

Jaakko Poyry Report on Future Wood Supply

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Back Ground: Chair, National Aboriginal Forestry Association - NAFA.
Sitting member of the Premier Round Table on the Economy and the Environment – PRTEE.
Past chair, still sitting member of the First Nation Forestry Program – FNFP, through Natural Resources Canada and Indian and Northern Development.
Fundy Model Forest - Executive Member - First Nation chair.
Forester for the Eel Ground First Nation Community.
Recipient of numerous awards:
1998 James M. Kits Award - CIF
1998 Milton F. Gregg Award – NBCC
2000 Gala Award – NBEN
Nominated twice, National Aboriginal Achievement Award

I first like to acknowledge all those who have spoken before me. The concerns they have addressed do create emerging concerns about...what can we do or allow within our natural forest. I would also like to say thank you to the panel for the opportunity to be able to present my thoughts and insight on the current fiasco around what to do with the forestry resource managed by the public office and officers of the Department of Natural Resources. To those here representing industrial interest, with their talk about enhancing economic stability and growth potential of our forest for all New Brunswick, I say, why all of a sudden. Also, last, and definite not least, the Miramichi First Nations presently know as Eel Ground, Red Bank and Burnt Church for allowing this meeting to take place on their traditional lands.

Most of the presentations over the past month or so, if not all, around the Jaakko Poyry report have center around future wood supplies and the demand placed upon on natural environment in particular our trees...what to grow, where to grow them, how many to grow, who own them, who will own them, the cost, the repercussions, the projected results. I can remember such discussion during the 70s and the 80s when the same concerns where loudly voiced with very little results with the exception of the crown land forestry act of 1982, which in itself was an accomplishment but had, miss one vital issue.

This is where my presentation will take such a different approach on how I see this land...our land being further development at the request of primarily foreign and outside interest with one industrial giant having it's roots here in New Brunswick. What I'm about to say is not new, but have been completely and continually ignored by this government, past government and third party interest...industry. What is discuss in the Jaakko Poyry is poorly thought out foundation for future development and my presentation will share experiences I have see over my 15 years as a forester from a community base model recognized across Canada but not in our province especially by industry and this government.

I take great pride in known that I have an prospective different from so many in that I'm not clouded by hiding agendas, profit margins, government dancing, environmental and industrial scare tactics. I want to stress I'm not an industry hater. In some cases they can be seen as innocent bystander, but yet realized they're knowingly carry on with business as usual without proper authority by hiding behind policy. This leaves a sour taste in those who understand the law and have been challenging the authority of this government over the past decade and winning.

Yes, I said, the law!

The rules and regulations governing the access, utilization, together with management of our resources, where does it originate, who gives it and what does it mean. We have heard, talked about, studied, changed and implemented what we have been told for such a long time is the rules of the lands. Well, I’m going to give everyone here today a history lesson and I would challenges anyone here to discredit these facts to which I will be cited for the benefit of this committee before me and the group gather here today.

Any report, any recommendations come about because of believes. Applied knowledge and understandings, factual or scientific on the way things are or have been done. The Jaakko Poyry report makes reference to these as, “benchmarks.”

The forest is uniquely important to First Nations and their peoples, as most First Nation communities are located in forested regions. As a result, the forest has important spiritual and economic dimensions for the peoples who use it for both subsistence and economic activities like hunting, fishing, trapping and crafting. Consequently, forestry policy has a direct impact on the lives of Aboriginal peoples in this province as well as the country. Canada, to which New Brunswick is part of together with the international community have acknowledge that, “ national forestry policies should recognize and duly support the identity, culture and the right of indigenous people, their communities and other communities and forest dwellers (UNCED, Forest Principle 5a).

48% of this province is referred to as Provincial Crown Land and the resources they contain are held in trust by the Province of New Brunswick for the benefit all people of New Brunswick, the English, the French, and, yes, the first peoples, the Micmac and Maliseet. What isn’t well known by New Brunswickers is that New Brunswick was granted the authority over the management and sale of provincial lands including the, “timber and wood therein,” under Section 92 of the Canadian Constitution of 1867. This province and the Legislation, it’s Premier and his Ministers appointed didn’t automatically become all

mighty landlord, making decisions without inclusion. In 1982, the Constitution Act of 1982 further clarified provincial powers related to the forest via section 92A by making them subject to Aboriginal and Treaty rights protected in section 35. That the authority of the provinces has responsibilities placed upon them, who must adhere to provisions under Section 35 and this has been reaffirmed through numerous court cases heard at the Supreme Court of Canada level, which state very clearly, **“any and all management regimes are subjected to Section 35 of the Canadian Constitution which guarantees aboriginal and treaty rights”**. This can only be achieved by the total inclusion of First Nations and this must be done in a meaningful and transparent fashion and one only has to ask the First Nations, have they been included in the management of their traditional territory. You will hear unequivocally, **“NO”**! Did the Jaakko Poyry consider First Nations rights and treaties? Has the province of New Brunswick been granted immunity from the Laws of Canada? Could someone on the panel answer these questions for me? If not, I will continue.

Over the past decade First Nations have challenged the authority of many provincial governments including New Brunswick as well as federally through Calder, 1973; Guerin, 1984; Sparrow, 1990; Delgamuukw, 1993; Gladstone and Van der Peet, 1996; Paul, 1996; Marshall, 2000; and current challenges under Bernard, 2002; Sappier and Polchies, 2003 which continually reaffirmed unequivocally the issues around the utilization of the natural environment must include First Nations in a meaningful fashion and must respect the treaties and rights of Aboriginals.

This province has completely failed when it comes to this and the Poyry Report has either been instructed to ignore it or just never realized it as a, the major, over-riding **“benchmark,”** required to be addressed before any restructuring of the management regime of this province can happen. Both ministers, the Natural Resource Minister and the Aboriginal Affairs Minister have a duty, a fiduciary duty to ensure that First Nations are

included in any major management shift. For this to be not included is a complete failure on their part to respect and adhered to the laws the governing this country and the resources of this province. The law is being broken by elected officials on a day-to-day bases by allowing third party interest the exclusive rights to remove the natural resources, in this case, our forest within this province.

It is hard for First Nations to put trust in these departments since they have failed First Nations all to often. This continues to be the case as is so evident by our current Minister of Aboriginal Affairs who took the oath of office to look after the best interest of our people, and will go down in history as the individual responsible for launching challenges and appealing ruling in the court systems as this Province's Minister of Justice. For First Nations this is such a conflict of interest and should be as clear to our Premier that this need immediate addressing for First Nation to effective participates in the proper management of our resources.

The Department of Natural Resources contributed \$ 150,000 of public money to the \$ 500,000 Jaakko Poyry Report, which addresses only the needs of the pulp and paper companies. Yes, development, employment, wildlife, water quality, specie diversity, ecosystem health, enhancement, protection and community prosperity to name just a few are all important issues facing our future. I just want to touch on a few of them cause I can only imagine the repetitive nature of these public forms.

With respect to protection and enhancement, the Poyry calls for a doubling of silviculture tending, planting and thinning, but with a substantial decrease in monitoring as DNR staff presently carries it out and uses Ontario as an example. In sighting Ontario as an example they should have also stated that they are the only province who's Forestry Act has provided for the treaties rights and their recognizing referred to as Condition 77. I will let you know this that the planting and thinning activities executed by certain industries are

not reaching present management objectives that are reported and what proof do we have that this will change. I've know of cases where this local DNR station preformed quality checks on pre commercial sites which were paid for with public funds to find out later during these quality checks that the area invoice and paid for wasn't evening accessible with no thinning happening on these sites and there are many examples of this with respect to this particular company.

Having 3rd party management through certification systems will result in major steps backward under present acceptable certification regime like ISO 14001. Monitoring of any future management regime would result in the above since for a majority of these excises are associated with the movement of paper in-house with little to no on-site inspection especially under the current certification system used the Industry, SFI, Sustainable Forest Initiative. With the requirement of only 10% verification checks currently used by government when dealing industry it not far fetched for industry themselves to create a methods of selection and auditing prior to 3rd party auditing which could systematically spread over the entire management area thus resulting in 90% of the land not be managed properly. There are many examples where after industry has removed the entire standing volume with no follow up management following because of the current short falls in monitoring systems. This province needs to ensure that a Canadian approach to Certification is achieved be under CSA or the FSC models together with local indicator and deliverable established. If this province even considers trying to increase wood supply with what is being proposed then the present system requires a substantial increase in monitoring manpower unlike what's stated by Poyry.

There also need to be serious consideration of what is the entire output and value of all fiber in New Brunswick is. The value of a M3 vary throughout the province especially within the pulpwood sector and the question has to be ask, Why is this? In such a small

province we see such variation in prices from east to west, north to south and it goes to say if industry paid a fair value for their requirements, then a large amount of the wood fiber wouldn't be leaving this province and finding itself down south as is the case with the fiber removed by private woodlots owners, representative of 50% of the forest lands in New Brunswick. Once again we have seen policy changes in the late 80 resulting in primary supplier changes creating an immediate drop in wood prices. We're trying to validate what our wood is worth to us but yet create systems that devalue it...no sense it in.

I lived in this part of the province all my live and seen a mayor mill change hand so often it hard to keep track of who they are. Presently, we have foreign interest trying to dictate what we should do with our resource on the bases that they have done so well with their and yet there here trying to take what's left in this part of the world and then most likely sell the plant before the next decade reached us and again leave the land depleted even further then the pervious owner. I have watch them ignore operational permits associated to landfill sites and decommission of other. Yet they has ask for millions and millions of dollar of public funds and be awarded the expectation that they will have increase ownership of those tree growing at the expense of the public. It would be a very say day in this province if we, the public have to buy back our trees from our lands. If they want the tree, then they should be willing to pay the price and shouldn't cry when this province increase royalties rates to where they should be, 100% market value not 76% market value.

I will take questions.

Welalin,

Stephen Ginnish.