

March  
2006



# NAFA

## NAFA Boreal Forest Issues Workshop

More than 50 participants, including NAFA members, academics, students and government representatives attended NAFA's Boreal Forest Issues Workshop held on February 24<sup>th</sup>, 2006, at Ottawa. This day was a busy day as the workshops were followed by an Annual General Meeting and Board meeting.

Harry Bombay, NAFA's Director of Strategic Initiatives provided an update on the National Round Table on the Environment and the Economy's (NRTEE) State of the Debate Report, *Boreal Forests: Governance, Conservation and Development in Canada's Boreal* which was released in October 2005. He outlined a number of recommendations concerning Aboriginal people in the report. NAFA was involved in the NRTEE Boreal Task Force and assisted in developing the recommendations.

Mark Anielski gave an overview of the joint Canadian Boreal Initiative and Pembina Institute report on *Counting Canada's Natural Capital*, which deals with the issue of assigning value to natural ecosystems. Steve Kakfwi, was also available to share a few perspectives on the conflicts between development and conservation from an Aboriginal perspective.

Mark Hubert of Forest Products Association of Canada provided

a presentation on work that is being undertaken to develop principles of conservation.

Peggy Smith, of Lakehead University, generated some audience participation and discussion around the issue of forest industry trends and impacts on local communities and economies. Many participants relayed experiences centred on the closure of mills in their regions.

Geoff Munro, Director General, Sciences and Programs Branch of Natural Resources Canada (NRCan) provided an overview of the direction that NRCan was taking in the area of forest research. He noted NRCan's efforts to move from being a research organization to becoming a science based

policy organization.

Mark Kepkay, NAFA's National Forest Strategy (NFS) Coordinator, provided an overview of the activities to date undertaken by the NFS Team three members.

Myrle Traverse, offered a presentation on Climate Change and spoke about impacts on Aboriginal communities and the application of traditional knowledge in efforts to mitigate effects caused by global warming.

Lorraine Rekmans, NAFA's Executive Director, ended the workshop with a discussion on the need for an Aboriginal defined criterion for sustainable forest management. 🌲



*Shaking things up at NAFA — More than 50 participants attended the NAFA Boreal Forest Issues workshop on February 24<sup>th</sup>, at Ottawa. NAFA held a workshop, an Annual General Meeting and Board meeting on that day. Folks were so engaged in the discussions, that they were unaware that an earthquake measuring 4.5 had struck Ottawa at 8:45 pm.*

# NATIONAL ABORIGINAL FORESTRY ASSOCIATION

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**NAFA will be hosting a meeting of the National Forest Strategy Team 3 on April 5 & 6, 2006, at the Holiday Inn on Cooper Street in Ottawa.**  
**See: [www.nafaforestry.org](http://www.nafaforestry.org)**



Dave Nordquist, Chair of the National Aboriginal Forestry Association (NAFA), has agreed to sign the Canada Forest Accord. The announcement was made at the Annual General Meeting of the National Forest Strategy Coalition in February at Victoria, British Columbia. This signing reaffirms NAFA's commitment to the 2003-2008 National Forest Strategy (NFS) of Canada.

In June 2003, NAFA had expressed concerns about the limiting language in the Canada Forest Accord. NAFA believed the language did not deal adequately with the issue of a lack of Aboriginal capacity and declined requests to sign it. At that time, NAFA agreed to participate in the implementation of the NFS as a non-signatory member of the NFS Coalition.

Since the NFS was released in 2003, NAFA



*Mark Kepkay, National Forest Strategy Coordinator*

NAFA is pleased to welcome Mark Kepkay as the most recent member of the NAFA team. He will be working on the National Forest Strategy as the Coordinator for Team three.

Mark has a Masters of Resource Management from Simon Fraser University School of Resource Management. He is originally from Alberta and has worked extensively in Nova Scotia and in British Columbia with organizations such as the Clayoquot Biosphere Trust.

## NAFA signs Canada Forest Accord

has taken an increasingly active role in advancing the NFS – particularly as the Theme Champion for Theme 3, “Rights and Participation of Aboriginal Peoples”. As designated Champion of Theme 3, NAFA has fostered collaboration among a wide range of parties pursuant to the thematic action items. The action items include developing new institutional frameworks, incorporating traditional knowledge in forest management, increasing access to benefits from forest use, and building capacity in communities.

NAFA has now taken an additional step in the cooperative spirit of the NFS by signing the Canada Forest Accord. This will further solidify the developing relationships among stakeholders and the key role of Aboriginal peoples in building a sustainable future in the forests of Canada. NAFA will continue to promote initiatives that make the commitments of the NFS a reality for Aboriginal people of Canada. NAFA has determined to be a full partner in the National Forest Strategy Coalition and will seek out a position on the NFS steering committee. 🌲



*Dave Nordquist, NAFA Chair*

## ABS at the New Brunswick Workshop

In the coming years, Aboriginal communities can expect to hear more about Access to Forest Genetic Resources and Benefit-Sharing (ABS). Is it just more BS for Aboriginals (BSA)? We hope not, as this subject does deal with issues of real sensitivity and importance to Aboriginal people in Canada.

ABS is the third objective of the Convention on Biological Diversity (CBD): the fair and equitable sharing of the benefits arising out of the utilization of genetic resources. Several articles of the CBD give effect to this objective including articles 10(c), 15-21, and particularly article 8(j) which deals with the traditional knowledge of Indigenous communities and the sharing of benefits arising from the utilization of such knowledge. Within the international CBD process, working groups on ABS and article 8(j) have been established to advance policy development. Within Canada, the Assembly of First Nations recently

hosted an international dialogue on ABS.

The New Brunswick workshop (February 21-22, 2006) had a domestic focus. Canada, as a signatory to the CBD, does not have a legal framework for ABS but does have a burgeoning biotechnology industry. The lack of ABS laws/policies in Canada places traditional knowledge at risk of misuse and presents barriers to Aboriginal participation in the bio-based economy. At the workshop, NAFA and other Aboriginal representatives pointed out the close relationship between ABS and Aboriginal rights recognition and that traditional knowledge cannot be addressed through existing intellectual property rights regimes. NAFA will monitor and provide further information on the ABS policy development process in Canada.

The New Brunswick workshop was hosted by Environment Canada, Natural Resources Canada and the province of New Brunswick. 🌲

# Big changes in Quebec's forests

The Québec government's release of the final report of the *Commission for the Study of Public Forest Management* (the "Coulombe Commission") on December 14, 2004, has set off a number of mixed and chain reactions in the province. The provincial government has accepted all of the report's 81 recommendations, and its 2005-2006 budget allocated \$240 million over three years to implement them. As a whole, this event indicates a major overhaul of the provincial forest regulatory system.

The recommendation everyone is talking about is the immediate 20% reduction of the annual allowable cut (AAC) for the main softwood species (up to 25% in the James Bay Region). The Commission was very critical of the formula used by the province to determine the AAC, recommending that major reforms be put in place by April 1, 2008, to address the problems. These reforms would include new AAC determination methods and a range of new forest planning bodies and guidelines. Until these reforms are in place, the Commission recommended that the somewhat arbitrary 20% harvest reduction be implemented as an interim precautionary measure. These recommendations were incorporated in Bill 71 to amend the *Québec Forest Act*, fasttracked and passed at the National Assembly in April 2005. The new legislation provides some flexibility for forest companies in implementing the AAC reductions progressively, though not in James Bay Territory.

Meanwhile, several groups have issued public statements to support or oppose the recommendations. Environmental groups such as the Canadian Parks and Wilderness Society (CPAWS) and World Wildlife Fund Canada (WWF-Canada) are pleased that the report has initiated a movement towards ecosystem-based management. The groups also praise the long-overdue integration of biodiversity conservation with forest policy. One of the most specific Commission recommendations in this regard was to protect 12% of the boreal forest by 2010.

In contrast, the Québec Forest Industry Council (QFIC) deplors the 20% AAC reduction, and it is concerned about a blanket approach to implementation across all regions of the province. The QFIC is also dissatisfied with what it describes as the government's overly hasty reaction to enact the Coulombe Commission's recommendations. Although the QFIC acknowledges the need to implement several of the recommendations, it believes

that the speed of transition has been inappropriate, especially given the poor economic state in which the forest industry currently finds itself. According to them, government's actions must aim to achieve a balance among the three main components of development – namely, the environment, the economy, and society.

What did the Coulombe Commission have to say about the role of Aboriginal peoples in Québec forestry? The direct mentions of this issue are surprisingly few in number, constituting only 3 of the 81 recommendations (in official translation from the French):

**Recommendation #8.1:** "That the political authorities of Native communities located in forest regions meet with the political authorities of these regions... to harmonize communication and participation strategies and agree on the established concertation [consultation] mechanisms."

**Recommendation #8.2:** "That training and job creation programs be extended so as to favour the development of Native silvicultural labour".

**Recommendation #8.3:** "That Native forest operations be invited to actively participate in intensive silvicultural and inhabited forest projects, and that the conditions facilitating their stability and the development of their management capacities and professional skills be implemented (accreditation, increased planning responsibility, management contracts extending over periods of 3 to 5 years, more flexibility in the performance of work, etc.)"

While these recommendations are positive steps forward, they seem weak by comparison with the ambitious aims of sub-provincial Aboriginal-provincial arrangements such as the Cree-Québec Forestry Board (established 2002). Clearly, the Commission had its hands full simply addressing the degradation in quality of the timber resource over the past century, and Aboriginal issues at the provincial level will require additional work.

2005 was a dramatic year in Québec forestry, as the various parties attempted to grasp and react to the challenge of the Coulombe Commission. 2006 will be the year to show real progress in making it happen. 🌲

## Samson Cree Nation appeals legal decision

In response to Federal Court Justice Max Teitelbaum's judgment, released on December 2, 2005, dismissing Samson Cree Nation's claim, Samson Cree Nation immediately announced a unanimous decision by Chief and Council to appeal the decision. Notice of Appeal was filed on December 21, 2005. The Appeal will likely be heard in the fall of 2006.

Canadian Press has reported that Federal lawyers offered the Samson Cree Nation \$196 million to settle a mammoth lawsuit over mismanaged energy royalties just days before the judge threw out the Alberta band's claim to the monies. The Samson Cree Nation rejected the offer on December 1, 2005, just hours before Teitelbaum dismissed the band's claim to \$600 million in oil and gas royalties.

The offer was hand-delivered to Samson Chief Victor Buffalo at the end of November and stipulated that acceptance would settle all outstanding claims and legal actions involving the band. That included cases in Alberta courts involving oil company royalties.

In 1989, the Samson Cree Nation undertook legal proceedings charging the Federal Government, including the Department of Indian Affairs and Northern Development (DIAND) with breach of its treaty, trust, fiduciary and other obligations and duties to the Samson Cree Nation. More specifically, with respect to the management and supervision of the oil and gas relating to the Pigeon Lake Reserve, and with respect to the management of the oil and gas royalty monies received by the Federal Government in trust for the Samson Cree Nation.

Samson Cree Nation was seeking \$1.385 billion, (as well as an accounting and interest) in damages for the loss of revenue and other losses suffered as a result of the Federal Government's breaches of treaty, trust, fiduciary obligations and other duties.

This legal action is viewed by many as the most important case currently before the Courts in Canada concerning the rights of Aboriginal People. 🌲



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**“Advancing the concepts  
of sustainable forest  
management.”**

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# First Nations Forestry Program interim report

The Audit and Evaluations Branch of Natural Resources Canada (NRCan) has conducted an interim evaluation of the First Nations Forestry Program (FNFP). The review was completed in April 2005 and released in March 2006.

The FNFP, first introduced in 1996 as a five-year joint program between Department of Indian Affairs and Northern Development (DIAND) and NRCan, was formalized through an MOU and ran from 1996 to 2001. It was extended for one year from 2001-2002, extended again for another year and finally renewed in 2003 for another five year term and will continue until March 31, 2008.

In this fiscal year, the total program budget was \$6.5 million, of which \$1.5 million was made available through a separate Treasury Board submission specifically for the Mountain Pine Beetle initiative in British Columbia. There were a total of 173 of 296 projects selected for funding nationally in 2004-2005. FNFP provided \$3.8 million, or 27% of the total value of all projects while First Nations provided \$4.1 million and partners contributed \$3.8 million in cash towards

these projects.

The interim evaluation looked at some key questions in the review including the question of whether or not there is an ongoing need for the FNFP. The evaluation found that forestry is a key economic opportunity for many First Nations, which for the most part have a youthful and available labour force linking need to this unique program that focuses specifically on forests and forestry. A policy review demonstrated that the program was in direct support of economic development policies within the federal government. Key participants in the surveys added that the program needs more support from within DIAND.

Some of the recommendations included a directive to undertake a high level policy assessment of the (forest-Aboriginal) policy framework, in light of changes to the DIAND and NRCan business models, in order to determine if, how and to what extent the FNFP should be supported, governed and delivered in the future.



## National Aboriginal Forestry Association

The goal of NAFA is to promote Aboriginal involvement in forest management and related commercial opportunities. NAFA is committed to holistic or multiple-use forestry, which implies the rebuilding and the sustainable development of the forest resource to serve a multitude of community needs.

NAFA is a grass roots initiative backed by First Nations and other Aboriginal groups and organizations that function at either the regional or community level in the area of forestry. 🌲



**The Board of Directors is comprised of ten representatives, one from each of the provinces and territories, except for the Atlantic region which has two directors.**



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