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**Subject: Initial Assessment of the proposed 2022 Forest Strategy
Department of Natural Resources and Energy Development**

On February 2, 2022, the New Brunswick Department of Natural Resources and Energy Development ("DNRED") formally submitted a memo outlining the proposed changes to its forest management regime for 2022-2027 (the "**2022 Forest Strategy**") to the Department of Aboriginal Affairs ("DAA") for review and assessment of potential adverse impacts to Aboriginal and Treaty rights with respect to the Province's duty to consult.

The proposed 2022 Forest Strategy memo contains the draft goals and objectives document entitled, "Goals and Objectives for New Brunswick's Forest Management" (the "**Goals and Objectives**"), that is representative of the 2022 Forest Strategy as well as a summary of changes from the current 2014 Forest Strategy being implemented today. Once approved, the 2022 Forest Strategy will provide overarching guidance on forest management on Crown land. Based on the information available, DAA has prepared an Initial Assessment of the proposed 2022 Forest Strategy.

DAA reviewed the information provided and available to date, assessed the potential for adverse impacts to established or asserted Aboriginal and Treaty rights, including the asserted Aboriginal Title claims, and determined the proposed changes introduced in the 2022 Forest Strategy to be moderate, requiring normal depth of consultation. As a result of this finding, DNRED and DAA are formally initiating consultation on the Goals and Objectives of the proposed 2022 Forest Strategy with the Wolastoqey through the Wolastoqey Nation of New Brunswick ("WNNB"). The following sets out some relevant background information.



Rational for the proposed 2022 Forest Strategy

The 2022 Forest Strategy is comprised of a series of themes, values, goals, and objectives described in the draft Goals and Objectives document (see attached). Since the establishment of the 2014 Forest Strategy, the social, economic, and environmental policies and objectives regarding forests in New Brunswick have evolved and a new strategy is needed to reflect these changes. The proposed Goals and Objectives document was drafted with consideration to these current values and objectives and will guide all subsequent forest management decisions for the next five years. This will include other essential forest management components such as agreements and plans with forestry companies (Forest Management Agreements, Forest Management Plans, and Operating Plans) and the Forest Management Manual.

The drafting of the proposed Goals and Objectives has been informed by feedback provided by First Nations in the years following the implementation of the 2014 Forest Strategy. It seeks to set a path forward for Crown forests that will respect First Nations rights and mitigate and reduce potential adverse impacts to Aboriginal and Treaty rights that may result from forestry management and operations. It also seeks to guide sustainable commercial forestry in New Brunswick. Highlights and key decisions identified by DNRED in the proposed 2022 Forest Strategy are as follows:

- Protected Areas in New Brunswick will double as part of the Nature Legacy initiative through nominations from First Nations communities, scientific institutions, conservation organizations, fish and game clubs, and members of the public.
- Wildlife habitat, particularly old forest, that is identified for conservation will increase, and will be identified in the amounts and configuration necessary to support viable populations of all of New Brunswick's native vertebrate species.
- Freshwater and wetlands will see enhanced protection as the Nature Legacy initiative creates wide protected corridors around many of the Province's important rivers, lakes, and provincially significant wetlands.
- Biodiversity, including representative old forest types, in each of the province's ecoregions as well as critical habitat for species at risk will be prioritized.
- Timber supply will remain at current levels to meet the current industrial demand for Crown Lands.
- Maple sap will be recognized in the 2022 Forest Strategy as a regional economic engine rather than a constraint on wood supply.
- Meeting society's expectations for transparency, professionalism, investment in research, and public access to the forest will be prioritized.

- Aboriginal and Treaty rights, including traditional practices, have been considered in the 2022 Forest Strategy and will facilitate the ability of Aboriginal people to exercise their rights within the Crown forests in New Brunswick.
- Planting improved native spruce and pine seedlings will continue to be an important activity supporting increases in long-term softwood timber supply as well as accelerating the capture of atmospheric carbon. Improved planning will result in greater certainty about where plantations will be established after considering societal concerns and avoiding sensitive ecosystems.

The 2022 Forest Strategy sets out the contemplated changes with respect to Crown forest management in New Brunswick. The expectation is that the 2022 Forest Strategy will evolve to a final format following meaningful consultation with First Nations, as well as discussions with industry and stakeholders. Until a new Forest Strategy is finalized, the 2014 Forest Strategy continues to be the overarching guiding document for forest management in New Brunswick.

Project Description and Changes

The proposed 2022 Forest Strategy and draft Goals and Objectives document is composed of three "Theme" areas. These themes include: 1) "Stewardship of the Environment" which describes the objectives relating to wildlife and biodiversity, water and soil and seeks to reduce impacts to the environment that are an inherent result of forestry activities; 2) The theme of, "Supporting a Vibrant Forest Sector" which describes the management of the forestry resource; and 3) the theme of, "Commitment to Society" which includes components such as data sharing, reporting, sustainability and communication objectives.

Some significant changes that are expected to result in new or different outcomes for Crown forests are laid out in the Goals and Objectives document and are as follows:

Wildlife and Biodiversity

- The proposed 2022 Forest Strategy will seek to add an additional 385,000 hectares ("ha") of permanently protected area to the network existing today through the Nature Legacy initiative.
- The 2022 Forest Strategy will allow for the increase of area of old growth forest wildlife habitat and old forest community designated on Crown land from 280,200 ha (2014 Forest Strategy) to 390,400 ha (2022 Forest Strategy).
- It will allow for the increase in the overall wintering habitat for white-tailed deer from 141,600 ha in 535 deer wintering areas ("DWA") to 181,200 ha in 694 DWAs. This change should support an increase in herd size.
- The 2022 Forest Strategy will see a 30 metre no activity buffer zone around sites known for species at risk (sites having the S1-S3 conservation ranking).

Water

- Watercourse and wetland buffer zones will be increased to 368,600 ha based on buffers established on the ground during harvest operations. DNRED also reclassified certain streams as “critical spawning areas” increasing buffer zones from 30 metre to 60 metre where streams were identified as a “Critical Habitat” in Canadian recovery strategy documents for Atlantic Salmon.
- DNRED will require all Crown operators to develop a “Best Management Practices” document for instances when necessary to operate in buffer zones. Concerns about watercourses and wetlands can be addressed through annual operating plan approval of buffer harvesting operating conditions and compliance monitoring.
- Annual operating plan approvals will include a list of conditions for permitted forest management activities within designated wellfield and watersheds as well as conditions for crossings in wetlands with avoidance being the first consideration.
- DNRED and the Archaeological Services Branch of the Department of Tourism, Heritage and Culture provided guidelines to Licensees and Sub-Licensees to prevent damage to archaeological resources when working near watercourses.
- Crown timber licensees will be expected to consider cumulative harvest openings within watersheds and ensure that the combination of harvesting operations does not exceed a clear-cut equivalency of 50%. This will allow for moderate water flow throughout the landscape.

Soil

- A new objective to maintain the ability of the soil to grow trees and reduce the total area needed to meet timber needs which will allow for more area available for land use.

Growing the Resource

- The proposed 2022 Forest Strategy will make effort to sustain the current hardwood annual allowable cut.
- It will also seek to maintain the area of high-quality hardwood, white pine, and cedar across the landscape through the design and implementation of harvest prescription to promote regeneration of these species and production of high-quality forest products.
- The production of spruce and maple will support higher value products being generated from the Crown forest.
- The 2022 Forest Strategy will seek to promote maple dominated forest conditions that will potentially support the development of future maple sugaries.

- By 2027, the annual area planted will increase from ~10,000 hectares to ~15,000 hectares and no new conversion of rich Acadian forest will take place following harvest. Tree planting will only occur to re-establish sites where intensively managed softwood stands have received a recent final harvest. The use of herbicides in forest management will be confined to these previously identified areas.

Accessing and Enjoying Crown Forests

- The proposed 2022 Forest Strategy increases clarity of the objective and goal of providing access along designated roads for the practice of Aboriginal and Treaty rights. Road segments can now be prioritized for maintenance when this is the case.
- The proposed 2022 Forest Strategy data includes the locations of most authorized trails and there is an expectation that Crown timber licensees would be aware of provincially authorized trail networks occurring on the Crown land license and would be able to consider reasonable adjustments within their annual operating plans to avoid or address conflicts with recreational trails.

Transparency

- Licensees will provide a monthly update of their operating plans to DNRED and they will produce a provincial operating plan which will be openly available on the DNRED website.
- Through collaboration with industry and partners, a new system will be developed to report on and display active operations. Annual reports will follow a standard reporting format and be expanded to include a report on results of the Crown Operational Outcomes audit. Annual reports will also be made available on the DNRED website.
- The proposed 2022 Forest Strategy formalizes the expectation that a Registered Professional Forester oversees the production and delivery of management plans on Crown land.
- It would also make licensees increasingly accountable to demonstrate that science and innovation, in particular, as it relates to climate change, are considered in sustainable forest management. As well, it would be expected that all Crown timber licensees contribute towards locally relevant research efforts on sustainable forest management.

Key Issues

In reviewing the draft Goals and Objectives and undergoing the Initial Assessment, DAA identified areas of potential adverse impacts to Aboriginal and Treaty rights. Those impacts include:

- The proposed 2022 Forest Strategy would continue to support forest management activity that impacts harvestable Crown forests in areas that may be of high importance to First Nations.

- Some activities occurring within wetland and watercourse buffers, such as crossings and road construction, may have potential for adverse impacts to Aboriginal and Treaty rights.
- Harvest activities also have the potential for adverse impacts to Aboriginal and Treaty rights. Cultural awareness and archaeology are ongoing concerns for First Nations.

Conclusion and Recommendations

DAA recognizes that, although the proposed 2022 Forest Strategy will include enhancements to resource management and better protection of Crown lands, the potential does exist for adverse impacts to Aboriginal and Treaty rights resulting from continued harvesting, road construction and silviculture activities on Crown lands. As indicated previously, DAA has completed this Initial Assessment on behalf of the Province and as part of the Crown's duty to consult obligation, the potential adverse impacts to Aboriginal and Treaty rights have been assessed as moderate, requiring normal depth of consultation. This letter formally initiates consultation of the 2022 Forest Strategy.

Through the consultation process, DAA and DNRED will seek your input and are eager to discuss concerns you have regarding the potential adverse impacts of the proposed 2022 Forest Strategy on Aboriginal and Treaty rights and the implications that may flow from the implementation of same. DAA and DNRED are also eager to hear your input on and participate in discussions regarding how to avoid, mitigate or accommodate these impacts where possible.

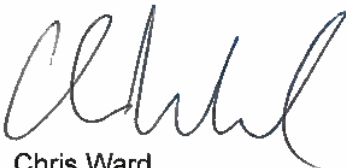
Due to the importance of implementing the enhancements contained in the 2022 Forest Strategy, we ask that you consider making this consultation a priority for your communities and that you provide comments on the 2022 Forest Strategy in accordance with the proposed timeline for consultation:

Date Range (2022)	Consultation Stage
March 23	Consultation initiation – Initial Assessment letter to Wolastoqey Chiefs on 2022 Forest Strategy Goals and Objectives.
April 11 - 14	Introductory consultation meeting – DAA / DNRED & WNNB.
April 25 - 29	Meeting with First Nation led agenda on priority items – DAA / DNRED & WNNB.
May 23 - 27	WNNB response and information sharing period.
June 10 - 14	DAA / DNRED response to First Nations.
June 27 – July 1	Meeting to discuss consultation, outstanding issues, mitigation, and other measures – DAA / DNRED & WNNB.
	Additional discussions as needed.
July 18 – 22	Conclusion of consultation process on Goals and Objectives.

To initiate this process, DAA and DNRED will invite you to an introductory meeting to learn more about the proposed 2022 Forest Strategy and its goals and objectives. This will provide opportunity to engage in collaborative Nation-to-Nation dialogue around a path forward for consultation. Staff from DAA will be reaching out to you in the coming days to set up this introductory meeting. To facilitate conversation at the introductory meeting, DNRED is sharing the formal memorandum sent to DAA regarding the proposed changes to the 2022 Forest Strategy.

It is the Province's hope that identifying and addressing concerns at the overarching strategy level will lay the groundwork for a mutually beneficial and cohesive relationship as we engage in ongoing consultation regarding Forest Management in New Brunswick. We look forward to working with you and your community in the spirit of mutual respect and cooperation. Should you have any questions or comments, please contact Chandra Clowater (Chandra.Clowater@gnb.ca), the Department of Aboriginal Affairs Consultation Manager.

Sincerely,



Chris Ward
Assistant Deputy Minister
Forestry Division

Enclosure

- c. Gillian Paul, Wolastoqey Nation in New Brunswick
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