



NAFA

NATIONAL ABORIGINAL
FORESTRY ASSOCIATION

**FIFTH REPORT ON INDIGENOUS-HELD
FOREST TENURES IN CANADA 2020**



FIFTH REPORT ON INDIGENOUS-HELD FOREST TENURES IN CANADA 2020



NAFA

NATIONAL ABORIGINAL
FORESTRY ASSOCIATION



TABLE OF CONTENTS

INTRODUCTION	1
Note on Methodology, Analysis, and Terminology	1
PROVINCIAL AND TERRITORIAL FOREST TENURE SYSTEMS	2
Newfoundland and Labrador	3
Forest Tenure Allocation	3
Forms of Provincial and Indigenous-held Tenure	3
Summary of Newfoundland and Labrador Forest Tenure Allocation.....	3
Nova Scotia	4
Forest Tenure Allocation	4
Forms of Provincial and Indigenous-held Tenure	4
Summary of Nova Scotia Forest Tenure Allocation.....	4
Prince Edward Island	5
Forest Tenure Allocation	5
Forms of Provincial and Indigenous-held Tenure	5
Summary of Prince Edward Island Forest Tenure Allocation	5
New Brunswick	6
Forest Tenure Allocation	6
Forms of Provincial and Indigenous-held Tenure	6
Summary of New Brunswick Forest Tenure Allocation.....	6
Québec	7
Forest Tenure Allocation	7
Forms of Provincial and Indigenous-held Tenure	7
Summary of Québec Forest Tenure Allocation	8
Ontario	9
Forest Tenure Allocation	9
Forms of Provincial and Indigenous-held Tenure	9
Summary of Ontario Forest Tenure Allocation	10
Manitoba	11
Forest Tenure Allocation	11
Forms of Provincial and Indigenous-held Tenure	11
Summary of Manitoba Forest Tenure Allocation.....	12
Saskatchewan	13
Forest Tenure Allocation	13
Forms of Provincial and Indigenous-held Tenure	13
Summary of Saskatchewan Forest Tenure Allocation.....	14
Alberta	15
Forest Tenure Allocation	15
Forms of Provincial and Indigenous-held Tenure	15
Summary of Alberta Forest Tenure Allocation.....	16

British Columbia	17
Forest Tenure Allocation	17
Forms of Provincial and Indigenous-held Tenure	17
Summary of British Columbia Forest Tenure Allocation	18
Northwest Territories	19
Forest Tenure Allocation	19
Forms of Provincial and Indigenous-held Tenure	19
Summary of Northwest Territories Forest Tenure Allocation	20
Yukon	21
Forest Tenure Allocation	21
Forms of Provincial and Indigenous-held Tenure	21
Summary of Yukon Forest Tenure Allocation.....	21
CERTIFICATION	22
Certificate Holder Process.....	24
Organizational Engagement	24
Indigenous Nations Certified	24
REGIONAL OBSERVATIONS AND NATIONAL DISCUSSION	25
Atlantic	26
Québec and Ontario	26
Prairies (and the East)	27
British Columbia.....	27
The North	28
INTERNATIONAL COMPARATIVE	29
Canada	30
New Zealand.....	30
United States of America (USA).....	31
CONCLUSIONS	32
Table 1: National Allocation Forest Tenure Volume to Indigenous People 2019	34
Table 2: National Allocation Forest Tenure Volume to Indigenous People 2017	34
ACKNOWLEDGEMENTS AND DELIMITATIONS	35



INTRODUCTION

This is the fifth edition of the National Aboriginal Forestry Association's (NAFA) Indigenous-held tenure study. Like previous editions we will first present updated report year (2018) tenure metrics and select policy updates for each province/territory. Next, we report on 3rd party certification metrics providing data on Indigenous-held Forest Stewardship Council (FSC) and Sustainable Forestry Initiative (SFI) certificates, as well as providing data on each system's engagement efforts. Then we discuss regional/national tenure dynamics, beginning east in the Atlantic, continuing west to the Pacific, and north to the Territories. New to this year's edition, we will also present select international data, comparing national metrics for First Nations in Canada, American Indians, and the Maori of Aotearoa/New Zealand. Finally, the update closes with policy commentary and options for innovation in the forest sector through Indigenous-held tenure development.

Note on Methodology, Analysis, and Terminology

We are pleased to report that Provincial, territorial, and other research partner participation has been very constructive and efficient. Built on this example of national data sharing and openness, we continue to 'silo' comment on reporting period changes for individual provinces/territories and compare/contrast different regions with each other. We also continue to utilize standard forestry metrics for wood supply volume, cubic metres (m³), and area, hectares (ha) or millions of hectares (mha). All data figures are compiled directly from written

responses to a data request, the most recently publicly published datasets (provincial websites), and from statistical compilations, such as the most recent Natural Resources Canada *State of the Forest* document and the National Forestry Database, which is a joint Federal and Provincial effort. The analysis and discussion are NAFA's own.

Nationally (Canada), instead of "First Nation" exclusively, we are continuing to use "Indigenous", unless we need to delineate Indigenous groups from each other, such as First Nation, Métis, and Inuit. However, internationally, when discussing Canada's national Indigenous-held tenure metrics in relation to others, we have chosen to use "First Nations" to delineate Canada's Indigenous Peoples. Internationally, the terminology "First Nations" is readily recognized as being Canadian, "American Indian" as being American, and "Maori" as being from way down under (Aotearoa/New Zealand). All three geographic groups are considered "Indigenous" internationally. Thus, referring to Canada's First Peoples as Indigenous without some sort of delineation from other Indigenous groups internationally could confuse readers. There is no unintentional or subliminal 'claim' of First Nations over the Métis or Inuit. Each group officially stands on its own as a separate, distinct, Indigenous People.

On request of surveyed certification systems, we have also agreed to present their engagement efforts to further refine analysis of each system. The following is our latest Indigenous-held tenure research.



PROVINCIAL AND TERRITORIAL FOREST TENURE SYSTEMS

NEWFOUNDLAND AND LABRADOR

Forest Tenure Allocation

From a forested land base of 5,676,000 (ha), Newfoundland and Labrador has approximately 2,532,784 m³ of Annual Allowable Cut (AAC) of which 215,700 m³ was held by Indigenous Peoples, representing 8.5% of the provincial total.

Forms of Provincial and Indigenous-held Tenure

Since our last report, no major change to forest tenure policy in Newfoundland and Labrador has occurred. The main forest tenure policy instruments include the *Forestry Act* and associated regulations, and the *Environment Protection Act*. Commercial utilization of timber is still regulated under three forms of licences or agreements: a Crown Timber

Licence, a Timber Sale Agreement or a Cutting Permit. While in theory Indigenous Peoples can hold any type of forest tenure or license in Newfoundland and Labrador, two Indigenous-held types of forest tenure have been negotiated and represent all Indigenous-held tenure in the province. For the Inuit (Nunatsiavut Government), 15,700 m³ AAC is held as per the *Labrador Inuit Land Claims Agreement, Chapter 12-C*. For First Nations people (Innu Nation), 200,000 m³ is held as per the *Interim Forest Agreement*.

2020 Update:

Neither of these Indigenous-held tenures and the associated volume allocations have changed since they were negotiated and last reported.

Summary of Newfoundland and Labrador Forest Tenure Allocation

Year	Provincial Allocation (m ³ /yr)	Indigenous Allocation (m ³ /yr)	%
2003	2,004,800	200,000	9.9
2006	2,643,680	215,700	8.2
2013	2,967,970	215,700	7.3
2017	2,764,056	215,700	7.8
2019	2,532,784	215,700	8.5

NOVA SCOTIA

Forest Tenure Allocation

From a forested land base of 1,030,000 (ha), Nova Scotia has approximately 5,750,000 m³ of AAC of which none was held by Indigenous Peoples, representing 0% of the provincial total.

Forms of Provincial and Indigenous-held Tenure

Nova Scotia's complex tenure system has remained the same since the previous NAFA reports, although a major review of forestry practices has been underway since 2018. Notwithstanding the review, provincial forest tenure is mainly regulated by the *Forests Act* and *Crown Lands Act*. However, other significant forest management legislation includes *Bowater Mersey Agreement Act 1962*, *Halifax Power and Pulp Company Limited Agreement Act, 1962*, the

Oxford Lease Purchase Act of 1960, *Scott Maritimes Limited Agreement Act of 1965*, and *Stora Forest Industries Limited Agreement Act*. Several of these have been repealed and/or subsumed under other legislation. Utilization agreements are specifically regulated under *Crown Lands Act*, for example.

While there is no finalized, specific Indigenous-held tenure in Nova Scotia, except for small scale domestic, non-commercial purposes, at the time of writing, a form of tenure access to 20,000 (ha) of private forest lands was under discussion with Mi'kmaw groups.

2020 Update:

There have been no changes since our last reporting period.

Summary of Nova Scotia Forest Tenure Allocation

Year	Provincial Allocation (m ³ /yr)	Indigenous Allocation (m ³ /yr)	%
2003	7,700,000	0	0
2006	6,700,000	0	0
2013	5,750,000	0	0
2017	5,750,000	0	0
2019	5,750,000	0	0

PRINCE EDWARD ISLAND

Forest Tenure Allocation

From a forested land base of 256,000 (ha), Prince Edward Island has approximately 460,000 m³ of AAC of which none was held by Indigenous Peoples, representing 0% of the provincial total.

Forms of Provincial and Indigenous-held Tenure

Prince Edward Island tenure system has remained the same since the last report. The *Forest Management Act* and associated forest policy regulates forestry tenure, with the majority of commercial volume produced via private woodlots.

There is no specific Indigenous-held tenure in Prince Edward Island.

2020 Update:

There have been no changes since our last reporting period.

Summary of Prince Edward Island Forest Tenure Allocation

Year	Provincial Allocation (m ³ /yr)	Indigenous Allocation (m ³ /yr)	%
2003	42,000	0	0
2006	42,900	0	0
2013	460,000	0	0
2017	460,000	0	0
2019	460,000	0	0

NEW BRUNSWICK

Forest Tenure Allocation

From a forested land base of 3,050,000 (ha), New Brunswick has approximately 9,075,000 m³ of AAC of which 252,558 m³ was held by Indigenous Peoples, representing 2.8% of the provincial total.

Forms of Provincial and Indigenous-held Tenure

Access to timber from Crown land is legislated in the *Crown Lands and Forests Act* and associated regulations in the Forest Management Manual. These regulations authorize the Crown Timber Licence (CTL) and Crown Timber Sub-Licence (CTSL). There are currently ten CTL's in New Brunswick with an estimated 80 CTSL's.

Indigenous-held tenure is calculated under the Crown Timber Licence allocations, with a percentage (2-8%), determined by population, of each CTL allocation being set aside for a respective First Nation(s). All fifteen (15) First Nations in the province thus hold Indigenous-held tenure. These Commercial Harvesting Agreements (Indigenous-held tenure) allocate hardwood and softwood cutting rights, with appurtenance covenants in

place to ensure a buyer for the fibre and wood supply for each local CTL wood processing facility (forest product manufacturing - saw and pulp - mills). First Nations have established forest harvesting businesses (logging) and also receive the crown timber royalties for their specific allocations.

2020 Update:

Due to a change in national/provincial AAC reporting metrics, New Brunswick's AAC as used for calculation in this report has been increased from 5.8 million m³ to 9.075 million m³, an increase of 3.2 million m³, which is a paper (non-forest) gain. This new number most likely reflects the additional volume from private (non-crown) lands. There have been no meaningful changes to the Indigenous-held tenure metrics. This represents a statistical percentage decrease provincially from the last reporting period (4.6% to 2.8%). As stated, this is a statistical reporting change rather than an actual change in the forest. The slight decrease in allocation from 267,387 m³ to 252,558 m³ for Indigenous-held tenure follows the yearly variation of AAC as per natural growth and yield dynamics.

Summary of New Brunswick Forest Tenure Allocation

Year	Provincial Allocation (m ³ /yr)	Indigenous Allocation (m ³ /yr)	%
2003	5,152,310	233,800	4.5
2006	5,429,992	237,097	4.4
2013	5,700,000	285,000	5.0
2017	5,800,000	267,387	4.6
2019	9,075,000	252,558	2.8

Forest Tenure Allocation

From a forested land base of 82,746,841 (ha), Québec has approximately 46,872,300 m³ of AAC, of which 1,235,486 m³ was held by Indigenous Peoples, representing 2.6% of the provincial total.

Forms of Provincial and Indigenous-held Tenure

The *Sustainable Forest Development Act* and the *Act respecting the Ministère des Ressources naturelles et de la Faune* are the main regulatory instruments governing forest tenure in Québec. Each forest management area and its wood supply is owned and managed by a crown corporation mandated under the Ministère des Forêts, de la Faune et des Parcs (MFFP), instead of corporate ownership and responsibility, as was the previous arrangement. These crown entities oversee forest management duties in a unit, regulate fibre supply to local, regional consuming mills, and, also administrate some Indigenous engagement requirements with local First Nations. A crown controlled Timber Marketing Board, is awarded approximately 25% of wood supply for each management unit, which is auctioned off according to local/regional private market demand for the fibre. Specific cutting right allocations in the new system were converted from previous twenty-five (25) year commitments bundled with forest management authority, to the five (5) year *Garantie d'approvisionnement* (Supply Guarantee) and associated *Permis de récolte aux fins d'approvisionnement une usine de la transformation de bois* (Harvest Permit). Both of these developments, the creation of crown controlled forest management units and implementation of mark to market prices for wood supply have increased fibre price and maintained wood supply.

Indigenous-held tenure in this transformed regime has been maintained. The first of four (4) types of Indigenous-held tenure is called a *Entente de délégation de gestion* (Management Delegation Agreement) which conveys delegated forest management responsibilities over a sub-division of a regional forest, along with commercial forestry allocation, to an Indigenous government (First Nation). It is still awarded under the *Act respecting the Ministère des Ressources naturelles et de la Faune, Section 17.22, 17.23, and 17.4*. Sans delegated forest management responsibilities, several Indigenous nations also hold Supply Guarantees and Harvest Permits, as mentioned above. The fourth type of Indigenous-held tenure in Québec is the adapted commercial allocation found under the *James Bay and Northern Québec Agreement* along with the companion *Agreement Concerning a New Relationship Between the Gouvernement du Québec and the Crees of Québec (Paix des Braves)*. Flowing from these instruments, under the Adapted Forestry Regime for the James Bay territory, the Crees have a 350,000 m³ tenure allocation which is co-regulated by a joint Cree-Québec Forestry Board and cross-mandated with the *Sustainable Forest Development Act*.

2020 Update:

As Québec continues to adjust wood supply reporting practices, the total provincial wood supply increased by approximately 16,701,000 m³ from the last reporting period. This in turn decreased the proportional Indigenous-held share of the wood supply from 3.6% to 2.6% of the total. The decrease in Indigenous-held percentage of the Québec AAC is most likely statistical, rather than a real-world decrease. Reflecting this, the Indigenous-held tenure volume allocation increased by 154,441 m³ from 1,081,045 to 1,235,486 m³.

Notably, recently announced future major infrastructure development may spur increased utilization of the Cree Nation Government’s annual modern day treaty allocation (350,000 m³). Currently, it is not efficiently utilized due to lack of proximity to manufacturing, transportation and shipping infrastructure. However, with Québec and the Crees continually renewing their relationship, the proposed new northern infrastructure will likely catalyze further development of regional manufacturing and the attendant supporting business ecosystem.

Summary of Québec Forest Tenure Allocation

Year	Provincial Allocation (m ³ /yr)	Indigenous Allocation (m ³ /yr)	%
2003	35,727,362	652,381	1.8
2006	31,763,257	858,652	2.7
2013	17,175,800	1,183,400	6.9
2017	30,171,300	1,081,045	3.6
2019	46,872,300	1,235,486	2.6

Forest Tenure Allocation

From a forested land base of 31,039,217 (ha), Ontario has a wood supply of 30,764,813 m³, of which 5,265,963 m³ was held by Indigenous Peoples, representing 17.1% of the provincial total.

Forms of Provincial and Indigenous-held Tenure

The province licences and allocates the vast majority of commercial timber resources via five (5) major licenses/arrangements: Sustainable Forest Licence (SFL), Enhanced Sustainable Forest Licence (eSFL), Local Forest Management Corporation (LFMC), Forest Resource Licence (FRL), and Supply Agreement (SA). SFLs and eSFLs are geographically expansive and up to 25 years in length, cover multiple government management units, and convey a large annual cut allocation to the license holder. The allocation is in turn sub-divided into FRL's and SA's, with appurtenance to local/regional consuming mills. The license (SFL, eSFL, LFMC) holder is an arms-length (from government) Forest Management partnership holding entity with a wholly owned and/or appointed general manager conducting day to day operations. SFLs are generally held and controlled by different commercial consuming mill entities who share geographic proximity, but have different private shareholders. One eSFL, which is comprised of both private commercial interests and local First Nations is also in operation. One unique LFMC, with several municipalities and a minority slate of Indigenous communities (not strictly commercial entities), has also been implemented and is operational as an arms-length Crown agency. As with the SFL and eSFL, the LFMC holding company manages the longer term license and overall wood supply allocation for an amalgamated area of several management units. It also appoints a general manager to conduct day-to-day operations for the consortium. All management entities (SFL,

eSFL, LFMC) are responsible for delegated forest management duties, along with administrating some Indigenous engagement requirements, for larger amalgamated management units. Minority board participation of local Indigenous communities on SFL and eSFL entities has been encouraged (or mandated), along with greater economic involvement of Indigenous peoples in harvesting and forest management opportunities. Where there is no consuming mill and/or licensee partnership, the regional provincial government department has assumed forest management responsibilities. As introduced, FRL's and SA's are subsumed under the major SFL, eSFL, and LFMC structures, guaranteeing wood supply to consuming mills. Mandating legislation includes the *Crown Forest Sustainability Act* and *Ontario Forest Modernization Act* and associated regulatory guides.

Indigenous-held tenure in Ontario thus takes the form of FRL's and SA's held by First Nations, but delegated under SFL (non-Indigenous board participation/ownership) and eSFL (joint indigenous/non-Indigenous board participation/ownership) structures. The LFMC is a type of Crown agency - consortium structure (minority Indigenous board participation/ownership), under which many FRL's and SA's, including Indigenous-held FRL's and SA's, are managed.

2020 Update:

Indigenous-held tenure in Ontario continues to demonstrate innovation due to the success of significant policy changes and implementation since 2007. The overall provincial allocation on paper as reported here, grew by over 2,512,813 m³ since the last reporting period, due to reporting changes, a statistical (not forest-base) gain. At the time of writing, the Indigenous-held allocation increased by the 237,137 m³ from 2017 (5,019,826 to 5,256,963 m³).

ONTARIO

Ontario still merits special attention due to its on-going tenure modernization program. Significantly, since the last reporting period, both the Ogoki Forest, with new tenure FRL/SA allocations, and the Lac Seul Forest, with existing tenure license/FRL/SA allocations, but a new eSFL tenure structure, have been operationalized.

Substantially, the Ogoki forest resource license allocates significant volume to a combined First Nations partnership group organized through the Agoke Development Corporation. Eabametoong, Marten Falls and Aroland First Nations collectively hold a significant share of the allocation with the regional municipality of Greenstone, and existing regional allocation holders (manufacturers), holding other amounts. As with other First Nations allocation holders elsewhere, expanding and developing the regional manufacturing base to utilize the new and existing tenure is a collective purpose. Resultantly,

both Indigenous and non-Indigenous entities in the Ogoki are economically aligned. The overall management license holder and entity is still under discussion.

The Lac Seul Forest eSFL is Ontario's first new operational eSFL structure. The 20-year enhanced sustainable forest licence is held by Ondaadziwin Forest Management Inc. which is co-owned by a partnership group including the Lac Seul First Nation, Slate Falls Nation, Domtar and Weyerhaeuser. Substantial FRL's and SA's are held by all parties. The new ownership groups intend to substantially increase Indigenous participation with the forest economy, while ensuring greater co-management of the forest itself.

Both entities, Agoke Development Corp. and Ondaadziwin Forest Management Inc., became operational in early 2018.

Summary of Ontario Forest Tenure Allocation

Year	Provincial Allocation (m ³ /yr)	Indigenous Allocation (m ³ /yr)	%
2003	30,481,503	1,100,341	3.6
2006	22,606,885	1,281,380	5.7
2013	29,233,900	4,210,477	14.4
2017	28,252,000	5,019,826	17.8
2019	30,764,813	5,256,963	17.1

Forest Tenure Allocation

From a forested land base of 12,299,000 (ha), Manitoba has a wood supply of 2,504,70 m³, of which 58,902 m³ was held by Indigenous Peoples, representing 2.4% of the provincial total.¹

Forms of Provincial and Indigenous-held Tenure

The major legislative instrument structuring forest tenure is the *Forest Act*. Under the *Act*, there are currently three significant types of forest land tenures available, Forest Management Licence Agreement (FMLA), Timber Sale Agreement (TSA), and Timber Permit (TP). The Community Allocation, Special Allocation and Quota further sub-divide the TSA. As with other jurisdictions, the licence (FMLA), structures and subsumes TSA and TP, which subdivide the wood supply and guarantee a wood supply to local consuming mills (appurtenance). The FMLA is long-term (25 years) and based on area and volume, with significant forest management delegation vested to a consuming mill controlled entity, although Manitoba is involved in several aspects of forest planning and oversight. There are three (3) FLMA's in Manitoba. Only FMLA#2 and FMLA#3 are active, while FMLA#1 has been defunct for over a decade.

2020 Update:

As introduced and tempered in the 2018 report, openly confidential negotiations and finalization of FMLA#2 were underway, precipitated by Tolko Inc. walking away from The Pas pulp mill,

and forest management. With 1,682,226 m³ AAC over 8,700,000 (ha), FMLA#2 is, on paper, one of the world's largest tenures by area. What emerged from the negotiations was a novel structure to co-manage the forest area through a 50/50 co-ownership/joint venture arrangement, Nisokapawino Forest Management Corporation Inc. Under this arrangement, seven regional Cree Indigenous Nations (Wuskwi Sipiik, Sapotaweyak, Chemawawin, Misipawistik, Mosakahiken, Mathias Columb, and Opaskwayak) are partnered through the Nekote LLP, and 50% co-own/co-direct the general manager (Nisokapawino Inc.) of the forest management area. The non-indigenous partner, Canadian Kraft Paper Inc., the reconstituted pulp and paper manufacturer, is the other 50% co-owner/co-director of Nisokapawino Inc. Nisokapawino has been operational since July 2018 and is mandated to increase Indigenous employment, business involvement, and forest management engagement throughout the extensive FMLA#2 operational area. Despite the Indigenous co-ownership and co-management mandate of the general manager, the full tenure allocation for FMLA#2 is held by Canadian Kraft Paper Inc. In the other operational forest management unit in the province, FMLA#3, there have also been no changes to tenure allocations or forest management structure. Resultantly, Indigenous-held tenure in Manitoba has not changed from the previously reported 'tempered' allocation of 58,902 m³, which takes the form of several direct award Community Allocations to individual First Nations.

¹ The National Forest Database quotes over 8,000,000 m³ of wood supply for Manitoba. However, over 5,000,000 m³ of this amount is comprised of long defunct FMLA#1 allocations and theoretically available privately held supply. Neither FMLA#1 or the private holdings are included in the provincial totals reported here.

MANITOBA

Circling back to FMLA#1, an emergent consortium of comprised of Black River, Brokenhead, Hollowater, and Sagkeeng First Nations has secured an “Option Licence” under the *Forest Act*. While still being refined, the broad contours of the option is a first right of refusal for up to 450,000 m³ of wood supply for two (2) years, including a first right of refusal for the First Nations group to develop and negotiate a proposal to formalize the licence, as well.

Coupled with northern Indigenous nations in Manitoba 50% co-owning the Port of Churchill and Hudson Bay Railroad, under the Arctic Gateway

Group (Fairfax Financial is the non-Indigenous 50% partner), provincial Indigenous forest sector development has been corporately re-structured (FMLA#2), maintained as status quo (FMLA#3), and is being re-imagined (FMLA#1). As per other provinces it appears rational economic alignment for the Manitoba, industry, and First Nations is underway.

Summary of Manitoba Forest Tenure Allocation

Year	Provincial Allocation (m ³ /yr)	Indigenous Allocation (m ³ /yr)	%
2003	3,494,426	132,605	3.8
2006	3,450,634	153,887	4.5
2013	2,504,370	n/a	n/a
2017	2,504,370	58,902	2.4
2019	2,504,370	58,902	2.4

Forest Tenure Allocation

From a forested land base of 5,276,000 (ha), Saskatchewan has a wood supply of 8,364,393 m³, of which 2,401,118 m³ was held by Indigenous Peoples, representing 28.7% of the provincial total.

Forms of Provincial and Indigenous-held Tenure

Saskatchewan legislation, *The Forest Resources Management Act*, regulates forestry tenure. The long-term, area and volume based major license is the Forest Management Agreement (FMA), which is typically twenty years long and carries forest management obligations. It is conveyed through a Forest Management Agreement Licence. If there is only one ownership group (one consuming mill), then the licence will be a solely-held agreement and licence. If there are multiple owners (multiple mills), then the license is shared and volume sub-divided/allocated according mill fibre diet. After a decade of policy implementation change and economic rationalization, there is notable variation of licence ownership and management structure. There are now two sole licensee areas (one of which is a Forest Management Agreement and the other a Term Supply Licence with expanded responsibilities), three joint licensee areas (two mills, two joint licensees, and one area), one multi-party licensee area (five companies, plus two First Nations groups, one area) and one government operated area with no licence. Underneath these major tenure agreements, the operating area, forest management duties, and volume allocation are bundled together, with sub-division of the allocation (and licence) occurring, if necessary.

Mentioned above, in this hierarchy of commercial tenure, the Forest Management Agreement Licence is foremost, with the Term Supply Licence following.

Lastly, for smaller non-mill scale purposes, the Forest Products Permits (e.g. firewood, non-timber forest products), also exists.

Indigenous-held tenure in Saskatchewan includes major Forest Management Agreement licensee status (FMA licence and allocation holder), along with substantial volume allocations under other multi-party forest management area licences (sub-divided FMA licence and allocation holder). Significantly, in terms of corporate ownership structure of licence management, tenure allocations confer board membership and responsibilities for Indigenous groups. Generally speaking, the percentage of allocation held under a licence confers a respective share of board slate appointments, votes and responsibilities. Following this principle, Indigenous groups in Saskatchewan have 100%, 50%, and minority (less than 50%) representation on the various management boards responsible for carrying out forest management duties for license areas in the province.

2020 Update:

Due to growth and yield adjustments, wood supply in Saskatchewan on paper has increased from 8,226,351 m³ to 8,364,393 m³ from the last reporting period. Indigenous-held allocation decreased slightly (-124,372 m³) from 2,525,490 m³ to 2,401,118 m³, representing 28.7% of the provincial total. While statistically accurate, this decrease was due to growth and yield adjustments rather than loss of actual license tenure. As last reported, coupled with Indigenous-owned manufacturing, Saskatchewan continues to lead the country in terms of Indigenous-held tenure utilization, leading to significant Indigenous-led manufacturing investment and concomitant job maintenance and creation.

SASKATCHEWAN

Demonstrative of this is the now public acquisition of a second manufacturing facility, L&M Forest Products, by Meadow Lake Tribal Council Industrial Investments. Now under Indigenous ownership, the L&M Forest Products facility, has been resuscitated and re-invested in for continued growth. Separately, the Meadow Lake Tribal Council Bioenergy Centre is also constructing (April 2020) an 8 Megawatt Biomass Electricity Power Plant. This will be the world's largest 100% Indigenous owned and operated biomass electricity generation facility, coupled to the world's largest 100% Indigenous owned and operated lumber mill, NorSask Forest Products.

Importantly, several (+7) distinct Indigenous groups in Saskatchewan hold significant tenure allocations, ranging in size from 85,000 m³ - 580,000 m³. These Indigenous forest management groups reliably supply regional manufacturing facilities with fibre. Provincially, largely in service to these major Indigenous manufacturing and forest management efforts, over 30% of the industrial forestry workforce in Saskatchewan is Indigenous, a national and international best by percentage.

Summary of Saskatchewan Forest Tenure Allocation

Year	Provincial Allocation (m ³ /yr)	Indigenous Allocation (m ³ /yr)	%
2003	6,814,758	1,143,690	16.8
2006	8,105,350	1,971,690	24.3
2013	8,251,060	2,490,390	30.2
2017	8,226,351	2,525,490	30.7
2019	8,364,393	2,401,118	28.7

Forest Tenure Allocation

Alberta has 22,464,000 (ha) of forested lands, with a wood supply of 33,872,266 m³, of which 1,057,910 m³ is Indigenous-held tenure, representing 3.1% of the provincial total.

Forms of Provincial and Indigenous-held Tenure

Alberta's Forests Act, set out three major forms of commercial forest tenure, a Forest Management Agreement (FMA), Timber Quota, and Timber Permit. The FMA is area and volume based, long-term, renewable, tied to a major consuming mill, and bundled with significant forest management responsibilities. The allocations permitted under the FMA are regularly adjusted with growth and yield calculations, but follow a longer-term time horizon (twenty years) that allows for stable wood supply to consuming mills within an FMA area. FMAs are usually "held" by one major consuming mill per FMA (18 of 20 FMA's). Only two FMA's are held by multi-party groups of different consuming mill owners (3 mills each).

Timber Quotas are the actual allocation instruments conveying the FMA's overall, but sub-divided allocation over the long-term. The Quota is sub-divided into a Coniferous Timber Quota and a Deciduous Timber Allocation. Quotas being long-term, also carry reforestation responsibilities. Under the larger FMA area and allocation, multiple consuming mills and related harvesting entities are licenced, granted quota, and then permitted to cut

timber for commercial purposes. The allocations change as per natural growth patterns, and each FMA maintains appurtenance to local regional consuming mills, with additional volume managed within the FMA for other wood supply users, such as smaller mills and processors.

The Timber Permit conveys wood supply allocations, ensuring major consuming mill wood supply with other diverse uses of the overall FMA allocation. Accordingly, the Timber Permit is further sub-divided into Commercial Timber Permits (larger volume, five year with reforestation covenants), Coniferous Community Timber Permits (5,000-21,000 m³, short-term, based on market demand within an FMA), and the Local Timber Permit (annual, small scale, fire-salvage, grazing land clearing). As with the Quota, Permit sub-allocations for an FMA nest within the overall FMA allocation.

Indigenous-held tenure in Alberta takes the form of sub-divided Quota, both Coniferous Timber Quota and a Deciduous Timber Allocation, nested within the larger FMA. They are long-term (20 years) and convey forest management responsibilities within the overall FMA which they are sourced. No major FMA is held by Indigenous Peoples (First Nations and/or Métis) but there is one successful medium sized mill, the Kee Tas Kee Now (Limited) Sawmill which is owned and operated by the Loon River, Whitefish Lake, Woodland Cree, and Lubicon Lake First Nations.

ALBERTA

2020 Update:

The 0.2% decrease in provincial share of tenure was due to a statistical increase in Alberta's overall wood basket. With eight (8) First Nations and one (1) Métis group holding fourteen (14) different tenures, Alberta has maintained Indigenous-held tenure volume steady since our last report. Importantly, these Indigenous groups control commercially viable tenure holdings ranging in size from 50,000 m³ up 550,100 m³. The Kee Tas Kee Now Tribal Council owned Kee Tas Kee Now sawmill competed for and was awarded an additional 65,000 m³ of Quota over the last few years. Interestingly, the Kee Tas Kee Now Sawmill wood supply ecosystem includes their First Nations owners' allocations, and also, other regional First Nations and Métis harvesting allocations, further expanding the Indigenous forest sector moccasin print in Alberta.

Summary of Alberta Forest Tenure Allocation

Year	Provincial Allocation (m ³ /yr)	Indigenous Allocation (m ³ /yr)	%
2003	24,070,000	975,941	4.1
2006	24,570,880	1,145,963	4.7
2013	32,000,000	1,056,237	3.3
2017	31,598,441	1,057,910	3.3
2019	33,872,266	1,057,910	3.1

Forest Tenure Allocation

British Columbia has 49,183,000 (ha) of forested lands, with a wood supply of 71,479,655 m³ of which 8,710,908 m³ is Indigenous-held, representing 12.2% of the provincial total.

Forms of Provincial and Indigenous-held Tenure

The British Columbia *Forest Act*, and Regulations, mandate all commercial tenure in the province. With Canada's largest wood supply, a multitude of different tenures of different terms and size allocations exist. The renewable, longer term area and volume based tenures are the Tree Farm Licence (TFL) (25 years), Pulpwood Agreement (no longer issued - formerly 25 years), Community Forest Agreement, and First Nations Woodland Licence. All of these tenures are bundled with significant forest management responsibilities.

Of these, the TFL is structured to guarantee long-term wood supply to major consuming mills in a forest management unit. The Forest License, Timber Sale Licences (TSL), and Woodlot Licence follow this structure, with substantial volume allocations, but not at the scale of a TFL. The Licence to Cut is next, which conveys the right to harvest allocations under the larger licences and overall wood supply allocation for a government managed forest unit, but for a variety of other purposes (oil and gas development, clearing land, fire prevention). The specific Forestry Licence to Cut is subsumed here, and, as with the larger TFL and TSL, is designed to ensure wood supply to consuming mills in a region. Appurtenance (local mills right to wood supply in a region) has been relaxed in the last decade, meaning a licence holder can in theory sell their commercially harvested fibre to any buyer in the market.

As with Québec and to a lesser extent Ontario and Alberta, British Columbia 'clawed' back a significant percentage of allocations to establish

a competitive wood supply auction process. For each management area, the government utilizes this process to auction TSL to set a market price for the timber and the royalty stumpage rate. These TSL are open, although there are requirements for bidders to comply with. With up to 13,000,000 m³ of TSL auctioned and awarded each year, significant commercial tenure is conveyed through this process.

A number of other smaller volume and shorter (1-5 year) time frame permits round out the tenure class and facilitate diverse, smaller, non-mill scale usage of wood supply in a given area. These are the Christmas Tree Permit, Free Use Permit, Forestry Road Permit, Forestry Special Use Permit, and Community Salvage Licence.

Outside of the explicit 'consuming mill centric' licence allocation, the Community Forest Agreement grants exclusive rights to a First Nation, municipality, regional district or society to harvest an AAC in a specified area, including private or reserve lands. It may also confer the right to harvest, manage, and charge fees for botanical forest products or other prescribed non-timber forest products. This tenure may be competitively or directly awarded. The CFA requires public consultation, a management plan, audits, and performance reports. A long-term Agreement has a term of 25 to 99 years and is replaceable every ten years.

Several Community Forest Agreements are held by First Nations or First Nations affiliates. Also, as noted above, as a result of recent tenure reforms, previously committed harvesting rights are being reallocated to, in part, community-based tenures such as Probationary Community Forest Agreements. This has resulted in new invitations from the Minister of Forests and Range to community entities to apply for *Probationary Community Forest Agreements* and several of these invitations have been made to First Nations.

BRITISH COLUMBIA

The First Nations Woodland Licence (FNWL) is an area-based tenure with a term of 25 to 99 years, replaceable every 10 years. The land included in this tenure may be private and/or reserve land. The basic stewardship responsibilities included with other area-based tenures are included and expanded in the FNWL. Holders of an FNWL must produce a management plan, including inventories and AAC, as well as cultural heritage resource management plans. The holder can choose to do either a Forest Stewardship Plan (FSP) or a Woodlot Licence Plan if the size of the new licence is less than or equal to 800 (ha) on the Coast or less than or equal to 1200 (ha) in the interior, otherwise a FSP is required. The FNWL also includes opportunities to manage non-timber forest resources (e.g. mushrooms, evergreen boughs).

The holders of a FNWL pay stumpage based on market rates, however a portion of the paid stumpage would be shared through a revenue sharing agreement. There are no annual rents charged to the tenure holder. However, the fire preparedness levy portion of the annual rent is required. A silviculture security deposit may be required. However, the District Manager may accept revenue sharing payment as security in lieu of security deposit. Unlike the other tenures available in the province, the FNWL is not transferrable.

Indigenous-held tenure in British Columbia takes many forms: several major TFL, numerous TSL (direct award and competitively bid), many Forestry Licences to Cut,

several Community Forestry Agreements, smaller volume Permits, and increasing numbers of the specially designated First Nations Woodland Licence.

2020 Update:

Indigenous-held tenure as a proportion of the overall provincial total grew by 2.0% (10.2% to 12.2%). With significant natural forest dynamics (fire and insects) curtailing wood supply in BC year over year, overall wood supply shrunk from 78,300,000 m³ to 71,479,655 m³. Despite this, Indigenous AAC increased by approximately 700,000 m³. Much of this increase can be attributed to the First Nations Woodland Licence. In 2014, only two (2) First Nations had negotiated and secured this longer-term substantive tenure for a combined allocation of 90,000 m³. Currently, nineteen (19) First Nations now hold the First Nations Woodland Licence with a combined allocation of 797,734 m³. These allocations range in size from 4,973 to 100,000 m³ for an average size of 41,986 m³. While they are much smaller in size compared to the Tshimshian-held Tree Farm Licence No. 1 (378,059 m³), the Haida-held tenure Tree Farm Licence No. 60 (340,000 m³) and the Squamish-held Tree Farm Licence No. 38 (250,500 m³), the specially designed First Nations Woodlands Licence represents a significant expansion of Indigenous-held tenure in British Columbia, both in terms of volume but also in terms of Indigenous controlled forest management responsibilities.

Summary of British Columbia Forest Tenure Allocation

Year	Provincial Allocation (m ³ /yr)	Indigenous Allocation (m ³ /yr)	%
2003	61,309,245	3,761,232	6.1
2006	82,586,149	6,006,805	7.3
2013	81,670,605	8,842,869	10.8
2017	78,300,000	8,016,686	10.2
2019	71,479,655	8,710,908	12.2

Forest Tenure Allocation

The Northwest Territories (NWT) has 28 million (ha) of forested lands. As reported last, 100% of the commercial wood supply of 213,600 m³ is Indigenous-held.

Forms of Provincial and Indigenous-held Tenure

While a new *Forest Act* is being proposed, the Northwest Territories *Forest Management Act* currently legislates forestry tenure, with the federal Ministry of Indigenous Affairs and North Development continuing to be responsible for overall land management. Also, importantly, the Mackenzie Valley Land and Water Board continues Territorial tripartite (federal, territorial, and First Nations) land management functions, which supersede the *Forest Management Act*. Under this evolving regulatory structure, two (2) Forest Management Agreements (FMA's) have been established in the past few years. Due to the primacy of Indigenous and Aboriginal rights in the North, these FMA's are 100% Indigenous-held. As with other provinces/regions, these FMA's are long-term (twenty-five years), renewable allocations, and are bundled with significant forest management responsibilities, but subject to First Nations land claim agreements and the Mackenzie Valley Land and Water Board regulatory processes.

In addition to the new FMA's, the territory continues to issue a Timber Cutting Licence (up to 5,000 m³) and a Timber Cutting Permit (up to 5,000 m³). The Timber Cutting Licence is up to five years in length, situation-

specific, and bundled with forest management planning and reforestation responsibilities. The Timber Cutting Permit is a one year maximum, 5,000 m³ (maximum) allocation. Both the Timber Cutting Licence and Timber Cutting Permit are mobile and deployable as per the NWT Forestry planning process (volume not long-term or area based). In layperson's terms, the Government of the Northwest Territories forest management personnel identify cutting areas year to year for license and permit holders to operate in as per their allocations under licence and permit. Free Timber Cutting Permits (up to 60 m³) for personal firewood are also available.

2020 Update:

Announced in 2015, the emergence of two (2) new Forest Management Agreements (FMA) in the Northwest Territories has established Indigenous-held tenure in the North of Canada. The Timberworks Inc. FMA (126,400 m³) is held by a partnership between Deninu K'ue First Nation & Fort Resolution Métis Council. The new anchor opportunity/commercial forestry enterprise envisioned for the allocated wood supply is biomass pellet production. The Digaa Enterprises FMA (87,200 m³) is held by a partnership between Deh Gah Got'ie First Nation & Fort Providence Métis Council. Geographical tangent to the Timberworks Inc. FMA, commercial timber harvesting for biomass is also the *raison d'être* for the Digaa Enterprises FMA allocation. Since both FMA's have been announced, planning, capacity building, and the associated incubation of related business opportunities in

NORTHWEST TERRITORIES

forest management with regional First Nations has been occurring. For example, in the various forestry chapters of the regional land claims underway, the associated silviculture business opportunities have been set aside for First Nations to take advantage of. As stated above, all forestry tenure in the NWT is Indigenous-held.

Summary of Northwest Territories Forest Tenure Allocation

Year	Provincial Allocation (m ³ /yr)	Indigenous Allocation (m ³ /yr)	%
2003	235,000	0	0
2006	35,000	0	0
2013	n/a	n/a	n/a
2017	213,600	213,600	100%
2019	213,600	213,600	100%

Forest Tenure Allocation

The Yukon contains 28.1 million (ha) of forested land, with an estimated wood supply of 212,000 m³. Indigenous-held tenure is still under discussion as a part of active land claim negotiations.

Forms of Provincial and Indigenous-held Tenure

The Yukon proscribes and regulates forest tenure through the *Forest Resources Act* and is subject to land claim Final Agreements negotiated with First Nations. Under the current legislation, there are two main levels of tenure, the Licence Level and the Permit Level. There are two types of commercial licences, the Timber Resource Licence, which can be up to 10 years in length and renewable for one additional term, and the Fuel Wood Licence, which can be up to 5 years and renewable for one additional term. Both allow commercial usage of the allocation (mainly selling fuel wood and smaller amounts for log home building). Cutting Permits allows one to cut the volume that is identified in the associated Timber Resource or Fuel

Wood Licences. Cutting permits are a maximum of 3 years, non-renewable and non-assignable. Finally, there are Forest Resource Permits for personal use timber (non-commercial), personal use firewood (non-commercial), and non-timber forest products (commercial, mainly morel mushrooms). The Forest Resource Permit is a maximum of three years and non-renewable and non-assignable.

2020 Update:

There have been no changes since the last reporting period. Devolved forest management planning continues to be discussed as a part of land claim negotiations. While there are commercial fuel wood allocations and commercial log building allocations in the Yukon, Indigenous-held commercial tenure for the purposes of mill manufacturing is not a reality. If, and when it does emerge, as per Canada's other northern territory, it most certainly will be held under an Indigenous group as mandated under a Final Agreement (land claim settlement).

Summary of Yukon Forest Tenure Allocation

Year	Provincial Allocation (m ³ /yr)	Indigenous Allocation (m ³ /yr)	%
2003	266,500	28,000	10.5
2006	465,000	15,000	3.2
2013	187,000	n/a	n/a
2017	187,000	n/a	n/a
2019	212,000	n/a	n/a

A photograph of a forest with sunlight filtering through the green leaves, creating a dappled light effect. The word "CERTIFICATION" is overlaid in white text on a dark horizontal band.

CERTIFICATION

CERTIFICATION

New to last edition, third party certification metrics were requested and reported. Due to structural differences in the operation of each system, only the Forest Stewardship Council (FSC) and the Sustainable Forestry Initiative (SFI) have dedicated management who can respond. Resultantly, the Canadian Standards Association (CSA) was considered but ultimately not contacted for inclusion into this year's report.

One area of differentiation between each systems' relationship with Indigenous Peoples is in engagement. Below we discuss the difference in Indigenous engagement processes found in both systems. Engagement in each system takes place through the individual certificate holder audit process and also organizationally through the operating organization with Indigenous Peoples separate from the third party audit.

Indigenous-held tenure owners are beginning to investigate certification for both forest management and supply chain connectivity. No large scale swings in certificates were reported this year, with only incremental changes to both systems.²

2019	FSC Canada	Indigenous-held	%
Area (millions of hectares)	48,013,165	2,716,600	5.7%
Forest Management Certificates	55	5	9.1%
Chain of Custody Certificates	579	8	1.4%
Indigenous Nations Certified to Standard	15		

2019	SFI Canada	Indigenous-held	%
Area (millions of hectares)	124,163,964	4,090,588	3.3%
Forest Management Certificates	70	8	11.4%
Chain of Custody Certificates	84	0	0.0%
Indigenous Nations Certified to Standard	29		

² Due to statistical reporting period changes we will not be commenting or presenting our last report (2017) certification data. We have worked with both systems to compare apples to apples, and now going forward comparisons can be made.



CERTIFICATION

Certificate Holder Process

In FSC, Indigenous engagement with the system is predominantly done through the major Industry forest management certificate holders and their contracted certification auditor(s). The FSC policy and standards, which the auditors base their contractual work on, require a broad suite of Indigenous engagement efforts for certificate holders to attempt. These efforts are guided by the well-known FSC standards development process.

In SFI, Indigenous engagement with the system also revolves around major industry forest management certificate holders and their contracted certification auditor(s). However, "Implementation Teams" of regional certificate holders also pull together best efforts regarding SFI standard implementation, which can include significant Indigenous engagement efforts, and this complements substantive individual certificate holder engagement efforts per Indigenous group.

Organizational Engagement

For FSC, Indigenous engagement efforts are generally characterized and driven by FSC systemic needs, usually the requirement to fulfill a key provision of their standards and policies. For example, in the last few years FSC has been attempting to develop internal Caribou and Free, Prior, and Informed Consent (FPIC) policy implementation measures. Thus, funding and partnership opportunities for Indigenous organizations has flowed to service these internal FSC drivers. For SFI, the internal systemic drivers behind Indigenous engagement are less

present. Indigenous partners, most often nations with proximity to SFI certificate holder operations, simply apply to an SFI fund for community driven projects which may or may not be connected to an official SFI policy or implementation process.

Indigenous Nations Certified

New to this year, we are also tracking the number of Indigenous nations, either as a part of a partnership/ownership group or as individual nations who hold an individual certificate. FSC certifies operations for fifteen (15) First Nations through its National Forest Management Standard, Chain of Custody Standard, and Group Standard. SFI certifies operations for twenty-nine (29) First Nations, through its Forest Management Standard and Small-Scale Forest Management Module for Indigenous Peoples, Families, and Communities.



REGIONAL OBSERVATIONS AND NATIONAL DISCUSSIONS



REGIONAL OBSERVATIONS AND NATIONAL DISCUSSION

Atlantic

The Atlantic region still contains roughly 468,258 m³ of Indigenous-held tenure constituting 2.6% of the total Atlantic provincial AAC. The combined Atlantic regional Indigenous-held AAC as a percentage of the overall national Indigenous-held tenure is 2.4%. Newfoundland and Labrador (215,700 m³) and New Brunswick (252,558 m³) continue to constitute nearly all of the Indigenous-held tenure in the region. Of the four Atlantic provinces, New Brunswick (9,075,000 m³ AAC) and Newfoundland and Labrador (2,532,784 m³ AAC) continue to accommodate Indigenous Peoples more substantively than Nova Scotia (5,750,000 m³) and PEI (460,000 m³). A type of forest access for the Mi'kmaw of Nova Scotia to 20,000 (ha) of private forest lands has been recently negotiated, although at the time of writing further details were not yet available. All provinces are homelands to significant Indigenous nations.

Québec and Ontario

Québec's overall Indigenous-held tenure has increased by 154,441 m³ to 1,235,486 m³ from the last reporting period. Its share of the national Indigenous-held allocation also increased slightly by 0.5% to 6.4%, from last reporting period share of 5.9%.

Ontario's Indigenous-held tenure increased by 237,137 m³ to 5,256,963 m³ from the last reporting period. Its share of the national Indigenous-held allocation decreased slightly by 0.1% to 27.1% of the total.

Québec's Indigenous-held tenure still lags Ontario's, both in terms of share of provincial allocation (2.6% vs 17.1%) and volume (1,235,486 m³ vs. 5,256,963 m³). Part of this year's spread is no doubt a result of the updated Québec AAC which increased by over 17 million m³ due to our reporting recognition of the National Forestry Database

Québec entry. Screening this out is the actual volume allocation difference to Indigenous nations. With a 4,000,000 m³ gap, the statistics clearly signal concrete difference in forest tenure accommodation in the two jurisdictions. The natural question to ask is why? Our opinion is that in the last Great Recession, much more AAC became available for Indigenous nations to assume in Ontario than in Québec. Coupled with the non-Crown forest management unit 'ownership' of allocation in Ontario versus the Crown-owned and operated management unit 'ownership' of allocation in Québec, the impact to Indigenous-held uptake in tenure is apparent.

To be sure, Québec is innovating in other ways to spur and encourage Indigenous natural resource development, with clear positive implications for regional First Nations. Rather than include Indigenous Peoples in various co-ownership/partnership forest management structures, as has been done in Ontario, Québec has chosen to co-develop major northern industrial resource development infrastructure (a James Bay shipping port and railroad connections) in partnership with Indigenous groups. Ontario, while also experimenting with joint venture allocations and structures in forest management, has also announced northern industrial resource development infrastructure (an all-weather road in the northern reaches of the working forest). Both jurisdictions, in partnership with Indigenous groups, are set on encouraging increased Indigenous business development through natural resource development. These infrastructure initiatives are concrete examples of serious intent. We remind readers that Indigenous owned and operated forest manufacturing should be a part of each regions' efforts. As previously stated in our last report, each province only contained one majority owned/joint venture mill operation each: Manitou Forest Products in Ontario and the Opitciwan sawmill in Québec.

REGIONAL OBSERVATIONS AND NATIONAL DISCUSSION

Prairies (and the East)

On the Prairies, Indigenous-held tenure is still a story dominated by Saskatchewan. However, as shared above, with negotiations for FMLA#2 in northern Manitoba finalized, significant additional Indigenous-held forest management innovation has been added to the region. And with FMLA#1 “Option Licence” under discussion further positive movement is likely. Alberta (33,872,266 m³ AAC), continues to underperform compared to its prairie province neighbors, as both Saskatchewan (8,364,393 m³) and Manitoba (2,504,370 m³) have much smaller total provincial allocations to accommodate from. Alberta, however, with additional long-term tenure (+65,000 m³) recently awarded to the Kee Tas Kee Now sawmill should be acknowledged accordingly.

In terms of Indigenous share of provincial allocations, Saskatchewan (28.7%), Manitoba (2.4%), and Alberta (3.1%) are divergent, with Saskatchewan’s Indigenous-held allocation decreasing slightly and both Manitoba and Alberta’s allocations remaining static. Under one set of statistics, Manitoba’s Indigenous volume allocation decreased by 800,000 m³, due to accounting ‘credit’ corrections, down to 58,902, a paper/statistical loss of Indigenous-held AAC.

This, however, is tempered by the novel co-management arrangement under Nisokapawino Forest Management Corp., which is responsible for 8.7 million (ha) of forest management and is 50/50 co-owned by a consortium of Indigenous nations. Further magnifying this innovation is the northern infrastructure ownership of the Port of Churchill and the Hudson Bay Railroad, as both service the Nisokapawino controlled FMLA#2 forest lands. Thus, Manitoba, Ontario, and Québec, in partnership with regional Indigenous groups, have all adopted complementary natural resource development infrastructure initiatives that should, in

theory, increase Indigenous forest sector activities. All initiatives have been strategized in partnership with Indigenous Peoples to drive economic and regional development. Ironically, it was the Northern present-day Alberta Treaty Eight (8) First Nations Peoples, notably the women leadership of the day, who introduced (as is historically documented), this exact economic development strategy way back in 1899. They lobbied both the First Nations and colonial political leaders for development of a northern railroad to connect and service local/regional Indigenous-based natural resource development.

As per commentary regarding other regions, hopefully readers will connect these seemingly disparate developments and in their own way support increased collaborative forest management efforts, Indigenous manufacturing, and higher order economic development on the Prairies (and the East).

British Columbia

BC in terms of absolute cubic metres, continues to represent the largest share of national Indigenous-held AAC at 44.9%. As was the case at last report, despite a shrinking provincial AAC base (78,300,000 m³ down to 71,479,655 m³), the Indigenous-held volume allocation grew by 694,222 m³.

In terms of the Indigenous-held national allocation share, led by Ontario (27.1%) and Saskatchewan (12.4%), the national proportion of Indigenous-held tenure from east of the Rockies (51.6%) appears to be the new normal. In years past, BC Indigenous-held tenure comprised much more of the national proportion of Indigenous-held tenure (upwards of 70%).

Regionally speaking, BC’s Indigenous-held tenure now is more in line with Ontario and Saskatchewan when it comes to Indigenous proportion of the



REGIONAL OBSERVATIONS AND NATIONAL DISCUSSION

provincial allocation: BC (12.2%) vs. ON (17.1%) vs. SK (28.7%). Versus AB (3.1%), MB (2.4%), QC (2.6%), and the Atlantic (2.6%), BC's (12.2%) of 71,000,000 m³ of provincial volume continues to stand-out. Again, on an absolute volume basis, BC's 8,710,908 m³ of Indigenous-held tenure is a national best with 40% more volume than the next comparable, Ontario, which stands at 5,256,963 m³.

As mentioned above, despite having the most Indigenous-held tenure volume nationally, BC's Indigenous-held tenure continues to underperform economically, being underutilized and outsourced to non-Indigenous entities, although this is changing. Regional infrastructure supports in Manitoba, Ontario, and Québec are underway to attempt to address natural resource sector inefficiencies in those regions. Perhaps BC and the Indigenous nations of the region, can look to these larger scale initiatives for ideas to also increase Indigenous-held AAC utilization. As with the other regions, increased Indigenous involvement in manufacturing and moving up the value chain should be investigated and supported. Generally speaking, Indigenous business groups hire and manage locally, supporting significant rural employment and regional economic health. They also contribute to several different tax bases while introducing important forest management innovations.

The North

Indigenous forestry efforts in the north are still smaller scale compared to the larger working forests of the south. This is due to distance from markets and the lack of infrastructure necessary to economically transport natural resource products to those markets. Still, the Northwest Territories added significant 100% Indigenous-held tenure FMA allocations bringing together First Nation and Métis groups. As a policy theme this is significant, given the sometimes "we are distinct" positioning around important Indigenous discussions. Thus, in the Northwest Territories, with two-hundred (200) year sustainable yield calculations, First Nations and Métis collaboration, and excellent adaptive forestry professionals stewarding the opportunities, the foundation has been laid for forest enterprise to expand. The Yukon is still making way on Aboriginal Claims and settlements. Perhaps in the next reporting period more developments will be public and more advanced.

INTERNATIONAL COMPARATIVE





INTERNATIONAL COMPARATIVE

New to NAFA's reporting, is an international comparative between present-day Canada, the United States of America, and New Zealand. Modern day commercial forestry is present in all three jurisdictions. With common colonial administrative histories (successor Anglo settler states), Indigenous groups have adopted unique, but also similar strategies that are worthy of comparison. We have endeavored to encapsulate the main framework for each nations' Indigenous forest sector, but acknowledge there is much variation and detail left to discuss.

Canada

While area calculations are difficult and not exact, because in Canada tenure is allocated in both area and volume, approximately 17,000,000 (ha) of forestry tenure is Indigenous-held by First Nations groups. These tenures are almost exclusively on non-Indigenous Crown lands that are sub-federal provincial or territorial in classification. All are 'claimed' in some form by the First Nations groups continuing to occupy them, but the legal classification is still under debate. The forestry practiced is mainly modern day, with significant and growing modification with respect to First Nations forest management practices, both traditional and modern. Due to its large land base, the forestry practiced in Canada is mainly extensive, natural forestry. The owning and operating of the many types of forest enterprise in Canada's forests is done predominantly through Limited Liability Partnerships of multiple individual First Nations with a wholly-owned and controlled corporate operator, the General Manager. Within the forest enterprise ecosystem, individual nations do have stand alone businesses, but they are almost always on the sub-contracting end of the business spectrum, not the principle/owning/managing/directing

end. Several manufacturing facilities are wholly-owned and operated, along with the supporting forest management operations, utilizing this corporate structure. In the end, individual Indigenous nations and their citizens are the ultimate shareholders of these many interests, but the formal First Nation legal entity (through the multiple nation partnership) is the affective owner and governor.

New Zealand

Approximately 950,000 (ha) of Maori-held forest tenure exists in Aotearoa. These tenures are on both Crown and Maori lands. The ultimate legal classification for Crown lands is still subject to debate and settlement in New Zealand, as well. Due to the island geography of New Zealand, the type of forestry practiced is highly modern, intensive Radiata Pine plantation forestry. Importantly, significant proceeds from these forestry plantations, along with their land management mandate, are being leveraged to replant and support the ancestral Maori forest, which, as a result of agricultural land conversion, is now only a small percentage of New Zealand's land base. The owning and operating of Maori forest enterprises is structured via Tribal Trusts, whereby individual Maori tribal members are listed as the actual shareholders of the trusts. Through their tribal member voting powers, individual members appoint Maori trustee boards, who in turn, appoint and oversee incorporated forest managers for their businesses. There are some joint Maori tribal trusts and operational managers, but many are individual Maori tribe holdings. Utilizing this corporate structure, Maori forest business is largely forest management, timber sales oriented, although the beginnings of Maori manufacturing are occurring.

INTERNATIONAL COMPARATIVE

United States of America (USA)

Approximately 7,400,000 (ha) of forest trust lands are held in-reserve by the federal government for American Indian tribes. Sovereign on these lands, American Indian tribes manage their forests and have also built significant enterprises. Tribal, on-reserve forest land is the predominant operational base for American Indian forestry, although some tribes have bought and acquired non-tribal holdings. The forestry practiced is modern, extensive natural forestry, with several mills in operation on tribal lands, some since early 1900's. The owning and operating of forest operations is done by individual tribal governments, who's representatives are voted in by tribal members. These leaders in tribal government structure and oversee their forestry

interests and operations. If operations are in forest management, individual sovereign governments, with technical input from the American federal government, conduct and/or oversee forest management operations. If the operation is commercial, wholly-owned and controlled American Tribal business entities (corporations) conduct business. Tribal government leaders appoint the commercial boards, who oversee or appoint management. There are no visible examples of joint (multiple-nation partnerships) operations of an American Indian Forest enterprise. Each tribal business largely conducts the forest business of the individual tribe on their individual nation's land holdings (on-reserve) independent of other tribes.

2019	Canada	New Zealand	USA
Indigenous-held tenure area (hectare)	17,000,000	950,000	7,400,000
Tenure land status (on/off reserve)	Mainly off-reserve	Both Maori and Crown land	Mainly on-reserve
Commercial forestry type (Natural, Plantation)	Natural	Plantation	Natural
Ownership structure (Group, Individual Nation, Trust)	Mainly partnership groups of multiple Indigenous Nations	Corporate tribal trust, with individual tribe members as the shareholders, not the legal Maori tribe entity	Mainly individual Indigenous Nations through wholly owned entities



CONCLUSIONS

In 2018 Indigenous-held tenure was 18,456,546 m³ of AAC, 9.5% of the National AAC.³ Two years later in 2020, Indigenous-held tenure in Canada is 19,403,145 m³, 9.1% of the National AAC (a slight percentage decrease) due to larger National AAC. Consistently approaching 20,000,000 m³, the Indigenous-held tenure allocation in Canada is a remarkable improvement from the small initial allocations in the early 1980s (under 100,000 m³ for the whole country). Incrementally, this number has grown through each reporting period.

Indigenous Peoples in every region and province continue to advance forest management reconciliation both in terms of structure and also in terms of allocation. As we have advised numerous First Nations in the past, negotiating and 'receiving' tenure is only the first step. Once you hold it, you have to develop it. This is where most First Nations stall. Many lack cash equity capital and the detailed management expertise necessary to drive development of their allocations. Markets can 'pull' through these situations, but only if enabling infrastructure is in place to economically facilitate the process. As stated above, several provinces and regions in Canada, in partnership with Indigenous Peoples, have begun to develop solutions. Accelerated resource development, investment, and job creation should follow. It logically follows that Indigenous-held tenure in these emergent northern regions should also enjoy increased efficiency over the next coming decade once the infrastructure investments are vested and the geographical forest areas more functional.

What is becoming increasingly clear after thirty-eight (38) years since the first Indigenous-held tenure was secured, are the multiplicity of forms of forest tenure and structural accommodation that are possible. While the Indigenous Forest Sector in Canada is still largely characterized by forest management (harvesting, woodland operations, silviculture), ownership and responsibility for major forest management units, forest product manufacturing (mainly lumber), forest derived carbon credits, and in the near future, biomass electrical

generation, are also in place. On one end of the spectrum is the discretionary 'band' office sub-contract to do some logging or woodland contracting for a local non-Indigenous forest interest. On the other end are mature First Nation's business groups that own the major forest management licences, hold the sub-allocations, control the forest management entities, and, also, manufacture forest products and create carbon credits as owner/operators. Within the last few years, the overall enabling national resource development infrastructure in the forest (roads, railroads, ports), with major partnership stakes controlled by Indigenous ownership groups, has begun to be advanced. Interestingly, both within Canada nationally, and internally within provinces and between provinces, this spectrum of Indigenous tenure and structural accommodation is place. Policy in each instance is nuanced and different. In the future, the economic utility for these different tenure structures could and should be compared. Indigenous groups and their non-Indigenous government partners have much to learn from each other regarding employment retention & creation, capital investments, fibre utilization, environmental performance, and other social benefits (off-setting poverty), not to mention lofty goals around reconciliation. Indigenous-held tenure, comprised of approximately 19,400,000 m³ of commercial potential, is the foundation of this economic story and Canada has innovated, albeit unevenly. However, we are not the only jurisdiction in the world experimenting, adjusting, and pushing forward.

New to this year's report we have also started an international comparative section, where we present Indigenous-held tenure data from Canada, the United States, and New Zealand. CANZUSA, as it is referred to in international studies circles, are all former British colonial subjects, who happen to have happened on Indigenous territories. Many Indigenous groups, First Nations, American Indians, and Maori, active in forestry in these polities, are interested in each other's tenure accommodations with their nation state partners. Tansi, Bonjour, Hello, Kiora to you all.

³ This a re-worked number, corrected to accurately report allocation additions and deletions that at the time of the last report's writing were not finalized.

CONCLUSIONS

Table 1: National Allocation Forest Tenure Volume to Indigenous People 2019

2019	Allocation (m ³ /yr)	Indigenous Allocation (m ³ /yr)	% of Jurisdiction Allocation	% of National Indigenous Allocation
Newfoundland and Labrador	2,532,784	215,700	8.5%	1.1%
Prince Edward Island	460,000	0	0.0%	0.0%
Nova Scotia	5,750,000	0	0.0%	0.0%
New Brunswick	9,075,000	252,558	2.8%	1.3%
Québec	46,872,300	1,235,486	2.6%	6.4%
Ontario	30,764,813	5,256,963	17.1%	27.1%
Manitoba	2,504,370	58,902	2.4%	0.3%
Saskatchewan	8,364,393	2,401,118	28.7%	12.4%
Alberta	33,872,266	1,057,910	3.1%	5.5%
British Columbia	71,479,655	8,710,908	12.2%	44.9%
Northwest Territories	213,600	213,600	100.0%	1.1%
Yukon	212,000	0	0.0%	0.0%
National	212,101,181	19,403,145	9.1%	100.0%

Table 2: National Allocation Forest Tenure Volume to Indigenous People 2017

2017	Allocation (m ³ /yr)	Indigenous Allocation (m ³ /yr)	% of Jurisdiction Allocation	% of National Indigenous Allocation
Newfoundland and Labrador	2,764,056	215,700	7.8%	1.2%
Prince Edward Island	460,000	0	0	0.0%
Nova Scotia	5,750,000	0	0	0.0%
New Brunswick	5,800,000	267,387	4.6%	1.4%
Québec	30,171,300	1,081,045	3.6%	5.9%
Ontario	28,252,000	5,019,826	17.8%	27.2%
Manitoba	2,504,370	58,902	0.0%	0.3%
Saskatchewan	8,226,351	2,525,490	30.7%	13.7%
Alberta	31,598,441	1,057,910	3.3%	5.7%
British Columbia	78,300,000	8,016,686	10.2%	43.4%
Northwest Territories	213,600	213,600	100%	1.2%
Yukon	187,000	0	0	0.0%
National	194,227,118	18,456,546	9.5%	100.0%



ACKNOWLEDGEMENTS AND DELIMITATIONS

NAFA acknowledges Indigenous Peoples from all regions of present day Canada for their continued determination to repatriate, control, and develop their forest homelands. This work was financially supported by Crown-Indigenous Relations and Northern Affairs Canada and Natural Resources Canada, who additionally provided technical insight and support. Also, thank-you to the numerous provincial territorial, and certification officials who generously contributed data to the study. While NAFA acknowledges these parties, the study findings and any shortcomings are our own.



NAFA

NATIONAL ABORIGINAL
FORESTRY ASSOCIATION

1608 Mishomis Inamo
Pikwàkanagàn, ON K0J 1X0
Tel.: 613-233-5563

www.nafaforestry.org

This report was made possible with funding from:



Natural Resources
Canada

Ressources naturelles
Canada



Crown-Indigenous Relations
and Northern Affairs Canada

Relations Couronne-Autochtones
et Affaires du Nord Canada

Canada 

