

Aboriginal Involvement in Forestry in Ontario: Fact or Farce?

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Abstract

The Class Environmental Assessment for Timber Management on Crown Lands in Ontario introduced Condition 77 in 1994, which mandated the Ontario Ministry of Natural Resources to negotiate with Aboriginal communities on a local level to identify and implement means of increasing economic development opportunities related to forestry. Condition 77 became Condition 34 in 2003, yet there has been a lack of implementation of Condition 77/34. Aboriginal organizations remain unhappy and frustrated with Condition 77/34, their limited involvement in forest management planning in Ontario, and the unwillingness of the province to address Aboriginal and treaty rights. Despite commitments to address Aboriginal concerns, the provincial government has not yet supported their policies in practice. Future resolutions between Aboriginal communities and Ontario and the success of Condition 34 will depend on the initiatives and efforts of Aboriginal peoples for change.

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Background

Aboriginal groups have been working to regain control of land and resources in Ontario for decades. As Bombay (2006) points out, it is widely recognized that Aboriginal people should have a larger role in natural resource management, and particularly in decision-making processes that affect them, but this principle has not yet become common practice. In the Area of Undertaking, where commercial forestry happens in Ontario, Aboriginal groups are adamant that their needs and wishes should be considered during forest management planning. For Aboriginal Peoples, the forest is, “fundamental to their traditional, cultural, spiritual and material well-being and future self-sufficiency” (NFS 2003 p.8). It is also inextricably linked to Aboriginal and treaty rights, because they are primarily exercised in the forest (NFS 2003 p.6, Briner 2004, Bombay 2002).

Although the federal government is afforded jurisdiction over, “Indians and land reserved for the Indians,” (Malloy 2001 p.131) provincial governments hold jurisdiction over all other lands and resources, including forest resources. Because Aboriginal and treaty rights affect lands and resources beyond reserve boundaries, the Ontario government has been compelled to address Aboriginal relations and recognize the role of Aboriginal peoples in land and resource management. Aboriginal relations with provincial governments have evolved from, “almost mutual isolation to increasingly complex interactions,” (Malloy 2001 p.131) over the twentieth century, and the past fifteen years have witnessed an increase in policy initiatives and commitments to address this new relationship.

In the early 1990s, the Timber Class Environmental Assessment (EA) Board recognized the importance of Aboriginal involvement in forestry, and wanted to ensure that, “Aboriginal communities be given access to the same opportunities that are available from timber

management operations to other northern Ontario residents” (Koven and Martel 1994 p.364). They were convinced that, “Aboriginal communities have historically been and are today excluded from sharing in the social and economic benefits accruing to non-native communities from the planning and conduct of timber operations on Crown land,” (Koven and Martel 1994 p.372) and created Condition 77 to address Aboriginal participation in the activities and benefits of timber management planning. Thus, beginning in 1994, the Ontario Ministry of Natural Resources (MNR) had a mandate to negotiate with Aboriginal peoples. Today, Condition 77 has become Condition 34, but its intent remains the same: to negotiate on a local level with Aboriginal communities to, “identify and implement ways of achieving a more equal participation by Aboriginal peoples in the benefits provided through timber management planning” (Koven and Martel 1994 p.374).

The Ontario government has also addressed Aboriginal relations through policies promoting economic development. There have been significant commitments from the Ontario government and Ministry of Natural Resources on a willingness to work with Aboriginal groups, leading one to hope that Aboriginal concerns and interests will be addressed and accommodated. However, there has been a lack of implementation of these commitments and of Condition 77/34, and they have not fulfilled Aboriginal expectations. Aboriginal groups contend that Condition 77 has been a “dismal failure” (Ferris 2003), yet the MNR asserts it has “made significant progress” (Ferris 2003). The MNR continues to treat Aboriginal peoples as stakeholders, whose interests are to be mitigated in order to realize the broader MNR goals and objectives.

This paper will present the policy context for Aboriginal involvement in forestry in Ontario, and use Condition 77/34 to illustrate how MNR initiatives are inadequate at addressing Aboriginal concerns. It will then comment on future directions for the relationship between

Aboriginal Peoples and the Ontario government in regard to Condition 34 and forest management planning. It will conclude with the recognition that progress will be achieved only through the persistence and efforts of Aboriginal organizations, which must hold the government to its commitments.

The Policy Context for Aboriginal Involvement in Forestry in Ontario

Ontario's primary agency for addressing Aboriginal relationships is the Ontario Secretariat for Aboriginal Affairs (OSAA), which most recently the document *Ontario's New Approach to Aboriginal Affairs* (ONAS 2005). This policy calls for, "working with Aboriginal peoples to build this relationship and through it, develop productive partnerships, collaborate on key initiatives and achieve real progress on shared goals" (ONAS 2005 p.1). There is an indisputable commitment from Ontario to work with Aboriginal peoples, and indeed the OSAA website states that, "Ontario is charting a new course for constructive, cooperative relationships with Aboriginal peoples of Ontario – a relationship sustained by mutual respect and that leads to improved opportunities and a better future for Aboriginal children and youth" (OSSA 2006). However, it is questionable what role they can play in providing access to forest resources or advocating for Aboriginal interests in forest matters. *New Approaches to Aboriginal Affairs* (ONAS 2005) does not mention forestry and its mention of the Ministry of Natural Resources is limited to proposing to collaborate on an approach for First Nations in the north.

The development of policies concerning Aboriginal affairs grew out of a strengthening of Aboriginal collective identities, growing non-Aboriginal support in the 1970s and 1980s for Aboriginal rights and the effect of multiple land claims on provincial natural resources (Malloy 2001). Provinces were forced to address Aboriginal affairs, and in Ontario it began with the

creation of the Ontario Office of Indian Land Claims in 1976, which was renamed the Office of Indian Resource Policy in 1978. At this time, it was under the direction of the Ministry of Natural Resources. In 1985, Premier David Peterson led the Liberal government to create the Office of Native Affairs Policy to coordinate provincial government policies affecting Aboriginal people and this was part of a larger strategy recognizing multiple special interest groups across the province (Malloy 2001 p.141). It was renamed the Ontario Native Affairs Directorate in 1987 and in 1988, it took over the Office of Indian Resource Policy from the MNR. When the New Democratic Party came to power in 1990, it was enlarged and renamed again to the Ontario Native Affairs Secretariat (ONAS). In June 2005, it became the Ontario Secretariat for Aboriginal Affairs (OSAA) to be more inclusive and respectful of all Aboriginal peoples and consistent with common usage (Nurming, 2006, pers. comm.) Today, OSAA has the role of coordinating program delivery and identifies its core priorities as land claims and self-government negotiations, Aboriginal economic development and corporate co-ordination of Aboriginal affairs across the government (OSAA 2006).

Embedded in the OSAA priorities is an inherent contradiction: it must assume the role of internal coordinator and advocate, but also of external negotiator and manager. This makes OSAA ineffective because of the inability to concurrently champion and defend Aboriginal interests while mitigating and managing their discontent. Malloy (2001 p.145) notes that Aboriginal peoples are “generally skeptical” of Aboriginal policy agencies and resist any implication that they are “their” ministries. Aboriginal nations want to relate on a government-to-government basis and, “resist being reduced to the status of “client” within a single ministerial portfolio,” and they are wary of an agency being both external negotiators and internal policy coordinators supposedly working on behalf of Aboriginal people (Malloy 2001 p.145). The

OSAA is an ineffective means of supporting Aboriginal involvement in forestry, and will direct inquiries regarding it to the Ministry of Natural Resources.

The Ministry of Natural Resources has an overarching policy to promote the sustainability of its forests. Its Policy Framework for Sustainable Forests identifies its goal, “to ensure the long-term health of our forest ecosystems for the benefit of the local and global environments, while enabling present and future generations to meet their material and social needs” (MNR 1994). Aboriginal communities are mentioned once, in that, “forest policy must strive to ensure that local communities, aboriginal communities, and businesses are fully aware of the nature of the surrounding forest and are partners in making decisions regarding their effective use and management” (MNR 1994). From this perspective, Aboriginal communities are stakeholders in forest management, and their needs must be balanced and mitigated in the same means as local communities and businesses. This policy does not reflect Aboriginal concerns; prior to the release of the 1994 Policy Framework for Sustainable Forests, the Ontario Forest Policy Panel heard that, “Aboriginal peoples feel threatened by current forest policy, and want to be involved on a government-to-government basis in policy development” (Ontario Forest Policy Panel 1993 p.iii). They recognized that the evolving relationship between Aboriginal people and the Government of Ontario would shape forest use and management, and recommended that consensus-building methods are to be used for forest decision making (Ontario Forest Policy Panel 1993 p.x). Aboriginal groups made their concerns known, yet they were not reflected in the 1994 forest policy. Malloy (2001) concludes that Aboriginal affairs have always been comparatively low on the Ontario political agenda, and the MNR’s disregard of Aboriginal concerns in the creation of a strategy that will affect them supports this contention. The MNR continues to exert its authority on forests and sees itself as the primary decision maker. There

was and continues to be a paternalistic attitude in MNR policy towards Aboriginal involvement in forestry, as the MNR ignores Aboriginal concerns and requests, yet purports to be working to advance Aboriginal involvement in forest management (MNR 2006).

The Ministry of Natural Resources' most recent strategic directions, as detailed in *Our Sustainable Future*, aim to “support improved Aboriginal relations through economic development opportunities and partnerships” but Aboriginal concerns are not mentioned beyond the context of economic development (MNR 2005 p.12). The MNR does propose to, “seek the development of a strategic approach to managing aboriginal issues,” (MNR 2005 p.12) but that is a far cry from working together to develop a collaborative and mutually beneficial relationship. The MNR does not recognize the Aboriginal relationship to the land, desire to be involved in land management and planning, or their existence as a sovereign nation. Again, *aboriginal issues* are needed to be *managed* by the MNR.

The Ministry of Environment (MOE) is a further source of policy affecting Aboriginal involvement in forestry in Ontario. They are responsible for administering the Environmental Assessment Act (R.S.O. 1990, c.E.18) to provide for the “protection, conservation and wise management in Ontario of the environment” (R.S.O. 1990, c. E.18, s.2). They released the Class Environmental Assessment for Timber Management on Crown Lands in Ontario (Timber Class EA) in 1994, and a follow up Declaration Order in 2003, which guide forest management on Crown Lands in Ontario. The Timber Class EA and Declaration Order establish conditions binding the Ministry of Natural Resource and address the responsibilities of the MNR to Aboriginal peoples. Condition 77 is established in the Timber Class EA and its implementation demonstrates that while some attitudes have changed concerning the nature of Aboriginal-

provincial relationships, the MNR continues to show a paternalistic attitude and treat Aboriginal peoples as stakeholders.

Term & Condition 77: “A Dismal Failure”

Condition 77 reflected a shift in attitudes about the involvement of Aboriginal peoples in forest management in Ontario; specifically, it represented the recognition that Aboriginal peoples should be involved in forest management planning. It required MNR district managers to conduct negotiations at the local level with Aboriginal peoples to identify and implement ways of achieving more equal participation by Aboriginal peoples in the benefits provided through forest management (Appendix A). Condition 77 was one of 115 terms and conditions established in the Timber Class EA, after 4 ½ years of consultations across the province with communities, individuals, and groups. Aboriginal and First Nations communities were represented by the Grand Council Treaty #3 (GCT #3), Nishnawbe-Aski Nation (NAN)/Wndigo Tribal Council, United Chiefs and Councils of Manitoulin and Union of Ontario Indians (UOI) in partnership with the Northwatch Coalition, and each group presented their opinions on the future of forest management and necessity for Aboriginal involvement.

As the proponent, the MNR was able to challenge submissions of the Aboriginal intervenor groups, and during the Timber Class EA, these challenges were indicative of a spirit of hostility and superiority. The MNR did not reflect the commitments of the government at the time to respect and work together with Aboriginal groups, and indeed did their best to discredit their testimony and strain their capacity. What became apparent during the challenges was the wide gulf between the MNR and Aboriginal groups in how the forest should be managed. The following excerpt from MNR challenges Grand Council Treaty #3 (1993) testimony:

MNR: 7. What evidence is there of the use of specific forest management techniques by Treaty #3 Ojibway to improve wildlife habitat? If such evidence exists, what techniques were used?

GCT#3: 7. One of the most obvious management techniques employed by the Ojibway involved the demonstration of “respect” for the spirit of the plants and animals which were harvested by them. Implicit in this system of respect was the careful management and non-wastage of these resources. (GCT #3 Panel 1, Treaty 3, MNR-1, Page 6)

Further submissions by the MNR challenging GCT #3 objected to information presented in GCT #3 testimony, requested information that the MNR already had access to, and showed a general disregard of the historical circumstances, systemic discrimination and oppression, and different social societies of Aboriginal groups. Despite MNR opposition to Aboriginal input, the Timber Class EA Board devoted a chapter of the Timber Class EA to First Nations and Aboriginal Communities (Chapter 10). They used Condition 77 to address the social and economic gaps they identified between native and non-native communities, and significantly they recognized that, “the desperate situation of our First Nations and Aboriginal communities cannot improve unless the Ontario and federal governments engage in serious negotiations to resolve treaty and Aboriginal rights and land claims” (Koven and Martel 1994 p.375). They made two recommendations to this end, which reflected the testimonies of Aboriginal intervenor groups but were recommendations instead of conditions because the Board felt they were beyond the scope of the Timber Class EA (Appendix B).

Beginning in 1994, the MNR was required to adopt Condition 77 and thus negotiate with Aboriginal people to identify and implement ways of achieving more equal participation by Aboriginal peoples in the benefits provided through forest management. They reported on their progress in Annual Reports on Forest Management submitted to the Government of Ontario, and when Condition 77 came up for review as part of the expiration of the Timber Class EA in 2002, the MNR again reported on its negotiations with Aboriginal Peoples and the implementation of

Condition 77. Over the course of the nine year history of Condition 77, two versions of draft implementation guidelines were created but no final implementation guidelines were ever agreed upon or released to the public. In 2003, Condition 77 was replaced with Condition 34, and the MNR is currently working to develop implementation guidelines for Condition 34 (Blakemore 2001, pers. comm.). Twelve years after the condition was introduced, the MNR has not presented an implementation guide; it is obviously not a priority to address this.

Despite no clear direction on Condition 77 implementation, the MNR believes that it has achieved steady progress on Condition 77. They note that they, “have conducted negotiations at the local level by way of meeting, discussing, sharing information, and facilitating cooperation and dialogue with Aboriginal people and others,” and since the 1994 Timber Class EA, “Aboriginal communities have progressively benefited from increasing economic development opportunities associated with forestry” (MNR 2002 p.183). They defend their inability to address Aboriginal and treaty rights, noting that they have, “sometimes complicated local negotiations between District Managers and Aboriginal peoples,” but were beyond the scope of the Timber Class EA. This response is not sufficient to satisfy the concerns of Aboriginal groups wanting to address Aboriginal and treaty rights. The MNR is part of the Government of Ontario, and as such cannot shrug out of the responsibility. In addition, the Timber Class EA Board recommended that Aboriginal and treaty rights and land claims be addressed (Appendix B), and it is not acceptable for the MNR to disregard the recommendations because they contend they are beyond their jurisdiction. As the MNR manages and gives permission for activities on lands claimed by First Nations and activities that will affect the traditional livelihoods of Aboriginal communities, it has a duty to respect and include First Nations in negotiations and land management.

While the MNR heralds their progress on Condition 77, Aboriginal peoples are adamant that Condition 77 has been unsuccessful. This disagreement speaks to the heart of a very adversarial relationship, and raises an important issue: if Condition 77 was created to provide improved opportunities for Aboriginal peoples, and Aboriginal peoples disagree that it was successful, how can the MNR continue to claim it has made progress? It is disrespectful of Aboriginal concerns, as it implies that the MNR knows what is best for Aboriginal peoples and is acting in their best interests. It undermines Aboriginal concerns and places the MNR in a position of superiority over Aboriginal peoples, further entrenching a paternalistic attitude and is reminiscent of colonial policies and practices. In local communities, while there have been instances of success with Condition 77, the provincial framework and implementation of Condition 77 have been inadequate.

A number of issues are raised as to why Condition 77 has been, as the Nishnawbe-Aski Nation contends, “a dismal failure” (Ferris 2003 p.11): the lack of negotiation with Aboriginal organizations on an implementation strategy, changes in Ontario’s land tenure system putting emerging Aboriginal businesses at a comparative disadvantage, a continuing lack of capacity in Aboriginal communities, a reluctance of the MNR to engage Aboriginal people in decision making processes and no baseline measures or systematic measuring system to determine progress (Bombay 2002, Ferris 2003, Lloyd 2005). In most instances, a representative from the timber industry, not the MNR, leads forest management planning and without direction on Condition 77 implementation, lacks guidance on how to proceed. The MNR released the Forest Management Planning Manual in 1996 to guide forest management planning, and within it, they state that they will, “develop a framework for the implementation of Term and Condition 77 in consultation with,” a number of Aboriginal organizations, including the NAN, GCT #3, Union of

Ontario Indians, the forest industry and other aboriginal government bodies as appropriate (MNR FMPM 1996 p. App-71). This has not yet begun, questioning the sincerity of the MNR commitment.

Aboriginal peoples do not want to be treated as mere stakeholders in the forest management planning process, and although the MNR separates Aboriginal interests from business and community interests in statements, they fail to uphold the distinction in practice. The MNR has established Local Citizens' Committees (LCCs) to participate in forest management planning and offers Aboriginal representatives a spot on the committee; however, this relegates Aboriginal peoples to stakeholders whose concerns are weighted the same as the local tourism industry. Aboriginal communities who lack the capacity to partake in separate meetings or in achieving economic opportunities are encouraged to join the LCCs, because the MNR provides funding to LCC members, yet this again causes them to be mere stakeholders (Ferris 2003). This demonstrates the inadequate "solutions" the MNR has established and shows the need for greater capacity and increased cooperation and communication between the MNR and Aboriginal communities.

In addition to addressing the need for increased capacity in Aboriginal communities, Aboriginal organizations want Aboriginal and treaty rights recognized and do not see them as separate from forest or land management. This is opposed by the MNR, and NAFA (Bombay 2002 p.7) identifies the root of dispute as, "the province's goal of protecting provincial interest in Crown lands may be in conflict with protecting Aboriginal interests as they are defined by Aboriginal people." During this conflict, the province will ensure that their interests are maintained and the historical pattern of Aboriginal concerns being ignored will once again be fulfilled. This was the case in the creation of Condition 34.

In 2003, the Ministry of Environment created a Declaration Order (MNR 2003a) to replace the terms of the Timber Class EA. The previous 115 conditions were replaced with 55 and Condition 34 replaced Condition 77. Despite a commitment to consider comments by Aboriginal peoples in the review of the Timber Class EA and creation of the Declaration Order (MNR 2003a p.2), Condition 34 is virtually identical to Condition 77 (Appendix C). The Declaration Order contains requirements for addressing Aboriginal consultation in the Forest Management Planning Manual, but there is nothing to suggest why or how Condition 34 can be effective when Condition 77 was heavily criticized by Aboriginal communities. It is retaining a condition that Aboriginal groups called “a dismal failure” which shows little respect for Aboriginal concerns, and does not include further specifications to ensure it is successful the second time around. Aboriginal groups, including NAFA, the Ontario Union of Indians, and the Nishnawbe-Aski Nation, commented on the creation of Condition 34 and called for it to be different than its predecessor, yet it remains the same.

Future Directions: Is A Resolution on the Horizon?

Twelve years after a condition that required MNR District Managers to negotiate with local Aboriginal communities to support and implement economic development opportunities, there remains no guide to direct the condition’s implementation and Aboriginal groups continue to be frustrated with its progress. Condition 34, as part of the Declaration Order, has no fixed expiration date and there is no set time where it will be reviewed and possibly changed. Condition 34 does include a reporting requirement, but reporting is via a district by district level and there is no requirement to gather baseline data to determine the quantity and quality of

progress in the future. This was a concern raised by NAFA and NAN during the review of Condition 77 that did not get addressed (Bombay 2002, Ferris 2003).

The outlook for Condition 34 is mixed. The forest industry has been attempting to work with Aboriginal and First Nation communities on or adjacent to their Sustainable Forest Licenses, but there is no common agreement of meaningful economic opportunities or the role of the MNR is promoting economic opportunities for Aboriginal peoples. In the Big Pic Forest, an independent audit found that, “the First Nations representatives who were interviewed suggested that there was still a long way to go toward implementing Condition 34, and that opportunities such as tree planting and cone picking that are frequently offered, provide only short-term and seasonal employment and therefore are not at all meaningful. They would like to see more benefits derived from the Forest for their communities” (KBM 2005 p.41). The goals of Condition 34 have not been agreed upon by Aboriginal peoples and the MNR, and so its progress will continue to be debated and Aboriginal peoples will remain unsatisfied.

As for Aboriginal involvement in forestry in Ontario, Aboriginal organizations are gaining increased commitments from the Ontario government and Ministry of Natural Resources, and there is a increasing recognition, on provincial, federal and international levels, that Aboriginal concerns need to be addressed. McNab (1999 p.11) says that the initiative for change in Aboriginal history has always come from the First Nations, “encountering words with no substance and a benign, passive policy, First Nations have chosen to act.” Aboriginal organizations, including NAFA, NAN, and UOI are increasing pressure on the Ministry of Natural Resources that their concerns be addressed and are going beyond Condition 34 in order to get Aboriginal and treaty rights discussed.

The Ontario government has committed to “working to advance Aboriginal involvement in forest management” (MNR 2006). The MNR has stated that they will, “respect and honour treaty and Aboriginal rights when making and implementing plans,” (MNR 2003b p.8) leading one to hope that a resolution is possible. They also state that their forest management system is consistent with Canada’s National Forest Strategy (MNR 2006), which includes an objective to, “accommodate Aboriginal and treaty rights in the sustainable use of the forest recognizing the historical and legal position of Aboriginal Peoples and their fundamental connection to the ecosystem” (NFS 2003 p.3). Unfortunately, the lack of actions on these commitments has bred frustration within Aboriginal organizations because they do not feel that their rights are being accommodated or even addressed, despite government commitments. Government initiatives at consultation are inadequate to address how Aboriginal peoples envision consultation (Ferris 2003, Bombay 2002), and the disjuncture in communication foreshadows that more frustration lies ahead before Aboriginal peoples can hope to have their concerns addressed. It will take the efforts and dedication of Aboriginal organizations to hold the Ontario government accountable for their commitments and to keep Aboriginal affairs a priority. The past fifteen years have demonstrated that although on a very local level the MNR may engage in activities working collaboratively and proactively with Aboriginal peoples, it has not become a province-wide practice or satisfied the peoples it was initially intended for. The MNR must admit that in Aboriginal affairs, it is Aboriginal people who know best, and begin to engage them in decision making. This may require investments in Aboriginal capacity, but it is necessary.

Conclusions

When the Timber Class EA was released in 1994, it represented a change in attitudes and heralded optimism that Aboriginal peoples would be engaged in forest management planning and decisions affecting their lands and resources. Condition 77 was the nexus of this optimism, yet in the past twelve years it has failed to meet Aboriginal expectations. Now exercised as Condition 34, Aboriginal groups continue to be unhappy and find its implementation inadequate.

Despite the lack of progress on Condition 77/34, Aboriginal organizations are pushing Ontario to address Aboriginal and treaty rights, and the government has stated that it will. Although past commitments have not been honoured to the satisfaction of Aboriginal organizations, it remains to be seen if this represents real change or a further form of rights suppression. The MNR is guarding its superiority over forest management planning and has, of yet, been ill prepared and reluctant to allow Aboriginal interests to significantly affect decision making.

Current policies supporting Aboriginal involvement in forestry acknowledge the role of Aboriginal interests, but it will be Aboriginal organizations that ensure that these are realized in practice. The MNR has not set a good example for Aboriginal affairs in the past, but one can only hope that it will change in the future.

Appendix A: Condition 77

Condition 77

During the term of this approval, MNR District Managers shall conduct negotiations at the local level with Aboriginal peoples whose communities are situated in a management unit, in order to identify and implement ways of achieving a more equal participation by Aboriginal peoples in the benefits provided through timber management planning. These negotiations will include but are not limited to the following matters:

- (a) providing job opportunities and income associated with bush and mill operations in the vicinity of Aboriginal communities;
- (b) supplying wood to wood processing facilities such as sawmills in Aboriginal communities;
- (c) facilitation of Aboriginal third-party license negotiations with existing licensees where opportunities exist
- (d) providing forest resource licences to Aboriginal people where unallocated Crown timber exists close to reserves;
- (e) development of programs to provide jobs, training and income for Aboriginal people in timber management operations through joint projects with Indian and Northern Affairs Canada; and
- (f) other forest resources that may be affected by forest management or which can be addressed in the timber management planning process as provided for in Condition 23(c).

MNR shall report on the progress of these on-going negotiations district-by-district in the Annual Report on Timber Management that will be submitted to the Legislature (Condition 82 and Appendix 20).

(Koven and Martel 1994 p.374-5)

Appendix B: Recommendations of Timber Class EA Board

- (1) The government of Ontario and Canada must make a serious commitment to finalize negotiations with Aboriginal peoples which have been dragging on for years. The settlement of land claims is primarily a federal government responsibility and we urge the federal government to accelerate their efforts in resolving land claims by whatever means are available including having these issues decided by the Courts. We further urge the governments of Ontario and Canada to do whatever is necessary to conclude various processes under way to define treaty and Aboriginal rights. This work must involve consultation with and the consent of Aboriginal communities.
- (2) In 1986 only nine Order-in-Council licences and 27 District Cutting licences, involving about 100,000 cubic metres of timber were issued to Aboriginal peoples. The government of Ontario should establish a committee to review its licensing policy as it pertains to Aboriginal peoples and report to the public on its findings. The community should investigate the barriers that exist to granting licences to Aboriginal peoples, to determine the number of licences granted to Aboriginal peoples as well as the size of the area licenses and the volumes of wood. This information should be obtained to provide an

historical overview and to identify the types of licences, such as District Cutting licences or Third Party Agreements, that are involved.

If the committee determines that barriers do exist to providing timber licences to Aboriginal peoples, the committee should consider remedies for this inequitable policy including assistance to Aboriginal communities to obtain licensed areas of sufficient size to provide meaningful employment and income for their people.

(Koven and Martel 1994 p.375-6)

Appendix C: Condition 34

Condition 34

During the term of this approval, MNR District Managers shall conduct negotiations at the local level with Aboriginal peoples whose communities are situated in a management unit, in order to identify and implement ways of achieving a more equal participation by Aboriginal peoples in the benefits provided through forest management planning. These negotiations will include but are not limited to the following matters:

- (a) providing job opportunities and income associated with forest and mill operations in the vicinity of Aboriginal communities;
- (b) supplying wood to wood processing facilities such as sawmills in Aboriginal communities;
- (c) facilitation of Aboriginal third-party licence negotiations with existing licensees where opportunities exist;
- (d) providing forest resource licences to Aboriginal people where unallocated Crown timber exists close to reserves;
- (e) development of programs to provide jobs, training and income for Aboriginal people in forest management operations through joint projects with Indian and Northern Affairs Canada; and
- (f) other forest resources that may be affected by forest management or which can be addressed in the forest management planning process.

MNR shall report of the progress of these on-going negotiations district-by-district in the Provincial Annual Report on Forest Management that will be submitted to the Legislature.

(MNR 2003a p.33)

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