine
- Lake sturgeon

There is currently no protection plan for these species. However, a plan to protect woodland caribou is under development and interim measures are in place.

The coarse-filter and fine-filter approaches apply to the above-mentioned at-risk species for which there is no protection plan.

The coarse-filter approach identifies sensitive species of interest (caribou, marten, black-backed woodpecker and American three-toed woodpecker) and focal species (moose, black bear and fish). The approach is based on the principle that conserving healthy habitats for these species would benefit most other species. The mixed forest stands development strategy is an example of a coarse-filter approach.

The fine-filter approach focuses on specific wildlife habitats protected under the *Regulation respecting wildlife habitats* (caribou calving area, habitat of a threatened or vulnerable wildlife species, fish habitat, muskrat habitat, heronry). As well, certain protection measures are established using the ways and means set out in the document *Sites faunique d'intérêt (SFI) – Région du Nord-du-Québec (R10)*. Sites of wildlife interest⁸ in Region 10 are spawning grounds, including lake sturgeon spawning sites. For lake sturgeon spawning sites, measures are expected regarding forest operations, forest roads and vacation sites.

OPPORTUNITY FOR IMPROVEMENT #3

Assess the appropriateness of updating the management methods for sites of wildlife interest. The document entitled *Sites fauniques d'intérêts (SFI) – Région du Nord-du-Québec (R10)* (Sites of wildlife interest in the Nord-du-Québec region) dates back to 2012, before lake sturgeon was listed as a species of special concern at the federal level. For example, the document includes no management methods relating to mining or gravel pit operations.

Note that no specific concerns regarding wolverine or least weasel were brought to light during the interviews conducted.

Habitat status

The PAFIT contains no direct analysis of the state of key species' habitat.

Habitat status is indirectly monitored based on different land-related indicators, such as:

- the age structure of forests, which has a strong influence on biodiversity;

⁸ Identified sites of wildlife interest are subject to special management standards/procedures. These sites are not to be confused with areas of wildlife interest under the ANRQC (25%).

- the spatial organization of forests based on mosaic cutting, the aim of which is to preserve the Cree traditional way of life, as provided for in the *Paix des Braves*;
- mixed stands, which provide important habitat for wildlife. Mature and old-growth mixed stands provide habitat for, among other species, marten, hare and moose, whereas young mixed stands benefit moose, hare, ruffed grouse and beaver;
- wetlands and riparian habitat, which are an important source of biodiversity and benefit a vast majority of species.

The PAFIT addresses woodland caribou recovery, but provides no indication of the degree of habitat disturbance within FMUs. The plan refers only to the Woodland Caribou Habitat Stewardship Plan (2016, called the “Action Plan to Manage the Woodland Caribou Habitat” in the PAFIT).

OPPORTUNITY FOR IMPROVEMENT #4

Woodland caribou are at risk and the state of the species’ habitat is a major issue in the Territory. It would therefore be appropriate to evaluate the state of woodland caribou habitat as part of the PAFIT, respecting the confidentiality of information where required.

PAFITs already contain maps showing the location of tracts of forest protected by the precautionary approach. Including information on habitat quality, using maps or charts showing the availability of preferred habitat (percentage area), would be both relevant and enlightening.

The calculation models used to determine allowable cuts upstream of PAFITs assess habitat quality for key species (moose, marten, spruce grouse and ruffed grouse) based on habitat quality models (HQMs).⁹ However, the HQMs do not take spatial organization into account, even though it is crucial to assessing habitat quality.

Development of the HQMs was abandoned and they are no longer used for the next set of annual allowable cut calculations.

However, new HQMs for moose and marten have been developed for Region 10 in relation to the wildlife habitat development directives (currently, in preparation). The MFFP is looking at how the new HQMs will be used and incorporated into the wildlife habitat development directives.

⁹ Except for FMU 085-62, for which an HQM was not used in the model that is more recent (2016) than the others (2014)

OPPORTUNITY FOR IMPROVEMENT #5

In the 2023-2028 PAFITs, illustrate the quality of marten and moose habitat by trapline, based on the HQMs developed and respecting the confidentiality of information where required.

Management strategies and silvicultural treatments relating to habitat needs

Analyses are currently being conducted with a view to incorporating wildlife issues into forest planning. The analyses are informed by scientific literature and Aboriginal knowledge, which should result in wildlife habitat development directives that will have to be considered during planning. Work began in 2016 and the directives are to be approved in winter 2020. Monitoring indicators will be developed in 2020 with a view to implementation as soon as possible.¹⁰ The wildlife habitat development directives are highly anticipated.

For the time being, management strategies are designed to address the issues identified in the territory concerned and indirectly address wildlife needs:

- Variable retention cutting and irregular shelterwood cutting to maintain attributes specific to mature and old-growth forests, as well as biological legacies¹¹
- Measures to maintain habitats associated with mixedwood stands,¹² such as mitigation measures during stand tending treatments (e.g. conservation of fruit bushes¹³) and the spreading of treatments over time to maintain young, dense stands that provide habitat for small wildlife species
- Measures to limit simplification of internal stand structure in young second-growth stands (to preserve young, dense stands and thereby provide suitable habitat for snowshoe hare, moose and American marten)¹⁴
- Targets for old-growth forests (habitats of interest) and regenerating forests¹⁵
- Maintenance of connectivity between habitats

More specifically, the PAFITs outline the measures in the 2016 Woodland Caribou Habitat Stewardship Plan (referred to in the PAFIT as the “Action Plan to Manage the Woodland Caribou Habitat”) as well as other measures, namely:

¹⁰ Source: PAFIT Issues and Solutions Sheet 1.07.1.

¹¹ Source: PAFIT Issues and Solutions Sheets 1.02.1 and 1.03.1.

¹² Source: PAFIT Issues and Solutions Sheet 1.01.2.

¹³ Sorb, elderberry, juneberry, hazel, arrowwood and cherry.

¹⁴ Source: PAFIT Issues and Solutions Sheet 1.04.1.

¹⁵ Source: PAFIT Issues and Solutions Sheet 1.09.1.

- adapted forest planning to create large areas for caribou (Broadback valley and north of La Sarre) and a protected area in the Broadback valley (2017);
- development of a long-term strategy (under way);
- precautionary approach (temporary forest stand freeze) adopted in 2013;
- interim measures established in 2019;
- recruitment of large forest stands is not easily compatible with the terms and conditions of Chapter 3 of the *Paix des Braves*.¹⁶

The PAFIT mentions that all operational plans are analyzed by biologists and wildlife technicians to ensure that potential impacts on wildlife habitats are detected and that the plans are adapted where necessary. Other strategies are mentioned, including:

- the mixed forest stands development strategy;¹⁷
- the natural disturbance recovery strategy, which takes into account, among other things, impacts on animal populations and the Cree traditional way of life.

The network of protected areas, biological refuges and exceptional forest ecosystems also contributes to habitat protection.

An analysis of the different types of management applied to riparian areas, which are rich in biodiversity, is under way. Until the results of the analysis are available, a protective strip 20 m wide on each side of all permanent watercourses and around lakes is maintained. No management activities are allowed within these strips and the protective measures set out in Chapter 3 of the *Paix des Braves* apply. In addition, the aim is to attain legal or administrative protection of at least 12% of wetlands.¹⁸

The RSDF and the *Regulation respecting wildlife habitats* also take wildlife habitat into account, including for example:

- protection of aquatic environments and fish habitat;
- protection of the caribou calving area north of the 52nd parallel;
- protection of bird colonies;
- protection of heronries;
- protection of the habitats of threatened or vulnerable species;¹⁹
- protection of muskrat habitat.

¹⁶ In short, the terms and conditions (management standards) set out in Chapter 3 of the *Paix des Braves* prescribes mosaic cutting, which benefits moose to the detriment of caribou. The latter need large tracts of undisturbed forest.

¹⁷ See section 3.1.3 of the PAFITs.

¹⁸ Source: PAFIT Issues and Solutions Sheets 1.08.1 and 1.08.2.

¹⁹ The following species are identified for land use purposes: bank swallow, osprey, Barrow's goldeneye, bald eagle.

Lastly, land uses and the identification of sites of wildlife interest (spawning grounds) include other measures related to wildlife, such as:

- protection of strips of land connected to a site of wildlife interest;
- special constraints applicable to identified wildlife development areas.

Consideration of areas of wildlife interest (1% and 25%)

The PAFIT mentions areas of wildlife interest (25% within the meaning of the *Paix des Braves*) because special management standards apply in these areas. Although sites of special interest to the Cree (1% of the total area of a trapline) are not directly mentioned, they fall within areas where management activities are prohibited, which are covered by the PAFIT.

The Cree section of the PAFIT includes maps identifying the most up-to-date areas of special interest. It provides a picture of traplines and areas of wildlife interest (25%) and specifies that a trapline or 25% of the productive forest area of a trapline might be closed if it does not meet the target thresholds for young and old-growth forests.

Note that the MFFP avoids forest planning within new areas of special interest (1%) that are in the process of being granted official status.

All areas of wildlife interest (1% and 25%) are taken into consideration upstream in the calculation of allowable cuts.

3.2.2 Consideration of the insights, concerns and harmonization measures formulated by tallymen, Cree land users and coordination bodies

Consistency between the concerns raised during consultations and those addressed in the PAFIT

Since there are no dedicated, comprehensive consultations upstream of tactical planning, and consultations are held at various levels and through various channels, there is no genuine reconciliation or summary of the concerns raised.

Therefore, we are unable to gauge the degree of consideration given to the concerns. That said, the MFFP asserts that all of the issues raised during consultations were considered when drawing up the PAFIT.

OPPORTUNITY FOR IMPROVEMENT #6

Demonstrate the consideration given to issues by documenting and compiling all needs and concerns expressed during the drawing up of PAFITs and explain if and how they were followed up on (fully considered, considered in part, considered at another level, not considered).

Appendix C of the PAFIT presents the local issues and objectives raised during the TLGIRTs²⁰ for Chapais-Chibougamau, Lebel-sur-Quévillon, Matagami, Mistissini, Nemaska, Oujé-Bougoumou, Waskaganish and Waswanipi, and the TGIR for Category II lands.

The integrity of aquatic habitats and wildlife habitat conservation appear in all of the tables of issues in Appendix C. Other issues include moose habitat, caribou, moose, marten and small game populations, and maintenance of ecosystem functions on which wildlife depend. The tables of issues in Appendix C state the problems/issues, needs and means, but do not systematically present the indicators, targets, responsible party, deadline and VOIT.

We realize that several of these issues are addressed in the PAFITs, particularly the integrity of aquatic habitats and conservation of wildlife habitats. However, the tables do not enable an understanding of how the issues were taken into consideration, nor why they weren't if such is the case. As a result, the initial impression is that of an incomplete exercise. In fact, the issues are not all dealt with on the same level and the tables do not indicate such.

²⁰ Note that TLGIRTs are composed of all stakeholders in the Territory, not just the Cree.

OPPORTUNITY FOR IMPROVEMENT #7

Clarify and complete the tables in Appendix C (“Local issues and objectives raised during TLGIRTs”) to the PAFIT. The progress made on each problem could be stated. Where it is impossible to complete certain parts, the reason could be explained.

Similarly, it would be interesting to make a connection between the concerns raised during the TLGIRT/TGIRs and the consideration given to them in the PAFIT, as was done in Table 1 (“Concerns expressed by the Cree and solutions implemented by the MFFP”) in the Cree section.

Table 1 (“Concerns expressed by the Cree and solutions implemented by the MFFP”) in the Cree section of the PAFIT is an excellent synthesis of the issues expressed by the Cree. The issues come from various sources: TGIR, TLGIRT, CNG, 2016 wildlife workshop, JWG, Waswanipi Cree First Nation and the Mistissini Forestry Department.

The following wildlife concerns are identified in the Cree section: woodland caribou, riparian areas (connectivity, moose habitat, bear), mixed stands (moose and marten), fish habitat, impact of forest operations on water, wildlife habitat (in general and in the 25% area) and the Mishigamish protected area. For each concern, there is a reference to the section of the PAFIT in which the concern is discussed and a description of the actions to be taken. A text providing additional explanations rounds out the information in the table.

The concerns are summarized and it is difficult for the reader to know the degree of consideration (partial or full) given to them in the PAFIT. It is also hard to identify any nuances in the concerns.

For example, on the issue of woodland caribou, the TLGIRT and Waswanipi Cree First Nation expressed their concern to “Have a woodland caribou recovery plan ready in 2018 on Waswanipi territory. The new plan should include latest scientific knowledge and traditional knowledge, and establish thresholds to maintain and restore the woodland caribou habitat.”²¹

The issue of woodland caribou is dealt with in the PAFIT. However, it is addressed at the regional level, and not at the level of Waswanipi lands. Furthermore, the plan is currently not in effect, even if interim measures are in place. So, although the PAFIT deals with woodland caribou, the measures in place do not fully address the concern specific to Waswanipi and no explanation for this is provided.

²¹ PAFIT, Cree section, p. 24.

OPPORTUNITY FOR IMPROVEMENT #8

In Table 1 (“Concerns expressed by the Cree and solutions implemented by the MFFP”) in the Cree section of the PAFIT, indicate the degree of consideration given to each of the stated Cree concerns (none, partial or full), and justify the decision.

Concerns with MFFP monitoring indicators

The MFFP addresses the different concerns through objectives and strategies. Indicators are provided for all of the concerns.

Stakeholder satisfaction

Based on the interviews conducted, the JWG Cree and government representatives seem generally satisfied with the existing consultation process. It is important to note that there has been an improvement since the *Paix des Braves*.

Elements of dissatisfaction include the lack of consultation on areas in respect of which permits are granted for the harvest of firewood. Tallymen are presented with a *fait accompli*. Although this activity does not involve large surface areas, firewood is primarily harvested in stands with a high concentration of birch. Such stands are very important for wildlife.

RECOMMENDATION #2

Consult tallymen before allocating areas where the harvest of firewood is permitted.

The reasons for denying a request were raised during the interviews with the Cree. A common reason is application of the regulations or the modalities set out in the *Paix des Braves*. The interviewees were apparently not satisfied with such rationale. For example, in some cases a request to widen the riparian strip is approved, whereas in others it is denied by reason of application of the regulations.

OPPORTUNITY FOR IMPROVEMENT #9

Better document cases where regulations and compliance with the modalities and specific management standards set out in the *Paix des Braves* take precedence over Cree requests and demands. The standards set out in the *Paix des Braves* are minimums to be met, rather than absolute obligations.

Satisfaction with the consideration given to wildlife and access to the Territory was varied. Stakeholders are waiting to see the mixed forests management strategy and wildlife habitat directives before giving an opinion. The strategy and directives were announced back in 2002, when the *Paix des Braves* was signed, and are highly anticipated.

The interviews highlighted several wildlife-related concerns in respect of which the Cree are less satisfied, including:

- moose, caribou, marten and bear habitat;
- the little consideration given to a request for a marten habitat strategy consisting in leaving continuous blocks of residual forest 100 ha in size in logging areas;
- management of stands with a birch component;
- stand tending treatments, because wildlife species leave treated stands;
- management of spawning grounds regarding which the Cree feel they were not sufficiently consulted;
- concentration of operations in 25% areas;
- current width of protective strip: a 20-m-wide buffer on each side of watercourses and around lakes is too narrow for wildlife;
- no buffer zone around 1% areas;
- lack of upstream consultation of the Cree and biologists on PAFITs.

OPPORTUNITY FOR IMPROVEMENT #10

Assess Cree satisfaction with the consideration given to wildlife in land use planning when the mixed forest stands development strategy and the wildlife habitat development directives are unveiled.

Other means of addressing concerns

PAFITs involve strategic planning. More specific concerns can be addressed through potential harmonization during consultations on the PAFIO and PRAN. It is important to note that the Cree are the first stakeholders to be consulted on the PAFIO and the only stakeholders to be consulted for the annual program (PRAN). These consultations are an additional safety net for taking wildlife and access concerns into account.

Concerns can also be taken into account at other levels, such as:

- land use planning;
- regulations;
- the future caribou plan (terms and conditions in place);
- the future wildlife habitat development directives (terms and conditions in place);
- the future mixed forest stands development strategy (terms and conditions in place).

3.2.3 Consideration of wildlife habitat management norms and strategies

Measures to identify and protect species at risk

To effectively protect species at risk, knowing where they are located is crucial. Land users are invited to report habitats or species at risk to the MFFP. The reports are verified and taken into account in land uses where applicable.

Issues and Solutions Sheet 3.02.2 deals specifically with spawning grounds. The aim is to ensure that precautionary measures are taken while awaiting MFFP confirmation of the spawning ground.

Mixed and hardwood stands management strategy

The mixed forest stands development strategy is currently being developed.²² The purpose of the strategy will be to maintain mature mixed stands while ensuring stand recruitment. “While awaiting the complete Strategy, transitional measures have been put in place [in the PAFIT] to maintain the most important mixed stands, those identified by the tallymen in their territories of wildlife interest.”²³

²² The strategy was to be approved on December 31, 2019. The deadline is now June 2020. Indicators ought to be developed in 2020 for implementation as soon as possible.

²³ PAFIT 026-60 p. 83 and Issues and Solutions Sheet 1.01.2.

Monitoring indicators

Section 9 of the PAFIT discusses the various types of monitoring:

- Compliance monitoring of commercial and non-commercial silvicultural work carried out during the current year (monitoring indicators set out in the operational instructions).
- Efficiency monitoring of past operations to evaluate the establishment of regeneration (1 to 10 years after the work has been completed, depending on the silvicultural intensity gradient) and the state of regeneration (5 to 10 years after the work has been completed, depending on the silvicultural intensity gradient). The monitoring objectives are set out in the silvicultural prescriptions and the indicators and targets are presented in Table 31 of the PAFIT.
- Monitoring of the silvicultural strategy, operational characteristics and allowable cut calculations to validate the degree of silvicultural treatments relative to what was planned.
- Monitoring of the indicators in issues and solutions sheets.
- Monitoring provided for in the adapted forestry regime of the *Paix des Braves*, including:
 - monitoring of harmonization measures;
 - statistical monitoring of disturbances per trapline;
 - results of the measures provided for in the adapted forestry regime.

Communication of monitoring results by the MFFP

The PAFIT identifies a number of indicators used to monitor the different objectives and strategies established to address concerns. However, there is no procedure for communicating the results of the monitoring provided for in the plan.

During the interviews, we noted that the monitoring of harmonization measures is well documented and the results are communicated to the Cree:

- Follow-up of concerns is discussed in the PAFIT, which is available to the public. The Cree section also discusses the follow-up of concerns.
- The concerns identified in the 30-day reports on pre-consultations for the PAFITs are addressed by the Minister in a separate report.
- Geomatic monitoring of harmonization measures is submitted to the JWG, along with a monitoring matrix for harmonization requests.

Monitoring of the measures in the *Paix des Braves* is also covered:

- Full monitoring of the elements of the *Paix des Braves* is submitted to the Cree JWG and the CQFB.
- Statistical tables of traplines are not systematically included, but are sent to the JWG Cree representatives. These tables are too complicated for tallymen, who do not always

understand the notion of statistics (moreover, the word “percentage” does not exist in the Cree language).

OPPORTUNITY FOR IMPROVEMENT #11

Make the statistical tables of traplines more accessible. These tables are helpful to tallymen, but they are currently too hard to understand.

The MFFP updates the issues and solutions sheets based on the results of its monitoring. We noted that the updates are not communicated to the Cree and include relevant information such as portraits of the area and land use planning.

Monitoring of past operations and of the silvicultural strategy are also of potential interest to the Cree. Similarly, once the wildlife habitat development directives are implemented, habitat quality models for moose and marten can also be used to get a picture of the area.

RECOMMENDATION #3

In consultation with the Cree, establish a process for communicating the results of monitoring initiatives by:

- explaining all monitoring activities: how they are conducted and the indicators monitored;
- determining what monitoring activities or indicators are of interest for the Cree;
- determining when, how and to whom monitoring results should be communicated;
- jointly developing the communication format (tables, map or text) based on the target group.

3.3 Access

3.3.1 Consideration of the insights of tallymen, Cree land users and coordination bodies

Consistency between concerns raised and PAFITs

Appendix C of the PAFIT presents the local issues and objectives raised during the TLGIRTs for the Territory and the TGIR for Category II lands. Access to the Territory is an issue that appears in all of the tables of issues. Identified needs pertain to limiting expansion of the road network, reducing redundancy of the road network and ensuring quality access. While the tables indicate the responsible parties, no indicators, targets or deadlines are provided. Consequently, it is impossible to know if the file is closed or merely evolving.

OPPORTUNITY FOR IMPROVEMENT #7

Clarify and complete the tables in Appendix C (“Local issues and objectives raised during TLGIRTs”) to the PAFIT. The progress made on each problem could be stated. Where it is impossible to complete certain parts, the reason could be stated.

Similarly, it would be interesting to make a connection between the concerns raised during the TLGIRT/TGIRs and the consideration given to them in the PAFIT, as was done in Table 1 (“Concerns expressed by the Cree and solutions implemented by the MFFP”) in the Cree section.

The concerns and issues raised by the Cree are also stated in the confidential section of the PAFIT. They include, in particular, impacts of the road network, access management, expansion of the road network and redundancy of accesses. The solutions implemented to address each concern are presented in Table 1, “Concerns expressed by the Cree and solutions implemented by the MFFP”.

The concerns are dealt with in a summary fashion and it is difficult for the reader to know the consideration given to them in the PAFIT (partial or full). It is also hard to identify any nuances in the concerns.

For example, one of the stated concerns is to “Establish an access road management plan that facilitates natural resources development while also reducing environmental impacts, and that includes appropriate practices for adapting to climate change and extreme weather conditions”.²⁴ The PAFIT actually includes a section dealing with the access road

²⁴ PAFIT, Cree section, p. 25.

management plan. However, the plan is not in force yet and no timeline is indicated.²⁵ So, even though the access road management plan is covered by the PAFIT, we consider that it is only partially covered given that it is not currently in force.

OPPORTUNITY FOR IMPROVEMENT #8

In Table 1 (“Concerns expressed by the Cree and solutions implemented by the MFFP”) in the Cree section of the PAFIT, indicate the degree of consideration given to each of the stated Cree concerns (none, partial or full), and justify the decision.

According to the stakeholders interviewed, the Cree are not consulted on the aspects of the PAFIT dealing with the road network. They are consulted solely in respect of the PAFIO and PRAN. Tallymen’s views with regard to the road network vary widely. Below are the main concerns expressed during the interviews:

- The number of roads:
 - Some tallymen think there are too many roads, leading to problems with theft, vandalism and conflicting uses on the trapline.
 - Others think there are not enough roads, compromising access to the Territory.
- The *Paix des Braves* says that due consideration must be given to limiting the number of road connections between traplines. However, the number is not quantified, creating gaps in understanding among the different stakeholders.

Status of accessibility of the Territory

The PAFIT includes a map presenting forest roads to be maintained and developed for the management unit. The roads are identified on the basis of needs for the purposes of timber harvesting and subsequent forest management activities.

The JWG Cree members interviewed deem the network of access roads to the Territory acceptable.

Consideration of sites of wildlife interest

As specified in the section on wildlife, areas of wildlife interest (25%) are addressed in the PAFIT because specific management standards apply to these areas. Areas subject to the 1% rule are not directly mentioned; however, they fall into areas not subject to forest management, and those are mentioned in the plan.

²⁵ It was even mentioned in the interviews that the work is on hold until the caribou plan comes into force.

The Cree section of the PAFIT includes maps identifying the most up-to-date areas of special interest. Note that the MFFP avoids any forest planning in new sites of special interest (1%) that are in the process of being given official status.

Existence of an access road management plan

Management of access roads is crucial, as forest roads have an impact on water quality, fish habitat and wildlife habitat.

Currently, there is no access road management plan in effect. However, the MFFP plans to prepare one and the values and objectives relating to forest road development have been discussed by the TLGIRT/TGIRs as well as during consultation and harmonization meetings. The rules governing roads under Chapter 3 of the *Paix des Braves* will also be taken into consideration when preparing the access road management plan.

A number of values relating to the access road network have already been stated by regional partners. They include:

- favouring accomplishment of the traditional way of life;
- permitting free circulation of fish and protecting spawning grounds;
- limiting the rate of disturbance in woodland caribou habitat.

The PAFIT says that preparation and implementation of an access road management plan is a complex task and that a detailed action plan has been drafted to clarify the approach that the MFFP will take in this regard. However, no time frame is provided.

TLGIRTs are consulted on the action plan for preparing the access road management plan, but no specific consultations are held with the Cree communities. We learned during the interviews that development of the access road management plan has been suspended until the future woodland caribou recovery strategy comes into force.

RECOMMENDATION #4

The access road management plan is the only thing in a PAFIT that deals with access to the Territory. Since preparation of the former plan has been suspended, it is an appropriate solution to determine interim measures that can be implemented as soon as possible.

Such measures will be included in the next PAFITs if the access road management plan has still not been drawn up.

Since holders of a timber supply guarantee (TSG) are generally responsible for road matters, we also looked at how they manage the road system. Some TSG holders have an access road management plan as part of FSC certification. As a rule, the plans cover the construction of major access roads, the repair of roads and watercourse crossings, and road closures. Other TSG holders do not have an access road management plan, but are nevertheless involved in the MFFP's technical committee charged with developing such a plan. In all cases, TSG holders are especially involved in operational planning relating to the road network.

Consultation process for new access roads

Although the PAFIT discusses the existing network and the access road maintenance plan under development, it does not say whether new access roads are needed for the Cree.

The MFFP does not hold consultations on PAFITs for resources other than timber. Initial road planning therefore focuses on access to the timber resource by forest companies.

However, an impact statement is required for new access roads 25 km or more long. In addition, all roads are identified in the PAFIO and PRAN.

OPPORTUNITY FOR IMPROVEMENT #12

Cree needs in terms of access roads to the Territory should be identified pending release of the access road management plan.

Outreach on road closures

The section dealing with the access road management plan covers road closures.

It provides that “each closing project will follow the normal process set out in the guide to multi-use road closure requests (*Guide des demandes de fermeture de chemins multiusages*). Although it does not specifically state that Indigenous communities are consulted, the Guide provides for consultation of bodies directly affected by a closure request. The confidential section of the plan mentions that road closures have been requested by tallymen in recent years and that some of the requests have been granted.

We noted during the interviews that the JWG Cree members are familiar with the road closure procedure and that they are properly informed on the matter. However, it can take up to 2 years to close a road and this is a source of frustration. Also, some of the members interviewed thought that greater weight should be given to tallymen and their families in road closure decisions.

OPPORTUNITY FOR IMPROVEMENT #13

Assess the road closure process to determine whether time can be saved at any point.

4. Conclusion

Forest planning is constantly evolving. In reading the four tactical plans, we were able to appreciate the progress made in strategic planning in relation to wildlife and the consideration given to the concerns and needs of Cree communities. In terms of access to the Territory, the forthcoming access road management plan will definitely be an important step forward.

On the whole, the plans are in line with the examination parameters established by the JBACE. We make four main recommendations dealing with Cree involvement in the preparation of PAFITs, the existing monitoring process, consultation on areas allocated for the harvest of firewood, and the access road management plan. The opportunities for improvement are intended to enhance existing practices.

Land use planning and management sometimes require choosing between various objectives. We therefore want to conclude with some food for thought. It is not a formal recommendation, but rather something that we find important and that was discussed throughout the review of the plans.

The PAFITs include multiple objectives that, for the time being, are equally considered even if the MFFP is aware that certain objectives may be contradictory or potentially contradictory. Similarly, certain objectives may be complementary and synergetic.

In our opinion, when implementing a plan with multiple objectives, it is advisable to prioritize and classify the objectives. For example, which objectives are non-negotiable and which ones provide leeway?

Finally, we wish to thank the different stakeholders for their excellent collaboration in reviewing the PAFITs, as well as the JBACE for entrusting us with this mandate and supporting us over the course of the exercise.

Original signed

Sandra Veillette, F.E.

Original signed

Paul Bouvier, F.E.

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Appendix 1 – Examination parameters established by the JBACE



Comité consultatif pour l'environnement de la Baie James
James Bay Advisory Committee on the Environment
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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:²⁶
 - 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.

²⁶ See paragraphs 22.2.4a to 22.2.4i for the full text of the guiding principles.

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*’).²⁷

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.

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)²⁸ 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.

²⁷ The forestry regime established with the signing of ANRQC in 2002 was integrated into the JBNQA as Section 30A.

²⁸ 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).²⁹

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*.³⁰

²⁹ Schedule 2 of Section 24 of the JBNQA provides the complete list of species reserved exclusively for the Cree.

³⁰ 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.

Appendix 2 – PAFIT analysis matrix

The indicators developed for reviewing PAFITs, as approved by the JBACE, are presented on the following pages.

Examination PAFIT FMU OXX-XX

Parameter 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.					
Elements under analysis	Description	Proposed Indicators	Cree needs and concerns	Consideration in PAFIT	Remarks
<p>Element 1) Consideration of culturally-important species</p>	<p>Verify that the drafting process and the proposed PAFITs account for species that are of interest to the Cree (e.g. moose, beaver, black bear, sturgeon, muskelds, etc.)</p>	<ol style="list-style-type: none"> Mention of the species of interest (species to be defined with the communities). Binary indicator (O/N) by defined species. State of the habitat for the species defined in 1. The best available tools will be used to assess the quality of the habitat. To the extent possible, the evaluation of the Territory will occur at several scales (trapline, FMU, territory of the <i>Zaïx des Braves</i>) Management strategies and silvicultural treatments in line with the various needs in terms of habitats. List of culturally important species that are listed as threatened or vulnerable. Consideration of sites of wildlife interest. Binary indicator (O/N). The analysis may extend beyond the 1% and 25% if other sites of interest are mentioned by the Cree. Recovery or protection plan for culturally important species that are listed as threatened or vulnerable (e.g. caribou). Binary indicator (O/N). 			
<p>Element 2) Consideration of the insights, concerns and harmonization measures expressed by: 1. Cree Tallymen 2. Cree land users 3. Collaborative planning bodies (e.g. joint working groups)</p>	<p>Confirm that the drafting process allowed for the identification of concerns and proposals from the stakeholders and that the PAFITs reflect compromises and solutions in their regard (e.g. integration of local knowledge, consideration of the objectives regarding wildlife, measures to ensure the connectivity or integrity of wildlife habitats).</p>	<ol style="list-style-type: none"> Correlation between the list of concerns and proposals raised during consultation and those included in the PAFITs for each group. This will serve, among other things, as input for the questionnaire. Quantification of the identified concerns in 1 that are treated in the PAFITs in relation to those raised by the Cree. This will be treated as a percentage. Quantification of the concerns / proposals with an MFPP follow-up indicator (in percentage format). Degree of satisfaction of the stakeholders with the process. Other means, apart from the PAFIT, that are identified to address concerns. Certain concerns that are expressed may not be treated in a PAFIT as such, but may be accounted for by other means: allowable cut calculations, land use designations, operational harmonizations, mixed forest stands development strategy, wildlife habitat development directives, etc. In the event that a concern is addressed by another known measure, the latter will be identified. 			
<p>Element 3) Consideration of norms and strategies regarding wildlife habitat management</p>	<p>Validate that the drafting process and the proposed PAFITs support the harmonization of land uses, and respect applicable legislation, strategies, orientations, and directives regarding forestry, wildlife, and habitat conservation (e.g. applicable legislation and orientations regarding forestry and conservation, recovery plans or strategies regarding woodland caribou, directives regarding mixed forest stands).</p>	<ol style="list-style-type: none"> Measures to allow the identification and protection of species of concern, threatened or endangered species. The location of these species is not always known; what measures are in place to ensure that they may be identified and that measures will be implemented on the ground? Management strategy regarding mixed stands and broadleaf stands Monitoring indicators defined by the MFPP for the habitat conservation strategies that are implemented (e.g. monitoring of the woodland caribou plan, monitoring of mixed and broadleaf stands over time). Dissemination process for the monitoring results identified in 3. 			

Parameter 2: Ensure the implementation of a planning process that accounts for and supports the Cree's continued access to and use of the Territory.					
Elements under analysis	Description	Proposed Indicators	Cree needs and concerns	Consideration in PAFTT	Remarks
<p>Element 4. Consideration of the insights expressed by:</p> <ol style="list-style-type: none"> Cree Tallymen Cree land users Collaborative planning bodies (e.g. Joint working groups, COFB, TLGHT) 	<p>Confirm that the drafting process allowed for the identification of objectives, concerns and proposals from the stakeholders regarding continued access to the Territory and that the proposed PAFTTs adequately reflect reasons for decisions made, as well as compromises and solutions in their regard (e.g. coordination of work calendars, integration of local knowledge concerning the siting or the closure of roads or water crossings).</p>	<ol style="list-style-type: none"> Correlation between the list of concerns and proposals raised during consultation and those included in the PAFTTs for each group. This will serve, among other things, to draft the questionnaire. Quantification of the Cree concerns / proposals that are treated in the PAFTTs (in percentage format). In line with point 1. An evaluation of the situation regarding the accessibility of the Territory is undertaken by the MFFP. Consideration of sites of wildlife interest (1%, 25%, or other sites mentioned by the Cree). Presence of an access road management plan that treats the permanent and non-permanent road network, as well as road closure. A consultation process for new access roads is in place by the MFFP (O/N). This is linked to access for the purposes of hunting, fishing, and trapping. Information process is in place for road closures (O/N). 			

Not accounted for

Major divergence in how it was accounted for

Minor divergence in how it was accounted for

Adequately accounted for

Appendix 3 – Interview questionnaires given to stakeholders

The interview questionnaire, as sent to stakeholders following approval by the JBACE, is presented in the following pages.

CONDUCT OF INTERVIEWS FOR THE REVIEW OF THE 2018-2023 PAFITs

CONTEXT

In accordance with paragraph 22.3.34 of the James Bay and Northern Québec Agreement (JBNQA), the James Bay Advisory Committee on the Environment (JBACE) is currently proceeding with the review of the 2018-2023 tactical plans for integrated forest development (also known by the French acronym 'PAFITs') that are applicable in the James Bay Territory.

The objective of the exercise is to review the process for taking Cree concerns into consideration during the planning of the PAFITs, in order to:

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

In this regard, the JBACE's review will include exchanges with different stakeholders involved in the drafting of the PAFITs in order to evaluate how the concerns raised by the various actors are accounted for in the plans.

Constructive nature of the review

- The JBACE's review is grounded in a constructive approach of continued improvement.
- The review and its related exchanges are opportunities for the JBACE to determine how the concerns and comments of the actors are considered and if the justifications for the decisions made are available and clear.
- The JBACE wants to ensure that there is an effective process for the consideration of the issues, concerns, needs, etc. as expressed by local and regional actors over the course of the planning of the PAFITs.
- Once the review is completed, the JBACE will offer recommendations for the strengthening and improvement of the process.

Interview Process

Groups to consult

For the review of the 14 PAFITs, we have identified 7 consultation groups:

- FMUs 026-61 and 026-62: Community of Mistissini and management unit for Chibougamau;
- FMUs 026-63 and 026-64: Community of Oujé-Bougoumou et management unit for Chibougamau;
- FMU 085-62: Community of Waskaganish and management unit for Mont Plamondon;
- FMU 086-63: Community of Waskaganish management unit for Harricana-Nord;
- FMUs 26-65 and 026-66: Community of Waswanipi management unit for Chibougamau
- FMUs 086-64, 086-65, and 086-66: Community of Waswanipi management unit for Quévillon
 - FMUs 087-62, 087-63, and 087-64: Community of Waswanipi management unit for Quévillon

Steps in the work plan

The main steps in the work plan for the interviews are as follows:

- Three sets of representatives will be identified for each of the following groups for consultation:
 - MFFP (planning)
 - JWG (Cree member)
 - JWG (MFFP member)
- The JWG (Cree member) may invite any person of interest to the interview (Tallyman, other land users, representatives on the TLGIRT, etc.).
- Upon receipt of the PAFITs, the schedule and location of the interview will be determined jointly with each group for consultation. It is possible that certain interviews will be conducted via telephone.
- Two weeks before the interview, the questionnaire will be transmitted to the various representatives in order to facilitate preparation for a fruitful interview. The blank questionnaire is not confidential and can be circulated by the representatives throughout their networks to collect additional comments.
- Each set of representatives will interviewed individually.
- 2 hours will be set aside for each group of representatives.

In addition to these interviews, a questionnaire will also be transmitted electronically to the applicable holder of a timber supply guarantee (TSG) for a given FMU or group of FMUs. If a territory is certified, the applicable TSG holder will be targeted. The TSG holders will be questioned only on parameter #2 which covers the road network. The TSG holders will also be contacted by telephone if additional clarifications are required. We wish to communicate with the TSG holders because they are generally the important actors in relation to issues concerning the road network.

Notes

1. Over the course of the review, it is possible that additional interviews will occur with other actors if required.
2. Although the questions are designed to cover specific elements, the interviewees are encouraged to provide additional information, at their discretion, in order to enrich the discussions and the review.
3. The questionnaires are designed to stimulate an open dialogue and to cover the breadth of the indicators identified for the review of the PAFITs. However, it is possible that we may develop additional questions over the course of the interviews based on the discussions.

Interview Outline – MFFP Planning

Parameters

The interview questions stem from the two review parameters established by the JBACE. The two parameters are outlined in detail below. Note that each of the questions must be considered in the context of the PAFIT.

Parameter #1

Statement of the parameter: Respect of Cree hunting, fishing and trapping rights and activities by safeguarding the Territory’s faunal resources and the habitats that support them.

Elements of the analysis:

- Consideration of culturally-important species;
- Consideration of the insights, observations, concerns and harmonisation measures formulated by:
 - The Tallymen;
 - The Cree land users;
 - The coordination bodies;
- Consideration of wildlife habitat management norms and strategies.

Parameter #2

Statement of the parameter: Implementation of a planning process that accounts for and supports the Crees’ continued access to and use of the Territory.

Elements of the analysis:

- Consideration of the insights and observations expressed by:
 - The Tallymen;
 - The Cree land users;
 - The coordination bodies.

Interview Questions

Theme #1 Wildlife species of interest

1.1 On what basis are the species of interest that must be considered in the tactical planning determined?

1.2 What are the available tools used to protect wildlife resources and their habitats? Which tools are used for the PAFIT and how are they integrated into the planning process?

1.3 Are protection plans available for all of the endangered and vulnerable species that are also culturally-important for the Cree?

1.4 What measures are in place to allow for the identification and protection of species of concern, and of endangered or vulnerable species? What is done to ensure that measures are implemented on the ground if the location of a species is not well known?

Theme #2 Management and wildlife

2.1 Do the management strategies presented in the PAFIT link up with the different habitats needs of the species?

2.2 How are broadleaf and mixed forest stands taken into account during planning regarding wildlife?

2.3 How are the strategies for the conservation of wildlife habitats monitored?

Theme #3 Follow-up on concerns regarding wildlife

3.1 How are Cree concerns regarding wildlife treated? What determines if a concern is integrated or not into the PAFIT?

3.2 Are monitoring indicators documented in the PAFIT that address Cree concerns regarding wildlife?

3.3 How do you gauge the satisfaction of the Cree with the process regarding the consideration of wildlife resources in the PAFIT?

3.4 If a concern is not considered in the context of the PAFIT, could it be considered at another level (e.g. allowable cut calculations, land use designations, operational harmonization measures, wildlife directives, etc.)?

3.5 How are the results of the various wildlife monitoring initiatives communicated to the Cree?

Theme #4 Access to wildlife resources

4.1 Does an access road management plan that treats the permanent and temporary network – as well as the closure of roads – exist in relation to the PAFIT?

4.2 How are Cree access needs to wildlife resources accounted for in the PAFIT?

4.3 Does a consultation process for new access infrastructure – in conjunction with access roads for hunting, fishing and trapping activities – exist? And, can you elaborate further on when and on how the Cree were consulted to determine Cree road network needs during the planning process?

4.4 Is a road closure planned for the 2018-2023 period? If so, how is this presented to the Cree?

Interview Outline – JWG (MFFP member)

Parameters

The interview questions stem from the two review parameters established by the JBACE. The two parameters are outlined in detail below. Note that each of the questions must be considered in the context of the PAFIT.

Parameter #1

Statement of the parameter: Respect of Cree hunting, fishing and trapping rights and activities by safeguarding the Territory’s faunal resources and the habitats that support them.

Elements of the analysis:

- Consideration of culturally-important species;
- Consideration of the insights, observations, concerns and harmonisation measures formulated by:
 - The Tallymen;
 - The Cree land users;
 - The coordination bodies;
- Consideration of wildlife habitat management norms and strategies.

Parameter #2

Statement of the parameter: Implementation of a planning process that accounts for and supports the Crees’ continued access to and use of the Territory.

Elements of the analysis:

- Consideration of the insights and observations expressed by:
 - The Tallymen;
 - The Cree land users;
 - The coordination bodies.

Interview Questions

Theme #1 Wildlife species of interest

1.1 What are the wildlife species of interest that must be accounted for during the planning process?

1.2 Do you feel that the wildlife resources and their associated habitats are adequately considered in the PAFIT for the Cree?

1.3 Are protection plans available for all of the endangered and vulnerable species that are also culturally-important for the Cree?

1.4 Are the wildlife protection measures that are in place sufficient for the Cree?

Theme #2 Management and wildlife

2.1 Do the management strategies presented in the PAFIT link up with the different habitats needs of the species?

2.2 How are the strategies for the conservation of wildlife habitats monitored?

Theme #3 Follow-up on concerns regarding wildlife

3.1 Were Cree concerns regarding wildlife and wildlife habitats discussed during the consultations held for the PAFITs?

3.2 How are Cree concerns regarding wildlife treated? What determines if a concern is integrated or not into the PAFIT?

3.3 How do you gauge the satisfaction of the Cree with the process regarding the consideration of wildlife resources in the PAFIT?

3.4 If a concern is not considered in the context of the PAFIT, could it be considered at another level (e.g. allowable cut calculations, land use designations, operational harmonization measures, wildlife directives, etc.)?

3.5 What follow-up is undertaken regarding the concerns that were expressed in relation to wildlife resources? If a concern is not considered, does the MFFP explain its decision?

3.6 Are you satisfied with the process for the consideration of wildlife resources in the PAFIT?

3.7 How are the results of the various wildlife monitoring initiatives communicated to the Cree?

Theme #4 Access to wildlife resources

4.1 What are the needs of the Cree in terms of the road network? Can you elaborate further on when and on how the Cree were consulted to determine Cree road network needs during the planning process?

4.2 Does an access road management plan that treats the permanent and temporary network, - as well as the closure of roads – exist in relation to the PAFIT?

4.3 How are Cree access needs to wildlife resources accounted for in the PAFIT?

4.4 Does a consultation process for new access infrastructure – in conjunction with access roads for hunting, fishing and trapping activities – exist?

4.5 Is a road closure planned for the 2018-2023 period? If so, how is it presented to the Cree?

Interview Outline – JWG (Cree member)

Parameters

The interview questions stem from the two review parameters established by the JBACE. The two parameters are outlined in detail below. Note that each of the questions must be considered in the context of the PAFIT.

Parameter #1

Statement of the parameter: Respect of Cree hunting, fishing and trapping rights and activities by safeguarding the Territory’s faunal resources and the habitats that support them.

Elements of the analysis:

- Consideration of culturally-important species;
- Consideration of the insights, observations, concerns and harmonisation measures formulated by:
 - The Tallymen;
 - The Cree land users;
 - The coordination bodies;
- Consideration of wildlife habitat management norms and strategies.

Parameter #2

Statement of the parameter: Implementation of a planning process that accounts for and supports the Crees’ continued access to and use of the Territory.

Elements of the analysis:

- Consideration of the insights and observations expressed by:
 - The Tallymen;
 - The Cree land users;
 - The coordination bodies.

Interview Questions

Theme #1 Wildlife species of interest

1.1 What are the wildlife species of interest that must be accounted for during the planning process?

1.2 Do you feel that the wildlife resources and their associated habitats are considered in the PAFIT for the Cree?

1.3 Do you have concerns relating to the protection of wildlife resources and of their associated habitats? Were these concerns discussed during the consultations held for the PAFITs?

Theme #2 Management and wildlife

2.1 Are you aware of the strategies and measures that are in place in the PAFIT for the protection of endangered and vulnerable wildlife species?

2.2 Are the wildlife resources and habitat protection measures that are presented in the PAFIT sufficient for the Cree?

2.3 Does the MFFP communicate to the Cree the results of the various monitoring initiatives regarding the wildlife resources and habitat protection measures presented in the PAFIT?

Theme #3 Follow-up on concerns regarding wildlife

3.1 Are you aware of follow-ups regarding the consideration of your concerns regarding wildlife resources? If a concern is not considered, does the MFFP explain its decision?

3.2 Are you satisfied with the process for the consideration of wildlife resources in the PAFIT?

Theme #4 Access to wildlife resources

4.1 What are your needs in terms of the road network? Can you elaborate further on when and on how you and other Cree stakeholders were consulted to determine Cree road network needs during the planning process?

4.2 Is the current road network and quality of the network in the Territory adequate for accessing wildlife resources?

4.3 Are you involved in the strategic development of the road network and in the closing of roads?

4.4 Is a road closure planned for the 2018-2023 period? If so, how is this presented to the Cree?

Questionnaire – TSG holder

The interview questions stem from the two review parameters established by the JBACE. The second is outlined in detail below, given that it is within the sphere of influence of the forest industry. Note that each of the questions must be considered in the context of the PAFIT.

Statement of the parameter: Implementation of a planning process that accounts for and supports the Crees' continued access to and use of the Territory.

Elements of the analysis:

- #4 Consideration of the insights and observations expressed by:
 - The Tallymen;
 - The Cree land users;
 - The coordination bodies.

Interview Questions

4.1 Do you have an access road management plan? Is this plan transmitted to the MFFP for consideration in the PAFIT?

4.2 Are Cree access needs to the territory accounted for in the access road management plan? Can you elaborate further on when and on how the Cree were consulted to determine Cree road network needs during the planning process?

Appendix 4 – Summary of interviews

This appendix compiles the responses to the interviews conducted with key stakeholders in February and March 2020. The following stakeholders participated in the interviews:

- PAFIT coordinator at MFFP
- Coordinator of the joint working groups (MFFP)
- Coordinators of the JWG for Mistissini (MFFP and Cree)
- Coordinators of the JWG for Nemaska (MFFP and Cree)
- Coordinators of the JWG for Oujé-Bougoumou (MFFP and Cree)
- Cree member of the JWG for Oujé-Bougoumou
- Coordinator of the JWG for Waskaganish (MFFP)³¹
- Coordinators of the JWG for Waswanipi (MFFP and Cree)
- Forestry coordinator for the Cree First Nation of Waswanipi
- TLGIRT coordinator at the Eeyou Istchee James Bay Regional Government
- Biologist involved in the mixed forest stands development strategy and the wildlife habitat development directives
- Certification coordinators for three timber supply guarantee holders³²

Note that for the purposes of the summary, the two MFFP questionnaires were combined. The responses from the other stakeholders contacted are included in the MFFP questionnaire. Also note that we tried to reach a contact person at the Direction de la gestion de la faune du Nord-du-Québec (MFFP), but without success.

³¹ We were not able to meet with the Cree representative for Waskaganish within the prescribed time period.

³² A total of five TSG holders were contacted.

Summary of interviews – MFFP

Note: There was good consistency in the interviews with JWG and MFFP representatives. The JWG coordinator went over the questions prior to the interviews and prepared a matrix of basic answers for the different respondents. The information compiled from the interviews was rounded out by contacting other stakeholders to obtain clarifications on certain points raised in interview. The responses were integrated into the summary of interviews with MFFP respondents.

THEME #1 – WILDLIFE SPECIES OF INTEREST

On what basis are the species of interest that must be considered in the tactical planning determined?

There are several inputs, in particular the species mentioned in Chapter 3 of the *Paix des Braves*. Cree interest regarding the sensitivity of a species is also a criterion.

What are the wildlife species of interest that must be accounted for during the planning process?

Based on the meetings with the Cree:

- Mostly moose;
- Bear and bear dens;³³
- All fish species (especially lake sturgeon, walleye and trout);
- Species generally trapped (e.g. hare, marten, beaver);
- Caribou;
- Canada goose (mentioned by one community).

MFFP planners have access to the Cree Land Use Maps. Although not specific, these maps show areas that the Cree consider to be sensitive.

³³ The buffer requirement applies year-round in Region 10 because bears tend to return to the same den.

Do you feel that the wildlife resources and their associated habitats are adequately considered in the PAFIT for the Cree?

Yes. It is all also reflected in Table 1 of the confidential section of the PAFIT.

If something is not specified in the PAFIT, the consultations relating to the PAFIO provide a safety net. Indigenous communities are the first stakeholders to be consulted on the PAFIO and the last (and only) stakeholders to be consulted on the annual program (PRAN).

What are the available tools used to protect wildlife resources and their habitats? Which tools are used for the PAFIT and how are they integrated into the planning process?

- The forthcoming mixed forest stands development strategy. A number of interim measures have been put in place pending implementation of the strategy.
- The forthcoming wildlife habitat development directives. A number of interim measures have been put in place pending implementation of the directives.
- The interim measures related to the caribou plan.
- The *Paix des Braves*.
- The *Regulation respecting the sustainable development of forests in the domain of the State*.
- Areas of wildlife interest (1% and 25%), which are mapped based on wildlife species.
- HQMs for moose and marten were developed and the MFFP is looking at how they will be used and incorporated into the wildlife habitat development directives.

Are protection plans available for all of the endangered and vulnerable species that are also culturally important for the Cree?

- A number of measures are in place (see section 6.7.5 and the tables in Appendix B).
- There are some protection plans, for example, for birds of prey.
- There are also species for which there is no plan. And regional measures exist for specific species.

- A protection plan is being developed for caribou and, until then, interim measures are in place. The Woodland Caribou is the species at risk about which the Cree are the most concerned.
- In sites of wildlife interest, spawning grounds are taken into account, such as lake sturgeon spawning sites.
- If no specific protection exists for a given species, a request must be made to the Direction de la protection de la faune for its consideration.
- The Cree do not seem to be concerned about the Wolverine and Least Weasel, species that are reserved for the Cree and are at risk.

What measures are in place to allow for the identification and protection of species of concern, and of endangered or vulnerable species? What is done to ensure that measures are implemented on the ground if the location of a species is not well known?

- Annual training on designated threatened or vulnerable species or species likely to be so designated.
- Identification and spotting by the Cree.
- Reports.
- The coarse-filter approach, as described in the PAFIT, is taken for species whose location has not been identified.
- For at-risk species, temporary regional measures may be put in place until such time as information has been verified by the Direction de la gestion de la faune du MFFP.

Are the wildlife protection measures that are in place sufficient for the Cree?

It depends on the tallyman. But in general, there is dissatisfaction. For example, tallymen are often dissatisfied with the regulatory width of protective strips on each side of all permanent watercourses and around lakes: they think it is not wide enough. Everything about logging in mixed stands is also an issue. The Cree would also like the 25% areas to be fully protected, and some still think that these areas have protected status.

Sometimes Cree requests conflict with the other stakeholders' objectives: there are never enough wildlife concerns (e.g. trout streams everywhere). However, it is generally possible to agree on harmonization measures during operational planning. It is often easier to reach an agreement with Cree who have some knowledge of forestry.

THEME #2 Management and wildlife

Do the management strategies presented in the PAFIT link up with the different habitat needs of the species?

This is clearly shown in sections 7.2.6 and 8.1 of the PAFIT.

Among other things, the wildlife habitat development directives are being developed with the Cree Nation Government. The MFFP's wildlife branch is not involved in drafting the directives, as they are specific to forestry and habitats.

How are broadleaf and mixed forest stands taken into account during planning regarding wildlife?

This is clearly shown in the PAFIT. The mixed forest stands development strategy is being prepared in cooperation with the Cree Nation Government. It was not submitted on December 31, 2019, as planned, owing to the time lags inherent in coordination between the parties. However, the reviews have resumed and it is hoped that the strategy will be submitted in 2020. The CQFB is following this important matter.

How are the strategies for the conservation of wildlife habitats monitored?

Section 9 of the PAFIT deals with the different types of monitoring:

- Compliance with the management strategy
- Protection of sites of threatened species
- Compliance with the modalities of the *Paix des Braves*. The modalities are fully monitored in relation to annual forestry reports. This monitoring used to be done every 5 years, but now the MFFP wants it to be done annually.
- Compliance in each plan with the terms and conditions that apply to traplines
- Compliance with the indicators set out in the issues and solutions sheets (the monitoring horizon depends on the indicators)
- Monitoring of the harmonization measures, by means of a request matrix with replies, approvals, refusals and terms and conditions
- The responses to reports by tallymen

Planners have checklists in relation to the PAFIT (e.g. compliance with the *Paix des Braves*).

THEME #3 Follow-up on concerns regarding wildlife

How are Cree concerns regarding wildlife treated? What determines if a concern is integrated or not into the PAFIT?

The primary channel for the PAFIT is the TLGIRT. Since the concerns raised at the TLGIRTs are endorsed by the community, they are important. The Cree JWG sits on the TLGIRT.

A number of concerns are dealt with through the JWGs during operational planning. Things that come up repeatedly during operational consultations may be integrated into the PAFIT in the form of a VOIT. One-off concerns are dealt with at the operational level.

The wildlife workshop held in 2016 was an input to the mixed forest stands development strategy and wildlife habitat development directives. The concerns were integrated into the PAFIT. No other meetings of this type are planned.

All of these items are inputs to the PAFIT and wildlife habitat directives. All wildlife concerns are taken into consideration in the PAFIT.

In terms of the PAFIO and PRAN, reports are given at every meeting. Every request is dealt with and most are approved, unless the request is unreasonable (e.g. widen riparian strips to 60 m on every trapline). Refused requests are documented in the consultation reports.

Wildlife concerns are passed on to the Direction de la gestion de la faune per a set procedure. Spawning grounds, however, are protected proactively pending analysis by the MFFP's wildlife branch.

Although the participation of Cree members in the TLGIRT/TGIRs is relatively good, it varies from panel to panel. It is generally good in the TGIRs for Oujé-Bougoumou, Mistissini and Waswanipi. On the other hand, it is difficult to rally the members in Waskaganish and Nemaska. Cree participation in the TLGIRTs for Chapais-Chibougamau, Matagami, Lebel-sur-Quévillon and Villebois and Valcanton is low. Conversely, Jamésien participation in the TGIRs for Cree communities is also relatively low, but less so. There is a sense that Cree participation is up slightly.

Were Cree concerns regarding wildlife and wildlife habitats discussed during the consultations held for the PAFITs?

No consultations are held specifically for the PAFITs, apparently because it would be very hard for tallymen. The JWG coordinator is on the PAFIT team and is aware of all requests made during the consultations held for the PAFIO and PRAN. Concerns can therefore be taken into consideration. Between two and five meetings a year are held for the PAFIO and PRAN.

Concerns to be considered in the PAFIT are voiced through the TLGIRTs. Cree members of JWGs sit on the TLGIRTs. However, MFFP coordinators of the JWGs do

not sit on the panels (only the head of the FMU and the JWG coordinator). The JWGs as such make no contribution to the PAFIT.

Issues were identified during the wildlife workshop held in 2016, as well as during the meetings held in 2019 for the mixed forest stands development strategy and the caribou strategy.

In the event that something is overlooked, the pre-consultation report (30-day report) submitted by the JWGs in fall 2018 can be used to round out the PAFIT. Moreover, the report contains recommendations. A number of amendments were made to the PAFIT further to the pre-consultation reports. Only two out of five communities submitted a compliant report within the prescribed time period.

Are monitoring indicators documented in the PAFIT that address Cree concerns regarding wildlife?

- Issues and solutions sheets;
- Table 1 in the Cree section of the PAFIT.

If a concern is not considered in the context of the PAFIT, could it be considered at another level?

All concerns are considered in the context of the PAFIT.

More specific measures can be the object of harmonization during the consultations held for the PAFIO and PRAN.

The PAFIT does not go into detail about land use designations and legal considerations, even though they apply to the area covered by the FMU.

The caribou plan and its interim measures take into account every aspect of woodland caribou recovery.

What follow-up is undertaken regarding the concerns that were expressed in relation to wildlife resources? If a concern is not considered, does the MFFP explain its decision?

- Most of the feedback takes place directly with the TLGIRTs through the consultation reports.
- The pre-consultation report submitted by the Cree (30-day report) is reviewed and an explanatory report is returned to the Cree.
- Table 1 of the confidential section of the PAFIT.
- Sometimes objectives are met through another concern. If a harmonization measure is not addressed, the MFFP always explains why.

- Consultation reports for PRANs and PAFIOs.
- In some cases, there is a gap between the follow-up with the Cree JWG and the Cree JWG's follow-up with the tallyman.

How are the results of the various wildlife monitoring initiatives communicated to the Cree?

- It depends on the type of monitoring. See section 9 of the PAFIT.
- Follow-up of concerns is provided for in the PAFIT, which is available for public consultation. In addition, several monitoring results are discussed in the Cree section of the plan.
- Statistical tables of traplines (open/closed) are not systematically presented, but are sent to the Cree coordinators of the JWGs;
- The full monitoring of elements of the *Paix des Braves* is submitted to the Cree JWG as well as to the CQFB.
- The geomatic monitoring of harmonization measures, along with a tracking grid of harmonization requests, is also communicated to the Cree.
- Concerns mentioned in the 30-day pre-consultation reports on the PAFITs are addressed by the Minister in a separate report.
- Issue-solution statistics are not presented.
- For monitoring conducted by the Direction de la gestion de la faune of the MFFP, matters must be raised with the Direction générale de la gestion de la faune for Region 10.

Are you satisfied with the process for the consideration of wildlife resources in the PAFIT?

- The MFFP works hard to take wildlife resources into account (for example, the wildlife workshop held in 2016, and meetings held in 2019 for mixed forest stands and woodland caribou).
- The wildlife habitat development directives and the mixed forest stands development strategy have been planned since 2002, when they were provided for in the *Paix des Braves*. So their release is somewhat behind schedule.
- When a specific wildlife issue is raised, it is forwarded to the Direction de la gestion de la faune at the MFFP. It is apparently not clear how the issue is followed up on.

How do you gauge the satisfaction of the Cree with the process regarding the consideration of wildlife resources in the PAFIT?

Generally speaking, there is good collaboration from the different stakeholders and the general consultation process works well. Planners are open to various one-off measures:

- Relocation or changes to the delimitation of cutblocks
- Specific widening of buffer zones
- Relocation of residual forest
- Partial cutting
- Chosen operating season

As specifically concerns the consideration of wildlife resources in the PAFIT, satisfaction is harder to gauge. It will be better to wait until the wildlife habitat development directives are released to see if the measures/indicators/alteration thresholds are sufficient for the Cree. It will be easier to gauge satisfaction at that time.

Some communities are less satisfied than others.

We noted that the 2016 wildlife workshop was a success.

THEME #4 Access to wildlife resources

Does an access road management plan that treats the permanent and temporary network, - as well as the closure of roads – exist in relation to the PAFIT?

The access road management plan is under development. A technical committee was set up, but the process has been delayed due to the caribou plan (which may lead to road closures). So activities related to road closures for caribou are deemed a priority. The development of an access road management plan is temporarily on hold.

We sent questions to five TSG holders and three responded. Two of the three respondents have an access road management plan covering:

- new access roads;
- damaged roads or watercourse crossings;
- road closures.

The access road management plan must not conflict with access to the Territory by Indigenous communities. In the case of new major access roads, an impact statement is required (e.g. forest access roads H and I).

The other TSG holder does not have an access road management plan of its own, but sits on the technical committee set up in Region 10 for the development of the MFFP's access road management plan.

TSG holders are also involved in harmonizing road management during operational planning.

What are the needs of the Cree in terms of the road network? How are Cree access needs to wildlife resources accounted for in the PAFIT?

The Cree are not consulted on the road network in the context of the PAFIT. Most needs are taken into account in the PAFIO and PRAN through harmonization measures (type of road, new roads wanted and areas with no new construction).

Needs vary from one trapline to the next. Generally speaking, tallymen in the south would like fewer roads, whereas those in the north would like more.

Road connection between traplines is also an issue for the Cree. They want it to be kept to a minimum.

Does a consultation process for new access infrastructure – in conjunction with access roads for hunting, fishing and trapping activities – exist?

The Direction de la gestion des forêts consults stakeholders on the PAFIT solely in relation to the timber resource. Forest companies initially plan road and access infrastructure with a view to accessing forest resources.

However, an impact statement is required for new access roads 25 km or more long. All roads are identified in the PAFIO.

Is a road closure planned for the 2018-2023 period? If so, how is it presented to the Cree?

Actions related to road closures include the following:

- In 2018, an analysis of the road network was conducted using Routard in order to identify necessary access infrastructure (permanent road network).
- In 2019, several road sections were examined for closure purposes (in-office examination).
- In 2020, several road sections will be examined during site visits for closure purposes.

For the moment, priority is given to closing roads for caribou. Where necessary, targeted roads will be presented during consultations, but the ways and means have not yet been determined.

On certain traplines, some roads will be closed immediately following timber harvesting. The roads will be closed following the same normal procedure even if the

roads do not exist yet. However, it is much simpler, because no one has “appropriated” the road for their use yet.

Most of the road closures in 2013-2018 were made at the request of the Cree through the provincial procedure.

The Cree are always consulted before a road is closed.

Other remarks

- Several objectives are considered in the PAFIT. Some are conflictual, while others have a synergistic effect or are complementary. Currently, it appears that all of the objectives have the same weight and must be respected. Several tables make it possible to monitor objectives. The MFFP is aware that multi-objective management is complex.
- According to the stakeholders interviewed, JWG are not involved in the drawing up of PAFITs. Their involvement starts with the pre-consultation report (30-day report). It is especially the JWG coordinator who is involved in PAFITs. Tallymen are not consulted.
- Only two out of five communities submitted a pre-consultation report in the prescribed format and time frame. What this reveals is that:
 - the role of JWGs in TLGIRTs should be clarified to better account for concerns expressed by tallymen;
 - not many comments were submitted in respect of the mixed forest stands development strategy, but interim measures are currently in place. Implementation of the strategy is planned for June 2020;
 - the wildlife habitat development directives are highly anticipated; the new deadline appears to be late 2020.
- The PAFIT is not a clear exercise for the Cree. The CQFB and CNG are at ease with tactical planning, but it is too far from the operational level for the JWG Cree representatives and tallymen and they have a hard time seeing the usefulness of the PAFIT. Some Cree JWGs often see the PAFIT as political. What is important to tallymen is to know what is happening on their trapline during the current year.
- The Cree members of TLGIRT/TGIRs have a relatively good understanding of the different levels of planning compared to the Jamésien members. However, the planning levels can become very complex and unwieldy, particularly the process of public and special consultations. Nevertheless, the Cree members readily voice their concerns, which can sometimes be highly political or ideological and their concerns must be reflected in issues taken into consideration during planning, something that is not always easy or possible.

- The ratification of issues by TLGIRT/TGIRs is sometimes fast, but more often follows a long period of discussion to build a common understanding shared by all members. A given issue can be shelved and then brought back to the table at the appropriate time. An issue will be withdrawn if the representative who initially raised it asks to withdraw it or if the delegate has been absent from the panel for more than two years and the other members ask to withdraw the issue. Issues grids are living documents that change with circumstances.

Summary of interviews – Cree

Note: There is greater variability in the interviews with Cree members of JWG. The summary is designed to avoid targeting a specific community while attempting to limit generalizations. There is generally a split between the concerns in areas in the southern part of the Territory, where forest management activities are more concentrated, and northern areas, where management is more extensive.

THEME #1 Wildlife species of interest

What are the wildlife species of interest that must be accounted for during the planning process?

Moose is the species of most interest for all of the communities. There are several concerns, including the decline in moose populations in the southern part of the Territory. A moose management plan developed and administered by the Cree is one of the solutions proposed.

Animals that are trapped (beaver, marten and hare), bear and fish are also species of value to Cree communities.

Opinions vary when it comes to caribou. The Cree wonder if anything will become of the caribou plan; they are not involved. Mention was made of the fact that Cree JWGs and tallymen were not involved in identifying caribou protection areas.

Do you feel that the wildlife resources and their associated habitats are considered in the PAFIT for the Cree?

Opinions are divided.

In some respects, yes; for example, mosaic cutting is beneficial for moose.

In other respects, no. Tallymen feel that not enough consideration is given to wildlife.

For example, the JWG Cree representatives pointed out that habitat protection is not taken into consideration in permits for the harvest of firewood. In fact, areas where the harvest of firewood is permitted are often sites of interest for their hardwood

component. Birch is an important tree species for wildlife. Mixed and hardwood forests provide both shelter and food for numerous wildlife species, including moose. The Cree are not consulted on the granting of forestry permits in these areas.

One community mentioned its dissatisfaction with a number of wildlife protection measures in the PAFIT; for example, caribou-related requests that have not been considered, protection measures that are not respected, and the request to maintain non-fragmented residual forest areas 100 ha in size for marten, which is not reflected in the operational planning.

In addition, the different parties responsible for the mixed forest stands development strategy and the wildlife habitat development directives mentioned that the PAFIT includes interim measures even though the strategy and directives are not in force yet.

Do you have concerns relating to the protection of wildlife resources and of their associated habitats? Were these concerns discussed during the consultations held for the PAFITs?

Below are some of the concerns voiced during the interview:

- Stands with a birch component
- Stand tending treatments, because several wildlife species will desert young stands that are treated
- Caribou habitat
- Management of spawning grounds: the Cree do not feel they are consulted enough about this issue
- Operations in 25% areas: several tallymen are new and less familiar with the specific management standards that apply these areas
- Marten habitat

Some find that the consultations go smoothly and the above concerns are discussed; others do not.

THEME #2 Management and wildlife

Are you aware of the strategies and measures that are in place in the PAFIT for the protection of endangered and vulnerable wildlife species?

The Cree are aware of the caribou plans. They also talked about sturgeon.

No tallymen from any of the communities are concerned about wolverine or least weasel, both of which are on the list of species at risk.

They are concerned about other species that are not designated as being at risk. For example, the Cree reported population declines in:

- moose, in the southern parts of the Territory;
- marten (not nearly as many tracks as before);
- porcupine.

The Cree would like their traditional way of life to be considered in wildlife protection strategies.

It was also mentioned that the MFFP used the same objectives as in the PAFITs for 2013-2018, for which no consultations were held.

Are the wildlife resources and habitat protection measures that are presented in the PAFIT sufficient for the Cree?

The Cree are aware of the improvements made in recent years, but think that still more can be done.

- Greater attention should be given to moose and caribou.
- The current regulatory width of 20 m for protective strips on each side of watercourses and around lakes is too narrow for wildlife. The protective strips should be wider, especially around big lakes. Trees tend to get blown over by wind in buffer zones that are 20 m wide.
- More could be done, for example with regard to the 25% areas, which are very sensitive areas for tallymen.
- Areas that can be harvested for firewood should be subject to consultation, because they are related to the harvesting of birch.
- Mixed stands need to be indicated more clearly on harvest maps for easier consultation, since these stands provide good quality habitat for moose, hare and bear. They also provide material for making such things as snowshoes.
- No harvesting should be allowed in mixed stands. Currently, a percentage of certain traplines may be harvested, but tallymen have a hard time understanding this concept because there is no equivalent word for “percentage” in Cree.
- Adopt lower-impact management and forestry practices.

Does the MFFP communicate to the Cree the results of the various monitoring initiatives regarding the wildlife resources and habitat protection measures presented in the PAFIT?

The Cree do not seem to know much about all of the monitoring carried out as part of forest planning, particularly the monitoring related to wildlife habitat. In their opinion, it would help during the planning process and the various discussions.

Some types of monitoring were mentioned, though, such as the statistical table of traplines submitted on request. However, tallymen find the table too complicated (“percentage” is a foreign concept to them). They would like to have a clearer picture presented to tallymen.

We discussed the kinds of monitoring they would find appropriate; for example, a portrait of traplines including forest type and age, and changes based on the management strategy, or a portrait of the state of moose habitat.

THEME #3 Follow-up on concerns regarding wildlife

Are you aware of follow-ups regarding the consideration of your concerns regarding wildlife resources? If a concern is not considered, does the MFFP explain its decision?

The Cree receive responses on the majority of issues raised. If an issue is not considered, the decision is explained, but most of the time, it is because of the modalities/management standards set out in the *Paix des Braves* and regulations. This is not a very satisfactory response as far as the Cree are concerned.

The Cree especially like meetings that everyone can attend (including people from the industry). They offer a chance to obtain responses right away where possible.

Are you satisfied with the process for the consideration of wildlife resources in the PAFIT?

Generally speaking, the Cree are satisfied with the consultation process in place. Some tallymen find that there are too many meetings (at least 2 a year (PAFIO and PRAN + changes to the plans).

Satisfaction with the consideration of wildlife resources is varied. However, there has been an improvement given that wildlife resources were not considered at all before.

Examples of dissatisfaction:

- Sometimes, planning is too concentrated in moose habitat (within and outside of 25% areas).
- Better protection of birch stands is needed.
- Non-Indigenous hunting and vacation camps are a problem. Tallymen think there are too many. Camp owners tend to block access to the territory by installing gates, etc., making it harder or impossible for tallymen to get to certain lakes.

- Bear habitat. It is impossible to implement measures to protect trails used by bear (often in riparian areas) and bear dens are not always identified.
- 20 m is not wide enough for buffers alongside watercourses and around lakes. Riparian areas are used by marten. Windfall is common in the 20-m-wide strips, resulting in wildlife leaving the affected areas.
- Buffers zones around 1% areas would be appreciated.
- Tallymen have trouble distinguishing between 100% and 200% (again the notion of “percent/percentage”). They are dissatisfied with having to wait until April to find out what will and won’t be logged during the year. They have things planned on their traplines.
- Cree considerations are not taken into account.
- Because the Cree and biologists are not upstream of PAFITs, they cannot propose guidelines for the different strategies to be implemented.
- It says in section 8.1.6 of the PAFIT that plans are analyzed by wildlife biologists. The Cree did not know that until they read it in the PAFIT.
- The Cree deplore the fact that logging always takes precedence over wildlife. They want the two to be given equal consideration.

THEME #4 Access to wildlife resources

What are your needs in terms of the road network? Can you elaborate further on when and on how you and other Cree stakeholders were consulted to determine Cree road network needs during the planning process?

Road network needs are not considered at the PAFIT level. The Cree want to understand road planning in the context of PAFITs and think that decisions should be made together (MFFP and Cree). Currently, Cree stakeholders are consulted on the road network solely during the process of PAFIO/PRANs.

Viewpoints regarding the road network vary widely among tallymen. It would be impossible to draw up a general plan based on their sometimes opposing concerns.

Some find that there are too many roads:

- They have the impression that a new cottage is built with every new access road to a lake.
- Roads facilitate access to traplines and the tallymen lose control, resulting in unreported hunting problems, vandalism and theft.

Others think there are not enough roads, making access to the territory difficult.

Access between the different traplines is also an issue. The *Paix des Braves* says that the number of road connections between traplines must be limited, but the number is not quantified.

A number of communities deplore the fact that roads are built in sections so as to avoid having to prepare an impact statement.

Is the current road network and quality of the network in the Territory adequate for accessing wildlife resources?

Multi-use roads are good. They are repaired quickly. Winter roads are not passable and these roads often provide access to tallymen's camps. Improvements are possible with some companies. Relations appear to be more difficult with others.

A number of wash-outs are not repaired, which can carry a danger for drivers.

It was also mentioned that there should be as few roads as possible in 25% areas. In addition, the existing road network should be optimized instead of always building new roads.

Are you involved in the strategic development of the road network and in the closing of roads?

The Cree are not involved in the development of the road network.

To request a road closure, they have to fill out forms provided for that purpose. Road closures have been requested in the past, but it can take two years to receive a reply and the request might be denied.

Tallymen are consulted when a road is to be closed.

Tallymen and their families should carry more weight in road closures. Reasons for closing a road: theft, vandalism, hunting, wildlife protection.

Is a road closure planned for the 2018-2023 period? If so, how is this presented to the Cree?

It varies with from one community to the next. Some have no road closures planned that they know about, while others do.

According to one community, the decision to close a road is made by the MFFP and CNG, and tallymen are not consulted. The Cree would like to have a special consultation just for them, rather than a public consultation for everyone.

The process for closing roads is very long and the Cree would like it to be faster.

Other remarks

- It is hard for animals to walk on ground that has been scarified because of all of the bumps. Natural terrain is flatter and easier to walk on.
- Wildlife seems to have more habitats and be healthier in the north than in the south.
- Some traplines are located within forested areas protected under the caribou plan. Consequently, no forest management activities, including new road construction, will be carried out on those traplines. For some tallymen, then, the development of access to their trapline is in jeopardy.
- The Cree do not understand the difference between the PAFIT, PAFIO and PRAN, because it is too technical.
- There is a perception that the MFFP works alone with no input from the Cree and that Cree knowledge is not taken into consideration.
- They are worried about water quality following forestry operations.