

A New Beginning in Management for the Temagami Forest

By Robin Koistinen, Lands and Resources Director, Temagami First Nation

The local people of the Temagami area have worked together to develop the Temagami Forest Management Corporation (TFMC). On December 14, 2020, after several years of discussion, John Yakabuski, Minister of Natural Resources and Forestry (MNRF), approved its creation.

Background:

The Temagami Management Unit (TMU) is the only management unit in Ontario that has been continuously managed by the Crown since the Crown Forest Sustainability Act was passed in 1994. All other management units in the province were transitioned to Sustainable Forestry Licences (SFLs) that are held by entities, such as communal corporations and companies, and not the MNRF. Over the last 25 years, numerous attempts were made by interested parties to change or modernize the governance structure for the Temagami Management Unit to include First Nations, municipalities, and industry in a more meaningful manner.

On January 14, 2013, Ed Tear informed Temagami First Nation (TFN) that the MNRF had concluded that amalgamating the Temagami Management Unit with the Nipissing Management Unit was the best alternative based on an internal review by the MNRF. The Ministry determined that due to its restructuring, it would no longer have the human-resources capacity to manage the TMU. At the time, Mr. Tear also advised that the Ontario Forest Tenure Modernization Act, 2011 allowed for the establishment of Local Forest Management Corporations (LFMCs) as new models of forest tenure.

In February 2013, former TFN Chief Roxane Ayotte wrote, “We were not consulted prior to this decision or during this review of alternatives, and we have not been provided with the internal review report. Please provide the internal review report to us and the opportunity to provide input into the alternatives considered. The MNRF decision to amalgamate these units is a strategic-level decision which diminishes Temagami First Nation’s ability to affect forest-sustainability decisions and impacts our constitutionally-protected rights.

The agreement and work plan provided appear to assume that the Nipissing and Temagami Forest Management Units will be amalgamated, and does not provide TFN with any meaningful consultation on the Crown's decision to amalgamate or not. We are willing to look at alternative ways of managing the Temagami Management Unit – including an enhanced role for the TFN – through an agreement for the joint exercise of authority or through a TFN entity holding an Enhanced Sustainable Forest Licence.”

Following this initial engagement between the MNRF, Temagami First Nation, Teme-Augama Anishnabai (TAA), and the Municipality of Temagami, Chief Ayotte, TAA Chief John McKenzie, and Mayor John Hodgson wrote to the Minister of Natural Resources and Forestry to advise of their interest in exploring a Local Forest Management Corporation for the TMU.

“We (the TFN, TAA, and Municipality) recognize that the people and the forests of the Temagami area are intimately connected. The forests of Temagami provide environmental services, as well as significant social and economic benefits for the Temagami region, the province of Ontario, Canada, and the world. We are ready and willing to assume responsibility for the shared stewardship of the Temagami area in light of growing environmental, economic, and social challenges. We believe that an LFMC may be the best alternative to allow us to assume these responsibilities locally. We believe it is in the best interests of all concerned, including the Crown, as represented by Ontario to:

- localize control of forest management to maintain environmental sustainability, while supporting the social and economic health of the people of the Temagami region;
- ensure governance mechanisms that provide effective management of the Temagami Management Unit and shared decision making;
- recognize, respect, and help to resolve TFN/TAA's Aboriginal and treaty rights by working together;
- direct forest resources to the economic and social development of the people of the Temagami area, and have the support of provincial and federal governments in promoting diversified, local economies;
- have government investments directed towards local control of forest management;

- promote a strong working relationship with the MNR and other government departments, federal and provincial, including scientific and management support;
- ensure the best end-use and highest-value forest products are produced from forested lands.”

The TFN, TAA, and Municipality reviewed the Forest Tenure options for the TMU and came to the conclusion that the best option was a LFMC. While the TFN and TAA had not endorsed the Crown Forest Sustainability Act nor the Forest Tenure Modernization Act, and had no meaningful role in their creation or administration, all three parties wanted to consider the merits of a LFMC.

This began seven years of work. Temagami First Nation was funded to look at alternatives for managing the Temagami Management Unit. In October 2013, a Temagami Advisory Team was formed with representatives from: Temagami First Nation (Doug McKenzie, Sr.); Teme-Augama Anishnabai (Robin Koistinen); Matachewan First Nation (Cathy Yandeu); Timiskaming First Nation (Tara Dantouze); City of Temiskaming Shores (Carmen Kidd); Municipality of Temagami (John Kenrick); Town of Latchford (George Lefebvre); Township of James (Terry Fiset); Georgia Pacific (Sylvain Levesque); EACOM Timber Corporation (Jennifer Tallman); Goulard Lumber (John McNutt); and, Alex Welch Logging (Alex Welch).

Throughout those seven years, the Advisory Team met as a whole and also divided up into various “Task Teams”. The key undertaking during the first phase of the project was an assessment of the feasibility of maintaining the TMU as a stand-alone forest management unit under a modernized form of forest tenure. A total of five tenure scenarios were evaluated during this assessment: continued Crown management; amalgamation with a neighbouring forest; a conventional SFL; an enhanced SFL (ESFL); and, a Local Forest Management Corporation (LFMC).

In the Fall of 2020, after three reports, two Ontario governments, six Ministers, and a global pandemic, all Advisory Team representatives and their governing bodies supported the creation of the Temagami Forest Management Corporation (TFMC) as the new governance and tenure model for the Temagami Management Unit.

Looking Forward:

The Temagami Forest Management Corporation's proposed governance structure is as follows:

- ✓ Two seats are reserved for First Nations. One seat will be set aside for TFN/TAA, and the second is set aside for Matachewan First Nation and Timiskaming First Nation, on an alternating basis.
- ✓ One seat is reserved for the Municipality of Temagami.
- ✓ One community seat will be rotated among the municipalities of the Town of Latchford, the Township of James (Elk Lake), and the City of Temiskaming Shores.
- ✓ Two seats are reserved for the forest industry, and will be rotated among Georgia-Pacific (Englehart), EACOM (Elk Lake Sawmill), Goulard Lumber (Sturgeon Falls Sawmill), and Alex Welch Logging.
- ✓ In addition to these reserved seats, the Public Appointment Secretariat may also advertise for other candidates who may wish to apply and be considered at the Minister's discretion.

The Temagami Forest Management Corporation's (TFMC's) objectives are to:

- (i) hold forest-resource licences and manage Crown forests in a manner necessary to provide for the sustainability of Crown forests (in accordance with the Crown Forest Sustainability Act, 1994), and to promote the sustainability of Crown forests;
- (ii) provide for economic-development opportunities for Indigenous peoples;
- (iii) manage its affairs to become a self-sustaining business entity and to optimize the value from Crown forest resources, while recognizing the importance of economic development;
- (iv) market, sell, and enable access to a predictable and competitively-priced supply of Crown forest resources;
- (v) carry out other objectives that may be prescribed by Regulation 2011, c. 10, s. 5;
- (vi) recognize and respect the Aboriginal and treaty rights of representative First Nations, including recent case law;
- (vii) promote the best end-use of forest products produced from forested lands through innovation and technology;

(viii) promote a strong working relationship with the MNR and other government departments, federal and provincial, including scientific and management support;

(ix) increase government investments for enhancing the local sustainability of forest management.

The benefits of the TFMC include: providing an environment where the voices of Indigenous, municipal, and forest-industry partners are heard and considered; the ability to advance the health, vitality, biodiversity, and sustainability of the TMU; a constructive means to resolve complex issues locally; shared accountability at a local level and partnership between First Nations, municipalities, and the forest industry; Crown stumpage retained in the local economy to support local corporate objectives; economic benefits to First Nations and municipalities (e.g., jobs, training, capacity building, local contracts, etc.); enhanced promotion and marketing of underutilized forest products; improved utilization of available harvests; the potential to reduce wood costs, in cooperation with the forest industry; and, development of broader community-outreach methods for strong, local, forestry awareness.

Now that the Temagami Forest Management Corporation has been established, the Advisory Team will continue to work with the MINISTRY OF NATURAL RESOURCES AND FORESTRY to seek appointments for the TFMC Board of Directors, develop the TFMC's first by-laws, and find an interim General Manager to assist the interim Board of Directors (until a more permanent Board has been nominated and appointed).

The fact that all parties were able to support a LFMC demonstrates that the Temagami Forest Management Corporation can be a new beginning for stewardship and co-existence for the people of n'Daki Menan. If we continue to work together, the TFMC can be a model for respectful co-existence, sustained life, and sustainable development.

This is great news for all who have come to call n'Daki Menan home.