



National Aboriginal Forestry Association

**An Assessment of the Potential for
Aboriginal Business Development in
the Ontario Forest Sector**

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CANADA
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**AN ASSESSMENT OF THE POTENTIAL FOR
ABORIGINAL BUSINESS DEVELOPMENT
IN THE
ONTARIO FOREST SECTOR**

STATEMENT OF POLITICAL RELATIONSHIP



CANADA'S GREEN PLAN

Bill 171

(Chapter 25)

Statutes of Ontario, 1994)

An Act to revise the Crown Timber
Act to provide for the sustainability
of Crown Forests in Ontario

CREATING OPPORTUNITY
The Liberal Plan for Canada



Ontario Forest
Industries Association
CODE OF FOREST PRACTICES

SUSTAINABLE FORESTS
A CANADIAN COMMITMENT



Ontario Round
Table on
Environment
and Economy

Class Environmental Assessment by the
Ministry of Natural Resources for
Timber Management
on Crown Lands in Ontario

Negotiations with Aboriginal Groups
77. During the term of approval, MNR district man-
agement unit, in order to identify and in-
participation by Aboriginal peoples and in-
management planning. These negotiations
following matters:
(a) Providing job opportunities and in-
operations in the vicinity of Abor-

**AN ASSESSMENT OF THE POTENTIAL FOR ABORIGINAL BUSINESS
DEVELOPMENT IN THE ONTARIO FOREST SECTOR**

TABLE OF CONTENTS

PREFACE	1
INTRODUCTION	2
PART I - PERSPECTIVES ON FIRST NATIONS PARTICIPATION IN THE FOREST SECTOR	3
1.0 International Considerations	3
1.1 The Federal Government	4
1.2 Province of Ontario Perspectives	5
1.3 Ontario Forest Industry	7
1.4 First Nations Perspectives	7
PART II - IMPROVED OUTLOOK FOR ABORIGINAL BUSINESS AND EMPLOYMENT FROM NEW ONTARIO FOREST MANAGEMENT POLICIES	9
2.0 Introduction	9
2.1 Decisions of the Environmental Assessment Board	10
2.1.1 Aboriginal Community Involvement in the Planning Process	10
2.1.2 Protection of Aboriginal Values	10
2.1.3 Business and Employment Opportunities	11
2.1.4 Discussion of EA Board Report	12
2.2 The Crown Forest Sustainability Act (CFSA)	13
2.2.1 Planning and Information	14
2.2.2 Forest Resource Licences	15
2.2.3 Forest Renewal	15
2.2.4 Discussion	16
2.3 Financing Aboriginal Forestry Programs	16
PART III - WHAT IS HAPPENING TODAY?	18
3.0 Introduction	18
3.1 On-reserve Forestry Activities	19
3.2 Off-reserve Forestry Activities	22
3.2.1 Aboriginal Owned Companies	22
3.2.2 Employment with Non-Aboriginal Owned Companies	23
3.3 Forest Sector Employment Statistics	24
3.4 Opportunities and Constraints for Forest Sector Expansion	26
3.4.1 Expansion Opportunities	26
3.4.2 Constraints	28
3.5 Human Resource Development	29
3.6 Profiled First Nations	32

**AN ASSESSMENT OF THE POTENTIAL FOR ABORIGINAL BUSINESS
DEVELOPMENT IN THE ONTARIO FOREST SECTOR**

**PART IV - KEYS TO SUCCESS FOR ABORIGINAL FOREST INDUSTRIES
AND EMPLOYMENT** 51

 4.0 Introduction 51

 4.1 Intensive Forest Management 51

 4.2 New Industrial Developments 51

 4.3 Partnerships with Industry 52

 4.4 Concluding Comment 53

**APPENDIX 1 - SUSTAINABLE FORESTS
A CANADIAN COMMITMENT
STRATEGIC DIRECTION SEVEN** 54

**APPENDIX 2 - ENVIRONMENTAL ASSESSMENT BOARD
REASONS FOR DECISION AND DECISION
CLASS ENVIRONMENTAL ASSESSMENT BY THE MINISTRY OF NATURAL
RESOURCES FOR TIMBER MANAGEMENT ON CROWN LANDS IN ONTARIO
SOME KEY TERMS AND CONDITIONS** 59

**APPENDIX 3 - CROWN FOREST SUSTAINABILITY ACT
SOME KEY PROVISIONS** 61

**APPENDIX 4 - FOREST SECTOR IMPACT AND OPPORTUNITIES PROJECT
QUESTIONNAIRE** 63

**APPENDIX 5 - IMPLEMENTATION GUIDELINES FOR TERM AND CONDITION #77
OF THE TIMBER CLASS ENVIRONMENTAL ASSESSMENT** 67

**AN ASSESSMENT OF THE POTENTIAL FOR ABORIGINAL BUSINESS
DEVELOPMENT IN THE ONTARIO FOREST SECTOR**

PREFACE

The release in April 1994 of the Environmental Assessment (EA) Board's *Reasons for Decision and Decision on the Class Environmental Assessment by the Ministry of Natural Resources for Timber Management on Crown Lands in Ontario* and the new *Crown Forest Sustainability Act (CFSA)*, effective April 1, 1995, established a new policy framework for forest management in Ontario. The transition from the former *Crown Timber Act* to the *CFSA* is still underway as the Ministry of Natural Resources (MNR) develops manuals to regulate planning, operations, trust funds, enforcement and other matters. For example, the *Forest Management Planning Manual* was prepared in accordance with Section 68 of the *CFSA* and was released in final form with covering letter dated November 12, 1996. Other manuals include the *Forest Information Manual*, the *Forest Operations and Silviculture Manual* and the *Scaling Manual*, all of which have the force of regulations in accordance with Section 69 of the *CFSA*.

The *Forest Management Planning Manual* is of particular significance to Aboriginal people in that it responds to a number of conditions ordered by the EA Board. The manner in which the manual deals with such matters as the Native Background Information Reports (Condition 19) and the Native Consultation Program (Condition 57) is the subject of some controversy, as Aboriginal groups generally feel that the provisions do not meet the intent of the EA conditions.

With respect to Condition 77, which deals with the sharing of economic benefits provided through timber management planning, the MNR has developed draft "*Implementation Guidelines for Term and Condition #77 of the Timber Class Environmental Assessment*" (January 19, 1996) (Appendix 5). These draft guidelines were issued for discussion at a time when the MNR was undergoing considerable downsizing and the "New Business Relationship" was being proposed. In October 1995, the EA Board, after reviewing whether the MNR was meeting its terms and conditions, had instructed the MNR to "*develop a framework for the implementation of Term and Condition No. 77 in consultation with Nishnawbe-Aski Nation, Grand Council Treaty #3, the Union of Ontario Indians, the forest industry and other aboriginal government bodies as may be appropriate.*" In a letter to the MNR in April 1996, the National Aboriginal Forestry Association pointed out that the MNR's guidelines were drafted without consultation with Ontario Aboriginal organizations and recommended they do so. These consultations have still not taken place.

To assess the potential that Ontario forest policy offers for Aboriginal business development in the Ontario forest sector, this report should be read in conjunction with the above referenced documents and with correspondence filed by First Nation organizations to the Environmental Assessment Board and to MNR since April 1994. This report provides solid background information as of July 15, 1995.

Harry M. Bombay
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March 1, 1997

**AN ASSESSMENT OF THE POTENTIAL FOR ABORIGINAL BUSINESS
DEVELOPMENT IN THE ONTARIO FOREST SECTOR**

INTRODUCTION

First Nations have struggled to gain access to decision making, employment and business opportunities to be generated through the harvest and management of forest resources in their traditional territories. Until recent years, the standard practice was for provincial governments to license access to timber supplies and authorize forest operations without reference to the interests and needs of the First Nations whose communities and traditional territories were surrounded by or were part of licensed areas. Access roads reached out like the tentacles of an octopus. Huge forest areas were clearcut with little reference to the wildlife habitats and traditional subsistence activities, let alone the employment needs of the Aboriginal communities. Then silence would fall as the loggers moved on and the lifestyles of Aboriginal communities were left with their traditional pursuits destroyed.

Since the affirmation of existing Aboriginal and Treaty rights in the Constitution Act of 1982, and court decisions that have begun to define what Aboriginal and treaty rights actually encompass, respect for the rights, interests and needs of Aboriginal peoples has been growing. Concurrently, provincial governments and the forest industry have been adopting policies of integrated sustainable management of forest resources which are intended to place more emphasis on non-timber values and ensure that forests remain viable for present and future generations. In effect, new rules for managing forests are emerging, though the manner in which forest policy and practices will accommodate Aboriginal and Treaty rights and the participation of First Nations as full partners, is largely uncertain.

A major barrier to First Nation participation in the forest sector is the lack of mutual understanding amongst the principal parties. Though there is evidence of progress in discussions of Aboriginal rights and in moving the yardsticks toward sustainable forest management, seldom are the two concepts mentioned in the same paragraph - they run parallel lines with no apparent convergence taking place. Despite the fact that both pertain to the same land base, integration of the two is an issue which no party seems prepared to come to terms with.

This paper attempts to bring out a better understanding of the positions of governments, industry and Aboriginal communities respecting the participation of First Nations in the forest sector in Ontario. In Part I it outlines some of the positions and commitments of the federal government, the Province of Ontario and the forest industry respecting relations with First Nations. Part II describes the new forest management policies of Ontario as they relate to Aboriginal communities. These new policies respond to the Class Environmental Assessment for timber management and include the new Crown Forest Sustainability Act. Part III includes a review and case examples of the real world situation facing Aboriginal communities in their participation in the forest sector. In conclusion, Part IV discusses some of the keys to successful First Nation involvement in the forest sector.

**AN ASSESSMENT OF THE POTENTIAL FOR ABORIGINAL BUSINESS
DEVELOPMENT IN THE ONTARIO FOREST SECTOR**

PART I

PERSPECTIVES ON FIRST NATIONS PARTICIPATION IN THE FOREST SECTOR

1.0 International Considerations

Indigenous peoples in the Americas continue to be deprived of internationally recognized human rights: civil and political rights as well as economic, social and cultural rights. In Central and South America, disputes over the ownership of land and resources have been the basis for countless human rights violations against indigenous peoples. In defiance of existing laws and recognized rights, indigenous peoples are often denied the opportunity to use their traditional territories for subsistence purposes or for contemporary development to meet their basic needs.

Historically in Canada, state and commercial initiatives which have had the effect of marginalizing Aboriginal peoples through the unilateral expropriation of natural resources, have not been cast as violations of human rights. A fallout from this, no doubt, has been the welfare system and make-work projects offered to Aboriginal peoples by the Federal Government. These have served to placate Aboriginal communities and avoid the bloodshed and violence that have characterized land use and rights conflicts in other countries. Nevertheless, the effects of exclusion has been a major detriment to the development of Aboriginal communities as evidenced by the known results of their high dependence on social assistance. Today Aboriginal communities suffer the highest unemployment, highest rates of suicide and incarceration, and are generally regarded as the one group of people in Canada most economically and socially depressed.

The Canadian Human Rights Commission's 1994 report points out that the lives of non-Aboriginal Canadians have been enriched by the unilateral development, flooding, mining, logging and fishing of lands and water that once served the Aboriginal peoples. In effect, economic development in Canada has marginalized Aboriginal peoples by excluding them systematically from the natural resource sectors and, in the process, has minimized traditional land use activities. Officially, the position of the Canadian Human Rights Commission is "*that the plight of Native Canadians is by far the most serious human rights problem in Canada, and that failure to achieve a more global solution can only continue to tarnish Canada's reputation and accomplishments.*"

The image and competitive position of the Canadian forest industry in global markets are issues of grave concern to the Federal Government. Leading up to and since the 1992 United Nations Conference on Environment and Development (UNCED), considerable investment has been made by the Federal and Provincial governments under the auspices of the Canadian Council of Forest Ministers (CCFM), to position Canada as an international leader in sustainable forest

**AN ASSESSMENT OF THE POTENTIAL FOR ABORIGINAL BUSINESS
DEVELOPMENT IN THE ONTARIO FOREST SECTOR**

management. As well, Canada was the first delegation at UNCED to advocate the recognition of indigenous people in Agenda 21, and was responsible for many of the references to the interests of indigenous people in other instruments such as the Rio Declaration, the Biodiversity Convention and the International Guiding Principles on Forests. As a signatory to these international agreements and conventions, Canada committed to addressing a range of issues, most particularly those inalienable rights of indigenous people to lands and resources.

1.1 The Federal Government

Within Canada, international commitments for sustainable forest management have been pursued in accordance with Canada's National Forest Strategy, *Sustainable Forests, A Canadian Commitment*. In 1992, the Federal and Provincial governments along with some thirty non-governmental organizations, including the National Aboriginal Forestry Association, signed the Canada Forest Accord, confirming their commitment to the strategy intended to improve the sustainability of all values from Canadian forests. One component of the National Forest Strategy (Strategic Direction Seven, see Appendix 1), deals specifically with Aboriginal issues and the need to increase the involvement of Aboriginal peoples in forest land management and in the process, ensure recognition of Aboriginal and Treaty rights. Although an objective agreed to by the CCFM, provincial governments have had difficulty coming to grips with an action plan which addresses the issue. No provincial government in Canada has taken steps to amend provincial forestry legislation with a view to giving recognition to Aboriginal and Treaty rights. In Ontario, the Ministry of Natural Resources' response has been to rely on input from an unfunded committee of First Nation representatives that has not met more than once since 1992.

Prior to its election in the Fall of 1993, the current Federal Government expressed the need to give substance to Treaty rights as a necessary condition to building and sustaining vibrant communities. As part of its platform, the Federal Government, in the *Liberal Plan for Canada*, went on to promise that co-management agreements would be promoted and that provinces would be engaged to redress the grievances of Aboriginal peoples over land and resource rights, including negotiating agreements for resource revenue sharing.

In the past two years, the Federal Government's major initiatives have included financial support to some Saskatchewan First Nations in their attempt to negotiate co-management agreements with the Saskatchewan Government and new policy to clarify the Federal role and responsibilities in the treaty-making process in British Columbia. In Ontario, the Federal Government has been non-intrusive and has left Crown/First Nations relations with respect to lands and resources in the hands of the Provincial Government.

Over the next few months, the Federal Government will be called on at least twice to make known its position on Aboriginal and Treaty rights and their relation to natural resource management. In the Fall of 1995, the Aboriginal Affairs Standing Committee will table its report

AN ASSESSMENT OF THE POTENTIAL FOR ABORIGINAL BUSINESS DEVELOPMENT IN THE ONTARIO FOREST SECTOR

on co-management and in early 1996, the Royal Commission on Aboriginal Peoples (RCAP) will submit its final report to Parliament. The RCAP, as part of its broad mandate, "*to make recommendations promoting reconciliation between Aboriginal peoples and Canadian society as a whole,*" will need to deal with issues of Aboriginal and Treaty rights and suggest how Canadian law and natural resource management policy might incorporate and give expression to these rights.

Within this framework of Canada's lofty international and national commitments to Aboriginal rights at the political level, but with continuing inertia at the operational level, this paper examines Aboriginal business development in the forest sector in Ontario.

1.2 Province of Ontario Perspectives

The position of the Ontario government toward Aboriginal peoples seems to be one of ambivalence, although it has become more responsive in recent years. For many years Ontario seemed bent on blocking attempts by First Nations to have treaty and Aboriginal rights addressed. In some instances Ontario refused to cooperate with the federal government when the latter finally recognized that certain rights, such as the provision of Indian reserves, had not been fulfilled. Sometimes court action was necessary before Ontario showed willingness to respond to First Nations' issues. For example, it took a court decision noting that the Crown had failed to meet some of its fiduciary obligations and pressures from local demonstrations before Ontario began to negotiate with the Teme-Augama Anishnabai over their land and resource demands in northeastern Ontario. Those negotiations led to the establishment in 1991 of the Wendaban Stewardship Authority providing for joint management of the natural resources in four townships of that First Nation's traditional land use area. The negotiations also led to a more comprehensive settlement package, but that package was voted down by the Teme-Augama Anishnabai people. The future for further negotiations is uncertain.

In another example, the Wabaseemoong Independent Nations (once known as the Islington Band) negotiated a co-management agreement with Ontario in 1993 covering some 3 600 square kilometres of the First Nation's traditional land use area. Under the agreement the Wabaseemoong and the Ontario Ministry of Natural Resources will jointly approve resource management operations in the area. But this agreement as well resulted from long outstanding obligations of the Province to compensate the First Nation for flooding of their original community and lands by hydroelectric dams in the 1950s and mercury pollution from a pulp mill in the 1970s.

Over the years, MNR has demonstrated a policy of committing timber harvesting rights to established companies with proven records in the pulp and paper or saw milling industries. The great majority of these licence arrangements contain renewable features which, while desirable to encourage capital investments and ensure stable business and employment in forest-based

**AN ASSESSMENT OF THE POTENTIAL FOR ABORIGINAL BUSINESS
DEVELOPMENT IN THE ONTARIO FOREST SECTOR**

communities, produce long-lasting obstacles to the establishment of Aboriginal-owned forest businesses. In most regions of the Province there are only small amounts forest resources that are not already committed for the long term. New provincial policies to encourage existing licence holders to enter co-management or third-party licence arrangements with Aboriginal firms will be required if more business and employment opportunities are to materialize for Aboriginal people in the foreseeable future.

In what appeared to be a breakthrough in 1991, the Premier and the Minister Responsible for Native Affairs together with Ontario Chiefs-in-Assembly signed a *Statement of Political Relationship*. With the Statement, Ontario recognized the inherent right of First Nations to self-government as flowing from the Creator and from the First Nations' original occupation of the land. The agreement also provided that, within the Canadian constitutional framework, the relationship between Ontario and the First Nations must respect this right of self-government. While an important step, Merkel, Osendarp and Smith (1994) have suggested that the *Statement of Political Relationship* may have become an excuse for the Province and even some First Nations to avoid discussion of natural resource policy issues. On the one hand, Ontario has considered recent forums chosen for discussion of forest management policy and legislation development inappropriate for government to government debate; and on the other hand, some Aboriginal leaders have felt that self-government issues should be resolved before major natural resource issues are settled.

At the operational level, the Decision of the Environmental Assessment Board Regarding the Class Environmental Assessment for Timber Management on Crown Lands (1994) requires the Ministry of Natural Resources (MNR) to take the interests of Aboriginal communities into account in the forest resources planning process at the district level. The new *Crown Forest Sustainability Act* (1994) provides for this process. Aboriginal communities will be invited to assist MNR's planning through a "Timber Management Native Consultation Program". "Native Background Information Reports" are to be prepared describing past uses of timber and other natural resources by the Aboriginal communities, together with a summary of problems related to timber management encountered in the recent past. Maps depicting Aboriginal values and land uses are also to be prepared to assist in the planning process. Some assurance that Aboriginal interests will be incorporated in forest management plans is provided through a requirement that MNR must report annually to the Ontario Legislature.

Although these arrangements are being implemented at the operational level, they do not meet the requirements of many First Nations at the political level where full recognition in nation-to-nation partnerships is demanded.

**AN ASSESSMENT OF THE POTENTIAL FOR ABORIGINAL BUSINESS
DEVELOPMENT IN THE ONTARIO FOREST SECTOR**

1.3 Ontario Forest Industry

Forest industries are on the front line, so to speak, in responding to Aboriginal concerns about the values and uses of their traditional areas and their wishes to profit from business and employment opportunities in the forest sector. While a great deal must be done to respond to these interests and aspirations, the industry has taken some steps in the right direction. For example, the "Ontario Forest Industries Association Guiding Principles and Code of Forest Practices" contains the statement that:

Member companies will be a major factor in the resolution of Aboriginal issues as they apply to forest management, and a proponent of cooperative ventures with Aboriginal groups."

It is also notable that the Ontario Environmental Assessment Board (1994) used an agreement negotiated by the Ontario Forest Industries Association, MNR and the Nishnawbe-Aski Nation and Windego Tribal Council as the basis for the "Timber Management Native Consultation Program" that it instructed MNR to adopt in its forest management planning process.

Although employment of Aboriginal persons in the forest sector remains very low, the advent of extensive forest renewal programs has seen some improvements in the situation. More may be expected now that Ontario's new Crown Forest Sustainability Act places the onus for reforestation on the forest industry. The industry in turn is contracting out many of its tasks relating to forest renewal and silviculture. There is also a trend to contract out harvesting and trucking operations. The opportunities for Aboriginal business and employment are growing, if only the Aboriginal community had a greater capacity to respond. Furthermore, there are now examples of companies entering into specific agreements with First Nations to provide employment for their members. For example, in 1993 Long Lake Forest Products Inc. made a partnership agreement with the Ginoogaming First Nation to provide priority employment opportunities in its milling operations, including on-the-job training for Ginoogaming workers. The agreement even provides for special work and training schedules to accommodate traditional Aboriginal pursuits, such as hunting, trapping and ricing. The climate for industrial-Aboriginal community relations is improving.

1.4 First Nations Perspectives

The perspectives of First Nations are complex. On the one hand, their interpretation of treaty rights for continuing use of their traditional areas differs from that of government. Many have unresolved land claims. Aside from land claims, First Nations seek direct and meaningful participation in the forest sector from the planning stages to business and employment opportunities.

**AN ASSESSMENT OF THE POTENTIAL FOR ABORIGINAL BUSINESS
DEVELOPMENT IN THE ONTARIO FOREST SECTOR**

First, First Nations have complained for many years that the federal government was negligent in managing the forest resources on Indian reserves, permitting the timber to be harvested, usually by outsiders, while not making necessary reinvestments in forest renewal to assure sustainable harvesting. These problems are gradually being overcome since federal funding became available in the late 1980s for forest management planning and renewal. Most First Nations have subscribed to available funding which, in addition to restoring forest productivity, has provided much needed training and reforestation employment.

Second, First Nations seek a direct and decision-making role in forest management planning for their traditional use areas. Treaty rights to hunt, trap and fish on traditional lands are empty if logging practices continue to destroy wildlife and fish habitat as they have in the past. From the First Nations' perspective, they should be involved as co-managers with MNR in the forest management planning process to ensure that their Aboriginal and treaty rights are fully respected.

Third, First Nations seek access to timber licences and forest employment. As noted above, most of the economically accessible timberlands are licenses to non-First Nation firms. Among the many decisions of the Environmental Assessment Board in 1994 was Condition 77 ordering MNR to conduct negotiations with Aboriginal communities to identify and implement ways of achieving more equitable participation for their members through bush and mill operations, timber licences and third party licence agreements with existing licensees. Many First Nations have become uneasy over the lack of action by MNR in implementing Condition 77.

**AN ASSESSMENT OF THE POTENTIAL FOR ABORIGINAL BUSINESS
DEVELOPMENT IN THE ONTARIO FOREST SECTOR**

PART II

**IMPROVED OUTLOOK FOR ABORIGINAL BUSINESS AND EMPLOYMENT
FROM NEW ONTARIO FOREST MANAGEMENT POLICIES**

2.0 Introduction

To improve their business and employment opportunities in the forest sector Aboriginal communities have been seeking:

- (a) Crown timber harvesting and management licences of sufficient size and duration to support viable forest businesses;
- (b) partnership agreements and third-party licences with forest industries holding large forest tenures;
- (c) forest renewal and silvicultural employment flowing from corporate and Ministry of Natural Resources forest management plans;
- (d) an enhanced non-timber business environment through incorporation of non-timber values in forest management planning; and
- (e) protection of sites of cultural importance.

Bearing directly on attainment of these objectives, Aboriginal communities have been seeking direct and meaningful management roles in forest resources planning and operations.

Two significant events occurred in Ontario in 1994 that will modify the Province's forest management policies and may improve the economic opportunities of Aboriginal peoples. First, the *Decision of the Environmental Assessment Board Respecting the Class Environmental Assessment for Timber Management on Crown Lands in Ontario* was published in April 1994. The Board's terms and conditions for timber management by the Ministry of Natural Resources (MNR) include requirements for MNR to improve employment and business opportunities in the forest sector for Aboriginal communities and require their involvement in the timber management planning process. Second, the new *Crown Forests Sustainability Act* (1994) shifts the focus of management from timber toward integrated resources management, places responsibility for forest renewal with the forest industry and provides for some involvement of Aboriginal communities in the forest management planning process. The following sections outline how the decisions of the Environmental Assessment Board (EA Board) and the *Crown*

**AN ASSESSMENT OF THE POTENTIAL FOR ABORIGINAL BUSINESS
DEVELOPMENT IN THE ONTARIO FOREST SECTOR**

Forest Sustainability Act (CFSA) and their implementation by the Ministry of Natural Resources respond to the needs of Aboriginal communities.

2.1 Decisions of the Environmental Assessment Board

2.1.1 Aboriginal Community Involvement in the Planning Process

Decisions of the EA Board provide two potential avenues for Aboriginal community participation in the timber management planning process. In Condition 4 the Board requires MNR to establish Local Citizens Committees (LCC), at least one for each district or management unit, "to participate as an integral part of the timber management planning process" (EA Board p. 473). Although essentially advisory in nature, an LCC may strengthen its role by nominating a representative to serve as a member of the planning team. Timber management plans are to begin with a brief statement of an LCC's agreement or disagreement with the plan and the full report of the LCC is to form a part of the supplemental documentation of every plan.

LCC membership is to be drawn from a variety of local interest groups including business, forest-dependent workers, communities, and others. It would be quite possible for the LCC membership to include several Aboriginal people as representatives of sectors of interest; however, the process does not provide for the distinct government-to-government role sought by First Nations.

Aboriginal communities may also take advantage of a special Timber Management Native Consultation Program that was initially proposed to the EA Board by MNR. The concept of a Timber Management Native Consultation Program as defined by the EA Board provides an advisory role to Aboriginal communities; and this raises serious concerns with First Nations. Through their political processes, First Nations have insisted that their involvement in forest planning process be that of a partner with a decision-making role in accordance with the statement of political relationship already agreed to with the Government of Ontario.

Discussions with officials of MNR suggest that real partnerships for Aboriginal communities in the planning process may indeed be contemplated; but that such arrangements may be easier to implement at the operational level in cooperation with MNR's district offices rather than at the political government-to-government level. At this time it is not at all clear that adequate monies will be earmarked for the Timber Management Native Consultation Process.

2.1.2 Protection of Aboriginal Values

Condition 19 requires MNR, with the cooperation of Aboriginal communities in and adjacent to a forest management unit (in conjunction with the company's management plan author, where appropriate), to prepare a Native Background Information Report for use in the timber

**AN ASSESSMENT OF THE POTENTIAL FOR ABORIGINAL BUSINESS
DEVELOPMENT IN THE ONTARIO FOREST SECTOR**

management planning process. The report is to contain a summary of past use of timber and other natural resources by the Native communities together with a summary of problems related to timber management that have arisen during implementation of any current five-year plan. A Native values map and listing is required to identify locations of specific natural resource features, land uses and values used by or important to Native communities. Items to be mapped include: traditional or recreational use areas; boundaries of trapline areas; fuelwood and building material harvesting areas; areas identified as required for Reserve lands or for economic or capital development projects of Aboriginal communities; and sites of archaeological, historical, cultural and religious significance.

Where Aboriginal communities have chosen to be involved in planning through the Timber Management Native Consultation Program, the Native Background Information Report is to be used in evaluations of alternative prescriptions for forest operations and roads for areas of concern associated with Aboriginal values. Preliminary and Final Reports on the Protection of Identified Native Values are to be produced by the planning teams. The EA Board did not prescribe such reports for situations where Aboriginal communities choose to be members of an LCC.

The EA Board has required (Condition 76) that MNR and timber operators consult with affected trappers and recreationists to identify traplines, trails and portage routes prior to beginning operations. Operators are to ensure that such routes are rehabilitated and unobstructed following timber operations. This requirement should result in some protection for Aboriginal trappers, but in itself, does not ensure protection of furbearers habitat.

2.1.3 Business and Employment Opportunities

The most important decision of the Board dealing with Aboriginal business and employment opportunities, referred to as Condition 77, requires MNR to negotiate at the local level with Aboriginal communities to involve them "more directly in timber management planning by giving them the opportunity to share in the social and economic benefits enjoyed by other residents of northern Ontario". (EA Board, p. 374). Specifically, the Board ordered that:

"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.

**AN ASSESSMENT OF THE POTENTIAL FOR ABORIGINAL BUSINESS
DEVELOPMENT IN THE ONTARIO FOREST SECTOR**

- (c) Facilitation of Aboriginal third-party licence negotiations with existing licensees where opportunities exist.
- (d) Providing timber licences to Aboriginal people where unalienated 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 the Department of Indian Affairs.
- (f) Other forest resources that may be affected by timber management or which can be addressed in the timber management planning process as provided for in Condition 23(c)." (E.A.Board, p. 374-375)."

MNR is required to report on the district-by-district progress of these negotiations in its Annual Report on Timber Management to be submitted to the Legislature.

The Board also directed, in its Condition 75, that MNR shall ensure that tree planting jobs in the Area of Undertaking are advertised in Northern Ontario first so that Northern residents, particularly Aboriginals and students, will be considered for employment.

2.1.4 Discussion of EA Board Report

The Environmental Assessment Act binds MNR to meet the terms and conditions laid down by the Board. Progress in implementing Conditions 77 and 75 will be monitored by the Government and by the Legislature which will have the opportunity to debate MNR's Annual Report on Timber Management, which is required by Condition 82. The EA Board specified that the Annual Report shall include:

"results of negotiations with Aboriginal peoples pursuant to Condition 77 including statistics describing licences and resource allocation to Aboriginal people on a district basis."

With respect to the EA Board's order that MNR improve Aboriginal peoples' access to timber supplies, progress seems to have been slow. A letter from the Minister of Natural Resources to the Anishnabek News, dated March 21, 1995, states that: "The Ministry is also developing guidelines for negotiations on timber allocations that consider the availability of unallocated timber identified in management plans, in light of current obligations, allocation requirements of First Nations and allocation interests of non-Aboriginal licensees." The letter went on to say that the Ministry: "is developing guidelines for implementing Condition #77".

**AN ASSESSMENT OF THE POTENTIAL FOR ABORIGINAL BUSINESS
DEVELOPMENT IN THE ONTARIO FOREST SECTOR**

MNR officials have advised that the guidelines are being prepared to assist district offices in their implementation of the Board's Condition 77, particularly with respect to some of the wording of the Condition which has raised questions of interpretation. For example, where the Board talked of facilitating "third-party licences", a form of licence not contemplated under the new *Crown Forest Sustainability Act*, the guidelines may be expected to suggest "third-party agreements". Similarly with respect to the Board's encouragement of licensing "unalienated" Crown timber to Aboriginal people, the guidelines are expected to point out that "unalienated" should be interpreted as "unlicensed".

The May 18, "final draft" of MNR's *Forest Management Planning Manual* relegated implementation of Condition 77 to an Appendix titled *The Future of Our Forest: New Developments and Directions*, where it is stated that "MNR is currently developing a draft framework for implementation of Term and Condition #77". Several First Nations organizations, including the Grand Council Treaty #3, the Sagamok First Nation, Windego First Nations Council and Nishnawbe-Aski Nation, have advised the Environmental Assessment Board of their concerns about the perceived slow pace of MNR's implementation of Condition 77. First Nations pin their hopes on the implementation of Condition 77, with its promise of job opportunities, third-party licences and MNR timber licences.

Noting that relatively few Order-in-Council licences or District Cutting Licences were issued to Aboriginal peoples, involving but 100,000 cubic metres in 1986, the Environmental Assessment Board recommended that:

"...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 Board further recommended that:

"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,"

It will be important for Aboriginal communities to pursue and seek to participate in Ontario's implementation of this recommendation.

2.2 The Crown Forest Sustainability Act (CFSA)

The *Crown Forest Sustainability Act* (1994) and the four manuals that it provides for (*Forest Management Planning Manual*, *Forest Information Manual*, *Forest Operations and Silviculture Manual*, and the *Scaling Manual*), replaces the *Crown Timber Act* and reflects the Conditions

**AN ASSESSMENT OF THE POTENTIAL FOR ABORIGINAL BUSINESS
DEVELOPMENT IN THE ONTARIO FOREST SECTOR**

laid down by the Environmental Assessment Board. The Act moves MNR toward an integrated forest resources management framework. The *Draft Forest Management Planning Manual* states that:

"The focus has shifted from sustaining the yield of timber (products) to attain an industrial objective to a focus on sustained ecosystems. This shift involves a consequent shift from timber management to forest management and incorporates an ecosystem approach to forest management."

This new approach should yield greater recognition and protection of the non-timber values important to Aboriginal communities in forest management.

2.2.1 Planning and Information

Part II of the Act, addressing management planning and information, contains provisions for advisory committees and for the preparation of management plans for each management unit in accordance with a *Forest Management Planning Manual*. The Timber Management Native Consultation Program described by the EA Board is not mentioned in the Act; but is provided for under s.14 which allows the Minister to establish advisory committees to advise on matters under the Act. The Program is specifically dealt with in the *Draft Forest Management Planning Manual*.

Section 15 gives the Minister authority to establish "forest management boards" for areas that he would designate, including community forests. These boards would have authority to advise the Minister on Crown forest management, prepare forest management plans and exercise authority of the Minister related to management planning and other functions as delegated by regulations.

Section 23 provides the Minister authority to enter agreements with First Nations (bands as defined by the *Indian Act*) for the joint exercise of any authority of the Minister pertaining to forest management planning, forest operations prescriptions and work schedules. This section may make it possible for First Nations to negotiate forest management partnerships with the Minister in their traditional territories.

Sections 15 and 23, particularly the latter, should be of key significance to First Nations seeking recognition as full partners in forest resources management for designated areas within their traditional territories. Section 23 provides the Minister the authority to enter joint stewardship agreements of the type that was negotiated with the Teme-Augama Anishnabai in northeastern Ontario in 1990 and 1991.

**AN ASSESSMENT OF THE POTENTIAL FOR ABORIGINAL BUSINESS
DEVELOPMENT IN THE ONTARIO FOREST SECTOR**

2.2.2 Forest Resource Licences

Part III of the *CFSA* deals with forest resource licences, a subject of serious concern to Aboriginal communities and businesses that have complained about the lack of unoccupied timberland in Ontario that might be made available to them. The new legislation does not change the situation. The various forest management agreements and licences extant under the *Crown Timber Act* continue under the new legislation, although they will be renegotiated to take account of the new legislation's thrusts. This may make it difficult for MNR to meaningfully fulfil the EA Board's requirement that MNR negotiate timber licences for Aboriginal people on unalienated Crown land and ensure improved supplies of wood to Aboriginal wood processing facilities. On the other hand, the renegotiation of existing agreements offers the Province the opportunity, should it so choose, to encourage large licensees to involve Aboriginal firms as contractors on their licence areas.

There is one provision of the new *Act*, however, that may help to overcome this situation. Section 24 provides that forest resources are to be allocated through a competitive process unless another process is authorized by the Lieutenant Governor in Council. Such a process, of real significance to Aboriginal communities, has been authorized by a regulation dated March 29, 1995. Under that regulation, a licence or forest resources supply agreement may be granted to an applicant without competition if it:

"satisfies economic opportunities for Aboriginal people."

Not only should this regulation facilitate acquisition of licences and supply agreements on unoccupied Crown lands or for species not covered by existing licences or supply agreements, it may also make it possible for Aboriginal communities or firms to enter third party agreements with the cooperation of existing agreement holders. The full potential of the Regulation needs to be tested by Aboriginal firms seeking timber supplies.

2.2.3 Forest Renewal

A major policy change addressed by the new legislation is a shifting of responsibility for forest renewal from MNR to the industrial licence holders. New features of the *CFSA* include the establishment of a Forest Renewal Trust and a Forestry Futures Trust from which funds will be drawn to cover costs of forest renewal. Licensees will make forest renewal payments into the funds based on the volumes of timber harvested and their forest renewal and silvicultural expenditures incurred on harvested areas will be reimbursed from the Forest Renewal Trust. The Forestry Futures Trust will provide funding for forest renewal where forests have been damaged by natural causes such as fire, insect, diseases or wind, or where a licensee has become bankrupt. The Trust may also be drawn on to defray costs of intensive stand management and pest control in respect of Crown timber, or other purposes as may be specified by the Minister.

**AN ASSESSMENT OF THE POTENTIAL FOR ABORIGINAL BUSINESS
DEVELOPMENT IN THE ONTARIO FOREST SECTOR**

The changes in responsibility for forest renewal means that Aboriginal organizations and firms in the forest renewal business will have to develop initiatives to forge forest renewal contractor or employment partnerships with the licensees and district offices of MNR. Operating policies for of the Forestry Futures Trust are not yet complete, but it appears that applicants for forest renewal project funding would be primarily licensees whose licence areas sustain natural disasters or from MNR district offices for renewal work on areas not subject to long term licences.

2.2.4 Discussion

The CFSA and the Regulation providing for negotiated licences and supply agreements appear to have put in place the necessary provisions for MNR to fulfil terms and conditions of the Environmental Assessment Board. MNR should now be able to respond meaningfully to many of the problems that Aboriginal communities face when seeking a full role in forest resource management planning including access to timber supplies. It is important now that Aboriginal communities and firms develop plans and explore new opportunities that may exist with MNR district offices.

The new legislation provides for the licensing of forest resource processing facilities in Ontario and, like the old law, does not require the timber licence applicant to be the owner of a processing facility. This provision could be advantageous to Aboriginal firms that do not have the capital or expertise to invest in processing facilities, preferring instead to deliver wood under contract to existing mills.

2.3 Financing Aboriginal Forestry Programs

The 1991 - 1995 Canada - Ontario Subsidiary Agreement on Northern Ontario Development (NODA) provided a total of \$12 million for the Aboriginal Forestry Program. Of this amount, \$7 million was contributed by the federal government for the Reserve Lands Forestry Program and \$5 million was contributed by Ontario under the Provincial and Agreement Lands Forestry Subprogram. Federal funding supported inventories, management plan updating and silvicultural projects on Reserve forests together with training and technology transfer projects to improve expertise of Aboriginal workers. The Ontario funding has supported Aboriginal forestry employment on Crown lands, as well as training opportunities for Aboriginal students and graduates of the Native Resource Technician Program at Sault College and other diploma and degree programs. Over three years, Ontario's subprogram has provided employment/training in some aspect of natural resource management for 80 Aboriginal students. The NODA expired March 31, 1995. No projects could be approved after that date and all approved projects must be completed by March 31, 1997.

**AN ASSESSMENT OF THE POTENTIAL FOR ABORIGINAL BUSINESS
DEVELOPMENT IN THE ONTARIO FOREST SECTOR**

Future funding for initiatives to assist Aboriginal communities remains a question. A 1994 evaluation of the NODA Aboriginal Forestry Program indicated its successful implementation and a growing interest by Aboriginal people. The evaluation report contained a number of recommendations urging continuation of the subprograms. While NAFA has been negotiating with the federal government for some time seeking a new national Indian Lands Forestry Program, no concrete commitment has been received. Officials of MNR advised NAFA in April, 1995 that funding to renew Ontario's Aboriginal Forestry Program has not yet been arranged. New funding will be critical to maintain the momentum that has been achieved.

**AN ASSESSMENT OF THE POTENTIAL FOR ABORIGINAL BUSINESS
DEVELOPMENT IN THE ONTARIO FOREST SECTOR**

PART III

WHAT IS HAPPENING TODAY?

3.0 Introduction

This part of the report highlights the responses received from a community profile survey administered by NAFA in the spring of 1995. The communities surveyed were selected to obtain representation from each region of the Province based on Ministry of Natural Resources administrative boundaries for the North West, North East, Central and Southern regions.

A total of 18 communities responded to the survey with the breakdown by region as follows, North West region - 7 communities (Wabaseemoong, Kingfisher, Wunnimin, Lac Seul, Rainy River, Grassy Narrows and Ginoogaming), North East region - 1 community (Constance Lake), Central region - 5 communities (Golden Lake, Wikwemikong, Garden River, Wausauking - Parry Island and Whitefish Lake) and Southern region - 5 communities (Kettle and Stony Point, Six Nations, Munsee-Delaware, Alderville and Akwesasne). The map on the following page shows the locations of the communities profiled. As can be seen from the map, the communities range from remote and sparsely populated northern locations to those in more urbanized southern settings.

The purpose of the survey was to obtain information on the current state of forest based activities in the various communities and to serve as a basis to identify both opportunities for, and restraints to, increased participation in the forest sector. To this end data were collected with respect to:

- (a) On-reserve Forestry Activities - size of productive forest land base on-reserve, presence of forest management plans, nature of forestry activities carried out over the last 5 years, presence of forest based businesses operating on-reserve, number of full time and seasonal jobs, and an estimate of the percentage of total community employment (wage) income from on-reserve forest based jobs.
- (b) Off-reserve Forestry Activities - number of full time and seasonal jobs in forest sector, percentage of total community employment wages and presence of First Nation owned forestry businesses operating off-reserve.
- (c) General Information Opportunities/Constraints - respondents were asked to identify current initiatives underway to increase First Nation participation in the forest sector, to describe opportunities for increased participation and highlight constraints to realizing those opportunities. Information was also sought on the

**AN ASSESSMENT OF THE POTENTIAL FOR ABORIGINAL BUSINESS
DEVELOPMENT IN THE ONTARIO FOREST SECTOR**

current skill levels of the community's forest sector work force and human resource development requirements in light of perceived forest sector opportunities.

The detailed community profile summaries are found at the end of this part and the survey form used to gather the profile data is contained in Appendix 4.

3.1 On-reserve Forestry Activities

Table 1 summarizes the populations, total land area and the extent of productive forest for the communities. As can be seen from the Table, there is a wide range in terms of both the overall size of the land base and the extent of productive forest areas. The range is from the smallest community (Kettle and Stony Point) with a land base of 849 hectares (33 square miles) to Wikwemikong with a land base of 60,302 hectares (233 square miles) of which 42,000 hectares (162 square miles) is productive forest. In general terms the northern and central region communities tend to have both larger land areas and a higher percentage of productive forest lands.

Eleven of the eighteen communities (63%) have forestry management plans in place. On average the plans have been in force for six years, with the first plan being implemented in Munsee-Delaware in 1986 and the most recent being Kingfisher and Lac Seul's which were prepared this year.

With respect to on-reserve forest sector activities Table 2 summarizes the activities as indicated by the various communities into five categories namely, wood production, forest products, forest management, crafts and traditional products and tourism. As can be seen from a review of Table 2, the commonly occurring on-reserve forest sector activities are wood production (14 of 18 communities - 78%), forest management (13 of 18 communities - 72%) and crafts/traditional (11 of 18 communities - 61%).

The most common wood production activity was firewood gathering with 8 communities reporting this activity. Logging and non-firewood harvesting was mentioned as a wood production activity by the six communities. The most mentioned as a wood production activity by the six communities. The most frequently mentioned forest management activities were tree planting and site preparation.

TABLE 1 - Population and Land Area Summary

Community	Population	On-reserve	Land Area Total Area (hectares)	Forested Area (hectares)	% Forested	Forest Mgmt. Plan	Year Plan Implemented
North West Region	Total						
Wabaseemoong	1316	818	11834	nd	nd	Yes	1988
Kingfisher	354	349	6963	6367	91%	Yes	1995
Wunnumin	410	403	9650	3795	39%	No	
Lac Seul	3100	750	24821	22768	92%	Yes	1995
Rainy River	700	275	2470	1925	78%	Yes	1991
Grassy Narrows	876	603	3853	3417	89%	Yes	1987
Ginoogaming	608	238	6978	nd	nd	No	
North East Region							
Constance Lake	1224	704	6219	3108	50%	No	
Central							
Golden Lake	1382	354	1745	nd	nd	No	
Wikwemikong	5520	2632	60302	42000	70%	Yes	1989
Garden River	1665	1002	14901*	nd	nd	nd	
Wausausking-Parry Is.	764	330	7874	5639	72%	Yes	1992
Whitefish Lake	639	245	17705	14809	84%	Yes	1987
Southern							
Kettle & Stony Point	1378	796	849	708	83%	No	
Six Nations	15392	7723	18174	5970	33%	Yes	1989
Munsee-Delaware	406	164	1054	nd	nd	Yes	1986
Alderville	826	270	1237	100	8%	Yes	1989
Akwesasne	12000	8128	29000	8799	30%	No	
Totals	48560	25784 (53%)	225629 ha	119405 ha	63%	11/18 (61%)	

Notes: nd = (no data provided)

Garden River recently regained 9946 ha for total reserve area of 24847 ha

TABLE 2 - On-Reserve Forestry Activity by Category

Community	Wood Production	Forestry Activity Forest Products	Forest Management	Crafts & Traditional	Tourism
North West Region Wabaseemoing	none	none	<ul style="list-style-type: none"> tree nursery silviculture (tending, releasing & planting) none 	<ul style="list-style-type: none"> trapping wild rice harvesting, traditional medicines crafts, harvesting, hunting, trapping 	<ul style="list-style-type: none"> game hunting (guiding) none
Kingfisher	<ul style="list-style-type: none"> firewood harvesting 	none	<ul style="list-style-type: none"> site preparation and tending tree planting 	<ul style="list-style-type: none"> hunting & trapping wild rice harvesting 	<ul style="list-style-type: none"> trapping & guiding none
Wunnumin Lac Seul	<ul style="list-style-type: none"> firewood harvesting firewood harvesting 	none	<ul style="list-style-type: none"> site preparation tree planting & tending 	<ul style="list-style-type: none"> wild rice harvesting trapping 	<ul style="list-style-type: none"> tourist camp/lodge guiding
Rainy River	<ul style="list-style-type: none"> harvesting & logging 	<ul style="list-style-type: none"> dimensional softwood lumber (sawmill on-reserve) 	<ul style="list-style-type: none"> inventory, regeneration & plantation surveys site preparation tree planting conifer release & tending tree planting site preparation & forest thinning 	<ul style="list-style-type: none"> wild rice harvesting trapping 	<ul style="list-style-type: none"> trapping & guiding none
Grassy Narrows	<ul style="list-style-type: none"> tree harvesting 	none	<ul style="list-style-type: none"> site preparation 	<ul style="list-style-type: none"> wild rice harvesting trapping 	<ul style="list-style-type: none"> trapping & guiding none
Ginoogaming	none	none	<ul style="list-style-type: none"> conifer release & tending tree planting site preparation & forest thinning 	<ul style="list-style-type: none"> wild rice harvesting trapping & hunting 	<ul style="list-style-type: none"> none
North East Region Constance Lake	<ul style="list-style-type: none"> limited forest harvesting 	<ul style="list-style-type: none"> non-Aboriginal owned sawmill operates on leased reserve land 	<ul style="list-style-type: none"> none 	<ul style="list-style-type: none"> none 	<ul style="list-style-type: none"> none
Central Region Golden Lake Wikwemikong	<ul style="list-style-type: none"> firewood harvesting tree harvesting 	<ul style="list-style-type: none"> none log home & teepee company wood products outlet 	<ul style="list-style-type: none"> tree planting & timber cruising pruning & thinning stand tending plantation management timber cruising, tree marking & thinning 	<ul style="list-style-type: none"> crafts/artisans food gathering hunting & fishing trapping & hunting traditional medicines 	<ul style="list-style-type: none"> none none
Garden River	<ul style="list-style-type: none"> wood harvesting 	<ul style="list-style-type: none"> sawmill 	<ul style="list-style-type: none"> stand improvement operations tree planting & tree marking tree planting & plantation tending marking & improvement cutting 	<ul style="list-style-type: none"> none 	<ul style="list-style-type: none"> none
Wausauksing-Parry Island	<ul style="list-style-type: none"> firewood harvesting 	none	<ul style="list-style-type: none"> none 	<ul style="list-style-type: none"> none 	<ul style="list-style-type: none"> none
Whitefish Lake	<ul style="list-style-type: none"> hardwood & pulpwood harvesting 	none	<ul style="list-style-type: none"> tree planting & plantation tending marking & improvement cutting 	<ul style="list-style-type: none"> none 	<ul style="list-style-type: none"> none
Southern Region Kettle & Stony Point	<ul style="list-style-type: none"> firewood harvesting 	none	<ul style="list-style-type: none"> site preparation, plantation & tending 	<ul style="list-style-type: none"> crafting fishing 	<ul style="list-style-type: none"> trail development Six Nations eco-centre
Six Nations	none	none	<ul style="list-style-type: none"> nursery stock production tree planting & forest inventory 	<ul style="list-style-type: none"> none 	<ul style="list-style-type: none"> none
Munsee-Delaware	none	none	<ul style="list-style-type: none"> site preparation & natural stand improvement access roads & fire breaks reforestation 40,000 white pine & white spruce plantation management fire control 	<ul style="list-style-type: none"> none 	<ul style="list-style-type: none"> none
Alderville	<ul style="list-style-type: none"> firewood harvesting 	none	<ul style="list-style-type: none"> reforestation 40,000 white pine & white spruce plantation management fire control 	<ul style="list-style-type: none"> none 	<ul style="list-style-type: none"> none
Akwesasne	<ul style="list-style-type: none"> firewood harvesting 	none	<ul style="list-style-type: none"> silviculture (planting & thinning) forest inventory Model Forest Program 	<ul style="list-style-type: none"> basket weaving medicine gathering fruit/berry picking 	<ul style="list-style-type: none"> none

**AN ASSESSMENT OF THE POTENTIAL FOR ABORIGINAL BUSINESS
DEVELOPMENT IN THE ONTARIO FOREST SECTOR**

In terms of forest products three communities have sawmills located on-reserve. Long Sault Lumber Co., located at Rainy River, produces three million board feet per year of dimensional softwood lumber primarily for the wholesale market. At Constance Lake a non-Aboriginal owned sawmill operates on land leased from the First Nation and employs 65 members. Garden River's sawmill employs 6 members of the First Nation on a full time basis.

Eleven communities reported crafts and traditional activities with basket weaving, wild rice harvesting, hunting and trapping, and medicine gathering identified as the current activities taking place on-reserve. Forest related tourism was mentioned by four communities with trail development and game hunting and fly fishing guiding identified as the activities.

With respect to First Nation owned businesses operating on-reserve twelve communities reported the existence of companies. The communities and the type of businesses reported are as follows:

- Rainy River** - sawmill (described earlier) and wild rice harvesting/marketing company
- Lac Seul** - log transport (water ferry) and fishing/hunting camp
- Grassy Narrows** - logging company and tourist camp
- Six Nations** - no details provided on company
- Wabaseemoong** - tree nursery and silviculture operation
- Golden Lake** - firewood service
- Wikwemikong** - log home company, crafts business, logging company, tee-pee business, wood products outlet business
- Garden River** - sawmill and commercial logging
- Whitefish Lake** - harvesting and silviculture
- Munsee-Delaware** - no details provided on company
- Alderville** - maple syrup production
- Akwesasne** - basket weaving company

3.2 Off-reserve Forestry Activities

3.2.1 Aboriginal Owned Companies

As reported in the surveys five communities recorded off-reserve forest activities which are carried out by Aboriginal owned companies. These activities are summarized in Table 3 on the following page.

**AN ASSESSMENT OF THE POTENTIAL FOR ABORIGINAL BUSINESS
DEVELOPMENT IN THE ONTARIO FOREST SECTOR**

**Table 3
Off-Reserve Forest Activities
(Aboriginal Owned Companies)**

<u>Community</u>	<u>Off-Reserve Forest Activities</u>
Lac Seul	Forest harvesting (Obishikokaang Resources Corp.)
Wabaseemoong	Harvesting & silviculture (Islington Band Logging)
Constance Lake	Harvesting & silviculture
Golden Lake	Tree planting, cut and skid, plantation harvesting, timber cruising, guiding

3.2.2 Employment with Non-Aboriginal Owned Companies

The other off-reserve activities reported are undertaken by individuals either self-employed or working for non-Native owned companies. The eight communities reporting this category of off-reserve forest sector activity are highlighted in Table 3a.

**Table 3a
Off-Reserve Forest Activities
(Non-Aboriginal Owned Companies)**

<u>Community</u>	<u>Off-Reserve Forest Activities</u>
Rainy River	Not described but 1 full time and 4 seasonal jobs
Grassy River	Seasonal tree planting and harvesting
Ginoogaming	42 jobs with Long Lake Forest Products (have own employee association)
Wikwemikong	Fire fighting contract with MNR
Whitefish Lake	1 job at sawmill
Six Nations	Not described, 2 seasonal jobs (likely silviculture)

**AN ASSESSMENT OF THE POTENTIAL FOR ABORIGINAL BUSINESS
DEVELOPMENT IN THE ONTARIO FOREST SECTOR**

Table 3a (cont'd)

Munsee-Delaware	Seasonal jobs (exact number n/a) likely silviculture
Alderville	4 full time government funded environmental jobs

A review of Tables 3 and 3a indicates most of the off-reserve forest sector activities by both Aboriginal-owned companies, and individuals working for non-Native businesses, fall into the categories of harvesting (primary activity of Aboriginal companies) and silviculture (primary activity of Aboriginals employed by non-Native companies). The exception to this trend is Ginoogaming with 42 full time sawmill jobs at Long Lake Forest Products.

3.3 Forest Sector Employment Statistics

As part of the survey the communities were asked to identify the extent of forest sector based employment both on and off-reserve. Table 4 contains the summary of the survey results. Table 5 presents data for each community. In the eighteen communities profiled there are a total of 1039 forest sector based jobs. The breakdown of these jobs between on and off-reserve and full time/part time is as follows:

**Table 4
Employment Statistics Summary**

<u>On-Reserve</u>			<u>Off-Reserve</u>			<u>On & Off-Reserve</u>
# Full time	# Part time	Total	#Full Time	# Part Time	Total	Total
265	609	874	129	36	165	1039
(26%)	(59%)	(85%)	(12%)	(3%)	(15%)	(100%)

On-reserve employment accounts for the bulk (85%) of forest sector employment with the majority (59%) of the jobs being part time or seasonal in nature. Much of this employment is related to forest management projects, planting and silviculture, that has been funded by the federal government. Off-reserve employment accounted for only 15% of forest sector jobs with full time jobs representing 78% and part time work 22% of off-reserve employment. These statistics are consistent with the absence of on-reserve forest product manufacturing operations in most communities. The seasonal nature of on-reserve activities (tree planting, site preparation, etc.) Is reflected in the high proportion of part time jobs. The higher proportion of full time off-reserve jobs may reflect the nature of the work (i.e. working in a sawmill providing year round operations).

TABLE 5 - Forest Sector Employment Statistics - Forest Based Employment

Community	First Nation Forestry Business (On or Off Reserve)	On-Reserve			Off-Reserve			Totals			% of Work Age Pop.
		Full Time	Part Time	Total (On Res. % total)	Full Time	Part Time	Total (Off Res. % total)	Full Time (% of total)	Part Time (% of total)	Total	
North West Region											
Wabaseemoong	Yes-On & Off	42	138	180 (100%)	0	0	0	42 (23%)	138 (77%)	180	37%
Kingfisher	No	0	0	0	0	0	0	0	0	0	0%
Wunnumin	No	0	0	0	0	0	0	0	0	0	0%
Lac Seul	Yes-On	0	10	10 (50%)	10	0	10 (50%)	10 (50%)	10 (50%)	20	5.2%
Rainy River	Yes-On	15	9	24 (83%)	1	4	5 (17%)	16 (55%)	13 (45%)	29	18.4%
Grassy Narrows	Yes-On	2	10	12 (55%)	0	10	10 (45%)	2 (1%)	20 (99%)	22	6.4%
Ginoogaming	No	0	0	0	42 (100%)	0	42 (100%)	42 (100%)	0	42	29%
North East Region											
Constance Lake	Yes-Off	65	0	65 (76%)	8	12	20 (24%)	73 (85%)	12 (15%)	85	21%
Central											
Golden Lake	Yes-On & Off	0	1	1 (1%)	3	8	11 (99%)	3 (25%)	9 (75%)	12	10.7%
Wikwemikong	Yes-On	95	200	295 (83%)	60	0	60 (17%)	155 (44%)	200 (56%)	355	21%
Garden River	Yes-On	7	53	60 (100%)	0	0	0	7 (12%)	53 (83%)	60	5%
Wausauksing-Parry Whitefish Lake	No Yes-On	nd 5	nd 12	nd 17 (94%)	nd 1	nd 0	nd 1 (6%)	nd	nd	nd	nd
Southern											
Kettle-Stony Point	No	0	4	4 (100%)	0	0	0	0	4 (100%)	4	.8%
Six Nations	Yes-On	1	50	51 (96%)	0	2	2 (4%)	1 (2%)	52 (98%)	53	1.0%
Munsee-Delaware	Yes-On	1	2	3 (100%)	0	0	0	1 (33%)	2 (66%)	3	2.6%
Alderville	No	0	45	45 (92%)	4	0	4 (8%)	4 (8%)	45 (92%)	49	28%
Akwesasne	Yes-On	32	75	107 (100%)	0	0	0	32 (30%)	75 (70%)	107	2.2%
Totals	12-On 3-Off	265	609	874 (84%)	129	36	165 (16%)	394 (38%)	645 (62%)	1039 (100%)	11.1% Avg.

Notes: 1) nd = no data reported

2) employment as % of working age population treats part and full time jobs equally

**AN ASSESSMENT OF THE POTENTIAL FOR ABORIGINAL BUSINESS
DEVELOPMENT IN THE ONTARIO FOREST SECTOR**

For some communities forest sector employment represented a significant percentage of the working age population (Wabaseemoong - 37%, Ginoogaming - 29%, Constance Lake - 21%, Wikwemikong - 21% and Rainy River - 18.4%), while for five communities it provided employment for 1% or less of the working age population. The overall average for all 18 communities surveyed was that the forest sector provided jobs for 11.1% of the total working age population. It should be noted that this average treats full time and part time jobs as equivalents.

In terms of employment or wage impact the communities reported an average of 11.4% of total community salary income as being derived from forest sector activities. This figure closely matches the employment percentage and would appear to indicate that a forest sector employment is similar to other sources of community wage income in terms of the relationship between employment levels and wages generated.

3.4 Opportunities and Constraints for Forest Sector Expansion

As part of the survey each community was asked to identify the opportunities they see to expand their forest sector activities both on and off-reserve, as well as highlight any constraints that may inhibit expansion. The opportunities identified contained common themes which have been categorized and summarized by community in Table 6. Constraints are also categorized and summarized below, but as they are more generic in nature they have not been highlighted by community.

3.4.1 Expansion Opportunities

From a review of Table 6 it can be seen that the majority of opportunities mentioned fall under the category of outside contracting/business opportunities. A total of sixteen communities identified specific opportunities to create or expand contracts with outside companies. Four of these opportunities will depend on the establishment of new facilities to create the increased demand for wood. (Rainy River and Wabaseemoong - potential OSB mill, Kingfisher and Wunnumin - opening of a mine). Four communities identified potential start-up businesses ranging from wood processing (Garden River), wood pellet manufacturing (Golden Lake), cabinet making (Wausauksing - Parry Island), to a wood pellet fired co-generation plant (Ginoogaming). Most of the other opportunities represent expansion of existing contracting arrangements with outside companies.

Six communities identified co-management related opportunities. Two of the communities (Wabaseemoong and Six Nations) already have co-management/forest management agreements in place, while Golden Lake saw potential for an agreement flowing out of a land claim settlement. Kingfisher and Wunnumin are developing a co-management plan for their traditional land use area in consultation with MNR. Grassy Narrows has proposed that a co-management

TABLE 6 - Forest Sector Expansion Opportunities

Community	Outside Contracts/ Business Opportunities	Opportunities Co-Management	Land Claim	Joint Ventures	Employment Opportunities
North West Region Wabaseemoong	<ul style="list-style-type: none"> expansion of seedling supply contract supply wood to proposed OSB mill supply lumber to mine if opened supply lumber for on-reserve market (housing) (sawmill has to be reopened) 	<ul style="list-style-type: none"> BORC co-management agreement in place by 1997, provided control over TLUA in consultation with MNR developing a management plan for traditional use area 	<ul style="list-style-type: none"> none identified none identified 	<ul style="list-style-type: none"> none identified none identified 	<ul style="list-style-type: none"> jobs at proposed OSB mill employment if sawmill on-reserve reopened
Kingfisher	<ul style="list-style-type: none"> contracts with forest companies to supply wood contracts to supply wood to proposed OSB mill expansion of on-reserve sawmill none identified 	<ul style="list-style-type: none"> see Kingfisher none identified none identified co-management agreement proposed by band council none identified 	<ul style="list-style-type: none"> see Kingfisher none identified none identified none identified 	<ul style="list-style-type: none"> see Kingfisher none identified none identified none identified 	<ul style="list-style-type: none"> see Kingfisher none identified jobs at proposed OSB mill harvesting jobs off-reserve none identified
Wunnumin Lac Seul	<ul style="list-style-type: none"> contracts with forest companies to supply wood contracts to supply wood to proposed OSB mill expansion of on-reserve sawmill none identified 	<ul style="list-style-type: none"> see Kingfisher none identified none identified co-management agreement proposed by band council none identified 	<ul style="list-style-type: none"> see Kingfisher none identified none identified none identified 	<ul style="list-style-type: none"> see Kingfisher none identified none identified none identified 	<ul style="list-style-type: none"> see Kingfisher none identified jobs at proposed OSB mill harvesting jobs off-reserve none identified
Rainy River	<ul style="list-style-type: none"> contracts with forest companies to supply wood contracts to supply wood to proposed OSB mill expansion of on-reserve sawmill none identified 	<ul style="list-style-type: none"> see Kingfisher none identified none identified co-management agreement proposed by band council none identified 	<ul style="list-style-type: none"> see Kingfisher none identified none identified none identified 	<ul style="list-style-type: none"> see Kingfisher none identified none identified none identified 	<ul style="list-style-type: none"> see Kingfisher none identified jobs at proposed OSB mill harvesting jobs off-reserve none identified
Grassy Narrows	<ul style="list-style-type: none"> contracts with forest companies to supply wood contracts to supply wood to proposed OSB mill expansion of on-reserve sawmill none identified 	<ul style="list-style-type: none"> see Kingfisher none identified none identified co-management agreement proposed by band council none identified 	<ul style="list-style-type: none"> see Kingfisher none identified none identified none identified 	<ul style="list-style-type: none"> see Kingfisher none identified none identified none identified 	<ul style="list-style-type: none"> see Kingfisher none identified jobs at proposed OSB mill harvesting jobs off-reserve none identified
Ginoogaming	<ul style="list-style-type: none"> wood pellet co-generation on-reserve (sell electricity) contacted forest harvesting 	<ul style="list-style-type: none"> co-management agreement proposed by band council none identified 	<ul style="list-style-type: none"> none identified 	<ul style="list-style-type: none"> none identified 	<ul style="list-style-type: none"> potential for 60 jobs at proposed Long Lake sawmill expansion
North East Region Constance Lake	<ul style="list-style-type: none"> harvesting contracts 	<ul style="list-style-type: none"> none identified 	<ul style="list-style-type: none"> none identified 	<ul style="list-style-type: none"> none identified 	<ul style="list-style-type: none"> jobs at on-reserve saw-mill (agreement to hire band members)
Central Golden Lake	<ul style="list-style-type: none"> potential wood pellet manufacturing co. on reserve bidding on off-reserve silviculture contracts 	<ul style="list-style-type: none"> co-management of traditional land use area none identified 	<ul style="list-style-type: none"> settlement of land claim will create co-management opportunities none identified 	<ul style="list-style-type: none"> none identified none identified 	<ul style="list-style-type: none"> jobs at proposed fibre board mill near reserve potential for on-reserve tourism activities and related jobs none identified
Wikwemikong	<ul style="list-style-type: none"> wood processing (primary & secondary) silviculture contracts sawmill, pallet manuf., wood products, cabinet making lumber supplier maple syrup production sawmill & fish hatchery 	<ul style="list-style-type: none"> none identified none identified 	<ul style="list-style-type: none"> land claim settlement has increased forest area none identified 	<ul style="list-style-type: none"> none identified none identified 	<ul style="list-style-type: none"> employment in businesses opportunities mentioned (sawmill, wood products, etc. potential in recreation development (golfcourse) and tourism
Garden River	<ul style="list-style-type: none"> wood processing (primary & secondary) silviculture contracts sawmill, pallet manuf., wood products, cabinet making lumber supplier maple syrup production sawmill & fish hatchery 	<ul style="list-style-type: none"> none identified none identified 	<ul style="list-style-type: none"> land claim settlement has increased forest area none identified 	<ul style="list-style-type: none"> none identified none identified 	<ul style="list-style-type: none"> employment in businesses opportunities mentioned (sawmill, wood products, etc. potential in recreation development (golfcourse) and tourism
Wausauksing-Parry Is.	<ul style="list-style-type: none"> silviculture contracts sawmill, pallet manuf., wood products, cabinet making lumber supplier maple syrup production sawmill & fish hatchery 	<ul style="list-style-type: none"> none identified none identified 	<ul style="list-style-type: none"> land claim settlement has increased forest area none identified 	<ul style="list-style-type: none"> none identified none identified 	<ul style="list-style-type: none"> employment in businesses opportunities mentioned (sawmill, wood products, etc. potential in recreation development (golfcourse) and tourism
Whitefish Lake	<ul style="list-style-type: none"> silviculture contracts sawmill, pallet manuf., wood products, cabinet making lumber supplier maple syrup production sawmill & fish hatchery 	<ul style="list-style-type: none"> none identified none identified 	<ul style="list-style-type: none"> land claim settlement has increased forest area none identified 	<ul style="list-style-type: none"> none identified none identified 	<ul style="list-style-type: none"> employment in businesses opportunities mentioned (sawmill, wood products, etc. potential in recreation development (golfcourse) and tourism
Southern Kettle & Stony Point	<ul style="list-style-type: none"> contracts on private land for management tree planting silviculture forestry harvesting and planting 	<ul style="list-style-type: none"> none identified co-management agreement in place none identified 	<ul style="list-style-type: none"> settlement of land claim will increase opportunities none identified settlement of land claim will increase opportunities 	<ul style="list-style-type: none"> none identified none identified 	<ul style="list-style-type: none"> none identified none identified
Six Nations	<ul style="list-style-type: none"> contracts on private land for management tree planting silviculture forestry harvesting and planting 	<ul style="list-style-type: none"> none identified co-management agreement in place none identified 	<ul style="list-style-type: none"> settlement of land claim will increase opportunities none identified settlement of land claim will increase opportunities 	<ul style="list-style-type: none"> none identified none identified 	<ul style="list-style-type: none"> summer student programs off-reserve employment with Hydro and forestry companies employment in maple syrup production community based forestry training none identified
Munsee-Delaware	<ul style="list-style-type: none"> maple syrup production woodlot management 	<ul style="list-style-type: none"> none identified 	<ul style="list-style-type: none"> none identified 	<ul style="list-style-type: none"> none identified 	<ul style="list-style-type: none"> summer student programs off-reserve employment with Hydro and forestry companies employment in maple syrup production community based forestry training none identified
Alderville	<ul style="list-style-type: none"> maple syrup production woodlot management 	<ul style="list-style-type: none"> none identified 	<ul style="list-style-type: none"> none identified 	<ul style="list-style-type: none"> none identified 	<ul style="list-style-type: none"> summer student programs off-reserve employment with Hydro and forestry companies employment in maple syrup production community based forestry training none identified
Akwasasne	<ul style="list-style-type: none"> supply wood for crafts to other communities 	<ul style="list-style-type: none"> involvement in Eastern Ont. Model Forest Program 	<ul style="list-style-type: none"> none identified 	<ul style="list-style-type: none"> none identified 	<ul style="list-style-type: none"> community based forestry training none identified

AN ASSESSMENT OF THE POTENTIAL FOR ABORIGINAL BUSINESS DEVELOPMENT IN THE ONTARIO FOREST SECTOR

agreement be established. The sixth community (Akwesasne) is a participant in the Eastern Ontario Model Forest program which contains elements of co-management.

Four communities indicated that potential settlement of land claim issues could lead to increased expansion opportunities through greater control over the resource base and access to a larger land area.

Ten communities saw potential for increased forest sector employment as an opportunity. Five of these were the communities mentioned previously that may see new facilities open in their immediate area creating additional jobs. Some communities indicated that potential on-reserve business start-ups could create increased employment. Two communities mentioned on-reserve forestry training programs as a means of expanding employment opportunities.

3.4.2 Constraints

The communities surveyed highlighted a number of constraints to increased participation in the forest sector. The constraints can be categorized into three broad types, resource based, financial and human resources.

In terms of resources-based constraints eleven of the eighteen communities (61%) mentioned the lack of access to, or control over forest lands. This was seen as a constraint both in terms of an inadequate on-reserve land base to sustain forestry operations and also the lack of guaranteed access to lands in traditional use areas.

Financial constraints were identified by nine communities and seemed to be evenly divided between those who saw lack of start-up capital funding to pursue business opportunities as an issue, and communities who identified lack of consistent government funding as a constraint to implementing forest management plans.

Human resource related constraints were highlighted by seven of the communities. The most frequently identified constraint was the lack of trained or skilled forestry workers and the lack of suitable training programs. The requirement of union membership for some jobs was mentioned as a barrier by three communities.

It is interesting to note that three communities identified mainstream forest companies as a constraint or barrier. The issues identified included a reluctance of forestry companies to contract-out with First Nations and the competition they create as a barrier to the establishment of First Nation owned companies.

An internally generated constraint was mentioned by three communities, namely the conflict between increased forest operations on-reserve and traditional beliefs with respect to resource

**AN ASSESSMENT OF THE POTENTIAL FOR ABORIGINAL BUSINESS
DEVELOPMENT IN THE ONTARIO FOREST SECTOR**

utilization. The specific issue identified was the belief that the forest resource should only be used to sustain the community's needs or traditional activities and not exploited non-community based forestry uses.

It is interesting to note that only one community (Ginoogaming) perceived no barriers or constraints to increased forest sector opportunities.

3.5 Human Resource Development

The final item to be profiled is the status of human resource development within the various communities as it relates to forest sector activities. The information provided by the respondents included their perceptions of forestry staffing and training requirements and an overview of the current education, experience and skill levels of the workforce. Table 7 provides a summary of the human resources information for each community.

From a review of Table 7 it can be seen that the most frequently mentioned staffing and training requirement is for forestry management, forestry technicians and silviculture/positions. This requirement was mentioned by 16 out of the 18 communities. Another theme which emerges is the desire for training to be community based, have a youth focus, and to draw upon the naturalized knowledge available within the communities.

With respect to current training and skill levels there is a range within the communities. In areas of strong forest activity there is a solid base of both formal training and practical experience. Seven communities reported a member with formal training including Forestry Management and Forestry Technicians. The practical experience was concentrated in the areas of sawmill operators, heavy equipment operators, chain and brush saw use and silviculture activities (tree planting, thinning, etc.).

TABLE 7 - Human Resources Summary

Community	Staffing & Training Requirements	Existing Training & Skill Levels
North West Region		
Wabaseemoong	Firefighting, forest technicians, heavy equipment operation, resource mgmt. & conservation	Tree planters & harvesters, sawmill operators, firefighters & silviculturists, guides & heavy equipment operators
Kingfisher	Silviculture & forestry resource management	Some members trained chainsaw operators and loggers
Wunnumin	Silviculture & forestry resource management	Some members trained chainsaw operators and loggers
Lac Seul	Forestry management, silviculture & forest technicians	No community members have forestry based training
Rainy River	Forestry management and forestry technician training	Loggers, machine operators, brush saw operators, chainsaw operators and tree planters
Grassy Narrows	Forestry management, silviculture & forest technicians	People trained in chainsaw & brush saw operation, timber cruising & control, tree planting & forest management
Ginoogaming	Silviculturists, forest technicians, forest & management planners	Equipment operators, mill workers, tree planters & harvesters & skidder operators
Whitefish Lake	Forest resource officer Silviculture, fish & wildlife, & safety	People trained or certified in various areas such as fire fighting, silviculture & forest harvesting
North East Region		
Constance Lake	Forest management & safety Extensive training in all forestry occupations	High skill level in harvesting, silviculture & sawmill operations No community members with formal forestry training
Central		
Golden Lake	Forest management training	3 community members with forestry technician diplomas 2 sawyers, 16 chainsaw operators & 34 heavy equipment operators
Wikwemikong	Trained silviculturists	Forest managers & technicians, sawmill operators, silviculturists, tree marking, planting, harvesting & scaling
Garden River	Forest technicians	Certified tree markers and forest technicians & members with naturalized knowledge/experience
Wausauksing-Parry Island	Forest technician Environmental specialists	Forest technician and heavy equipment operators Log home building & contracting experience
Southern		
Kettle & Stony Point	Forestry management, silviculture & forest technicians Community education & focus on youth training	Knowledge of subsistence wood cutting
Six Nations	Integrated co-operative resource management training program	Forester, Arborist Certificate, Native resource technician Youth summer programs in place
Munsee-Delaware	Forest management Community based training	Community members experienced in tree planting, site preparation, woodlot improvement & species identification
Alderville	2 full time forestry management positions	3 certified forestry managers 1 certified fish & wildlife manager 43 people trained in chainsaw & brush saw operation, fire cruising & control, silviculture (thinning & planting)
Akwesasne	Forestry management, silviculture & forest technicians positions	Forestry management & biology degrees & naturalized knowledge

Profiled First Nation Communities

(by Ministry of Natural Resources Region)



Northwest

1. WABASEMOONG
2. GRASSY NARROWS
3. RAINY RIVER
4. LAC SEUL
5. KINGFISHER LAKE
6. WUNNUMIN LAKE
7. GINOOGAMING

Northeast

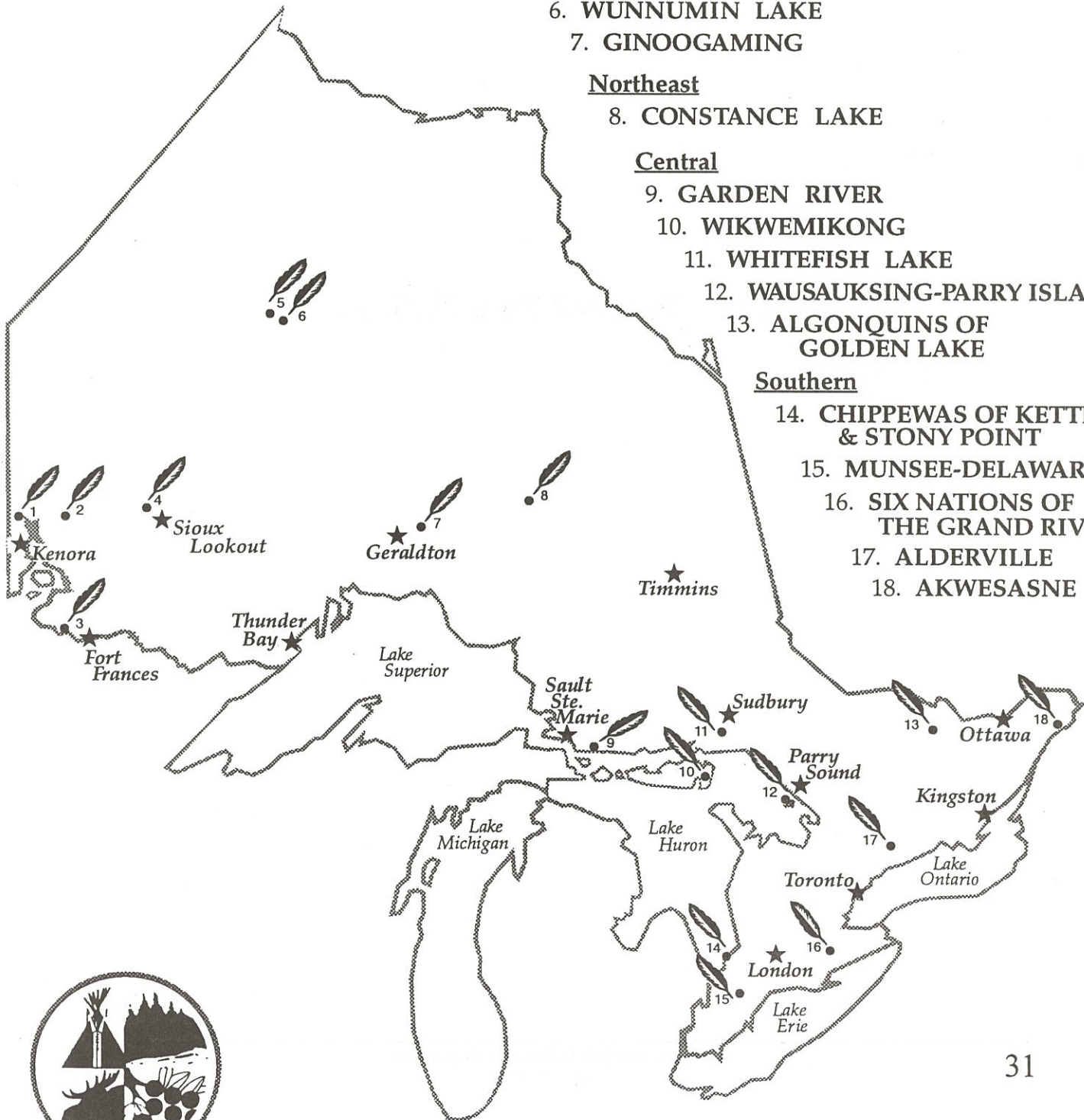
8. CONSTANCE LAKE

Central

9. GARDEN RIVER
10. WIKWEMIKONG
11. WHITEFISH LAKE
12. WAUSAUKSING-PARRY ISLAND
13. ALGONQUINS OF GOLDEN LAKE

Southern

14. CHIPPEWAS OF KETTLE & STONY POINT
15. MUNSEE-DELAWARE
16. SIX NATIONS OF THE GRAND RIVER
17. ALDERVILLE
18. AKWESASNE



**AN ASSESSMENT OF THE POTENTIAL FOR ABORIGINAL BUSINESS
DEVELOPMENT IN THE ONTARIO FOREST SECTOR**



3.6 Profiled First Nations

AKWESASNE MOHAWK TERRITORY

ON-RESERVE FOREST ACTIVITIES

Forest-based activities carried out on reserve over past 5 years:

- Tree planting and transplanting
- Shoreline restoration and collecting medicines
- Forest inventory and forest thinning
- Fuel wood harvesting
- Basket weaving and fruit/berry picking

Employment on-reserve:

- 25 full-time and 75 part-time basket weaving, 7 forest management and 12 fish hook manufacturing jobs.

Business on-reserve:

- Basket weaving businesses and fish hook manufacturing company operating on the Reserve.

OFF-RESERVE FOREST ACTIVITIES

Employment activity off-reserve:

- 1 Full-time and 5 seasonal jobs are generated through a hunting/fishing resort near Cornwall.

Forest-based businesses operating off-reserve:

- There is an Aboriginal owned hunting and fishing resort business operating near Cornwall.

FOREST SECTOR IMPACT

- 1.75% of the total income is derived from forest-based business operating on-reserve.

HUMAN RESOURCE DEVELOPMENT

Current skill levels of workforce:

- The community has forest management, biology degrees and "naturalized knowledge."

Staffing and training needs:

- Forest management, silviculture and forest technicians are needed in the community.

Total Population	12,000
On Reserve Population	8,128
Working Age Population	4,958
Traditional Land Base	29,000 Ha
Forest Area	8,799 Ha
Forest management plan established	No
Location:	Cornwall Island on St. Lawrence River at Cornwall, St. Regis Village and Islands in Quebec
MNR District:	Kemptville District
Association:	Hodenoosaunee Confederacy

BARRIERS AND OPPORTUNITIES

Special Initiatives:

Highlights of Eastern Ontario Model Forest include:

- Planting 15,000 beechnut and black ash trees.
- Forest Inventory of Sheik Island that can be used as a plan when reforesting other sites in the traditional territory.
- Restoration of the shoreline along the St. Lawrence River.
- Improved relationship with Domtar.

Opportunities Identified:

- Individuals with a "naturalized knowledge base".
- A program sponsored by University of Ottawa links Akwesasne with the communities of Opaskwayak First Nation, Tobique First Nation, Little Red River First Nation and Kitigan Zibi First Nation.

Highlights of this program include:

- The communities identify and supply black ash trees to Akwesasne for planting and the basket weaving trade.
- A working committee established to look at traditional medicines and their uses.

Barriers Identified:

- Lack of sustainable funding
- Lack of good land base
- Lack of skilled people

ALDERVILLE FIRST NATION

ON-RESERVE FOREST ACTIVITIES

Forest-based activities carried out on-reserve over past 5 years:

- Thinning of the trees
- Planting 40,000 white pine and white spruce trees on abandoned agricultural lands.
- Harvesting firewood
- Joint surveys with MNR and CFS has resulted in a database on ecological systems.

Activities in the last year:

- Plantation management
- Forest fire control
- Consultation with private woodlot owners

Employment on-reserve:

- There is no full-time employment. 45 seasonal forest-based jobs have been created over past 5 years.

Business on-reserve:

- Woodlot system in place.
- Production of maple syrup providing employment in tourism and maple products.

OFF-RESERVE FOREST ACTIVITIES

Employment activity off-reserve:

- There are 4 full-time government funded environmental jobs.
- There are no seasonal forest-based jobs.

Forest-based businesses operating off-reserve:

- There are no Aboriginal owned forest-based businesses operating off-reserve.

FOREST SECTOR IMPACT

- 2.25% of the total community income is derived from forest-based employment and businesses operating either on-reserve or in locations near the community.

Total Population	826
On Reserve Population	270
Working Age Population	177
Reserve Land Base	1,237 Ha
Forest Area	100 Ha
Forest management plan established	1989
Location:	East Shore of Rice Lake, 21 km SW of Peterborough
MNR District:	Tweed District
Association:	U.O.I - South West Region.

HUMAN RESOURCE DEVELOPMENT

Current skill levels of workforce:

- 3 Certificates (forest management) and 1 certificate (fish and wildlife management).
- 43 individuals trained in chainsaw and brush saw operation, fire cruising, fire control, silvicultural thinning and tree planting.

Staffing and training needs:

- There is an identified need for 2 full-time employees to manage reserve forest lands.

BARRIERS AND OPPORTUNITIES

Opportunities Identified:

- Thinning and management of woodlots.
- Planting forest vegetation to enhance wildlife habitat.
- Community-based training in forest development and management as well as traditional Anishnabe wisdom and experience.
- Cultural enhancement through respect for forest.
- Increased production of maple syrup, eco-tourism.

Barriers Identified:

- Lack of financial resources to implement forest management plan.
- Lack of access to off-reserve forest lands.
- Lack of input into provincial and federal policy.

CONSTANCE LAKE FIRST NATION

ON-RESERVE FOREST ACTIVITIES

Forest-based activities carried out on-reserve over past 5 years:

- Limited forest harvesting on-reserve.

Employment on-reserve:

- Lecours' work force is made up of 65 band members living on-reserve.

Business on-reserve:

- Lecours Lumber Company operates a sawmill on leased reserve land.

OFF RESERVE FOREST ACTIVITIES

Employment activity off-reserve:

- 8 members work full time and 12 seasonally in forest sector jobs. Further employment is obtained in guiding, trapping, hunting and occasional forest fire fighting.

Forest-based businesses operating off-reserve:

- There are 2 Aboriginal businesses operating off-reserve; band member owns harvesting company and band contracts with Hearst Management Board for tree-planting and other silviculture work.

FOREST SECTOR IMPACT

- Trapping, sawmill, tree-planting and fighting forest fires are principal sources of employment for the members of the Constance Lake First Nation. Close to 40% of the total community income is derived from forest-based activities.

Total Population	1,224
On Reserve Population	704
Working Age Population	412
Reserve Land Base	6,219 Ha
Forest Area	3,108 Ha
Forest management plan established	None
Location:	30 Km W of Hearst on Hwy 11
MNR District:	Hearst District
Association:	Nishnawbe-Aski Nation

HUMAN RESOURCE DEVELOPMENT

Current skill levels of workforce:

- First Nation has achieved a high level of skill in harvesting, silviculture and in sawmill operations. There are no members with formal forestry training.

Staffing and training needs:

- Extensive training in all occupations is required in the logging sector.
- Forest Management and safety programs.

BARRIERS AND OPPORTUNITIES

Opportunities Identified:

- The Constance Lake First Nation is involved in a third party harvesting agreement with Hearst Forest Management Board and an employment agreement with Lecours whereby 50% of sawmill jobs will go to band members.

Barriers Identified:

- Most logging operations are located considerable distances from the community.
- The community is not aware of existing associations or resources. This leads to a sense of isolation.
- There are different unions for First Nations and non-Native members in the workforce.
- Resources such as equity, business plans, trained work force, equipment, etc. are needed to establish third party agreements and spin-off businesses.

GARDEN RIVER FIRST NATION

ON-RESERVE FOREST ACTIVITIES

Forest-based activities carried out on-reserve over past 5 years:

- Lake surveys
- Plantation management - planting and thinning
- Timber cruising, tree marking and site preparation
- Traditional activities include trapping, hunting, fishing and traditional medicines.
- Medicinal plant study

Employment on-reserve:

- First Nation employs 1 full time forestry officer, 1 part time fish and wildlife co-ordinator and 34 seasonal forest sector workers.
- On-reserve sawmill employs 6 full time and there are approximately 6 commercial loggers with seasonal crews totalling 18.

Business on-reserve:

- One sawmill and 6 commercial loggers.

OFF-RESERVE FOREST ACTIVITIES

Employment and Business activity off-reserve:

- None

FOREST SECTOR IMPACT

- 7.5% of all employment activity generated in the Garden River First Nation community is in the forest sector.

HUMAN RESOURCE DEVELOPMENT

Current skill levels of workforce:

- 11 certified tree markers (old standards, have to be upgraded); 4 graduated forestry technicians; 4 forestry technicians still in studies; 1 graduate student from the University of Ottawa studying medicinal plants; 34 certified chainsaw operators; 4 loggers participated in our Careful Logging Course; 1 person participated in a Native only Ontario Scaler's course; 20-30 naturalized/experienced forest workers.

Total Population	1,665
On Reserve Population	1,002
Working Age Population	638
Reserve Land Base	14,901 Ha (plus)
Forest Area	Unknown
Forest management plan requires updating	
Location: 3 Km NE of Sault Ste. Marie, on north bank of St. Mary's River	
MNR District: Sault Ste. Marie District	
Association: U.O.I - Robinson-Huron Region	

Staffing and training needs:

- Lack of funding to employ trained people.
- Business development

BARRIERS AND OPPORTUNITIES

Special Initiatives:

- There is an ongoing medicinal plant study which began in 1994. This project is partly sponsored by NODA/MNR/NCB. The natural habitat and growing patterns of 12 traditional medicine plants are being examined. The findings will be published in booklet form for community members.
- Garden River has negotiated a land agreement (not claim) through which an additional 24,577 acres regained reserve status. Total land is now 61,383 acres.

Opportunities Identified:

- Wood processing in primary and secondary sectors are actively being pursued.
- Silviculture contracting opportunities are being sought.

Barriers Identified:

- MNR initiatives currently underway could pre-empt any meaningful negotiations for potential access to timber resources.
- No substantial access to Crown timber.

GINOOGAMING FIRST NATION

ON-RESERVE FOREST ACTIVITIES

Forest-based activities carried out on-reserve over past 5 years:

- A limited amount of tree planting, site preparation, and forest thinning. Traditional activities include hunting, fishing, trapping and wild rice harvesting.

Employment/Business on-reserve:

- There is limited focus on the on-reserve forest resources.

OFF-RESERVE FOREST ACTIVITIES

Employment activity off-reserve:

- A significant amount of training has been acquired for jobs in the Long Lake sawmill. Forklift operators, loader operators, trimmer operators, in feed, heavy equipment, sawfilers, graders are some of the trades. 42 positions with Long Lake are now filled with potential for more.

FOREST SECTOR IMPACT

- Approximately 60% of all employment activity generated in the community is in the forest sector.

HUMAN RESOURCE DEVELOPMENT

Current skill levels of workforce:

- Equipment operators, mill workers, tree planters, tree harvesters and skidder operators.

Staffing and training needs:

- Silviculturists, forest technicians, forest and management planners.

Total Population	608
On Reserve Population	238
Working Age Population	146
Reserve Land Base	6,978 Ha
Forest Area	Unknown
Forest management plan established	No
Location:	NE shore of Long Lake, 40 Km E of Geraldton, 1 Km S of Long Lac
MNR District:	Nipigon District
Association:	Nishnawbe-Aski Nation

BARRIERS AND OPPORTUNITIES

Special Initiatives:

- Ginoogaming First Nations have a partnership agreement with Long Lake Forest Products. The agreement states that the Ginoogaming First Nation will secure people to work at the mills owned by Long Lake Forest Products.
- The Long Lake Employees Association has been established for members of Ginoogaming First Nation community. On May 25, 1995, the association successfully negotiated a 3 year open ended collective agreement with the company.

Opportunities Identified:

- Long Lake Forest Products have secured the timber limits from MNR. Within 2 years, a second line will be established at the current sawmill and another 60 members from the Ginoogaming community will be hired.
- A feasibility study has just been completed that looks at establishing a wood pellet co-generation plant on reserve. Waste products from the sawmill will be converted into electricity which will then be sold to neighbouring communities, etc.
- A speciality mill is scheduled to open in 2 years. It will be located 70 km from the reserve.
- Contracting in forest harvesting.

Barriers Identified:

- No barriers have been identified by this community.

ALGONQUINS OF GOLDEN LAKE FIRST NATION

ON-RESERVE FOREST ACTIVITIES

Forest-based activities carried out on-reserve over past 5 years:

- Fuel wood harvesting

Employment on-reserve:

- One seasonal in fuel wood harvesting and servicing.

Business on-reserve:

- A fuel wood service operates on-reserve.

OFF-RESERVE FOREST ACTIVITIES

Employment activity off-reserve:

- Four members work in local sawmill off-reserve and eight work seasonally in businesses operating off-reserve.

Forest-based businesses operating off-reserve:

- There is a firewood service, guiding operation, and two forest harvesting businesses.

FOREST SECTOR IMPACT

- Approximately 7% of all community income is derived from forest-based activities.

HUMAN RESOURCE DEVELOPMENT

Current skill levels of workforce:

- 3 members have forest technician diplomas.
- Currently there are 2 sawyers, 48 chainsaw operators and 34 heavy equipment operators (some licensed).
- There are 8 members currently enrolled in the Aboriginal natural resource program at Sault College.
- 6 members scheduled to enroll in Sept 95.

Total Population	1,382
On Reserve Population	354
Working Age Population	112
Reserve Land Base	1,745 Ha
Forest Area	N/A
Forest management plan established	None
Location:	South shore of Golden Lake, 45 km south of Pembroke
MNR District:	Pembroke District
Association:	Non-allied

Staffing and training needs:

- Forest management training.

BARRIERS AND OPPORTUNITIES

Opportunities Identified:

- Land claim negotiations could result in increased access to resources over time.
- Medium density fibreboard mill near Pembroke could potentially provide jobs for the community if employment equity guidelines are observed.
- Community has identified forest based opportunities on-reserve which are subject to evaluation and feasibility assessment. For example, the community is looking into establishing a woodpellet manufacturing company on-reserve.

Barriers Identified:

- A large portion of the land base in the Algonquin territory is privately owned.
- There is competition from larger established forest companies.
- A need has been identified to develop a forest management plan for the land base as an interim measure.

GRASSY NARROWS FIRST NATION

ON-RESERVE FOREST ACTIVITIES

Forest-based activities carried out on-reserve over past 5 years:

- Site preparation
- Tree harvesting
- Tree planting
- Tending
- Guiding
- Wild rice harvesting
- Trapping
- Conifer release and tending

Total Population	876
On Reserve Population	603
Working Age Population	344
Reserve Land Base	3,853 Ha
Forest Area	3,417 Ha
Forest management plan established	1987
Location:	40 Km NE of Kenora
MNR District:	Kenora District
Association:	Grand Council Treaty # 3

Employment on-reserve:

- There are 2 full-time and 10 seasonal jobs.

Business on-reserve:

- There is a logging company and a tourist camp lodge business operating on-reserve.

OFF-RESERVE FOREST ACTIVITIES

Employment activity off-reserve:

- Approximately ten members work in seasonal tree planting and forest harvesting.

Business off-reserve:

- There are no Aboriginal owned forest-based businesses operating off-reserve.

FOREST SECTOR IMPACT

- Trapping, wild rice harvesting and guiding are the principal occupation in the Grassy Narrows First Nation. 10% of the total income of the community is derived from forest sector jobs.

HUMAN RESOURCE DEVELOPMENT

Current skill levels of workforce:

- There are members in the community trained in chainsaw, brush saw operation, timber cruising, fire control, tree planting and forest management.

Staffing and training needs:

- Forest management, forest technical training and silvicultural worker training are needed for community members.

BARRIERS AND OPPORTUNITIES

Opportunities Identified:

- Members of the community feel there are, "No opportunities because of the lack of commitment from the government of Ontario with funding".
- A co-management agreement has been proposed by Council.

Barriers Identified:

- Rainy River Forest Products claims Grassy Narrows traditional land use area is theirs.
- Securing contracts with local forest-based companies is difficult.
- Contractors are hired out of province for local forest-based employment positions.

WUNNUMIN LAKE AND KINGFISHER FIRST NATIONS

FOREST ACTIVITIES

Wunnumin Lake and Kingfisher First Nations are remote access communities making the hauling timber to any market non-viable thus there is little potential for commercial development. No wage employment or business development generates any significant income for the communities. For the people of these communities there is little distinction between the reserve land base and the traditional territory in terms of forest use. Hunting, fishing, trapping and gathering are the basic forest activities with some timber harvesting for fuel wood and community uses.

In the 1970's and 1980's, a small sawmill at Wunnumin Lake provided lumber for the domestic housing market. This activity was discontinued after Indian Affairs imposed national housing codes which called for graded lumber.

FOREST SECTOR IMPACT

- Traditional forest use provides significant benefit to the communities.

HUMAN RESOURCE DEVELOPMENT

Current skill levels of workforce:

- Former sawmill provided experience for chainsaw operators and loggers.

Staffing and training needs:

- Silviculture, sawmill operation and forest resource management training is needed.

KINGFISHER

Total Population	354
On Reserve Population	349
Working Age Population	220
Reserve Land Base	6,963 Ha
Forest Area	6,367 Ha
Forest management plan established	1995
Location:	360 Km NE of Sioux Lookout.
	Accessible by air.
MNR District:	Sioux Lookout District
Association:	Nishnawbe-Aski Nation

WUNNUMIN

Total Population	410
On Reserve Population	403
Working Age Population	255
Reserve Land Base	9,650 Ha
Forest Area	3,795 Ha
Forest management plan established	No
Location:	385 Km NE of Sioux Lookout. Is only accessible by air.
MNR District:	Sioux Lookout District
Association:	Nishnawbe-Aski Nation

BARRIERS AND OPPORTUNITIES

Special Initiatives:

- The Shibogama Interim Planning Board was established jointly by the Shibogama First Nations Council, Kingfisher and Wunnumin Lake First Nations. Through an agreement with MNR, the Board has a mandate to develop a forest management plan for the two communities. The Board is developing a plan for the traditional land use area (9,700 sq. km), which will be based on Aboriginal knowledge and traditional management practices. Emphasis is being placed on local skill development and the capacity to expand and build on existing resources.

Opportunities Identified:

- An opportunity for supplying rough lumber for a domestic housing market has been identified.
- Musslewhite Mine has agreed to purchase mining timber from an Aboriginal sawmill, should one be put into operation.

Barriers Identified:

- No guaranteed access to wood supplies outside the reserve boundaries exist.
- High transportations costs are prohibitive for commercial development.
- The community is divided on the issue of harvesting resources for anything other than traditional and community needs.
- There is a reported lack of confidence in the community to undertake new initiatives.

LAC SEUL FIRST NATION

(OBISHIKOKAANG)

ON-RESERVE FOREST ACTIVITIES

Forest-based activities carried out on-reserve over past 5 years:

- Site preparation and tending
- Tree planting
- Trapping and guiding
- Wild rice harvesting
- Harvesting fire wood

Employment on-reserve:

- On-reserve forest management activities has provided 10 seasonal jobs.

Business on-reserve:

- There is a ferry that operates as a water link that brings logs through the reserve en route to Thunder Bay. Fishing and hunting camp and wild rice business also operate on-reserve.

OFF-RESERVE FOREST ACTIVITIES

Employment activity off-reserve:

- There are 10 full-time forest harvesting jobs with Obishikokaang.

Forest-based businesses operating off-reserve:

- Obishikokaang Resources Corporation is a local forest-based business currently operating off-reserve.

FOREST SECTOR IMPACT

- Tapping, forestry, wild rice farming, guiding are major occupations on-reserve. 10% of community income is derived from forest-based activities. 1991 statistics show that the unemployment rate for Lac Seul First Nation is 70-80%.

Total Population	3,100
On Reserve Population	750
Working Age Population	383
Reserve Land Base	24,821 Ha
Forest Area	22,768 Ha
Forest management plan established	1995
Location:	56 Km NE of Dryden, on central south shore of Lac Seul
MNR District:	Sioux Lookout District
Association:	Grand Council Treaty # 3

HUMAN RESOURCE DEVELOPMENT

Current skill levels of workforce:

- There are a limited number of members in the community that have forest-based skills.

Staffing and training needs:

- Forest management, silviculture and forest technicians positions have been identified as necessary by the community.

BARRIERS AND OPPORTUNITIES

Opportunities Identified:

- Third party agreements with Buchanan and Avenor to provide wood for their mills are currently being explored.
- The community believes that a lot of economic opportunities exists but no funding sources for start up costs have been identified.

Barriers Identified:

- Lack of financial resources to start up businesses.
- Lack of training opportunities.
- Only unionized workers get employment. Very few community members belong to forest-based unions.

MUNSEE-DELAWARE FIRST NATION

ON-RESERVE FOREST ACTIVITIES

Forest-based activities carried out on-reserve over past 5 years:

- Tree planting
- Site preparation
- Forest inventory
- Natural stand improvement
- Recreational development
- Access roads and fire breaks

Activities in the last year:

- Site preparation
- Tree planting

Employment on-reserve:

- One full-time and two seasonal forest sector jobs on-reserve.

Business on-reserve:

- There is one forest-based business currently operating on-reserve.

OFF-RESERVE FOREST ACTIVITIES

Employment activity off-reserve:

- There are a few individuals working off-reserve in the forest sector. The exact numbers are not available.

Forest-based businesses operating off-reserve:

- There are no forest-based businesses operating off-reserve.

FOREST SECTOR IMPACT

- Due to the lack of forest-based businesses, there is little economic impact on the Munsee-Delaware First Nation community.

Total Population	406
On Reserve Population	164
Working Age Population	114
Reserve Land Base	1,054 Ha
Forest Area	
Forest management plan established	1986
Location:	West bank of Thames River, 24 Km W of St. Thomas
MNR District:	Aylmer District
Association:	U.O.I. - Southwest Region

HUMAN RESOURCE DEVELOPMENT

Current skill levels of workforce:

- There are members of the community that are experienced in tree planting, site preparation, woodlot improvement and species identification.

Staffing and training needs:

- To compliment existing naturalized knowledge of the community, forest management and forest programs are needed. Community based training would benefit the people.

BARRIERS AND OPPORTUNITIES

Opportunities Identified:

- Some potential for off-reserve employment with Ontario Hydro, lumber and forest companies.
- Land claims are currently under review and will lead to an expanded land base for the Munsee- Delaware First Nation. This will provide opportunities in forest harvesting, planting and trapping.
- Student summer programs enable the knowledge to be passed on to the future generations.

Barriers Identified:

- Lack of consistent funding, therefore making a sustainable forest management plan unattainable.
- Existing land base is inadequate.

RAINY RIVER FIRST NATION

ON-RESERVE FOREST ACTIVITIES

Forest-based activities carried out on-reserve over past 5 years:

- Site preparation (50 ac/yr)
- Harvesting trees
- Inventory, regeneration and plantation surveys
- Tree planting (50 ac/yr)
- Sawmill operation
- Tending
- Wild rice harvesting

Employment on-reserve:

- There are 15 full-time and 9 part-time forest sector jobs on-reserve. The number of people working in the wild rice harvesting business is not available.

Business on-reserve:

- Long Sault Lumber produces dimensional softwood lumber. There is also a wild rice harvesting and marketing business operating on-reserve.

OFF-RESERVE FOREST ACTIVITIES

Employment activity off-reserve:

- There is 1 full-time and 4 seasonal forest sector jobs.

Forest-based business off-reserve:

- There are no Aboriginal owned forest sector businesses operating off-reserve.

FOREST SECTOR IMPACT

- Forestry and wild rice harvesting are some of the principal occupations in Rainy River First Nations. 13% of the total community income is derived from forest sector activities.

Total Population	700
On Reserve Population	275
Working Age Population	158
Reserve Land Base	2470 Ha
Forest Area	1925 Ha
Forest management plan established	yes
1991 Location:	35 Km W of Fort Frances on Rainy River bordering Minnesota.
MNR District:	Fort Frances District
Association:	Grand Council Treaty # 3

HUMAN RESOURCE DEVELOPMENT

Current skill levels of workforce:

- People trained as loggers, equipment operators, brush saw operators, chainsaw operators, tree planters and sawmill operations.

Staffing and training needs:

- Forest management and technician training have been identified as human resource needs.

BARRIERS AND OPPORTUNITIES

Opportunities Identified:

- Expansion of on-reserve sawmill is being considered.
- An oriented strand board mill is to be built within 5 miles of the reserve boundary which may create business spin-offs and harvesting off-reserve.

Barriers Identified:

- Inability to use Treaty 3 land base.
- Inability to get contracts with the Rainy River Forest Products.
- Little opportunity for on-reserve due to the limited land base.
- Limitation of skilled work force impact the opportunities of the community.

SIX NATIONS OF THE GRAND RIVER

ON-RESERVE FOREST ACTIVITIES

Forest-based activities carried out on-reserve over past 5 years:

- Tree planting and forest inventory
- Insect and disease control
- Site preparation, planting tending and marking
- Nursery stock production and trail development

Activities in the last year:

- Tree planting and forest inventory.
- Site preparation, plantation and tending.
- Nursery stock production and trail development.

Employment on-reserve:

- There is one full-time and 50 seasonal forest-based jobs.

Business on-reserve:

- There is one forest-based business operating on-reserve.

OFF-RESERVE FOREST ACTIVITIES

Employment activity off-reserve:

- There are 2 seasonal forest-based jobs.
- There are no full-time forest-based jobs.

Forest-based businesses operating off-reserve:

- There are no Aboriginal owned forest-based businesses operating off-reserve.

FOREST SECTOR IMPACT

- Less than 1% of all community income is derived from forest-based activities.

HUMAN RESOURCE DEVELOPMENT

Current skill levels of workforce:

- Community members receive awareness training from Six Nations Forester. Arborist Certificate, Native Resource Technician and youth summer training programs are currently in place.

Total Population	15,392
On Reserve Population	7,723
Working Age Population	5,823
Reserve Land Base	18,174 Ha
Forest Area	5,970 Ha
Forest management plan established	1989
Location:	8 Km SE of Brantford
MNR District:	Aylmer District
Association:	Independent

Staffing and training needs:

- An integrated co-operative resource management training program has been identified.

BARRIERS AND OPPORTUNITIES

Special Initiatives:

- Six Nations Eco-Centre established for sustainable development and ecosystem management of unique Carolinian forest.
- Carolinian Canada program has stimulated a nursery for Carolinian tree species.

Opportunities Identified:

- Protocol agreement between OMNR, local municipalities and Six Nations of the Grand River could result in contracting with the private sector on private land for management projects.
- Agricultural land being reclaimed for forestry purposes.

Barriers Identified:

- CP system results in inability to manage large area as a whole.
- Indian Act is inappropriate for forest management particularly in Southern Ontario because of CP system.
- Need for management and awareness education to occur to ensure existence of natural areas.
- Sporadic funding makes forest management difficult to co-ordinate.

CHIPPEWAS OF KETTLE & STONY POINT

ON-RESERVE FOREST ACTIVITIES

Forest-based activities carried out on-reserve over past 5 years:

- Fuel wood cutting
- Fishing
- Crafting

Activities in the last year:

- Fishing
- Crafting
- Fuel wood cutting

Employment on-reserve:

- There are 4 seasonal and no full-time forest sector jobs.

Business on-reserve:

- There are no forest-based businesses operating on-reserve.

OFF-RESERVE FOREST ACTIVITIES

Employment activity off-reserve:

- There are no full-time forest-based jobs off-reserve.

Forest-based businesses off-reserve:

- There are no Aboriginal owned forest-based businesses operating off-reserve.

FOREST SECTOR IMPACT

- Less than 1% of total community employment income was generated from forest-based activities.

Total Population	1,378
On Reserve Population	796
Working Age Population	505
Reserve Land Base	849 Ha
Forest Area	708 Ha
Forest management plan established	None
Location: 50 Km NE of Sarnia , on east shore of south end of Lake Huron	
MNR District: Aylmer District	
Association: U.O.I - Southwest Region	

HUMAN RESOURCE DEVELOPMENT

Current skill levels of workforce:

- Members in the community have knowledge of subsistence wood cutting, recreation, hunting and fishing.

Staffing and training needs:

- Community education and focus on youth training has been identified as a priority.
- Forest management, silviculture and forest technicians degrees are needed.

BARRIERS AND OPPORTUNITIES

Opportunities Identified:

- There are more opportunities for the community now that the land claim is to be settled.
- Tourism, recreational activities, hunting and fishing have been identified as opportunities for the First Nation community.

Barriers Identified:

- Lack of information about forest management.
- Forest lands received through land claim settlement will require forest management support.
- No networks established with other First Nation communities.

WABASEMOONG FIRST NATION

ON-RESERVE FOREST ACTIVITIES

Forest-based activities carried out on-reserve over past 5 years:

- Wild rice harvesting and traditional medicines.
- Tending, releasing and planting.
- Seasonal clean up crews that maintain existing sites and clean under brush.
- Nursery business

Employment on-reserve:

- Over the years the band has developed plantations through on-going silviculture operations on-reserve.

Business on-reserve:

- AGA-MA-KI-MI-SA-BAI, a tree nursery operates on-reserve. Islington Band Logging conducts on-reserve silviculture operations subject to funding availability.

OFF-RESERVE FOREST ACTIVITIES

- Islington Band Logging has contracted with MNR and Ontario Hydro for silviculture services and holds a number of harvesting licences in the Traditional Land Use Area (TLUA).
- Seasonal fire fighting, guiding and lodge work.

FOREST SECTOR IMPACT

On a yearly basis, there are approximately 42 full time and 138 seasonal jobs accessed by community members in the forest sector. 30% of all income is generated by natural resource or forest-based jobs.

HUMAN RESOURCE DEVELOPMENT

Current levels of workforce:

- Tree planting, forest technicians, guiding, heavy equipment operators, sawmill operations, harvesters, firefighters and silviculturists.

Staffing and training needs:

- Firefighting, forest technician, guiding, heavy equipment operation resource management and conservation.

Total Population	1316
On-Reserve Population	818
Working Age Population	484
On-Reserve Land Base	11,834 Ha
Traditional Land Use Area	7,000 Km
Forest management plan established	1988
Location:	48 Km N of Kenora
MNR District:	Kenora District
Association:	Independent, Treaty # 3 Area

BARRIERS AND OPPORTUNITIES

Special Initiatives:

- Starting 1997, a co-management agreement between the Islington band, MNR and third parties will be implemented. This agreement gives the band joint approval on all resource development proposed in the TLUA. The area is 7,000 km in size.

Other Opportunities:

- The nursery markets are expanding. They have sold 750,000 seedlings to MNR and are attempting to secure contracts with Rainy River Forest Products for 300,00 in 1996 and possible 4 million by the year 2000.
- There is a possibility of an Orientated Strand Board manufacturing operation to be located in Kenora. 15% of the poplar needed is located inside the TLUA. The majority of this is located in the Scot River Area where the band holds exclusive timber rights.
- There is some potential for new operations in hunting, fishing and eco-tourism.

Barriers Identified:

- Employment opportunities off-reserve are limited because of distances to other forest-sites in the Region.
- Softwood harvesting is limited in the area due to a "blow down" (wind storm), that occurred in 1991 which eliminated a substantial amount of the softwood timber in the TLUA. Over harvesting due to several years of forest fires in the adjacent harvest blocks outside of the TLUA has also depleted accessible timber.
- Barriers to securing a contract with the Oriented Strand Board manufacturing company include; a) lack of time to organize and co-ordinate activities, b) cost of heavy equipment needed to harvest the poplar and c) lack of trained workforce.

WAUSAUKSING - PARRY ISLAND

ON-RESERVE FOREST ACTIVITIES

Forest-based activities carried out on-reserve over past 5 years:

- Stand improvement operations
- Tree planting
- Tree marking
- Fuel wood processing

Activities in the last year:

- Tree marking and stand improvement.
- Fuel wood processing

Employment on-reserve:

- Forest management activities on-reserve has provided seasonal work for a few people.

Business on-reserve:

- Fuel wood processing on reserve.

OFF-RESERVE FOREST ACTIVITIES

- Neither band nor band members engage in off-reserve forest activities.

FOREST SECTOR IMPACT

- The impact of the forest sector on the community is negligible at the present time.
- Applied for funding through NODA.

Total Population	764
On Reserve Population	330
Working Age Population	166
Reserve Land Base	7,874 Ha
Forest Area	5,639 Ha
Forest management plan established	1992
Location:	Reserve is on Parry Island in Georgian Bay, directly southwest of Parry Sound
MNR District:	Parry Sound District
Association:	U.O.I Waabnoong Bemjiwang

HUMAN RESOURCE DEVELOPMENT

Current skill levels of workforce:

- Forest technician and heavy equipment operators.
- Log home building and contracting experience.

Staffing and training needs:

- The First Nation Council would like to hire a forest technician to pursue forest based opportunities. Environmental science and other specialists are required to ensure environmental protection goals.

BARRIERS AND OPPORTUNITIES

Opportunities Identified:

- First Nation feels there is some potential for sawmill, pallets and other wood products.
- Some potential to act as a lumber supplier for the area.
- Cabinet making and maple syrup production.

Barriers Identified:

- Funding resources are limited for feasibility or start-up costs.
- Market orientation and skills training must be acquired.

WHITEFISH LAKE FIRST NATION

ON-RESERVE FOREST ACTIVITIES

Forest-based activities carried out on-Reserve over past 5 years:

- Hardwood harvesting
- Tree planting and plantation tending
- Marking and improvement cutting

Activities in the last year:

- Tree planting - red and jack pine
- Improvement cutting
- Pulp wood harvesting

Employment on-reserve:

- On-reserve forest management and harvesting has resulted in 5 full time and 12 seasonal jobs.

Business on-reserve:

- 2 - 3 band members act as contractors for silviculture work and others obtain permits for forest harvesting.

OFF-RESERVE FOREST ACTIVITIES

Employment activity off-reserve:

- One member works in a sawmill.

Forest-based businesses operating off-reserve:

- None

FOREST SECTOR IMPACT

- It is estimated that 13.2% of the community income is generated from forest sector activities.

Total Population	639
On Reserve Population	245
Working Age Population	150
Reserve Land Base	17,705 Ha
Forest Area	14,809 Ha
Forest management plan established	1987
Location:	15 km southwest of Sudbury on hwy. 17, access hwy. 549 south
MNR District:	Sudbury
Association:	North Shore Tribal Council and U.O.I.

HUMAN RESOURCE DEVELOPMENT

Current skill levels of workforce:

- There are approximately 20 people trained or certified in various areas such as fire fighting, silviculture and forest harvesting.

Staffing and training needs:

- Forest resource officer is needed at the community level.
- Training is required for band members in silviculture, fish and wildlife and safety.

BARRIERS AND OPPORTUNITIES

Opportunities Identified:

- Some potential for small sawmill and fish hatchery.
- Agreement is in place with MNR to train two people through the Sault College Aboriginal Resource Technician Program.
- Members see opportunities in fish and wildlife management and recreation development (golf course) and tourism.

Barriers Identified:

- Contractors require access to off-reserve forest resources.
- Working arrangement with E.B. Eddy would be desirable.
- No available funding for business start-up.

WIKWEMIKONG FIRST NATION

(Note: Data incomplete)

ON-RESERVE FOREST ACTIVITIES

Forest-based activities carried out on-reserve over past 5 years:

- Pruning, thinning and winter/summer harvesting
- Tree planting and timber cruising
- Stand tending
- Crafts/artisans and food gathering
- Hunting, fishing and recreational activities

Employment on-reserve:

- There are 95 full-time jobs and 200 seasonal jobs currently on-reserve.

Business on-reserve:

- Log home company, small scale crafting businesses, tee-pee business, logging company, wood products outlet business, trappers and silviculture work.

OFF-RESERVE FOREST ACTIVITIES

Employment activity off-reserve:

- 60 full-time forest sector jobs.

Forest-based businesses operating off-reserve:

- No Aboriginal owned forest sector business.

FOREST SECTOR IMPACT

- 10% of all community income is derived from forest-based activities.

HUMAN RESOURCE DEVELOPMENT

Current skill levels of workforce:

- Forest management planning, technicians, sawmill operations, silviculture, tree marking planting, harvesting and scaling.

Staffing and training needs:

- Need for trained silviculturists.

Total Population	5520
On Reserve Population	2,632
Working Age Population	1,679
Reserve Land Base	60,302 Ha
Forest Area	42,000 Ha
Forest management plan established	1989
Location:	Eastern part of Manitoulin Island in Northern Georgian Bay
MNR District:	Sudbury District
Association:	U.O.I- Robinson-Huron Region

BARRIERS AND OPPORTUNITIES

Special Initiatives:

- Wiki is a site for the "Community Forest Program". This project sponsored by MNR gives community control over natural resources. This project examines the impact on sustainable resource development and local economies.
- Fire fighting agreement with MNR to send out crews. This provides 60 seasonal jobs to the community.
- The Wiki Development Commission sponsors a hide program. This program collects the hides from local trappers and sends them to be tanned and then returned in the spring.

Opportunities Identified:

- Development of tourism activities on-reserve.
- Wilderness area 6,500 acres of virgin forest.
- Aboriginal Loggers Association on-reserve.
- Opening a small tannery.
- Bidding on off-reserve silviculture contracts.
- Expansions of reforestation program.

Barriers Identified:

- Traditional land use vs. reforestation
- Land base privately owned
- Trying to initiate a tree marking course but presently MNR can only do the training.



Forestry opportunities slipping away, MNR proves the EA board lacks teeth

By Dwayne Nashkawa

The Anishinabek Forestry Advisory Committee has been busy recently. On Feb. 20, Grand Chief Joe Hare, Deputy Grand Chief Vern Roote and committee members met with Grace Patterson, Chairperson of the Environmental Assessment Board following the first day of the Chiefs of Ontario Assembly in Toronto.

The EA board recently handed down a binding decision to the Ministry of Natural Resources that, at the time, many First Nations were very optimistic about.

The decision stated that First Nations that have interests in the forestry industry, both on and off reserve, should be consulted and negotiated with before allocations are given out. This would give First Nations the opportunity to participate in an industry they have historically been excluded from.

However, the MNR has been very slow to comply with the decision and seems to be avoiding the issue. In their talks with local MNR officials, committee members have been told excuses ranging from a lack of staff to a lack of direction within the MNR. But while these excuses are being made, allocations continue to be handed out and few, if any, will be left for First Nations.

Unfortunately, Ms. Patterson could offer little help. The Environmental Assessment Board only has the authority to make decisions, it has no power to enforce them. This means the MNR is free to interpret them rather liberally. The only other options remaining for First Nations is the mainstream media and the Ombudsman for Ontario. At the upcoming Robinson-Huron regional Chiefs meeting in March 7 in Sudbury, this matter will be fur-

ther discussed with the Chiefs in hopes of increasing support for First Nations forestry operations throughout the Anishinabek territory.

Attending the Feb. 20 meeting: Sagamok Anishnawbek Chief Angus Toulouse; Thessalon First Nation Chief Alfred Bisailon; Lake Helen First Nation Chief Norma Fawcett; Garden River First Nation Chief Dennis Jones; Wikwemikong's Michael Eshkawkogan and Terrence Corbiere; Sagamok's Levi Southwind; Serpent River's Keith Lewis; North Shore Tribal Council's Jukka Heikurinen; Peggy Smith from the National Aboriginal Forestry Association and from the Union of Ontario Indians Grand Chief Joe Hare, Deputy Grand Chief Vern Roote, environment program director Alan Roy, policy analyst Jennifer Arnott and technician Dwayne Nashkawa.

**AN ASSESSMENT OF THE POTENTIAL FOR ABORIGINAL BUSINESS
DEVELOPMENT IN THE ONTARIO FOREST SECTOR**

PART IV

**KEYS TO SUCCESS FOR ABORIGINAL FOREST INDUSTRIES
AND EMPLOYMENT**

4.0 Introduction

This review of forest management issues related to First Nations and their participation in the forest sector has underlined a number of key elements, the presence of one or more of which can lead to successful penetration of the forest industry by Aboriginal-owned firms and/or Aboriginal employees. One element is a shift in provincial forest policies toward more intensive and sustainable forest management. Intensive forest management requires labour intensive activities related to forest renewal and silviculture. A second major element is the start-up of new or expanding forest businesses drawing on under utilized timber species, such as poplar and birch. New demands for wood supplies or a manufacturing plant labour force, may offer employment and business entry opportunities not otherwise available in a mature industry with a shrinking labour force. A third factor is the development of agreements between First Nations and individual forest businesses.

4.1 Intensive Forest Management

As described in Part II, Ontario's new forest management policies requires the forest industry to practice sustainable forest management which will involve considerable employment opportunities in labour intensive reforestation and silviculture work. Many of the First Nations profiled in this report have developed trained work forces through the federally funded Indian Forest Lands Program that has begun the restoration of forest productivity on reserves. This training should bring returns through silviculture businesses and employment with contractors doing forest renewal work for forest licensees. One example is the Constance Lake First Nation that contracts with the Hearst Management Board for tree planting and other silvicultural work.

Another example is the Wabaseemoong First Nation which operates a tree nursery and is negotiating contracts with Rainy River Forest Products to supply some of its seedling needs. The First Nation also owns the Islington Band Logging Company that has contracted with MNR and Ontario Hydro for silvicultural services.

4.2 New Industrial Developments

The recent increase in demand for lumber products in general and oriented strand board (OSB) in particular has led to plans by several large firms to establish plants in Ontario where hardwoods, such as poplar and birch, have been underutilized by the existing pulp and paper and lumber

**AN ASSESSMENT OF THE POTENTIAL FOR ABORIGINAL BUSINESS
DEVELOPMENT IN THE ONTARIO FOREST SECTOR**

industries. At least two OSB manufacturing plants, a hardwood sawmill and a hardwood veneer plant are anticipated in the Treaty #3 region of northwestern Ontario. In announcing the potential developments, the former Ontario minister of Northern Development and Mines stressed that the involvement of Aboriginal people was to be considered as critical to the implementation of the business plans for each of these projects.

In anticipation of the expected opportunities for First Nations businesses and employment, the Grand Council Treaty Three has begun discussions with the companies involved to determine how the First Nations in the area may benefit from the impending developments. Two particular opportunities have been identified. Industry officials have indicated that major opportunities will arise for businesses in the trucking sector, to haul logs to the mills and finished product to the market. A second opportunity would entail the establishment and operation of one or more log sorting depots which will be required to respond to an MNR regulation requiring the industry to utilize harvested wood on the basis of highest and best use. The Chiefs' Committee on Economic Development is studying these alternatives to generate a cooperative approach with industries operating on First Nations' traditional lands.

As a more specific example of expected opportunity, the Wabaseemoong First Nation may have opportunities to supply wood from its timber licence in the Kenora Crown Forest Management Unit to a proposed OSB mill in the Kenora area.

4.3 Partnerships with Industry

While many agreements between First Nations and government and/or industry deal with the management of forest resources, few deal with the wood products manufacturing industry and employment therein. In November 1993, the Ginoogaming First Nation entered a unique partnership agreement with Long Lake Forest Products Inc., a company owning and operating a sawmill in the town of Longlac, Ontario.

Under the partnership agreement, Long Lake Forest Products has undertaken to provide priority employment opportunities in its milling operations to citizens of the Ginoogaming First Nation, including on-the-job training and retraining that may be required for employment and apprenticeship eligibility. The agreement recognizes the company's need to hire experienced workers to operate efficiently and to run training and apprenticeship programs; therefore, some employees, particularly during the first years of operation, have been drawn from the available labour force. The objective, however, is to develop a labour force drawn from the Ginoogaming First Nation.

A special feature of the Ginoogaming First Nation-Long Lake Forest Products Inc. partnership agreement recognizes the importance of traditional hunting, fishing, trapping and ricing activities of First Nations employees. The agreement provides for special work and training program

**AN ASSESSMENT OF THE POTENTIAL FOR ABORIGINAL BUSINESS
DEVELOPMENT IN THE ONTARIO FOREST SECTOR**

schedules to accommodate mill employees, except those in certain designated positions, wishing to continue such traditional harvesting activities.

As part of the agreement, the Ginoogaming First Nation has undertaken to assist directly or indirectly with arrangements between the company and the Ministry of Natural Resources to obtain a wood supply for the mill.

The Ginoogaming First Nation has taken a second major step toward self-determination by establishing the Long Lake Employees Association that received accreditation in 1995 to serve as the employees' representative in collective bargaining with Long Lake Forest Products Inc.

4.4 Concluding Comment

The future for First Nations in Ontario's forest industry is finally beginning to show promise. There is growing understanding by the Province and industry that there must be respect for Aboriginal values in the traditional land use areas and cooperation with First Nations when forest resources are exploited so that they may receive some of the benefits therefrom. Ontario's sustainable forest policies and responses to the orders of the Environmental Assessment Board should also help secure the future of First Nations forest businesses. New and expanding forest industries offer opportunities for active participation of First Nation businesses and worker employment. The federal government will have a significant role to play in ensuring successful grasping of these opportunities through its training and financial support programs.

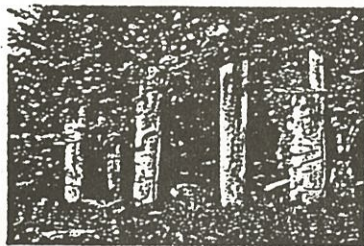
**AN ASSESSMENT OF THE POTENTIAL FOR ABORIGINAL BUSINESS
DEVELOPMENT IN THE ONTARIO FOREST SECTOR**

APPENDIX 1

**SUSTAINABLE FORESTS
A CANADIAN COMMITMENT
STRATEGIC DIRECTION SEVEN**

ABORIGINAL PEOPLE: A UNIQUE PERSPECTIVE

Since time immemorial, the forests have met the cultural, spiritual and material needs of the Aboriginal people of Canada, the first stewards of Canada's forests. The Aboriginal



land ethic is deeply rooted in traditional cultural beliefs, which hold that land and forests should be viewed as a whole. This ethic embodies the concept that land

and its resources must be protected out of respect for past, present and future generations. The knowledge they have gained through their enduring relationship with the land can bring a special perspective to sustainable forest management.

Aboriginal interest in lands and forests is based on more than traditional use. The Canadian Constitution recognizes and affirms



existing Aboriginal and treaty rights, and Supreme Court decisions have gone some distance in defining these rights. The special status of Aboriginal people within Canada is expected

to be further defined through constitutional developments.

There is also an inextricable link between forest policies and practices on one hand and, on the other, issues of major significance such as Aboriginal self-government, land claims, Aboriginal and treaty rights in traditional territories, and the responsibilities of the Crown for Indian lands. As these issues are resolved through agreements with governments, greater certainty will contribute to increased communication and closer cooperation among governments, industry and Aboriginal people with respect to the forests of Canada.

There is an opportunity for Aboriginal people to strengthen their relationship with the forests in both a traditional and contemporary sense.



An Aboriginal forest strategy is needed to respond to the range of issues and needs of Aboriginal people across Canada. The strategy would address issues unique to forests on reserve lands because of their legal status under the *Indian Act*. Other components of the



strategy, those dealing with Aboriginal education, training, business development and public awareness, would address the aspirations of all Aboriginal people. The key to its success will be a better

understanding of Aboriginal people's relationship to the land and the significance that this relationship has for sustainable development.

Aboriginal people have a need for a greater economic stake in forest use. The existing forest land base on reserves is too limited to support traditional uses or to provide even small-scale sustained employment and financial returns through harvesting, processing and spin-off businesses. Increased access to land and forest resources would offer Aboriginal people the opportunity to improve the forest for its own sake and for the benefit of Aboriginal communities; it would offer stability to Aboriginal

enterprises and to forest industries conducting or seeking to conduct forestry operations within Canada's forests and would contribute to the forest-based economy as a whole. Already, a new feature of forest management in Canada is the emergence of partnership arrangements between Aboriginal people and the private sector as well as federal, provincial and territorial governments. These agreements need to include Aboriginal community leadership to reflect local circumstances and respond to needs defined by the community. Carried out in this fashion, they hold the promise of increased Aboriginal participation, and recognition and provisions for Aboriginal and treaty rights in forest land management.

Increased cooperation between Aboriginal communities, private forest companies and governments is essential to achieving the goal of sustainable forests.



PRINCIPLES

Forest management practices in Canada should recognize and make provision for the rights of Aboriginal people who rely on forests for their livelihood, community structure and cultural identity.

Self-sufficiency of Aboriginal communities through economic development requires increased access to resources and business development support as well as the preservation of traditional activities.

Aboriginal people have an important and integral role in planning and managing forest resources within areas of traditional use.

A stable environment for long-term, sustainable forest management requires a cooperative resolution of land claims and Aboriginal self-government, in an honourable, fair and timely way.

FRAMEWORK FOR ACTION

To increase the involvement of Aboriginal people in forest land management:

- | | | |
|-----|--|---|
| 7.1 | By the end of 1992, Aboriginal forestry organizations and the federal government will cooperate to develop a comprehensive Aboriginal forest strategy that respects the shared beliefs and aspirations of Aboriginal | people, and addresses the regeneration of reserve lands, the empowerment of communities to manage their forest resources and the development of models for sustainable forest management. |
|-----|--|---|

To ensure the recognition of Aboriginal and treaty rights in forest management:

- | | | |
|-----|--|--|
| 7.2 | Governments will ensure that the development and application of legislation and policies governing the | management of forest lands respect constitutional provisions for Aboriginal and treaty rights. |
|-----|--|--|

To increase forest-based economic opportunities for Aboriginal people:

- 7.3 Aboriginal organizations and governments will cooperate to encourage business development through improved access to capital, technology transfer and infrastructure support.
- 7.4 Aboriginal organizations and communities will cooperate with governments to complete strategic reviews of business opportunities in the forest-based economy that are consistent with traditional uses and values.
- 7.5 In 1992, Aboriginal forestry organizations and the federal government will complete a strategy to address the training and employment needs of Aboriginal people, in accordance with their forest values.
- 7.6 Post-secondary and professional forestry educational institutions will broaden their programs to reflect the Aboriginal land ethic as well as the constitutional status and positions of the Aboriginal people of Canada.

**AN ASSESSMENT OF THE POTENTIAL FOR ABORIGINAL BUSINESS
DEVELOPMENT IN THE ONTARIO FOREST SECTOR**

APPENDIX 2

ENVIRONMENTAL ASSESSMENT BOARD

REASONS FOR DECISION AND DECISION

**CLASS ENVIRONMENTAL ASSESSMENT BY THE MINISTRY OF NATURAL
RESOURCES FOR TIMBER MANAGEMENT ON CROWN LANDS IN ONTARIO**

SOME KEY TERMS AND CONDITIONS

Condition 4

- (a) The Ministry of Natural Resources shall establish a structure of committees to review, advise, guide and improve the timber management planning process and to increase the level of public input to and public scrutiny of timber management planning in the province.
 - (I) In addition to the public consultation provisions set out in Condition 8 to 12, a number of local citizens representing a range and balance of interests shall be afforded expanded opportunities to participate in the timber management planning process through membership in a Local Citizens Committee LCC). MNR shall establish at least one LCC for each district and where needed, one for every management unit in the Area of Undertaking.

Condition 19

MNR and the Native communities in or adjacent to the forest management unit (in conjunction with the company's Plan author, where appropriate) shall produce a Native Background Information Report for use in timber management planning.

Condition 57

In those cases where the Native community has chosen to be involved in the Timber Management Native Consultation Program, during the development of the Timber Management Plan the timber management planning team shall produce a Report on Protection of Identified Native Values.

**AN ASSESSMENT OF THE POTENTIAL FOR ABORIGINAL BUSINESS
DEVELOPMENT IN THE ONTARIO FOREST SECTOR**

Condition 76

MNR shall provide in the Code of Practice for Timber Management Operations in Riparian Areas, that operators ensure that trails used for accessing and working traplines, and portage routes used for recreational purposes be rehabilitated and unobstructed following timber operations. MNR and operators shall consult with affected trappers and recreationists prior to operations in order to identify such trails and portages.

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 of 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 licence negotiations with existing licensees where opportunities exist.
- (d) Providing timber licences to Aboriginal people where unalienated 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 the Department of Indian Affairs.
- (f) Other forest resources that may be affected by timber management or which can be addressed in the timber management planning process as provided for in Condition 23(c).

Condition 75

MNR shall ensure that tree planting jobs in the Area of Undertaking are advertised in Northern Ontario first so that Northern residents, particularly Aboriginals and students, will be considered for employment.

**AN ASSESSMENT OF THE POTENTIAL FOR ABORIGINAL BUSINESS
DEVELOPMENT IN THE ONTARIO FOREST SECTOR**

APPENDIX 3

CROWN FOREST SUSTAINABILITY ACT

SOME KEY PROVISIONS

Part II

Management Planning and Information

- S.15 (1) The Minister may establish forest management boards for such areas as are designated by the Minister, including forest management boards for community forests designated by the Minister.
- (2) A forest management board shall,
- (a) advise the Minister on matters relating to the management of Crown forests;
 - (b) prepare forest management plans on the request of the Minister;
 - (c) exercise any authority of the Minister under this Part that is delegated to the board by the regulations; and,
 - (d) perform such additional functions as are prescribed by the regulations.
- S.23 The Minister may enter into agreements with First Nations for the joint exercise of any authority of the Minister under this Part.

Part III

Forest Resource Licences

- S.24 (1) If the Minister is of the opinion that forest resources in a management unit should be made available to be harvested or to be used for a designated purpose, the Minister shall give public notice in such manner as he or she considers appropriate of the intention to make resources available.
- (2) The Minister shall not enter into an agreement under section 25 or grant a licence under this Part except in accordance with a competitive process.
- (3) Subsection (2) may not apply if,

**AN ASSESSMENT OF THE POTENTIAL FOR ABORIGINAL BUSINESS
DEVELOPMENT IN THE ONTARIO FOREST SECTOR**

- (a) another process is required by an agreement under section 25 or by a forest resource licence; or
 - (b) another process is authorized by the Lieutenant Governor in Council.
- S.25 (1) The Minister may, with the approval of the Lieutenant Governor in Council, enter into an agreement to supply a person with forest resources from a management unit.
- (2) An agreement shall not be entered into under subsection (1) unless it is consistent with the applicable forest management plan.
- (3) An agreement under subsection (1) is subject to such terms and conditions as may be specified in the agreement.
- S.26 (1) The Minister may, with the approval of the Lieutenant Governor in Council, grant a renewable licence to harvest forest resources in a management unit that requires the licensee to carry out renewal and maintenance activities necessary to provide for the sustainability of the Crown forest in the area covered by the licence.
- (2) A licence under this section may be granted for a term of up to 20 years and the term shall be extended in accordance with subsection (4)
- S.27 (1) The Minister may, without the approval of the Lieutenant Governor in Council, grant a licence to harvest forest resources in a management unit or to use forest resources in a management unit for a designated purpose.
- (2) The term of a licence under this section shall not exceed five years.
- (3) The Minister may enter into an agreement with a licensee in respect of the renewal and maintenance activities necessary to provide for the sustainability of the Crown forest in the area covered by a licence under this section.
- (4) If the harvesting or use of the resources authorized by a licence under this section is not completed before the licence expires, the Minister may renew the licence for one term of one year, subject to such terms and conditions as may be specified by the minister.

**AN ASSESSMENT OF THE POTENTIAL FOR ABORIGINAL BUSINESS
DEVELOPMENT IN THE ONTARIO FOREST SECTOR**

APPENDIX 4

**FOREST SECTOR IMPACT AND
OPPORTUNITIES PROJECT
QUESTIONNAIRE**

FOREST SECTOR IMPACT AND OPPORTUNITIES PROJECT
NATIONAL ABORIGINAL FORESTRY ASSOCIATION
(This data gathering form is confidential when completed)

INTRODUCTION

To identify opportunities for increased First Nation participation in the forest sector, it is necessary to obtain information on the current level of participation, the constraints which currently exist, and the potential for business development or an enlarged role in forest management. This data gathering guide was developed by NAFA to obtain information on the current level of participation of selected First Nation communities (15-20) that have a history of forest sector involvement or a potential for increased participation.

First Nation _____ Total population _____

On-reserve population _____

ON-RESERVE FORESTRY ACTIVITIES

1. Size of reserve land base _____ and size of productive forest area _____.
2. Does the First Nation have a forest management plan in place? Yes ___ No ___
Year plan adopted? 19____
3. Describe the nature of forest resource based activities carried out on-reserve over past five (5) years, and
4. ... the current year range of activities.

- 5(a) Are there forest-based businesses operating on-reserve? Yes ___ No ___
- 5(b) If yes, complete NAFA Data Base Company Profile form on each business and attach.
6. Total number of jobs: full time _____ and seasonal _____ in past year from on-reserve forest activities.
7. Estimate percentage of total community employment (wage) income from on-reserve forest-based activities. _____% (Other sources of employment income will include employment in other sectors, off-reserve employment, band administration, etc.)

OFF-RESERVE FORESTRY ACTIVITIES

8. Total number of jobs: full time _____ and seasonal _____ in past year from off-reserve forestry activities.
9. Estimate percentage of total community employment (wage) income from off-reserve forest-based activities. _____% (Other sources of employment will include on-reserve employment, employment in other sectors off-reserve, band administration, etc.)
- 10(a) Are there First Nation owned forest-based businesses operating off-reserve?
Yes ___ No ___
- 10(b) If yes, complete NAFA Data Base Company Profile form on each business and attach.

GENERAL

11. Estimate total business income (revenues/gross sales) of First Nation owned businesses operating on or off-reserve. \$ _____

DRAFT FOR DISCUSSION PURPOSES ONLY

**IMPLEMENTATION GUIDELINES
FOR
TERM AND CONDITION #77
OF THE
TIMBER CLASS ENVIRONMENTAL ASSESSMENT**

**MINISTRY OF NATURAL RESOURCES
JANUARY 19, 1996**

TABLE OF CONTENTS

1. Introduction
2. Purpose
3. Context
4. Implementation
 - 4.1. General Advice
 - 4.2. Access to Resources
 - 4.2.1. Non-competitive Process
 - 4.2.1.1. Expression of Interest (Application) for Forest Resource Licences
 - 4.2.2. Competitive Process
 - 4.3. Forest Management Activities
 - 4.3.1. Harvesting
 - 4.3.2. Forest Renewal, Maintenance and Protection
 - 4.3.3. Forest Access
 - 4.3.4. Forest Management Planning Activities
 - 4.4. Wood Processing Facilities
 - 4.5. Service Sector
 - 4.6. Training and Education
 - 4.7. Summary
 - 4.7.1. Checklist for District Managers
 - 4.8. Communications
 - 4.8.1. Internal
 - 4.8.2. External
5. Reporting
 - 5.1. Sources of Information
 - 5.2. Contents of the Annual Report

APPENDICES

1. Transition from the *Crown Timber Act* to the *Crown Forest Sustainability Act*
2. Order-in-Council 993/95
3. Potential Funding Sources for Aboriginal Communities

IMPLEMENTATION GUIDELINES

1.0 INTRODUCTION

On April 20, 1994, the Environmental Assessment Board released its decision on the Class Environmental Assessment by the Ministry of Natural Resources for Timber Management on Crown Lands in Ontario. Timber management under the Class Environmental Assessment includes access, harvesting, renewal and maintenance on Crown land within Forest Management Units subject to planning under Forest Management Plans in the Area of the Undertaking. Of the 115 Terms and Conditions of the Board, #77 addresses the need for a more equal participation in the benefits of forest management by Aboriginal peoples (Note: In this document, *Aboriginal peoples* [First Nations and others] includes communities, individuals, enterprises and organizations. Flexibility should be exercised in identifying initiatives at the local level which will provide the greatest benefits to the communities). Although the Ministry of Natural Resources (MNR) is legally bound to comply with the decision of the Board, the successful implementation of this condition requires the involvement of the Aboriginal community and other parties.

Following is the wording of Term and Condition #77 as it appears in the EA Board's decision:

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 licence negotiations with existing licensees where opportunities exist.
- d) Providing timber licences to Aboriginal people where unalienated 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 the Department of Indian and

Northern Affairs.

- f) **Other forest resources that may be affected by timber 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 ongoing negotiations district-by-district in the Annual Report on Timber Management that will be submitted to the Legislature (Condition 82 and Appendix 20).

* Condition 23(c) states:

Where management objectives for non-timber values are not identified in other plans or policies and such non-timber values can reasonably be dealt with in a Timber Management Plan through manipulation of forest cover, Timber Management Plans may determine management objectives for them.

The term of approval of the EA Board's decision is nine years.

The scope of Term and Condition #77 is broad, and its application and implementation will be determined by the variables which exist at the local level. The arrangements which are effected by MNR District Managers and Aboriginal communities will take different forms in an effort to accommodate to the extent possible the unique needs and situations of communities in the context of available opportunities.

The implementation of Term and Condition #77 may include the involvement of individual Aboriginal communities, or groups of communities with common interests situated in a common geographic area. Linkages with Tribal Councils and regional organization representatives will be taken into consideration and encouraged (e.g., forest fire fighting contracts).

In its decision, the Board ordered the Ministry of Natural Resources to build upon initiatives it is already pursuing and to provide new opportunities for Aboriginal peoples which will enable them to benefit from forest management activities in their locales.

2.0 PURPOSE

The purpose of these guidelines is twofold:

- to provide MNR District Managers with a consistent framework for the implementation of Term and Condition #77 both by building upon existing initiatives and by facilitating the development of new initiatives; and,

- to provide Aboriginal communities and forest industry companies with the information District Managers will be using in the implementation of Term and Condition #77.

3.0 *CONTEXT*

MNR will implement Term and Condition #77 consistent with its legislative authority. The *Crown Forest Sustainability Act (CFSA)* provides MNR's legislative authority for the sustainable management and use of forest resources (see Appendix 1, Transition from the *Crown Timber Act* to the *CFSA*). The *CFSA* has enabled MNR to put mechanisms in place which may assist in facilitating the implementation of Term and Condition #77. One example of this is an Order-in-Council described in section 4.2, below (also, see Appendix 2).

While responsibility for implementation of this Term and Condition is with MNR, the Environmental Assessment Board recognized that the involvement of other parties is critical to the successful implementation. This will involve the participation of First Nations and other Aboriginal communities, the forest industry, and other government bodies (e.g., Ontario ministries, Department of Indian and Northern Affairs Canada, Natural Resources Canada).

The implementation of Term and Condition #77 will not abrogate, derogate from or add to any Aboriginal or treaty rights that are recognized and affirmed by section 35 of *The Constitution Act, 1982*. It will be consistent with and will not prejudice any land claims or self-government negotiations, or agreements such as Memoranda of Understanding and Interim Measures Agreements signed by Ontario and Aboriginal communities.

4.0 *IMPLEMENTATION*

4.1 General Advice

MNR will play a number of key roles in the implementation of Term and Condition #77, ranging from that of participant in negotiations to facilitator in bringing parties together for discussion and development of opportunities, and to providing ongoing liaison and support.

Negotiations and discussions with respect to items (a) to (f) of Term and Condition #77 will take the form of both formal and informal discussions. In some instances, more than one District or forest management unit may be involved in specific initiatives.

District Managers, who have the responsibility for ensuring compliance with this condition, may assign certain tasks to District staff or teams as appropriate. Staff or teams may be drawn from more than one District, and if required, from other areas of MNR.

The types and nature of arrangements developed will be determined by local opportunities, Aboriginal community interest and industry participation. Documentation of the initiatives

will provide a basis for the annual reporting to the Legislature. There is no special funding to be allocated to Aboriginal communities by MNR for the negotiation, development or implementation of arrangements.

A broad range of types of employment and income opportunities and delivery mechanisms can be explored. This will include opportunities related to harvesting, renewal, maintenance and protection; forest access; and forest management planning activities.

The Aboriginal communities' participation will be on a voluntary basis. It is recognized and acknowledged that initiatives may be undertaken at levels broader than the district and that these would contribute to meeting the intent of this condition (e.g., forest fire fighting contract with an organization for a large area of Crown forest).

The forest industry will be encouraged to form working relationships with Aboriginal communities which may lead to the development of employment and income opportunities. For example, in the Northwest and Northeast Hardwoods Projects, industry developed a strategy for economic development with the local Aboriginal communities prior to receiving government approval for a committed wood supply. Where such relationships already exist, the parties will be encouraged to continue and build upon them. Every effort is being made in the ongoing Sustainable Forest Licence negotiations to encourage the provision of increased economic benefits to Aboriginal communities.

Other ministries such as Education and Training; Citizenship, Culture and Recreation; Northern Development and Mines; and Economic Development, Trade and Tourism may be able to provide support or advice for economic development and training which are consistent with the implementation of this term and condition. MNR will seek their involvement through ongoing ministry liaison.

The federal government, through initiatives within Indian and Northern Affairs Canada and Natural Resources Canada, will, where it is appropriate, be approached by MNR to provide funding and program support as identified by the EA Board (see Appendix 3 for a list of potential funding sources for Aboriginal communities). MNR has corporately contacted Indian and Northern Affairs Canada to inform its officials about Term and Condition #77 and to request their involvement and assistance as needed.

4.2 Access to Resources

One intent of paragraph (d) of Term and Condition #77 is to provide Aboriginal peoples with an opportunity to acquire forest resource licences where uncommitted or unutilized Crown forest resources are available close to reserves. The Crown timber which is identified as available through the forest management planning process may provide a number of harvesting opportunities. When this uncommitted forest resource is available, two linked processes are used to evaluate any requests or proposals for its use.

MNR issues licences to harvest forest resources in accordance with provisions of the *Crown Forest Sustainability Act*. The *CFSA* (Section 24(2)) provides for a competitive process with exceptions for determining who receives a forest resource licence or who enters into a supply agreement. Section 24(2) was designed to ensure a fair and equitable distribution of resources that might be made available from time to time, either on a short-term or a long-term basis.

Section 24(2) does not imply that all resources must undergo a competitive process before they are allocated.

4.2.1 Non-competitive Process

An Order-in-Council (OIC) that provides for a non-competitive process was created to allow for the granting of forest resource licences or the entering into of supply agreements without a competitive process in a number of different circumstances. One such circumstance is to provide for economic opportunities for Aboriginal peoples.

Order-in-Council 993/95 (see Appendix 2) defines the non-competitive process and the steps that are to be taken in the evaluation and granting of forest resource licences and supply agreements. The non-competitive process is best suited for those short term opportunities as they are identified within the Forest Management Plans (5 year period).

4.2.1.1 Expression of Interest (Application) for Forest Resource Licences

When a forest resource has been identified as being available consistent with the Forest Management Plan (FMP) and the District Manager has reviewed the conditions for using the non-competitive process, consideration may be given to the granting of a forest resource licence that will provide economic opportunities for Aboriginal people, in accordance with the process set out in Appendix "A" to the Order-in-Council. Application is made to the District Manager; the request is reviewed to see if amongst other things, the forest resources requested are available. The past performance of the applicant is reviewed, as are available markets for the forest resources planned for harvest.

Similarly, a supply agreement that will provide economic activities for Aboriginal people may be granted in accordance with the process set out in Appendix "B" of the OIC once the conditions and opportunities have been reviewed by the District Manager and a decision made. Providing the forest resource licence or supply agreement proposal is consistent with existing supply commitments and the approved forest management plan for the management unit, and the process listed in the Appendices is followed, a licence or agreement can then be processed.

4.2.2 Competitive Process

In certain circumstances, the competitive process may still be required under Section 24(2) of the *Crown Forest Sustainability Act*.

Where the competitive process occurs under Section 24(2), Aboriginal peoples should be included, either as a potential bidder or through consideration in the business cases of non-Aboriginal applicants, such as employment and training opportunities, community opportunities, etc.

4.3 Forest Management Activities

The scope of forest management activities includes harvesting; forest renewal, maintenance and protection; forest access; and forest management planning activities. Each of these areas represents potential employment and economic development opportunities for Aboriginal peoples, particularly through partnerships with industry.

4.3.1 Harvesting

Harvesting includes harvesting of forest resources, transportation to the mill and all associated activities such as roadside processing. Harvesting activity is conducted almost exclusively by industry which, through Sustainable Forest Licence negotiations, may be in a position to facilitate opportunities for Aboriginal communities.

Economic opportunities can result from harvesting conducted on First Nation licences under the *CFSA* or through employment and contracting with other licensees. There may be some limited opportunities for employment and contracting with MNR on Crown Management Units for specific harvesting activities.

MNR's primary roles would be:

- to act as facilitator in the identification of potential employment and contracting opportunities between interested Aboriginal communities and the forest industry;
- to discuss and explore with industry potential opportunities for Aboriginal peoples on management units managed by forest companies; and,
- to identify any potential employment and contracting opportunities associated with Crown Management Units (e.g., clearing for road construction, road construction, harvesting).

4.3.2 Forest Renewal, Maintenance and Protection

Forest renewal, maintenance and protection includes all activities associated with regeneration and protection of the forest. This could include activities such as tree

marking, site preparation, tree planting, seeding, tending, insect and disease management, seed and nursery production, and fire protection.

As these activities currently are shared by both government and industry, there is potential for direct employment in both these sectors. Opportunities also exist for Aboriginal business to provide technical and professional services to both government and industry (e.g., silvicultural contracting).

MNR's role could range from that of direct contractor of these services to facilitator to assist Aboriginal communities and industry in the identification of business opportunities through the forest industry.

4.3.3 Forest Access

Forest access includes such activities as road clearing and construction, gravel hauling, road grading and maintenance, snow plowing, and control of nuisance wildlife. These activities are conducted primarily by industry on management units managed by forest companies and to a lesser extent by MNR on Crown Management Units. Potential economic opportunities may exist in the form of direct employment or contracting for construction services with government or industry.

MNR's role could be as a direct contractor of road construction services on Crown Management Units and as facilitator to assist Aboriginal communities and industry in the identification of other business opportunities through the forest industry.

4.3.4 Forest Management Planning Activities

There are a variety of activities associated with forest management planning including information collection, resource inventory, values identification and mapping, monitoring and preparation of reports (e.g., Native Background Information Reports). Information is required for a variety of values including timber, wildlife, fisheries, and cultural and spiritual sites, as indicated in the Forest Management Planning Manual.

These activities are conducted by both MNR and industry on an ongoing basis as part of forest management planning. Opportunities exist for direct employment and contracting of technical and professional services by both government and industry.

MNR's role would be one of assisting and encouraging delivery of economic opportunities through the forest industry.

The *Crown Forest Sustainability Act* provides the legislative basis for the Minister of Natural Resources to "enter into agreements with First Nations for the joint exercise of any authority of the Minister" under Part II: Management Planning and Information. Potential agreements could be considered on a case-by-case basis where opportunities

exist for management planning activities as detailed in the Forest Management Planning Manual.

4.4 Wood Processing Facilities

A large amount of economic activity in the forest sector is associated with existing wood processing mills (e.g., pulp and paper mills, sawmills, board mills) and secondary manufacturing. A variety of employment and contracting opportunities are available. A range of skills are required in such areas as management and administration, clerical services, engineering and technical support, skilled labour trades, transportation and marketing.

While capacity for additional mills is very limited, new business opportunities may exist in areas of secondary or value added processing such as log home construction, planing mills, kiln operations, pole mills, fuelwood operations and other specialty services.

Economic opportunities in this area will continue to be associated largely with direct employment and contracting in the private sector. There may be some limited opportunity associated with the development of First Nation processing facilities particularly for value added services or specialty products (e.g., logs for housing).

MNR's role is one of facilitating and/or encouraging discussions between Aboriginal communities, industry, and other agencies and prospective partners in the identification and delivery of potential business opportunities.

4.5 Service Sector

This category includes possible economic and business opportunities associated with the provision of ancillary services to harvesting operations, processing mills and other forest management activities. It includes a variety of possible opportunities including transportation of workers, and businesses to supply specialized products, equipment or services (e.g., production of nursery stock, equipment supply and maintenance, laundry services, facility construction and maintenance, catering, administrative services, etc.).

MNR's role could be in the facilitation of contracting for such supply and services and working with Aboriginal communities and industry in identifying potential economic opportunities.

4.6 Training and Education

Training is possible for a broad and diverse range of business and employment opportunities in the forest sector.

Other provincial ministries such as Education and Training; Economic Development, Trade and Tourism; Northern Development and Mines; and Citizenship, Culture and

Recreation also have responsibility for encouraging economic development and facilitating job training opportunities, as do federal government bodies.

MNR's training role would be to provide support at the local level for potential training opportunities for skill areas within MNR's area of expertise. This might include such things as making select internal training available to First Nation members and providing support and internship opportunities for students in Aboriginal Resource Technician Training and forest industry programs. These initiatives could build upon ongoing ones in a number of Districts, where on-the-job training and sponsorship of technicians has been established.

MNR can identify potential training opportunities and encourage federal and provincial agencies to initiate training programs. Similarly, MNR can encourage the forest industry to identify opportunities and work with the federal and provincial agencies for training program development and implementation.

4.7 Summary

The following table summarizes the implementation process.

Implementation	Description	Responsibility	MNR's Role
<p><i>Access to Resources</i></p> <ul style="list-style-type: none"> • Non-competitive process • Competitive process 	<p>Opportunities to acquire Forest Resource Licences where uncommitted or unutilized forest resources are available consistent with the FMP</p>	<p>MNR, in consultation with primary licence holders</p>	<ul style="list-style-type: none"> - Provide information - Identify opportunities - Maintain liaison with industry and interested parties
<p><i>Forest Management Activities</i></p> <ul style="list-style-type: none"> • Harvesting • Forest Renewal, Maintenance, Protection • Forest Access 	<p>Harvesting, transportation and associated activities</p> <p>All activities associated with regeneration and protection</p> <p>Road clearing, construction, maintenance, gravel hauling, snow plowing, nuisance wildlife</p>	<p>Mostly industry</p> <p>Government and industry</p> <p>Mostly industry, on units licensed to forest companies; MNR on Crown Management Units</p>	<ul style="list-style-type: none"> - Explore opportunities on units licensed to forest companies - Act as facilitator between Aboriginal communities and industry - Identify potential opportunities, Crown Management Units - Facilitator - Monitor - Facilitator in identification of opportunities through forest industry - Direct

<ul style="list-style-type: none"> • Forest Management Planning Activities 	Information collection, resource inventory, plan preparation, values identification and mapping, reporting, monitoring	MNR and industry as part of forest management planning	<p>contractor on Crown Management Units</p> <ul style="list-style-type: none"> - Encouraging opportunities through forest industry - Initiating contracting for planning
<i>Wood Processing Facilities</i>	Pulp and paper mills, sawmills, board mills, secondary manufacturing	Private sector	<ul style="list-style-type: none"> - Facilitating discussions with industry and prospective partners
<i>Service Sector</i>	Ancillary services - transportation, specialized products, services	Industry	<ul style="list-style-type: none"> - Facilitating contracts by assisting Aboriginal communities and industry to identify opportunities
<i>Training and Education</i>	Business and employment opportunities	Provincial ministries, federal government, private sector	<ul style="list-style-type: none"> - Facilitation

4.7.1 Checklist for District Managers

- Are there opportunities to increase local Aboriginal peoples' access to resources?

Is the Aboriginal community aware of them?

What should the District do to facilitate Aboriginal people's involvement?

Can the non-competitive process be used?

Can the competitive process be used?

- In the areas of harvesting; forest renewal, maintenance and protection; forest access; and forest management planning, are there opportunities available?

Has industry been contacted and liaison with industry maintained?

Have local Aboriginal communities been kept informed?

- Are there opportunities in the mills or in secondary manufacturing?

Have companies been contacted about Aboriginal interest?

- Are there openings in the area of provision of services and products?

Have local Aboriginal communities been informed of these?

- What is available in the areas of forest related training and education?

Are there new provincial programs?

Are there any new federal programs that could be pursued?

4.8 Communications

4.8.1 Internal

It is essential for District Managers (DMs) to maintain strong communication links with several individuals, agencies and ministries during the various phases of implementation of Term and Condition #77.

There is a need for strong internal communications links with the Provincial Operations Branch, the Aboriginal Policy and Operations Branch, and MNR senior managers to ensure that when changes are occurring in the forest industry, opportunities for Aboriginal communities are given serious and timely consideration. Similarly, senior managers should be cognizant of field staff efforts when talking with senior forest industry officials.

The following table summarizes these linkages.

PHASE AND ACTIVITY	PRINCIPAL CONTACT FOR DISTRICT MANAGERS	PURPOSE
<i>General advice</i>	<p>MNR Regional Forest Industry Liaison Specialist</p> <p>Strategic Planner, Forest Resources, District Office</p> <p>MNR Native Liaison Specialist MNR Aboriginal Policy and Operations Branch</p> <p>Ministry of Economic Development, Trade and Tourism</p> <p>Ministry of Northern Development and Mines</p>	<p>To understand region-wide sense of opportunities or challenges in the forest industry</p> <p>As above</p> <p>For advice and better understanding of the Term and Condition</p> <p>To understand ministry's role if opportunity is identified</p> <p>As above</p>
<i>Allocation and licensing</i>	<p>MNR Regional Forest Industry Liaison Specialist</p> <p>MNR Area Forester or Area Supervisor</p>	<p>To gain insight into existing wood flow situations and/or existing or potential wood supply problems</p> <p>To gain insight into licensing and tenure arrangement options and pros and cons of options</p>

<p><i>Forest management activities</i></p> <ul style="list-style-type: none"> • Harvesting • Renewal, Maintenance and Protection • Forest access • Forest management planning <p><i>Planning activities</i></p>	<p>MNR Local Area Forester</p> <p>MNR Regional Forest Management Planning Specialist</p>	<p>To obtain advice from local Area Forester familiar with opportunities, local conditions and industry arrangements</p> <p>To obtain regional perspective on opportunities for potential First Nation involvement</p>
<p><i>Wood processing</i></p>	<p>Regional Forest Industry Liaison Specialist</p> <p>Ministry of Economic Development, Trade and Tourism</p> <p>Ministry of Northern Development and Mines</p>	<p>To obtain insight into technology available to manufacture various wood products</p> <p>To better understand the economic development climate in the local and regional areas</p> <p>As above</p> <p>To gain insight into programs and opportunities for financial assistance</p> <p>To obtain assistance with market analysis, preparation of business and financial documents</p>

4.8.2 External

In some cases, Districts may need to deal with a large number of Aboriginal communities; in others, there may be only a few. Often dialogue has already been initiated on such matters as economic development, and the search for economic benefits from forest management has already occurred or is ongoing.

It is suggested that District Managers initiate and/or maintain ongoing discussions with the leaders of the Aboriginal community and the community's economic development officer (if one is in place) to better understand the community's desires and aspirations vis-à-vis employment and business opportunities. In some instances, the forest industry may not be one of their key focuses for economic development. This needs to be known early in the process. Conversely, it could be a principal foundation for their future plans.

5.0 *REPORTING*

Term and Condition #77 requires that the MNR report on progress of ongoing negotiations district-by-district in the Annual Report on Timber Management that will be submitted to the Legislature. The first annual report is planned for 1996..

5.1 Sources of Information

The Annual Report will be compiled from information gathered from MNR staff, from local First Nations and other Aboriginal communities where appropriate, and from the forest industry to ascertain what initiatives were undertaken to meet the intent of Term and Condition #77. To the extent possible, reports will include statistical information pertaining to licensing and allocation (e.g., number of licences, wood allocation), direct employment opportunities, contracts awarded, training initiatives undertaken, etc. For purposes of consistency, a standardized reporting format will be developed which is compatible with the Term and Condition and these Implementation Guidelines. Initial responsibility for the development of this reporting requirement rests with the MNR *Forests Moving Forward* Reporting Project, in consultation with the Aboriginal Policy and Operations Branch.

5.2 Contents of the Annual Report

Following are some questions that may form much of the basis of the reporting format to be developed.

1. What negotiations, discussions or initiatives related to Term and Condition #77 did your District undertake in the past year with Aboriginal communities? Include attempts to initiate such contacts and exchanges in addition to ones which reached fruition.

2. Describe the nature of any employment or contracting opportunities between MNR and local Aboriginal communities relating to forest management activities.
3. Describe the nature of any initiatives, partnerships or overlapping (licence) agreements between local Aboriginal communities and the forest industry facilitated by the District.
4. Were any forest licences issued to Aboriginal licensees in the past year, and if so, how many? What were the allocations associated with these licences?
5. Describe any training or education initiatives undertaken by local First Nations, industry, MNR, other agencies or educational institutions for Aboriginal people associated with forest management facilitated by the District.

APPENDIX 1

TRANSITION FROM THE CROWN TIMBER ACT TO THE CROWN FOREST SUSTAINABILITY ACT

As of April 1, 1995, the *Crown Forest Sustainability Act (CFSA)* replaced the *Crown Timber Act (CTA)* as the legislation which provides for the management of Crown forests in Ontario.

The purposes of the new Act are “to provide for the sustainability of Crown forests and, in accordance with that objective, to manage Crown forests to meet social, economic and environmental needs of present and future generations.”

As a result of the transition from the *CTA* to the *CFSA*, the terminology and types of licences issued have changed. The following table summarizes the licences under the two Acts.

In addition to the new licence types, a new provision in the *CFSA* defines a procedure for the disposition of unutilized Crown wood either through a competitive process (s.24 of the *CFSA*) or the non-competitive process (OIC 993/95) consistent with the Forest Management Plan. Non-committed wood is initially identified at the forest management planning stage but can become available during the course of the plan. The competitive process is to be followed when wood becomes available unless there is a need to meet one of the conditions laid out in Sections 3 or 4 in OIC 993/95 (non-competitive process).

Licence Types - CTA vs. CFSA

Under CTA	Under CFSA	Comments
Forest Management Agreements	Sustainable Forest Licence	Section 26 (1)
Timber Supply Agreements	Supply Agreement	Section 25 (1)
	Forest Resource Licences	Section 27 (1)
Order-in-Council (OIC)	Forest Resource Licence >100 ha	Requires signature of Director, Provincial Operations Branch
District Cutting Licences (DCL)	Forest Resource Licence <100 ha	Issued at the District
Third Party Licences	Overlapping Forest Resource Licence 1) <100 ha 2) >100 ha	Requires an agreement between the primary licensee and the overlapping licensee
Tender Sale Licences	Forest Resource Licence - Sale by Tender	
Salvage Licences	Forest Resource Licence - Salvage Operation	
Personal Use Permits	Forest Resource Licence - Personal Use	
	Forest Resource Licence for harvest under 25 ha	

APPENDIX 2

Licence Types - CTA vs CPSA

Licence Type	Description	Regulation
Forest Management Agreement	Sustainable Forest Licence	Section 26 (1)
Timber Supply Agreement	Supply Agreement	Section 23 (1)
	Forest Resource Licence	Section 23 (1)
Order-in-Council (OIC)	Forest Resource Licence	Section 23 (1) Request signature of Director, Provincial Government
Order-in-Council (OIC)	Forest Resource Licence	Section 23 (1) Request signature of Director, Provincial Government
Forest Resource Licence	Resource Licence	Section 23 (1)
	Forest Resource Licence	Section 23 (1)
	Forest Resource Licence	Section 23 (1)
	Forest Resource Licence	Section 23 (1)
	Forest Resource Licence	Section 23 (1)

ORDER-IN-COUNCIL 993/95



Ontario

Executive Council
Conseil des ministres

Order in Council
Décret

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and concurrence of the Executive Council, orders that:

Sur la recommandation du soussigné, le lieutenant-gouverneur, sur l'avis et avec le consentement du Conseil des ministres, décrète ce qui suit :

WHEREAS subsection 24(2) of the Crown Forest Sustainability Act (the Act) requires that the Minister of Natural Resources shall not enter into a forest resources supply agreement or grant a forest resources licence except in accordance with a competitive process;

AND WHEREAS subsection 24(3) of the Act provides that subsection 24(2) does not apply if another process is authorized by the Lieutenant Governor in Council;

AND WHEREAS the Minister of Natural Resources desires the process set out herein to be the process to be followed instead of the process required by subsection 24(2) of the Act, in the circumstances described;

THEREFORE pursuant to clause 24(3)(b) of the Act, the Minister of Natural Resources is hereby authorized to follow the process described below when an agreement is entered into under section 25 of the Act or a licence is granted under Part III of the Act instead of the process required by subsection 24(2):

1. A licence may be granted under the Act to an applicant therefor if one of the conditions set out in paragraph 3 of this Order in Council are met and if the process set out in Appendix A of this Order in Council is followed.
2. A supply agreement may be entered into under section 25 of this Act with an applicant therefor if one of the conditions set out in paragraph 4 of this Order in Council are met and if the process set out in Appendix B of this Order in Council is followed.

3. The process set out in Appendix A of this Order in Council may be followed with respect to the granting of a licence under the Act if any of the following conditions are met:

The granting of the forest resource licence;

- (i) satisfies an existing legal commitment,
- (ii) maintains the approved forest resource utilization levels of the existing forest industry in Ontario subject to the sustainable supply of forest resources determined in the applicable forest management plan and having regard to the supply analysis provided in any application for a forest resource licence,
- (iii) satisfies economic opportunities for aboriginal people,
- (iv) permits the expedient salvage of killed or damaged forest resources,
- (v) satisfies harvesting requirements necessary to ensure that forest operations are conducted in accordance with the approved forest management plan, annual work schedule and prescriptions where applicable,
- (vi) permits the harvest of forest resources that are for the licensee's own non-commercial use,
- (vii) permits the harvest of forest resources for the purposes of establishing gravel pits, rights of ways and work on mining claims, or
- (viii) satisfies the requirements for forest resources that Ontario may have from time to time for its own uses.

4. The process set out in Appendix B of this Order in Council may be followed in the entering into of a supply agreement by the Minister if any of the following conditions are met:

The entering into the supply agreement;

- (i) satisfies an existing legal commitment,
- (ii) maintains the approved forest resource utilization levels of the existing forest industry in Ontario subject to the sustainable supply of forest resources determined in the applicable forest

management plan and having regard to the supply analysis provided in any application for a forest resource licence, or

(iii) satisfies economic opportunities for aboriginal people.

Recommended *[Signature]* concurred *Mike Farnan*
 Minister of Natural Resources Chair of Cabinet

Approved and Ordered MAR 29 1995
 Date Lieutenant Governor

~~*[Large scribbled signature]*~~

Certified to be a true copy.

[Signature]
 Deputy Clerk, Executive Council

APPENDIX "A"

Applications for Forest Resource Licences

The following outlines the process to be followed for an application to obtain a forest resource licence for purposes of this Order in Council:

1) The applicant must apply to the District Manager to obtain a Licence to Harvest Forest Resources. Applications should be in writing, but may be in the form of a verbal request that is followed up in writing at the discretion of the District Manager.

Applications should usually be made at the time of the review process of a newly proposed forest management plan or at the start of a new 5-year operating term of the plan, but may occur at other times where a licensee or a mill has not been able to harvest its requirements.

Individuals or companies may request specific areas be licensed or request an increase in the level of volume that is made available for harvest.

2) The Ministry of Natural Resources will review the request based on the considerations set out in this Order in Council and also on the species and quality of the material being requested and the availability of forest resources allocated for harvesting over the next five-year operating term of the forest management plan for the area of the request.

If the request is for a supply over a term longer than five years, usually to supply the applicant's mill, further information regarding the mill and a detailed supply analysis may be required.

3) The Ministry will also review the previous performance of the applicant including compliance with the harvesting requirements in past operations if applicable, the payment of licence accounts and the sale or utilization of all the forest resources that may have been available to the applicant over the previous plan operating term.

Where the applicant is a company, partnership or operates under a firm style of name, the registration must be current and permit operations in Ontario.

4) The Ministry will also review the availability of markets for the forest resources planned for harvest.

Where there are prior commitments by way of a supply agreement, the applicant may be required to indicate whether or not a contract has been made with the supply agreement holder for the sale of the harvested forest resources in accordance with the supply agreement. Other supply agreements may only require, as a condition of the licence, that the licensee offer the agreement holder the first opportunity to purchase the forest resources in respect of the agreement.

In some management units, some or all volumes or some species may be available for purchase on the open market and the applicant is simply required to indicate the intended mill destinations of the forest resources.

5) After determination that the applicant has satisfactorily met past operating requirements, and that volumes are available for licensing and any other requirements which may apply, the district prepares an Area Forester's Report on the Area of a Proposed Licence to Harvest Forest Resources, which includes a map of the area to be licensed and any applicable special operating conditions. The applicant is required to sign the completed report.

6) Providing the licence proposal is consistent with existing supply commitments and the approved forest management plan for the management unit, a licence is processed for signature.

APPENDIX "B"

Process for Applications for Supply Agreements

The application shall be made in writing stating the purpose, the facility location, type of facility, required annual volumes by species and log type and other sources of supply the facility may be accessing.

The Ministry will review the application to determine the general feasibility of the request and whether it satisfies considerations set out in this Order in Council.

If the request is determined to be generally feasible, the applicant is required to provide a detailed request of the facility requirements, the specifications of the required forest resources, the facility product(s) and markets for those products.

The applicant is also required to participate in a wood supply analysis for the identified supply area to determine the level of a sustainable supply and to confirm the availability and acceptability of the volumes. This analysis must take into account any other commitments for forest resources from the area of supply that have been made by the Ministry.

Where an adequate supply is available, either at the same level as requested by the applicant or at a reduced level, and providing the applicant meets any other Ministry requirements, a supply agreement may be granted for an annual volume of forest resources that have been determined to be available, subject to the approval of the Lieutenant Governor in Council and the Minister of Natural Resources.

APPENDIX 3

POTENTIAL FUNDING SOURCES FOR ABORIGINAL COMMUNITIES

The following table provides information about potential sources of funding for Aboriginal communities wanting to become involved in various aspects of forestry including forest management activities, wood processing, service sector and training and education.

This information is provided for District Managers in order to assist in their discussions and negotiations with Aboriginal communities in need of funding for forest related activities.

The information is current as of January 1996 and may be expected to change over time.

POTENTIAL FUNDING SOURCES FOR ABORIGINAL COMMUNITIES

PROGRAM NAME	SPONSOR	DESCRIPTION	CONTACT
Aboriginal Business Development Program	Industry, Science and Technology (Federal)	Provides financial and developmental assistance to Aboriginal individuals and communities enabling them to establish, expand and acquire business enterprises and to provide comprehensive support for Aboriginal entrepreneurs.	Aboriginal Economic Program (416) 973-8800
Aboriginal Capital Corporations (ACCs)	Industry, Science and Technology (Federal)	Provides capital funding and business development services such as advisory and counselling assistance, training and skill development.	Aboriginal Economic Program (416) 973-8800
External Delivery Organizations	Industry, Science and Technology (Federal)	Provides a network of Aboriginal delivery organizations to enable clients to gain access to funding through their own organizations.	Aboriginal Economic Program (416) 973-8800
FedNor Centre Capital Investment Consultant Studies Marketing Quality, Technology and Management Development Research and Development Market Access Program	Industry, Science and Technology (Federal)	<p>To promote Northern Ontario business through awareness among suppliers and buyers</p> <p>Capital costs for manufacturing, tourism, repair and retail activities.</p> <p>Financial assistance for the cost of a consultant for the development of a business or marketing plan.</p> <p>Financial assistance for the costs of new marketing initiatives</p> <p>Financial assistance for the cost of quality-control equipment and services i.e. consulting services</p> <p>Financial assistance for those undertaking R&D activities for the development of new products, services or production processes.</p>	<p>Sudbury (705) 671-0711 Thunder Bay (807) 623-4436 Ottawa (613) 954-5540 Toronto (416) 973-4782 1-800-465-6870</p>

POTENTIAL FUNDING SOURCES FOR ABORIGINAL COMMUNITIES

PROGRAM NAME	SPONSOR	DESCRIPTION	CONTACT
Research and Advocacy Program	Industry, Science and Technology (Federal)	Provides support for Aboriginal business and economic development conferences, trade shows, and resource development symposia.	Aboriginal Economic Program (416) 973-8800
Small Business Loans Act/Business Improvement Loans Act	Industry, Science and Technology (Federal)/Chartered Banks	Assists small and medium-sized businesses to obtain loans.	Chartered Banks or Small Business Loans Admin. Toronto (416) 973-4782 1-800-465-6870
Community Economic Development Organizations	Indian and Northern Affairs Canada (Federal)	Provides assistance to entrepreneurs and individuals in areas such as business planning; resources development projects; providing contributions, funding and loans for training.	Local Community Economic Development Program Office or Indian and Northern Affairs (416) 973-6234
Regional Opportunities Program (ROP)	Indian and Northern Affairs Canada (Federal)	Provides funding to support development, advisory and extension services, participation in federal-provincial agreements and better access to federal programs. Policy research and innovative pilot projects are also eligible for funding.	For a listing of Sectoral Development Institutions call: Indian and Northern Affairs (416) 973-6234
Pathways to Success	Human Resources Development Canada (Federal)	This is an Aboriginal Employment and Training strategy implemented through a series of Aboriginal management boards. The Local Aboriginal Management Boards(LAMBS) are responsible for the establishment of local employment priorities as well as for making the decision as to what applications are funded. Overall goal is to ensure that Aboriginal people have access to the UI and Self-Employment Assistance programs.	For a LAMB near you, contact your federal Community Employment Centre(CEC)
Northern Forestry Program	Natural Resources Canada (Federal)	Provides support for First Nations by assisting with forestry projects that contribute to the sustainable development of reserve forests.	Director Canadian Forest Service Sault Ste. Marie (705)949-9461

POTENTIAL FUNDING SOURCES FOR ABORIGINAL COMMUNITIES

PROGRAM NAME	SPONSOR	DESCRIPTION	CONTACT
Aboriginal Business Ventures Program	Ontario Ministry of Economic Development, Trade and Tourism	Promotes access to funding through loan guarantees; the creation of new, self-sustaining business; the creation and retention of jobs; and ensuring that entrepreneurs have reached their ideas by means of a business plans.	Program Consultant (905) 279-1142 or 1-800-387-0070
New Ventures/ Youth Ventures	Ontario Ministry of Economic Development, Trade and Tourism	Promotes success of new and youth businesses, providing access to funding through loan guarantees. Provides advice on business plans.	Business Consultant (905) 279-1140 or 1-800-387-0070
Aboriginal Economic Development Program	Ontario Ministry of Citizenship, Culture and Recreation	Supports Aboriginal peoples' economic goals towards economic self-reliance, to access existing economic development resources and to make maximum use of available funding.	Co-ordinator, Economic Development (416) 314-7420
Northern Ontario Heritage Fund - Business Incentive Program	Ontario Ministry of Northern Development and Mines	Provides loans and grants to assist in new technology with emphasis on the resource sector; helps small business to get started and overall, promote long-term growth and diversification of Northern Ontario.	General Manager - Northern Ontario Heritage Fund Corporation 1-800-461-8329
CORDA - Canada Ontario Resources Development Agreement	Ontario Ministry of Natural Resources	Promotes resource and economic development of First Nations peoples by providing financial assistance to develop and utilize renewable natural resources.	CORDA Co-ordinator - Sudbury (705) 675-4120 Ext. 333





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