



Indigenous experiences and perceptions of participation in Crown forest management in Ontario: A study of involvement in forest tenure and forest management planning

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Indigenous experiences and perceptions of participation in Crown forest management in Ontario: A study of involvement in forest tenure and forest management planning

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Abstract

Despite efforts by the Ontario Ministry of Natural Resources in recent years to create opportunities for more effective and meaningful participation for First Nations and Métis communities in Crown forest management, barriers still exist. We interviewed people representing Indigenous communities in forest management processes to get a snapshot of the expectations of Indigenous communities for those processes, to determine if they are being met, and to identify challenges and opportunities for improvement.

We identified three common threads in Indigenous community expectations for participation in forest management: (1) Indigenous communities having a meaningful say in how forests are managed; (2) holistic planning and management approaches that are not confined by the boundaries of forestry; and (3) economic participation in and economic benefits from forestry. The interviewees mostly acknowledged that the situation for Indigenous participation in forest management planning and multiparty forest tenure models has improved over the past 10 to 15 years. However, opportunities for participation are still falling short of expectations.

Although participants have concerns related to forest tenure and how forest licences are structured, most of the disappointment and frustration derives from the forest management planning process. Participants described this process as being inflexible; not responsive to Indigenous knowledge, worldviews, and preferences; not promoting sustainability; and not allowing for a holistic approach to management that addresses broader ecosystem sustainability and linkages between forestry and social and economic issues.

However, in one management unit included in our study, tenure is structured such that Indigenous communities wholly own the SFL-holding company, rather than being represented on a multi-party board. The person we interviewed from one of the owner First Nations expressed few of the criticisms and unmet expectations that the other interviewees described. While not suggesting that all problems and challenges have been resolved, he implied that this SFL-holding company has been able to make the existing forest management planning system work for its owner First Nations.

Over the past decade, opportunities for the participation of Indigenous communities in various aspects and at various stages of forest management have improved, and these changes have opened some doors for Indigenous communities to have their voice heard in decision-making. However, there is still room for improvement and much work remains to be done.

Résumé

Expériences et perceptions des Autochtones au sujet de la participation à la gestion des forêts de la Couronne en Ontario : Étude de la participation à la planification du régime forestier et de l'aménagement des forêts

Malgré les efforts déployés par le ministère des Richesses naturelles de l'Ontario au cours des dernières années pour créer des possibilités de participation plus efficace et significative pour les collectivités des Premières Nations et des Métis dans la gestion des forêts de la Couronne, des obstacles demeurent. Nous avons interviewé des personnes représentant les collectivités autochtones dans les processus de gestion forestière afin d'obtenir un aperçu de leurs attentes à l'égard de ces processus, de déterminer si elles sont respectées et de cerner les défis et les possibilités d'amélioration.

Nous avons cerné trois éléments communs dans les attentes des collectivités autochtones en matière de participation à la gestion forestière : 1) les collectivités autochtones ont leur mot à dire sur la façon dont les forêts sont gérées; 2) les approches holistiques de planification et de gestion ne sont pas limitées par les limites de la foresterie; et 3) la participation économique à l'industrie forestière et les avantages économiques qui en découlent. Les personnes interviewées ont surtout reconnu que la participation des Autochtones à la planification de l'aménagement forestier et aux modèles multipartites de droit d'occupation forestière s'est améliorée au cours des 10 à 15 dernières années. Cependant, les possibilités de participation ne répondent toujours pas aux attentes.

Il existe des préoccupations liées au régime forestier et à la façon dont les permis forestiers sont structurés, toutefois, la déception et la frustration proviennent principalement du processus de planification de l'aménagement forestier lui-même. Les participants estimaient que ce processus était inflexible; il ne tient pas compte des connaissances, des visions du monde et des préférences autochtones; il ne favorise pas la durabilité; et il ne permet pas une approche holistique de la gestion qui tient compte de la durabilité plus large des écosystèmes et des liens entre la foresterie et les enjeux sociaux et économiques.

Cependant, dans une unité de gestion incluse dans notre étude, le droit d'occupation foncier est structuré afin que les collectivités autochtones soient entièrement propriétaires de la société de portefeuille de permis d'aménagement forestier durable (PAFD), plutôt que d'être représentées au sein d'un conseil multipartite. La personne interviewée par l'une des Premières Nations propriétaires a exprimé moins de critiques et d'attentes non satisfaites que les autres personnes interviewées ont décrites. Sans laisser entendre que tous les problèmes et défis ont

été résolu, il estime que cette société de portefeuille de PAFD avait réussi à faire fonctionner le système actuel de planification de l'aménagement forestier pour ses propriétaires de Premières Nations.

Au cours de la dernière décennie, les possibilités de participation des collectivités autochtones à divers aspects et à diverses étapes de l'aménagement forestier se sont améliorées, et ces changements ont ouvert des portes aux collectivités autochtones pour qu'elles puissent faire entendre leur voix dans le processus décisionnel. Cependant, on peut faire mieux, et il reste beaucoup de travail à faire.

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Acronyms

Acronym	Name	Explanation
AWS	Annual work schedule	A document identifying the type and extent of forest operations from the approved forest management plan that are scheduled to be implemented during a specific year.
CCA	Customized consultation approach	First Nations and Métis communities have the opportunity for a customized consultation approach for their involvement in the development and implementation of a forest management plan. A customized consultation approach may address all aspects of forest management planning and describes how the community wants to be involved in the preparation and implementation of the plan.
ESFL	Enhanced Sustainable Forest Licence process	The Enhanced Sustainable Forest Licence is a process to develop a new forest tenure model to hold a Sustainable Forest Licence. This process was created as part of Ontario's forest tenure modernization efforts and includes participation by representatives of local and Indigenous communities and forest industry. ESFL companies are structured to address: • improved governance practices • meaningful local and Indigenous community involvement • discouraging the hoarding of timber • provisions to allow for new entrants • sustainable forest management delivery

Acronym	Name	Explanation
		economic viability and competitive wood costs
FMP	Forest management plan/ planning	A document prepared for a management unit following the Crown Forest Sustainability Act and Forest Management Planning Manual. The plan explains which forest management operations can be carried out, while having regard for plant and animal life, life, water, soil, air, and social and economic values, including recreational and heritage values. A forest management plan must be in place for the management unit before any forestry can take place. They are prepared/approved for a 10-year period.
FMU/MU	Forest management unit	An area of Crown forest designated under section 7 of the Crown Forest Sustainability Act. Much of Ontario's Crown forest area is divided into management units, and each is assigned an official name and numeric code. Officially "management units", they are also commonly referred to as "forest management units".
FPIC	Free, prior, and informed consent	This principle from the United Nations Declaration on the Rights of Indigenous Peoples centres on the inherent right of Indigenous peoples to give or withhold consent for any activities undertaken on their land.
LCC	Local Citizens Committee	An advisory committee of local citizens, established under section 13 of the Crown Forest Sustainability Act, 1994.
LFMC	Local forest management corporation	A government agency that manages Crown forests according to the terms

Acronym	Name	Explanation
		and conditions of a Sustainable Forest Licence and oversees the sale of the timber in a designated licensed area. It is governed by a board of directors that provide representatives from local and Indigenous communities.
LNFSI	Lake Nipigon Forest Management Inc.	Lake Nipigon Forest Management Inc. is a Forest Management corporation owned by four local First Nation Communities: Red Rock Indian Band, Biinjitiwaabik Zaaging Anishinaabek, Bingwi Neyaashi Anishinaabek, and Animbiigoo Zaagi'igan Anishinaabek. LNFSI holds the Sustainable Forest Licence for the Lake Nipigon Forest.
MNR/MNRF	Ministry of Natural Resources/ Ministry of Natural Resources and Forestry	The Ministry of Natural Resources and Forestry was renamed the Ministry of Natural Resources in 2024.
NFMC	Nawiinginokiima Forest Management Corporation	NFMC is one of two LFMCS in Ontario and holds the Sustainable Forest Licence for the Pic and White River forest management units.
SFL	Sustainable Forest Licence	A long-term licence granted for up to 20 years, granted under Part III, section 26 of the Crown Forest Sustainability Act, which gives the holding company the right to harvest all species of trees found in the licensed area.
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples	An international instrument adopted by the United Nations on September 13, 2007 to enshrine the rights that “constitute the minimum standards for the survival, dignity and well-being of the Indigenous peoples of the world.”

1 Introduction and context

Indigenous peoples in Canada have always been connected to the forests in their territories. In Ontario, forests provide a place to live, food and medicines, and an economic livelihood for many Indigenous people. Since Indigenous peoples' existing Aboriginal and treaty rights were affirmed by the Constitution Act in 1982 (Statutes of Canada 1982), they have been more assertive of these rights. A series of legal decisions through the 1980s, 1990s, and 2000s clarified the government's duty to consult (Brideau 2019) and in 2010, Canada endorsed the United Nations Declaration on the rights of Indigenous Peoples (UNDRIP). These decisions emphasized that consultation must be *meaningful*, and issues that arise during consultation must be acted upon in the spirit of the duty to consult rather than strictly adhering to a legal minimum (Newman 2014). In the wake of these legal developments, Indigenous communities have increasingly acted on their concerns about forest management practices by becoming more involved in forestry-related decision making.

The economic downturn of 2008 and its consequences for forest industry, including bankruptcies and the surrender of Sustainable Forest Licences (SFLs) back to the Crown, was a major turning point. In Ontario at that time, various trends converged, informing a gradual shift toward stronger forestry-related consultation and engagement with Indigenous communities (Robinson et al. 2024). The forest tenure system—which defines the rules and regulations governing who manages Crown forests and how companies gain access to Crown timber, essentially outlining the legal framework for timber distribution and licensing on Crown land and specifying the rights and responsibilities of forest companies and other users—had some major flaws exposed by the recession (NDMNRF 2011), which led to a desire to modernize how Crown forests are governed and how wood is allocated (OMNR 2016). The 2008 economic downturn and its aftermath contributed to a willingness to explore alternative ways of structuring forest tenure and advocacy for greater local involvement in natural resource management, including forests, a movement already underway nationally and internationally. These trends coincided with the growing desire and capacity on the part of Indigenous people and communities to assert their Aboriginal and treaty rights.

It was in this context that the *Ontario Forest Tenure Modernization Act* (Statutes of Ontario 2011) was passed. One of its objectives was to provide opportunities for meaningful involvement by local and Indigenous communities through the creation of Local Forest Management Corporations (LFMC). At the same time, representatives of First Nations, Métis communities, municipalities, and forest industry collaborated with the Ministry of Natural Resources (MNR) to implement an Enhanced Sustainable Forest Licence (ESFL) process to develop new, more inclusive forest tenure models (OMNR 2016). In general, new, modernized

tenure models, including LFMCs or multi-party ESFLs, replaced the SFLs that were surrendered during economic downturn. Even in management units where the SFL-holding company survived the recession and chose to lead the transition, such as Boundary Waters forest, a new multiparty ESFL company was eventually established. As it became more common for SFLs to be held jointly rather than by a single company, First Nations and Métis communities increasingly began participating in SFL holdings, with or without an ESFL process. The LFMC model is less common, with the *Ontario Forest Tenure Modernization Act* (Statutes of Ontario 2011) having authorized the establishment of, initially, two LFMCs in the province, with the possibility of creating more only after reviewing the first two (NDMNRF 2011). As of now, still only two have been established in Ontario. LFMCs are Crown corporations with a locally based board of directors potentially drawn from local municipalities, stakeholder groups, and First Nation and Métis communities. A unique part of the LFMC model is that the corporation does not submit stumpage to the province but retains it to further its mandate, including local economic development.

In 2016, the ministry commissioned a review of forest tenure models (OMNR 2016). The authors of the review suggested that unlike single-entity forest tenure, when tenure is shared with Indigenous representation on the board, Indigenous cultural values and knowledge can more easily be incorporated into forest management. However, across the 14 forest management units examined, levels of engagement with Indigenous communities varied, but the variation seemed to have no direct connection with differences in tenure. The authors concluded that tenure structure is only one of many factors that affect achieving the goals of tenure modernization (OMNR 2016).

While one of the main objectives of forest tenure modernization was to increase Indigenous community involvement, during this time, parallel efforts towards increasing Indigenous participation in the forest management planning process were also made. During roundtable discussions which led to the formation of Ontario's Forest Sector Strategy, Indigenous community representatives expressed the desire to have more involvement in forest management and increased economic benefits from forestry (OMNRF 2020). The province's Forest Management Planning Manual (FMPM), the latest edition of which was published in 2024, provides a minimum standard for carrying out consultation and engagement with Indigenous communities. The consultation guidance set out by the FMPM allows for flexibility in how it is implemented. Consultation varies from place to place, and it can take the form of locally specific ad hoc arrangements that exceed the FMPM standard consultation requirements or a formalized customized consultation approach (CCA). If a CCA has not been agreed upon, or the First Nation or Métis community chooses not to use the agreed upon approach, the standard consultation requirements of the FMPM apply.

Distinctions between the forest management planning processes and the forest licensing and tenure system, and that each involve different sections of the ministry and have their own goals and procedures, has not always been clear to those outside of the ministry. Each has a role to play in how Indigenous people can, or can not, participate in forestry-related decision-making, and how meaningful they feel that participation is. Forest management planning is governed by the CFSA, the Forest Management Planning Manual, and constitutional law pertaining to treaty and Aboriginal rights, and the model of forest tenure does not change the standard of consultation and protection of values through forest management planning. However, the possibility of interplay between forest tenure and forest management planning exists—for example, the possibility that how effective or ineffective participation is in one resulting in trust or distrust in the other.

Despite ministry efforts to create opportunities for more effective and meaningful participation for First Nations and Métis communities, the desire and willingness from Indigenous communities to become more involved and have a greater say in forestry and forest management, and efforts to create avenues for strengthened participation in forest tenure and forest management planning, barriers still exist. The ministry wants to better understand how the existing processes and mechanisms for participation in forestry-related decision-making are meeting the expectations of Indigenous communities, and their satisfaction or dissatisfaction with such processes. The goals of this research were to (1) get a snapshot of the expectations of Indigenous rights holders with regards to processes and mechanisms that are meant to enable Indigenous participation in forest management planning, (2) determine if those expectations are being met, and (3) identify challenges and opportunities for improvement. Our findings may inform ministry policy around forest management planning and forest tenure as they relate to Indigenous engagement and participation in forestry-related decision making, and identify where barriers to Indigenous participation may exist. This research is intended to contribute to efforts that strengthen collaboration with Indigenous people and organizations in forestry, and monitoring of any future revisions to forest policy.

2 Methods

2.1 Forest management unit and participant selection

2.1.1 Sampling forest management units

As our objective was not to definitively evaluate any one forest tenure model or any specific elements of the forest management planning process, but to gain an understanding of the range of experiences of Indigenous participation, we chose to consider a diverse set of forests across the province with a wide range of characteristics. We used a stratified purposive sampling strategy to select representative forest management units and identify interviewees connected to the selected units. We identified eight forest management units (Table 1) and successfully secured interviews with people representing Indigenous communities associated with seven of the eight. When selecting management units, we firstly wanted to account for multiple tenure types and variation in how First Nations, Métis communities, and Indigenous organizations can participate in the holding of forest licences. We also considered number of Indigenous communities in or adjacent to the management unit, area of Crown forest in the management unit, number of Indigenous communities participating in the governance of the SFL-holding company, number of Indigenous communities with representatives on the forest management planning team, Indigenous participation on the local citizens committee (LCC), and average volume of wood harvested relative to the available harvest volume. We sampled management units to represent as much diversity as possible across these characteristics. We also prioritized management units that were included in Ontario's 2016 forest tenure review to compare our findings to those of that review.

2.1.2 Sampling research participants

We sought individuals for interviews who are or have represented an Indigenous community in forest management processes. We set out to interview up to four people connected to each of the sampled management units. For each forest management unit, ministry staff, primarily district managers and district resource liaison specialists who are knowledgeable about and have existing relationships with the appropriate Indigenous community representatives, helped identify possible research participants and make initial contact with these individuals.

Table 1. The seven selected forest management units and some relevant characteristics: forest tenure type; Indigenous participation in the Sustainable Forest License (SFL) holding company; number of Indigenous communities identified as being in or geographically close to the management unit, regardless of whether they participate in the holding of the SFL or in any forest management planning processes; and Crown forest area (S = small (< 500,000 hectares), M = medium (500,000 – 1,000,000 hectares), L = large (>1,000,000 hectares).

Management unit	Tenure type	Indigenous participation in SFL holding company	Associated Indigenous communities	Crown forest area (hectares)
Abitibi River Forest	Shareholder SFL *	First Nations can participate in board meetings but do not have a vote. Some participation through Indigenous-owned businesses.	8	2,526,195 (L)
Bancroft Minden Forest	Shareholder SFL	No Indigenous participation	18	261,510 (S)
Boundary Waters Forest	Shareholder SFL	First Nations and Métis Nation of Ontario are shareholders	16	1,086,090 (L)
French-Severn Forest	Not-for profit corporation	One Indigenous director on board	25	373,537 (S)
Lake Nipigon Forest	Shareholder SFL	100% First Nation ownership	12	775,597 (M)
Pic Forest	LFMC (Crown corporation)	Two First Nations represented on board	10	987,256 (M)
Romeo Malette Forest	Single entity SFL	No Indigenous participation	7	470,655 (S)

* Not a formal, legal category, the term *Shareholder SFL* typically refers to an SFL that is held by a company created specifically for that forest and that has multiple shareholders, distinguishing it from forests where the SFL is held by a single, private corporation (“single entity SFLs”) and from LFMCs.

We contacted 40 potential research participants. Despite the confidentiality practices we employed (see section 2.2.1), some people declined to participate because of potential effects on future consultations between their First Nation and government. Others expressed a willingness to participate, but we were unable to find a mutually agreeable time. In the end, we secured 14 interviews covering seven of the eight sampled management units. One interview included three individuals in different roles representing the same First Nation, which brought the total number of participants to 16 (Table 2). Ten of the 16 participants are Indigenous and have represented their own community in forest management processes. Six are not Indigenous—of these, five are employed by an Indigenous community or organization, representing it in some aspects of forest management, and one participant is an employee of a multiparty SFL-holding company that has Indigenous participation.

2.2 Data collection and analysis

2.2.1 Data Collection

Participants were scattered across Ontario, so interviews were conducted virtually over Microsoft Teams, and occurred between September 2023 and April 2024. To facilitate informed consent, each participant was given a short document explaining the purpose of the research, our privacy and confidentiality practices, and the intended benefits of the research, before their interview.

We conducted a semi-structured interview with each participant. Interview 9 was the only interview with multiple participants, totalling three. We used a common interview guide, which we customized prior to each interview based on the information we had about the relevant management unit's tenure type, the First Nation, Métis community, or Indigenous organization the participant was associated with, and the role the participant played for their community/organization. The interviews took, on average, one and one quarter hours. A full, generalized version of our interview guide can be found in Appendix A1.

All participants gave permission for their interviews to be recorded. We transcribed interviews and anonymized each transcript by changing each person's name to a participant number. We used the audio recording from each interview to help fix errors made by Microsoft Teams transcribing feature prior to finalizing the anonymized transcripts.

2.2.2 Analysis

We used Dedoose qualitative analysis software to analyze the interview transcripts by identifying themes and key information using a coding structure consisting of ten top-level

codes: actors, forest management planning process, tenure and licences, tenure-forest management planning interplay, monitoring, forest certification, consultation at other levels, expectations, challenges and issues, and relationships. Five of the ten first-level codes had a secondary level of codes, two of which had tertiary level codes.

Table 2. Interview participants who represent or have represented a First Nation, Métis community, or Indigenous organization in the forest management planning processes, listed by management unit, their role or title, and whether they are a member of the community they represent.

Management unit	Role	Member of represented community?	Participant no.
Abitibi River	Manager of First Nation owned corporation	Yes	13
Bancroft Minden	Employee/consultant of a First Nation	Yes	11
	Employee of an Indigenous organization	No	14
Boundary Waters	Represents Métis community on Enhanced Sustainable Forest Licence (ESFL) board	Yes	4
	Employee/consultant of a First Nation	Yes	8
French Severn	Employee/consultant of a First Nation	No	6
	Employee/consultant of a First Nation	Yes	12
Lake Nipigon	Employee/consultant of a First Nation	No	7
	First Nation Councillor	Yes	10
Pic	Employee of Local Forest Management Corporation (LFMC)	N/A	1
	Represents a First Nation on LFMC Board	Yes	5
	Employee/consultant of a First Nation	Yes	9A
	Employee/consultant of a First Nation	No	9B
	Employee/consultant of a First Nation	No	9C
Romeo Malette	Employee/consultant of a First Nation	Yes	2
	Employee/consultant of a First Nation	Yes	3

2.3 Limitations of the research

The study was designed by two non-Indigenous researchers from the Ontario Ministry of Natural Resources without any Indigenous organizations as partners. While a third author is a

member of Garden River First Nation, all three approached this study from their positions at provincial and federal government research institutions.

Because interviewees were encouraged to share their individual experiences, perspectives, and opinions—not necessarily the official position of their community or Indigenous organization employer—the findings of this research should not be construed as presenting the official perspective or position of any Indigenous organization or community.

Participants were primarily individuals with experience representing their communities in forestry and forest management processes. Our findings, therefore, should not be generalized to how all First Nation and Métis community members feel about these processes. Furthermore, with a relatively small number of interviewees sampled in only seven of the province’s forest management units, the research did not have the breadth to allow us to make definitive generalizations about perspectives on these issues for Indigenous communities across Ontario. The research also did not go into sufficient depth to serve as a focused evaluation of any particular management unit or of any forest tenure model, or to provide any sort of definitive answer as to whether a particular tenure model or approach to Indigenous engagement in forest management planning “works” or is successful.

The research has allowed comparison of different tenure models, management unit characteristics, and aspects of the forest management planning process in a way that helps us better understand how the various pieces of Indigenous participation in the forest management system fit together, to unpack how these pieces enable or constrain effective Indigenous participation, and to understand better *why* the participants feel the way they do about these processes.

3 Findings

3.1 Indigenous community expectations

3.1.1 Three types of expectations

During interviews, we asked about Indigenous communities’ expectations related to forest management and their involvement in it, with a focus on new avenues for participation that have expanded over the past decade, such as customized consultation approaches and alternative forest tenure models. For those representing communities participating in one of the multiparty forest tenure types, we asked about their expectations when entering those arrangements. We also asked about current expectations for their participation in engagements

and consultations related to forest management planning, such as LCCs and forest management planning teams, and how their expectations are and are not being met.

While participants described the expectations they and their communities have for their participation in forest management differently, common threads were evident. First, they have a strong desire to have a meaningful say in how forests are managed. Merely having their communities' perspectives heard is increasingly seen as insufficient. More than this, First Nations and Métis communities are seeking to have a seat at any table where key forest management decisions are made (Text Box 1). Some participants also suggested that as the capacity of Indigenous communities has grown, so have the expectations of their communities to have meaningful involvement in management of forests and other resources.

Text Box 1

"You can put it in the overall context of the... movement to be more active participants in the things that are happening here.... There's been fundamental changes. It's not the same anymore where consultation used to be somebody phoning the band office and saying, 'We're going to be doing this or we're going to be doing that,' and that was consultation.... You have to do a lot more than that now."

~ Participant 8

"Well, I'd have to say that, you know, the expectation ... was wanting to participate, to be part of the process. That's what the First Nations wanted, and it wasn't.... You're allowed to sit there, but you know part of the problem is you weren't allowed to participate. And yes, and they wanted to participate. They've been wanting to participate since day one.... And that's part of the problem, okay. I'm not saying we deserve everything.... [But] we should be at that table."

~ Participant 13

Participants in the research also expect forest management approaches to take a broad view of ecosystem sustainability, be holistic, and unconstrained by the boundaries of *forestry*. These expectations and desires are sometimes expressed as Indigenous values being reflected in forestry and forest management. This expectation is also closely related to the desire, discussed above, to have a greater say in decision-making. However, whereas above we refer to participation, having a seat at the table, and governance, here we are referring to the *outcomes* of meaningful participation.

When participating in aspects of the forest management system, such as a forest management planning team, a customized consultation process, or a board of directors of an SFL-holding company, Indigenous communities often seek to influence practices and management approaches to better support wildlife, water quality, and other aspects of healthy ecosystems. Research participants repeatedly expressed—implicitly or explicitly—a belief that forest

management should be fully integrated with management of fish, wildlife, watersheds, and other economic opportunities from natural resources such as wild rice. The desire for holistic management of forests accompanies an understanding that forest management is integrally connected with ecological, social, and economic considerations (Text Box 2). This perspective is familiar among Indigenous people; however, communities participating in any of the multiparty forest tenure models seem to have had heightened expectations for SFL-holding companies to actively engage in social and economic development and in a broader range of ecological issues. See Section 3.1.2 for more detail.

Text Box 2

“[The First Nations] want more of a say on how these forests are managed, and when I say that, I mean that they're not happy with the current forest management planning rules and that Indigenous rights and Indigenous values aren't taken into consideration nearly enough as they should be when using the model on how and what we harvest.”

~ Participant 1

“Problem is a lot of times ... and I think it's sort of longitudinal in nature, like our orientation all the time is coming from looking at the developments that are like seven generations down the road, and sometimes I don't think processes quite capture that.”

~ Participant 8

In addition, the desire for economic participation in, and economic benefits from, forestry is growing. In particular, economic opportunities were expected for First Nations participating in one of the multiparty forest tenure models. For the Pic Forest particularly—the one forest included in our study that is managed by an LFMC—the participating First Nations expected that the LFMC would do more than merely harvest and sell trees, and would contribute creatively to local economic development, such as by building homes for First Nations people. Moreover, it was expected that the stumpage revenue that the LFMC would keep rather than remit to the province might be made available to participating First Nations for social and economic projects beyond the forestry sector with few or no restrictions.

Across all elements of the forest management system designed to enable more meaningful participation by Indigenous rights-holders, interviewees generally felt that such participation is helpful, and that progress has been made. These avenues for participation open the door for an SFL-holder to develop relationships with Indigenous communities and “to understand their concerns and where their priorities are” (Participant 1).

Although the new avenues to express their views on forest management have been welcome, most participants were disappointed with the extent of their influence over how forests are managed, and with economic participation and benefits to their communities. Most of the

interviewees connected to forests where First Nations are directly participating in the SFL-holding company have been disappointed with the lack of progress on greater economic benefits and participation. For example, an interviewee from a First Nation participating in Nawiinginokiima Forest Management Corporation (NPMC) stated, “It seems to me that the NPMC has really failed to build on the premise that it was founded on, which was to work more closely with the communities and support economic development” (Participant 9B). When referring to the forests where Indigenous communities have seats on the SFL-holding company board, a few interviewees implied or stated directly that they experienced misunderstandings and unmet expectations regarding the ways and extent their participation in that company would enable them to fundamentally influence how forestry is done and to proactively support economic development. For example, one participant stated, “The problem is, is that, you know, there's always that misunderstanding of the objective. I think [that] is really part of the challenge. No, I don't think there's a clear understanding” (Participant 13).

3.1.2 Tenure-forest management planning interplay, and expectations for participation

As indicated above, Indigenous communities began participating in new arrangements for SFL holding, expecting they would be allowed to influence forest management processes. For most forests with some form of multiparty tenure, participants felt that having a seat at the table in the SFL-holding company and having local people involved has made a positive contribution toward improved understanding of the concerns, values, and priorities of First Nations. A lot of work is required for First Nations who need to respond to issues and requests in several different sectors. But for forestry, having a seat at the table so that such issues can be discussed and dealt with from the inside has been helpful (Participant 8). These contributions are elaborated on in Section 3.2.1 below. Generally, most participants implied that newer forest tenure models are better, from an Indigenous perspective, than older models. However, Participant 13 feels that Indigenous people had more opportunities to be involved in forest management planning and decision making *before* the formation of the “super [sustainable forest] licence” when there were more, smaller licences “actually owned and operated by individual mills”.

Despite the cautiously positive assessment of having a seat at the table in multiparty tenure by most of the participants, they described the options available to them as being constrained by the forest management planning process. For the various multiparty SFL models, it is often the forest management planning process rather than the arrangements for forest tenure that are the biggest source of frustration. As explained by one research participant, “[The SFL-holder needs] to try and meet the requirements that the ministry gives ... to sustainably manage these forests, as interpreted by the ministry and dictated by the ministry; where our First Nation

communities ... feel that that isn't necessarily what *sustainability* means. And to them, sustainability means more than that” (Participant 1).

Participants also generally feel that the forest management planning process limits what multiparty forest tenure models have been able to achieve. Although the Forest Management Planning Manual does not explicitly require the spraying of herbicides, some participants feel that the forest management planning process pushes SFL-holding companies to do so. Anecdotally, the authors have often heard this view expressed by other First Nation and Métis individuals. Participant 7 talked about Lake Nipigon Forest Management Incorporated (LNFMI) being First Nations owned, saying that despite their aversion to herbicide spraying, they were unable to avoid it in Lake Nipigon Forest. Participant 5, when speaking about participating on the NPMC board, said, “You're always confined with government policy and basically being told [through the FMP process], ‘Here. Here's what to do.’” As another participant described it, the arrangements for who is involved in economic aspects of forestry and in the holding of sustainable forest licences is evolving, with greater integration of First Nations; the challenge, however, is seen as pertaining to the forest management planning process:

“Where I believe the problem lies is in the [forest management planning] manual. If we can change the manual and have First Nations somehow embedded in that manual in the part of the decision-making process, and part of the planning process, right? Because that's really, I mean, at the end of the day that's really what that manual is all about. It's about setting the rules and how the plans are, right? So, if you include Indigenous groups in that manual, you know, I really believe that's the way to shift the whole mindset. [You need to] shift the culture, and I mean at the end of the day, that's where you really make some meaningful change.” (Participant 13)

A research participant associated with Pic Forest explained that NPMC is not permitted to address some of the First Nations’ concerns and expectations, as they are constrained by the requirements of the provincial forest management planning system, and that as a result, the LPMC model “isn't necessarily what they were promised it would be” (Participant 1). This constraint has been a source of frustration. We explore the participants’ experiences with the forest management planning system in Section 3.3.

Participants were split on whether and to what extent the relationship between forest tenure and forest management planning was misunderstood (Text Box 3). It may be that misunderstandings were greater in the past when multiparty forest tenure models were less common. This misunderstanding has contributed to the frustration over what multiparty forest tenure has been able to achieve. However, among those research participants who have been involved for at least a few years, the distinction between forest tenure and the forest

management planning process seems clear. For them, it is primarily in the latter that changes are needed.

Text Box 3

"I don't see a confusion in the roles because you understand that the government has the obligation and the duty to consult and make sure that, you know, things are being upheld on their part. And then the role of the [SFL-holder] is kind of like that side contractor that they hire... you know, that expert that comes in and does the management of it externally from government processes."

~ Participant 9A

"I believe there's confusion 'cause I have no idea what both [each of] their goals are, if they're opposing, if they're supporting, or if they're conflicting."

~ Participant 10

"Generally, there's confusion [about the relationship between forest tenure and forest management planning]. I don't think everybody understands those two and how they feed into one another."

~ Participant 14

3.2 Forest tenure and Indigenous participation

We identified several recurring themes and sub-themes mentioned by research participants related to forest licences and tenure, and ways in which different tenure models may enable or constrain participation of Indigenous rights holders (Table 3).

Table 3. Themes and sub-themes related to Indigenous participation in forest tenure, and the number of interviews in which they were discussed. Themes are separated by horizontal lines, while sub-themes are indented text.

Themes and sub-themes	Explanation/comments	Number of interviews
Forest tenure and engagement with communities	Ways forest tenure influences engagement with Indigenous communities	10
Forest tenure and economic participation/benefits	Ways forest tenure does or does not facilitate economic participation and benefits	10
Forest tenure influencing decision-making	Ways and extent the nature of forest tenure influences decision-making	9
Participation in tenure contributing to a say in important decisions	Ways in which and extent participating in forest tenure enables (or fails to enable) a say in important decisions	6

Themes and sub-themes	Explanation/comments	Number of interviews
Forest tenure influencing how forest management is done	Ways different tenure models influence how forestry is done (including limitations and restrictions on such influence)	4
Forest tenure contributing to unified approach	Ways forest tenure enables joint action and collective strategies and approaches, especially among First Nations	2
Forest tenure and Indigenous rights	Ways forest tenure interacts with Indigenous rights	8
Multiparty tenure addressing Indigenous rights	Ways multiparty tenure bodies address (or not) Indigenous rights	7
Indigenous rights influencing multiparty tenure bodies	Ways in which exercise of Indigenous rights, work on land claims and modern treaties, etc. are influencing multiparty tenure	4
Capacity, and participation in forest tenure	Ways forest tenure interacts with the capacity of Indigenous communities	6
Capacity for participation in sustainable forest licence holding company	The extent to which Indigenous communities have the capacity to participate in multiparty tenure bodies	5
Participation contributing to greater knowledge and capacity	Ways participation in multiparty tenure bodies builds capacity in Indigenous communities	2
Who participates in multiparty forest tenure models	Which Indigenous communities participate	6
Inclusion/exclusion	Which communities get a seat at the table in multiparty forest tenure	5
Interest from community to participate	The extent Indigenous communities and community members are interested in participating in SFL-holding bodies	3

3.2.1 Engagement with communities and input into decision-making

As discussed above, a common set of expectations of First Nations and Métis communities relates to facilitating more meaningful participation in decision-making and the desire to influence important decisions in forest management. These expectations have been a motivating factor for participation in the various multiparty forest tenure models. Research participants had varying opinions regarding whether the multiparty tenure models have improved participation of Indigenous communities in forestry and forest management (Text Box 4). Some interviewees involved with forests where Indigenous communities are represented in a multiparty SFL-holding company felt that representation has not made much

of a difference (participants 4 and 13). Some were ambivalent, pointing to some improvements in engagement under multiparty tenure, but also describing ways that have not made much difference (participants 8 and 10). Conversely, one participant, referring to a forest with a conventional, single-entity tenure model, described ways in which the SFL-holding company works to establish and maintain good relationships, engage with First Nations, and makes some effort to accommodate their values and concerns (Participant 3).

Text Box 4

“...to them, like being on the board or not on the board, you know, doesn’t make a difference from my perspective. If there are community concerns, if there are values to be protected, if the communities want to build a relationship with me and be more involved in the management side of the forest, that I’m always open to doing that they don’t have to be on the board to do that.”

~ Participant 1

“I don’t really see them [the SFL-holding company] come out like we invite them out ... I mean we have a board member on there ... You have the ability to come out to the communities all the time.”

~ Participant 8

Most of the interviewees with experience in multiparty SFLs, however, identified ways in which this kind of participation is having a positive effect. Having Indigenous people sit on a board or otherwise have a seat at a table contributes to a greater understanding on the part of forest management companies of the priorities, values, and perspectives on Indigenous communities, and perhaps a greater willingness or sense of obligation to address issues and greater responsiveness from these companies (participants 1, 5, 6, 7, 9, 10, 12; Text Box 5). One participant, although identifying shortcomings in the way tenure is structured for one of the forests, also said, “I think any representation is good representation” (Participant 12). Indigenous representation in multiparty tenure may also be a good venue for addressing some issues as they can be considered by multiple Indigenous communities together at forest-scale rather than in each community separately (Participant 7).

Text Box 5

“...they’re [the multiparty SFL-holding company] trying. They want to learn. They’re open to learning, and they’re open to compromise and just, you know, figuring out what’s best for everybody... [the First Nation representative on the board] is a straight shooter. He tells it like it is.”

~ Participant 12

While multiparty tenure models are seen positively by the research participants and as leading to stronger relationships, improved responsiveness from SFL companies, and better understanding of Indigenous communities, they also tempered their praise, suggesting the situation could be further improved and that the shared tenure structure was not living up to its potential. As a participant involved with Pic Forest said, the LFMC model “has much more potential than is actually being realized” (Participant 9B). Similar comments were made regarding the other multiparty tenure models. However, Lake Nipigon Forest, where the SFL-holding company is fully First Nation owned, perhaps represents an exception to this disappointment with multiparty tenure models (see Section 3.2.5).

3.2.2 Capacity and participation in forest tenure

One of the challenges for implementing multiparty tenure models and for their success is whether Indigenous communities can participate in a meaningful way. For an Indigenous community to participate effectively in a multiparty tenure SFL model, they require a significant level of capacity. First Nations, however, can struggle to find someone who understands forest management and its business side with time to sit on a forest management company board (participants 1, 5, 7, 10, and 13). Some interviewees suggested that when opportunities arise to participate in these multiparty tenure models, whether a community participates comes down, at least in part, to its capacity (participants 1 and 10).

On the other hand, participating itself helps to build capacity—both collective capacity for the participating communities and capacity of the individual who is representing the community (participants 7 and 8). One research participant described how serving as a representative on a board pushes that person to learn and develop the required knowledge: “So if you have a seat, you pretty much have to know what’s going on. If you’re going to be sitting on this, I don’t care what board it is. You better have your information down pat.” (Participant 8).

3.2.3 Economic participation and benefits

This research project did not focus on economic participation of Indigenous communities in forestry, but the topic frequently emerged in the interviews. Ten interviewees spoke about economic participation and benefits in connection with forest tenure (Table 3). Several of them (participants 1, 7, 8, and 10) referred to ways in which multiparty tenure models have facilitated economic participation of Indigenous communities in forestry and the provision of economic benefits. However, a multiparty tenure model with a seat reserved on the board for an Indigenous community, while helpful, is not enough to ensure the community develops forestry enterprises and takes advantage of economic opportunities. Capacity can be a significant roadblock (participants 5, 12, and 14). Participant 14, for example, stated that his Indigenous organization would like to establish its own forest management company and be

allotted harvest allocations, but cited capacity as the main reason they are currently unable to do so.

Interviewees associated with some of the multiparty SFL models (participants 1, 4, 5, 9, and 13) spoke of ways in which economic opportunities are not what they hoped for or expected when beginning their participation in the SFL. Participant 5 said that economic participation is difficult as the LFMC has the direct relationship with the mills, and the First Nations do not, and noted that this situation is different than the mining industry. Participant 9B also pointed out that forest management planning is very “by the book” in their forest and that they’d like to see the LMFC work more closely with the communities to support their economic development. A notable exception was the interviewee representing one of the First Nation co-owners of Lake Nipigon Forest Management (see Section 3.2.5).

3.2.4 Forest tenure and Indigenous rights

Most participants drew connections between forest tenure, Indigenous rights, and government-to-government relationships. They expressed views about ways existing multiparty tenure models fall short of sufficiently embodying Aboriginal and treaty rights. Participants described how leadership of SFL-holding companies—whether private single entities or multiparty models—feel constrained in their ability to address and respond to claims based on Indigenous rights. They attributed these constraints to the mandate given to the SFL-holding companies by provincial legislation and the forest management planning manual, by the primacy of profit in the motivation of these companies, and by the lack of understanding of Aboriginal and treaty rights on the part of other, non-Indigenous board members (participants 1, 4, 5, and 9C). Two participants went further, suggesting that the current forest licensing system, including multiparty tenure licence models, are a means for the province to offload responsibility and to insulate both the province and forest industry from Indigenous rights and the duty to consult (Text Box 6).

Some participants expressed their understanding that eventually, forest tenure and the sharing of benefits from forestry will need to be based on UNDRIP, the negotiation of modern treaties, and Aboriginal title (participants 5, 9C, and 14). Participants 1 and 5 spoke about ways in which Indigenous representatives on the LFMC board have helped raise awareness of Aboriginal and treaty rights, and how the LFMC has been able to respond to concerns—sometimes in informal ways—based on Indigenous rights.

3.2.5 Differences among the multiparty tenure models

In previously presented findings, we have mostly been referring to all multiparty tenure models together without addressing how they differ. However, although many of the described

Text Box 6

“So ... when we’re dealing with the Ministry of Natural Resources, hopefully we’re dealing with the honour of the Crown; when we’re dealing with a SFL, their take is more a business dollars-and-cents view of the whole world.... So these ESFLs are great for the Ministry of Natural Resources to download, and I believe it was a very smart way to download personnel.... The Crown was more apt to listen because they had honour. They had some honour. ESFLs don’t have honour—they have business acumen.... So that’s the difference in the relationship that we had with the Crown versus what we ended up with, and a lot of decisions that are made and being made by ESFLs and in the FMP are decisions that used to be made by the Crown.”

~ Participant 4

“Now with this type of SFL, there’s no active participation because the MNR says, ‘Well hey, that’s an SFL.... We have nothing to do with it anymore. That’s the SFL’s problem.’ And ... Interfor: ‘We don’t own this SFL. We’re just shareholders.’ Green First: ‘Well, we don’t own this. We’re just shareholders. That’s the MNR’s responsibility, right?’ Everybody’s shirks the responsibility.”

~ Participant 13

strengths and weaknesses apply to all forests with multiparty tenure, they still differ considerably. Indigenous economic participation, forestry benefits, and Indigenous community representation vary greatly across forest management units. Not all multiparty SFL-holding companies have direct Indigenous representation with a voting seat on their board (e.g., Bancroft-Minden Forest). For other forests, one or more Indigenous individuals are on the board, but are, in effect, serving in that capacity as individuals (e.g., French-Severn Forest and Pic Forest). With Westwind Forest Stewardship Inc. as a not-for-profit corporation (French-Severn Forest), and for Nawiinginokiima Forest Management Corporation (NPMC) as a Crown corporation (Pic Forest), First Nations or other Indigenous organizations do not *hold a share* in the SFL-holding company. The interviewees who spoke about French-Severn Forest suggested that the First Nations individual on the Westwind board is doing a good job; on the other hand, they did not characterize their respective First Nations as being strongly involved in forest management decisions because of that representation. For NPMC, the non-disclosure agreement that board members must sign was mentioned in all three interviews. This non-disclosure agreement restricts Indigenous board members from involving their First Nations in the details of NPMC governance and operations.

While all forests are unique in terms of degree of satisfaction with forest management, Lake Nipigon Forest is distinct from the others. As with Abitibi River and Bancroft Minden forests, this forest can be classified as a shareholder SFL (Table 1), but LNFMI is 100% First Nation owned. The First Nation shareholder representative we interviewed had few criticisms about

the model. In describing how LNFMI came to be, and the decision of the four participating First Nations to resist converting it to an ESFL during the economic downturn of 2008, he said:

“It was the single best decision that we’ve ever made, because what it did was it allowed the communities to forge ahead with a new relationship with the companies where we restructured how business was being done, and we’ve never looked back. So, we’ve been profitable ever since.” (Participant 7)

His description suggested that LNFMI may be more closely incorporating and reflecting Indigenous values and priorities than other forests. His descriptions of its operations, moreover, implied that it can be flexible with forest management planning and other requirements and works to find ways that meet the expectations, principles, values, and priorities of its First Nation owners. The Lake Nipigon model does, however, still have challenges:

“What are the weaknesses and the downside? Well, a couple things. With that power, I guess comes responsibility, right? So, you know, compliance and ... those sorts of things are the responsibility of the SFL.... So, for example, we’ve had members that have had issues with spray.... and they’ll come and they’ll say, you know, ‘You must tell the MNRF to stop’. And it’s like, ‘We’re the one spraying. It’s not the ministry spraying.’ ... we can’t just throw our hands up and say, you know, go blame government when we’re the ones that, we have to take ownership of the of these things.... So it’s little bit harder for us [than] to just kind of distance ourselves from what happens in the forest and clear cutting and what companies are doing.” (Participant 7)

3.3 Forest management planning and Indigenous participation

Participants identified themes and sub-themes related to aspects of the forest management planning process, and how they may enable or constrain participation of Indigenous rights holders (Table 4).

3.3.1 Importance of the forest management planning process and changes over time

The research participants generally recognized the forest management planning process as one of the main ways to influence forestry decision making. As described by one participant, the long-term nature of forest management planning provides multiple engagement opportunities for communities to voice concerns over economic benefits, the locations of forestry allocations, road access, or anything else related to exercising their Indigenous rights (Participant 14). One

Table 4. Themes and sub-themes related to Indigenous participation in forest management planning (FMP) processes, and the number of interviews in which they were discussed. Themes are separated by horizontal lines, while sub-themes are indented text.

Themes and sub-themes	Explanation/comments	Number of interviews
Changes over time	Includes improvements in the quality of engagement and participation, and suggested changes for improvement	14
Capacity	Capacity for participation in the forest management planning (FMP) process, including capacity of Indigenous communities, and the Ministry of Natural Resources.	13
Time	Includes the quantity of time needed for participation in the FMP processes, and the availability of people to participate.	11
Expertise	Includes understanding of the FMP process, understanding of jargon, and forestry and other scientific and technical expertise	10
Financial capacity	Costs for participation, including staff time, funds for hiring consultants/experts.	5
Focus and responsiveness of the FMP processes	Ways the FMP process responds to Indigenous participation, including the extent to which input actually influences plans, and perceived bias towards forestry vs. other priorities and considerations.	12
Narrow focus of the FMP process	Primary emphasis on forestry, and on selected single issues, attention to sustainability at an ecosystem level, and ability to address social and economic considerations.	8
Flexibility/rigidity of what is included in FMP	Whether and in what ways the content of an FMP is constrained or predetermined.	5
Approach and methods used	Includes face-to-face vs. virtual, customized consultation, distance to travel for meetings, enough time for discussing issues, etc.	12
Engagement and participation processes	Ways participation, engagement, and consultation processes are rigid or flexible, including the flexibility in methods for engagement, timelines, and the willingness to experiment.	11
The Forest Management Planning Manual and Guides	Any mention of the manual and/or guides themselves.	7
Input on the manual and guides	Whether and in what ways input into the manual and guides has resulted in changes to them	7
Revisions to the manual and guides	Participation in revision discussions	3
Indigenous worldviews and knowledge	Ability (or inability) of the FMP process to account for Indigenous worldviews, values, and knowledge	7

Themes and sub-themes	Explanation/comments	Number of interviews
Importance of the FMP process	The influence of the FMP process on sustainability and economic opportunities, including its importance relative to other aspects such as forest tenure.	6
Inclusion	Any discussion around which communities are invited (or not invited) to participate in FMP processes for a given management unit	6
Indigenous rights explicitly addressed	Whether and in what ways Indigenous rights are addressed in the manual and guides, including reference to different categories of rights, rights of Métis, etc.	3
Input at relevant phases of the planning cycle	Whether and in what ways participants feel that Indigenous participation occurs during relevant parts of the FMP process.	3

participant stated that his community is looking to use the forest management plan to identify candidate lands for reserve expansion but also to protect those lands and the values on them (Participant 10). Another referred to the possibility of well thought out forest management plans to help reduce risks from wildfires by removing older forest stands from the landscape (Participant 3).

All 16 participants in this research project had insights about how the forest management planning process, or their role in it, has changed over time, or how they would like to see it change in the future. The time period of these changes varied by participant, but most comments revolved around time since the formation/transformation of the sustainable forest licence or the time since the participant began representing their community in forest management planning processes.

Most participants (12 of 16) noted positive changes over time, including increased Indigenous participation in and knowledge about forest management processes (participants 1 and 11), improved consultation and communication with the SFL-holding company (participants 2, 3, 5, and 8), improved relationships between Indigenous communities and the forest industry (participants 7 and 9A), and improved trust between First Nations and industry (participants 7, 10, and 14) and between Indigenous communities and government (participant 12 and 14). Participants 11 and 13 noted that Indigenous people are now in higher positions in government, and First Nations are being “vertically integrated” into management contracts, which helps the government better understand and “deal with” Indigenous people and their worldviews.

Text Box 7

“...the, governments—now all these ministries—is having to realize that, you know, you have to deal with us.... Especially with everything that’s changed like United Nations UNDRIP, all the policies, all the court cases that they’ve been losing in, in the system. You know that it’s come down to that. You can’t ignore us anymore.”

~ Participant 11

“Okay, so you changed the planning process [from five-year plans to ten-year plans] and then every year you’d have to go through a screening process on an annual schedule. Well, the manual changed so that you don’t have to do that process anymore; you have to do it in the forest management planning process. So, the annual work schedule is just basically just a formality versus the consultation process, right? And I think that’s where, you know, you’re going to make significant headways if you make changes in the manual to address the consultation needs and the participation needs of the First Nations because really I mean at the end of the day you, if you keep putting the First Nations at the end of the decision making process, you’re always going to end up with the conflict, right?”

~ Participant 13

A few negative comments were made about changes over time. For example, some changes to the forest management planning manual and policies (e.g., pine marten vs moose emphasis areas) have had negative effects on Métis people. Participant 13 opined that recent changes to the forest management planning process do not help to better address needs of First Nations (Text Box 7). Additionally, it is very taxing for Indigenous representatives who sit on forest planning teams, particularly for communities (or Indigenous organizations like Algonquins of Ontario) connected to more than one forest, to contribute to multiple forest management plans simultaneously; it is preferred that forest management plan renewals return to a staggered approach (Participant 14).

Aside from discussing changes to forest management planning over time, many participants expressed what they would like to change in the future, or how Indigenous expectations have changed which might drive further changes to forest management planning over time (Text Box 8). Participant 9A noticed “significant [positive] changes” in the Forest Management Planning Manual with regards to the definition of customized consultation but also noted that “the community’s perspective five to ten years ago is going to be significantly different than it is now, right? So, like customized consultation might mean something entirely different than it did when we participated in that”, indicating that further reviews/changes to the manual might be needed. Participant 12 suggested that governments need to learn more about Indigenous culture and gain Indigenous peoples’ trust for there to be more positive change in the future and that “governments are coming around, but there’s still a lot of work to do”. It was also suggested that the ministry improve how it chooses the included/engaged Indigenous

communities for a particular forest management plan, and be more transparent about how it makes those choices (Participant 1).

Text Box 8

"I think there are plenty of opportunities to participate, to address concerns, to participate in consultation processes around forestry, and it usually just comes down to capacity and time or conflict. Conflicting interests, I mean. Or ten years from now, when the Algonquins maybe finally have a treaty for the first time, and all the history of, you know, 300 years of trying to get one uh, and ... each community has their own office, each community has their own technical staff and capacity to support those operations. Yeah, consultation will be light years ahead of where it is now."

~ Participant 14

"But there's this feeling in government, and this is across all ministries, of being stuck with the current way that things are done, the current policy, the current legislation, and if what they hear from that in-depth conversation doesn't fit in those boxes, it gets set aside, right? And I think there just needs to be so much more willingness to go, 'You know what? This is the existing policy, but what if we had a different policy? What if we had a revision to the policy? What if we had a new piece of legislation?' There's nothing that says that government can't evolve, right? And so, I think it's being able to come into those conversations with that willingness to go, 'Here's where we are now, and I just heard this really interesting perspective that may be able to be translated into some new policy, some new approach in the future.' So not just immediately kind of parking the stuff that doesn't fit in the box, but sitting there going, 'How can that box be changed?' That's the piece that has to happen and I think I know it takes a lot of effort and a lot of bravery when you're in government to do that, but I really do think there has to be that willingness. And then when communities start to see that willingness, then you get towards building that trust, right? Trust doesn't happen instantaneously. It's going to happen over time and that kind of effort would really go a long way to building that, into showing that, you know, MNRF is taking this seriously and it is meaningful, and it can be impactful, and it can be done."

~ Participant 9C

A few participants indicated that they'd like better communication between community representatives and members of the respective communities they represent on forest management planning issues (participants 3 and 7) and how government provides information to communities or the community representatives. For example, write a letter to inform the community of lower-importance issues, such as slash burning, instead of requesting a full engagement (Participant 8). Participant 9C spoke about ministry or government reluctance to change, even if compelling reasons to do so exist (Text Box 8).

3.3.2 Capacity: Financial, time, and expertise

In most interviews (13 of 14), capacity was mentioned in community participation in forest management planning processes discussions. Many comments were about Indigenous communities' inability to meaningfully participate in forest management planning activities, due to lack of capacity (participants 1, 5, 7, 8, 9A, 10, 11, 12, and 14). Even participants who felt that relationships, opportunities for participation, and openness in sharing information are reasonably good stated they do not have the time to participate adequately or to understand what is being said when they do participate (participants 2, 3, and 14). Also, we heard comments about community representatives' inability to transfer information they collect at planning meetings and other interactions to leadership as they are "just another voice coming through" (participants 6 and 7) and even the SFL-holding companies themselves sometimes lack capacity to meaningfully engage with all First Nations they are mandated to (Participant 9B). Perspectives on specific facets of capacity—time, expertise/knowledge, and financial capacity—are presented below.

Time

During most interviews (11 of 14), participants mentioned that Indigenous communities lack the personnel or time to meaningfully participate in forest management planning activities. Phrases such as "we're already spread quite thin", "we don't seem to get the representation that is required", and "we need more people" were common during our discussions. Participant 4 noted that the Métis Nation of Ontario have a senator sitting on the SFL board because no one else can do it. Participant 2 simply stated, "Yeah, capacity. There is no capacity. We need more [people in the Lands and Resources Department]". Participants 9A and 14 each spoke more specifically about communities that are connected to more than one management unit and the capacity issues that arise from needing to contribute to multiple forest management plans simultaneously. Participant 14 expressed the desire for forest management planning cycles to be staggered, as they used to be, which would allow a single person from a community or an Indigenous organization, which represents multiple communities, to contribute to multiple forest management plans more easily.

Similarly, a few participants spoke about the relatively low number of people in their community (e.g. chief and council, lands and resources personnel) whose job it is to receive information and share it with all members of the community (Text Box 9). Many other community issues tend to take higher priority (e.g., social issues, mining, or other land use planning), meaning that oftentimes forestry and forest management planning are forgotten (participants 7, 8, and 10). This issue similarly affects capacity to participate in consultations on changes at other levels such as revisions to policy and the forest management planning manual and guides. Participant 14 stated that even at the level of a larger Indigenous organization—the

Algonquins of Ontario—they did not have sufficient capacity to participate in the recent consultations on revisions to the Stand and Site Guide, one of the documents produced by the ministry that guides forestry and forest management practices.

Text Box 9

“There’s just not enough capacity in the communities themselves and [not] enough time in the day to be able to properly disseminate all this information to the members, to council... that’s something that we all have to do better at a community level.”

~ Participant 7

Capacity is also lacking on the ministry side. Ministry personnel do not always understand Indigenous rights, cultures, and history. “So now, you have two groups trying to negotiate stuff, and neither has the capacity to do the job” (Participant 4). Participant 14 mentioned that while his organization’s trust of the ministry has improved due to the ministry’s increased capacity to develop relationships with First Nations, they still have “no trust in the ministry as far as ever providing the capacity, the economic capacity, the funding, to meaningfully participate, be consulted, be accommodated in the way that forest management planning by now in 2024 should definitely be able to do”.

Expertise

In many cases, the community representative sitting at planning tables and representing their community in other forest management planning activities has no formal training or forestry education. Thus, the details of technical topics discussed during planning or information meetings can be difficult for many Indigenous representatives to understand, making it difficult for them to participate meaningfully (Text Box 10).

Text Box 10

“I had like one hour of training before I started my [Lands and Resources] position, so I had to learn this on my own...”

~ Participant 2

“So, I mean, at the end of the day, you know you talk to a forester, you know, and they’re like engineers, right. They know what the hell they’re talking about. They know the language. They know all the all the nuances. Well, First Nations don’t.”

~ Participant 13

Participants 2, 4, 7, 8, 9A, 12, 13, and 14 all felt that either community representatives need more training and/or experience to participate more meaningfully in forest management planning processes, or the communities should have a designated forester or other trained

professionals to participate in forest management planning processes. Participant 5 recognized that her community is luckier than most to have hired “outside people”—personnel with expertise and experience—and that it helps them to participate meaningfully in forest management planning processes. We heard from some participants that information sessions or training for all community members (not just community representatives) could help generate interest in forest management planning in the community, give youth the confidence and experience necessary to feel comfortable getting involved in forest management planning processes, and help community members understand what the representatives are doing for the community at the planning table (participants 9A, 10, and 12). Participant 8 explained how a lack of understanding of the forest management planning process and the details discussed during planning meetings by community representatives creates room for community members and leadership to misinterpret the information shared with them.

Financial capacity

Indigenous communities often lack the financial capacity to allow for meaningful participation in forest management planning activities (participants 1, 4, 5, and 14). Participant 4 suggested that not only do Indigenous communities lack financial capacity but the ministry also does not have the budget to offer customized consultation to Métis communities. Participant 14 illustrated the lack of financial capacity on the ministry side when he spoke about the need to preserve elders’ knowledge which can be used by forest industry and SFL-holding companies. This information, however, is not free and no one is willing or able to pay for it. “... you can't access any of that information if you're not going to pay for it. I mean, everybody would love to have elders sit down all day long and tell stories and just get those stories recorded. Wouldn't that be a lovely world? That information is so valuable it's worth money, right?”

Some participants spoke specifically about the desire for their communities to benefit economically from forestry activities on their territories (participants 5 and 14), or to be supported financially by the ministry (Participant 7), which would make it easier for them to participate meaningfully in forest management planning. Participant 5 also stated that everyone else involved in forest management—mills and the SFL-holding company—benefit financially, and First Nations should also, as these benefits would motivate them to come to the planning table (Text Box 11).

3.3.3 Focus, responsiveness, and flexibility of the forest management planning process

Many of the comments we heard regarding the focus and responsiveness of forest management planning processes and/or the industry and government actors in it were critical

Text Box 11

“And maybe that's one of the things with forestry is that they can make these resources available to the communities because the mills getting revenue from these forests to allow them...build their capacity and do their business, the NFMCC, and you know, other agencies also, you know, get revenues and benefits from these forests to allow them to manage the forest. But First Nations don't.”

~ Participant 5

and revolved around the perceived inflexibility of the processes or the government mandates that drive them. Among the criticisms was the lack of responsiveness of the process to Indigenous concerns (Text Box 12). Participant 6 observed that bringing up a comment or suggestion during a planning meeting is ineffective because it only makes the meeting longer and does not result in any changes. He stated that things are predetermined in the planning process, and listening to concerns is “all box checking” but has no effect. Others echoed the “box-checking” sentiment and similarly felt that their voices are not heard, or if they are heard, no action is taken in response (participants 4, 7, and 9B). For instance, Participant 4 specifically mentioned that Métis Nation of Ontario requested that if herbicide spray must be used, the company should at least post signs to warn people. They also referred to a request for cutting guidelines to be changed to allow trees to fall into the lake to deposit nutrients. Both requests were not addressed.

The entire process is seen as too rushed with no opportunity to discuss whether the land “is going to be treated respectfully and that [appropriate] land use practices are going to be enshrined in the forest management plan” (Participant 14). Instead, the forest management planning process is seen by some as a series of meetings in which the First Nation can only say “yes” or “no”.

Text Box 12

“Stuff we keep asking for, we never get.”

~ Participant 4

“No, as I heard some First Nations say is they helped the MNRF check a box, but it doesn't really benefit the First Nation. So, I mean, I'd be looking more towards trying to make an assessment of the extent to which First Nation's concerns are incorporated into the plan or discussed and there's some modification that comes about as a result of them. That's the sort of thing I would be looking for. I mean, you've also probably heard too, that First Nations don't really put a priority on participation—participating in forestry planning—because they feel they're not heard.”

~ Participant 9B

Some participants similarly spoke about the inability or unwillingness to act on concerns, ideas, or requests made during consultation or forest management planning meetings if they don't "fit the boxes" of current ministry policies (participants 9C and 11). Participant 11 talked about Indigenous representatives being put into the room for consultation with the wrong people, who "can't or don't make decisions", and mentioned that change could happen if First Nations representatives spoke to the "right people". Participant 11 also stated that when a First Nation asks for a change, the ministry personnel "talk about that they can't do certain things because of the policies are the way they are.... it's almost like the MNR sits there and says, 'You know, if it's convenient for us, then we'll work it. But if it's not, we can't and we won't.'"

Not all comments about the flexibility or responsiveness of the forest management planning process were negative, however. In forests where First Nations have representation with the SFL-holding company, some participants stated that they feel First Nations voices are heard and addressed, and that for the most part, input from the committee members is captured and community concerns, questions, identification of Indigenous values, etc. are reflected in the forest management plan (participants 1, 7, and 8).

Some participants suggested that being responsive to raised issues and concerns involves some effort to creatively find solutions. One such area relates to places that Indigenous communities want to be protected from forestry. First Nations are sometimes hesitant about sharing information such that "values" can be drawn onto a map (Participant 11). For example, an SFL-holding company agreed not to harvest in a particular area without indicating why the area is protected or identifying the value(s) present. Sometimes this agreement might happen without indicating that the area is protected—just an informal, mutual understanding that harvesting would not occur. Another participant alluded to this, mentioning that the forest management planning process, and the ministry more generally, have "very limited tools in the toolbox" and therefore must get creative to protect cultural values and sites from harvesting while also keeping them from being shared publicly (Participant 9A).

However, several participants (4, 6, 13) described ways where this flexibility is lacking, suggesting that rigidity seems to be built into policies, the forest management planning manual, and timelines that are built into the process. Participant 13 feels that fundamental changes need to be made to the manual to include First Nations and allow more flexibility in decision-making processes. Participant 4 told us about an issue the Métis Nation of Ontario raised regarding the "cut to shore" policies in the Forest Management Planning Manual. He spoke about Métis suggestions to alter harvest practices to allow some trees to be left standing along lakeshores, thus providing nutrients to the lake. No actions or even feedback on those kinds of suggestions, he said, are ever received (Text Box 13).

Text Box 13

"To the Métis [the ecosystem role played by trees along waterways] is not rocket science, and it's part of that where we live, where we harvest, where we fish, where we pick blueberries and everything. So, and we speak about that, and that could be dealt with at the FMP, that could be dealt with that the ESFL, that could be dealt with by the ministry.... So there would have been a, you know, a little victory that, this stuff we keep asking for, we never get any of it.... we get the head nods, and we get 'Yeah, that sounds like a good idea' and stuff. And then we leave the meeting and we never hear about it again."

~ Participant 4

"...there was opportunity to engage. Let's put it that way, but, to have discussions or to try to affect levels of change of the process or, it felt like the train left the station at a particular time and needs to arrive at another station at another particular time...I felt like a number sitting there. Okay, so you can say that you had First Nation representation sitting at the table, but you know you're on the train and the train is going and there's no way we're getting off the tracks here at all [laughs]. But it felt very rigid, and I can understand that, you know, there is a significant crazy plan that needs to be written and there's an awful lot of milestones that need to be met, and [the ministry] has their timetable that needs to be met and if it's not met there's an awful lot of angst. So it felt to me like once you were there, you were there to fill a seat to say there was Indigenous representation... because I know that the planning process is extremely rigid... it just felt like, you know, 'We're on the train and let's go.'"

~ Participant 6

"The forest management planning process—it's gotta pick all its milestones and meet all of its timelines. It doesn't have room for 'Okay, we also have to do a traditional knowledge study to inform this planning process. That's going to take a whole year at least....' So I just, I don't know how it can happen. Yes, it needs to happen. The want is there. The money's not there. The time isn't there."

~ Participant 14

One participant linked the lack of responsiveness by government to Indigenous communities launching legal challenges: "I'm not going to sugarcoat that because it's a reality and that aspect of it is not being heard.... Because I don't feel that there's anything really being done about it at this point, but it's going to probably take us having to, you know, take it to court, which that's not what we want" (Participant 12).

In over half the interviews (8 of 14), participants told us they believe that current forest management planning processes need to be changed to further incorporate the values, beliefs, spirituality, and more holistic management views of Indigenous people. Some also spoke about the siloed nature of the government and the overly compartmentalized approach in the forest management planning manual specifically (Text Box 14).

Text Box 14

“When we look at forestry and forest management, forest planning, it really is being done in silos of the other activities that are happening on the ground. So, if we look at mining, for example, the impact of mining is gigantic. So, when we look at a forest plan and we're not looking at mining claims and you know all of those other pieces that come with mining or aggregate pits or parks policies... They don't talk. You know there is no connection between these different users on the land. And how do you plan a forest when we don't know the impacts or we're not considering, you know, the activities of other industry and our government policy, right, parks, for example, or caribou? You know, whatever those other things, species at risk, you know, whatever those other pieces are. So that's a big problem.”

~ Participant 5

“We [four owner First Nations of LNFMI] are totally opposed to the caribou model that was being proposed by MNRF. Not only do we think the science was wrong and we have folks in our company that you know are very, very well versed in this issue. Number one, it would hurt us economically because large, vast chunks of our forests would be removed from harvesting. Umm, so there was an economic piece of this, but more than that, almost there was a cultural piece to it and a traditional piece because the harming of moose was the results of the management for caribou, right. So, ... if the whole purpose of managing the forest is to try to bring back caribou and the result of that is going to be a decrease in moose population because how you manage for moose is diametrically opposed to how you manage for caribou, we have a real problem here, right?”

~ Participant 7

3.3.4 Methods used for engagement and participation, and their flexibility

Many participants spoke about the ways their communities participate in forest management processes, and ways they communicate with the SFL-holding company, the ministry, and their own community members. When speaking about engagement and participation processes, many participants referred more to the ways they participate in forest tenure models and less about the forest management process. Generally, participants spoke about the need for Indigenous communities to be involved, and to be involved earlier in all processes. Participation in the forest management planning team and customized consultation approaches were identified by some participants as being particularly important for early and meaningful involvement (Section 3.3.9).

Several participants referred to the need to overcome superficial, “checking the boxes” approaches to consultation. Participant 13, for example, described the need for a more

reciprocal relationship during consultation with Indigenous communities having more of a say. Some participants spoke about the style of meetings, and creative or unorthodox methods used to help Indigenous communities stay engaged or participate in forest management planning processes (Text Box 15). For example, Participant 1 told us that when a First Nation grew frustrated and walked away from the forest management planning table, members of the LFMC used the customized consultation approach to bring them back to the table and keep them engaged in planning processes. If the community representatives have good relationships with the SFL-holding company, they can find other ways besides customized consultation to discuss issues one on one. Oftentimes, they will allot time before or after a scheduled planning meeting for these types of engagements (Participant 14).

Text Box 15

“But yeah, bringing us in at the ground level is really important and having more meetings like this with Indigenous colour. Our relationships are based on true relationships. So, you know, consultation can take years sometimes, depending on the parties and their willingness to be able to, you know, learn to trust each other and to be able to banter back and forth with the ideas and being able to, you know, just be in a safe space doing that.”

~ Participant 12

3.3.5 The Forest Management Planning Manual and guides

Participants referenced the desire to see changes to the forest management planning manual that would make Indigenous values, concerns, and consultation and participation needs key components of a forest management plan (participants 1 and 13) or identified changes to the manual which have worsened things from an Indigenous perspective (participants 4 and 14). Participant 13 implied that no meaningful change can come from any of their inputs if the system “keeps putting First Nations at the end of the decision-making process”.

Text Box 16

“If we can change the manual and have First Nations somehow embedded in that manual, in the part of the decision-making process and part of the planning process, right? Because that's really, I mean, at the end of the day that's really what that manual is all about. It's about setting the rules and how the plans are written, right? So, if you include Indigenous groups in that manual, you know, I really believe that's the that's the way to shift—you'll shift the whole mindset, you'll shift the culture—and I mean at the end of the day, that's where you'll make some meaningful change.”

~ Participant 13

From a Métis perspective, Participant 4 noted that “First Nations” is mentioned throughout the forest management planning manual, but not “Métis”. Furthermore, he stated that changes in the most recent version of the manual have “gutted” protections that used to be in the manual. For example, he believes that ministry district managers have too much discretion over whether consultation is necessary with First Nations or Métis communities for any given issue.

Participants’ feelings varied over whether inputs they made to the forest management planning manual review resulted in meaningful, beneficial changes. Participant 9A observed some meaningful changes to the manual after they participated in the forest management planning manual review. However, participants 1, 13, and 14 felt that most changes suggested by First Nations were not included. Participant 14 suggested a circular pattern where First Nations raise an issue during a forest management planning meeting, they are directed to raise these issues during the forest management planning manual review, and when they do so, the changes are not addressed, therefore they must bring it up again during the forest management planning process.

We also heard ways in which the whole forest management planning process is seen as inadequate, with the manual and guides being interpreted in ways that are not beneficial to Indigenous communities, such as operationalizing *sustainability* in the manual, and lacking the flexibility to incorporate particular Indigenous communities’ ideas on sustainability. For example, one participant described ministry personnel citing the manual and guides when rejecting a First Nation’s request to protect significant values of large geographical size. Another participant described ways in which the forest management planning process does not consider Métis knowledge or how the Métis moose harvest is affected by mandates regarding moose emphasis areas and moose aquatic feeding areas. Other participants emphasized the importance of the forest management planning manual in relation to participation in other areas such as forest tenure (Section 3.1.2).

3.3.6 Indigenous rights explicitly addressed

Indigenous rights were explicitly discussed in 10 of the 14 interviews. However, many comments were general in nature—about asserting Indigenous rights, the United Nations Declaration on the Rights of Indigenous Peoples, and Free, Prior and Informed Consent—and not specific to how those relate to forest management planning processes. Participant 11 spoke about the need for everyone, including governments and Indigenous people asserting rights and laying claim to land, to understand the difference between assertion, inherent rights, and treaty. A hypothetical hyperbolic example was provided: a group of Innu coming to lay claim in the French-Severn Forest. They would have no inherent rights to that forest and no treaty rights. Participant 11 also stated that any ecosystem changes, made through forestry for

example, will affect Indigenous peoples' inherent rights and their treaty rights and the government needs to understand that (Text Box 17).

Text Box 17

"I think it's an education factor. You know, I think that the biggest problem, with the governments—now all these ministries—is having to realize that you have to deal with us.... Especially with everything that's changed like United Nations, UNDRIP, all the policies, all the court cases that they've been losing in the system. You know that it's come down to that: you can't ignore us anymore. You know, we fought 98 years in the court system for our Williams Treaty. It took 98 years.... And then if you look at what's happened with Inuvik and up in that area, you know they've got a whole area of land that the government just signed over to them. You know to manage ... it now is a thing. It is an area where you the ministries in the government have to sit down with the Indigenous people of the communities in the area and have these discussions and work in partnership together to ensure the safety of these properties and wellbeing, you know, all the cutting that you've done is created a very high climate change problem.... it's very significant. So these are the things that we have to, you know, take into consideration too, and you have to sit down and talk with Indigenous people regarding this."

~ Participant 11

Participant 8 stated that Indigenous community representatives are sometimes treated more like they represent special interest groups rather than as rights holders in engagements with industry or government and that this treatment needs to change. Despite voicing that need, he also said that it is nice to be invited to the planning table and to be able to participate and ask questions.

3.3.7 Input at relevant phases of the planning cycle

Several participants commented on issues related to meaningful Indigenous participation in the forest management planning cycle, including timing of Indigenous community involvement. Participant 12 stated "we aren't brought in soon enough with regards to the [forest management planning] process." Participants 13 and 14 each explicitly stated that meaningful Indigenous participation needs to be written into the forest management plan and/or the SFL model and that the opportunity for First Nations involvement in SFL creation or how they work doesn't exist.

Text Box 18

"Okay, here you guys, we're creating this SFL and here are the rules, take it or leave it."

~ Participant 13

3.3.8 Local citizens' committees

The main role of an LCC is to represent the interests of the public and Indigenous peoples by providing advice to the Ministry of Natural Resources district manager and the planning team during the development and implementation of a forest management plan (OMNRF 2024). However, many First Nations and Métis communities choose not to participate. Indigenous community representatives who participated in our research gave a variety of answers when asked why their communities do not participate. Most responses we heard were related to the belief that an LCC is not the appropriate place for Indigenous community representatives to participate in forest management planning. Many interviewees feel that important differences—differences in culture, issues being raised, and beliefs—exist between the stakeholders who participate in LCCs and Indigenous communities, and more importantly feel the LCC members inappropriately treat Indigenous rights holders as any stakeholders group (Text Box 19).

Text Box 19

*"I understand the LCC is an important body because I think the LCC ensures that the **stakeholders** have a seat at the table. Okay. The stakeholders, being the campers' association and the bird watchers and whatever, all these different groups that are very important, that make up civil society, that need a seat on [an advisory committee], people that own lodges, and run tourist operations and things like that, right? So it's an important body for that. First Nations aren't stakeholders, they're rights holders. They're in another league ... The First Nations are the stewards of the land. They're the ones that reside in this area and they have constitutionally protected rights. Section 35 rights. So the LCC I do not feel is the appropriate venue for First Nations because I think that that's a stakeholder board and not a rights holder board."*

~ Participant 7

"And again, when you're sitting there with ... the snowmobile clubs or whomever, the issues are very, very different and you can't group them ... [Indigenous community representatives] cannot sit there in a room with snowmobile clubs or whomever else and have these conversations. They can't be grouped. The Indigenous issue is a very different—they're very much rights-based. Even treaty—you know those who have signed treaty—that's very different than a snowmobile club, but they continuously get grouped together..."

~ Participant 5

"You're dealing with people that normally will not sit at the same table. There will never be an understanding, there may be sympathy, but there will never be a clear understanding of what the First Nations are really trying to achieve. Whether that's—forgive me—through ignorance, or just, you know, for whatever reason, there's just too much of a cultural difference, I would say."

~ Participant 13

We also heard from some participants that the LCC seems redundant for Indigenous communities in some forest management areas. A First Nation with a direct line of communication to the company holding the SFL has no need to participate in the LCC (Participant 14). Participant 1 added that, in his opinion, communicating directly with the SFL-holder is a better use of an Indigenous community representative's time. Métis groups may find it particularly undesirable to participate in LCCs. Not only do they have similar issues to the First Nations, but they can also feel unwelcome by both the stakeholders and any First Nations participating in the LCC (Participant 4).

Capacity is another reason that some Indigenous communities do not participate in LCCs. Participants did not emphasize this as a major reason, but rather suggested that when the need to prioritize limited human resources is considered, LCCs are not high on the priority list (participants 10 and 12).

Two of our interview participants (participants 2 and 3) do participate on the LCC for the forest management unit that their First Nation is connected to. Both represent the same First Nation and participate in the same LCC. At the time of their interviews, each was relatively new to their position, and had not had an opportunity to represent their community on a forest management planning team. Each had positive things to say about their participation in the LCC and about the LCC in general.

3.3.9 Specific elements of the forest management planning process: Community background information reports, planning teams, annual work schedules, and customized consultation

We asked interview participants about their awareness of, and whether their communities are involved in parts of the forest management planning process including reviewing annual work schedules, preparing community background information reports, and participating on forest management planning teams and customized consultation approaches.

Seven participants (6, 7, 8, 9A, 11, 13, and 14) said their communities prepared a background information report for a forest management plan. However, most of these participants had nothing further to say about whether preparing this report helped communities meet their objectives. Participant 13 stated that he feels his community's participation in the background report is "superficial". Participants 11 and 14 each spoke about how the Algonquins of Ontario do not feel that sufficient funding is provided by the ministry to properly complete a community background information report.

Knowledge and opinions of and experience with forest management planning teams varied among the 16 participants. Some participants were connected to forests that were not in the development phase of the planning cycle and were also relatively new to their positions and therefore had little knowledge of or experience participating on these teams (participants 2, 3, and 12). Participant 6 participated on a planning team for a few years and said that they often reached out to the community, but reciprocal interest was not shared by the community members. He also told us that only four of 11 communities connected to the French-Severn Forest have members that sit at the forest management planning table. He feels the lack of interest by communities is because they don't have a financial stake in the forestry activities happening in the forest. Participant 1 seemed to echo this perspective, stating that sometimes a community will appoint a representative to a planning team only to see that person attend a few meetings and then not return.

Two participants (4 and 9A) talked about a lack of capacity for community representatives to meaningfully participate in planning team meetings. They said that community representatives are very busy, often sit on two or more planning teams, and are often inexperienced or lack the expertise to meaningfully participate in the technical discussions that frequently occur at those meetings. Participant 9A further mentioned that it would be useful to have a forester on staff to participate in or assist at those meetings. Participants 7 and 14 each spoke out in favour of being a part of the forest management planning team. Participant 7 felt that the planning team is the proper venue for Indigenous communities to participate in forestry-related decision making, as opposed to other venues such as LCCs. Participant 14 compared participation on a planning team to simply being asked to review a draft of the forest management plan. He described planning team participation as a form of consultation, as the community is "directly informing the process and trying to achieve accommodations through that." (Text Box 20).

Text Box 20

"That's [reviewing a forest management plan draft] not consultation; being involved in the development of the plan is consultation."

~ Participant 14

Participants 2, 3, 4, 6, 8, 9A, and 11 are all aware of the existence of annual work plans and mentioned that they or other community representatives had opportunities to review them. However, no one provided further details, or implied any importance of this part of the forest management planning process to their communities' objectives or expectations.

Most communities whose representatives we interviewed do not make use of a customized consultation approach. Some participants (2, 3, 6 and 10) do not know what customized consultation is or are not aware that it is an option in the forest management planning process.

Others recognize its value but do not feel that their respective communities will benefit from a customized consultation approach. Participants 12 and 14 cited capacity issues as the main reason for not using customized consultation. Participant 7 believes that communities should have the right to customized consultation but that the communities on the Lake Nipigon Forest should plan and consult together so they are all on the same page. Participant 8 feels that his community is engaged enough already, so customized consultation isn't necessary. Responding to a question about the customized consultation approach, Participant 13 said he feels that issues arising during First Nations consultations do not get the same treatment in a forest management plan as things such as marten cores and moose corridors which are "sacred" and have stipulations connected to them telling the forestry companies when and where they can harvest, and he stated that First Nations values should have equal weight in that respect. Participants 1 and 4 shared their experiences with customized consultations. Participant 4 stated: "Custom consultation is the only way that we [*Métis Nation of Ontario; Boundary Waters Forest*] feel that we get adequately heard. Otherwise, we ask for something in a meeting or talk about something in a meeting [*and we're met with*] not hostility, but yeah, kind of hostility. Like we're interlopers." Participant 4 also worries that requesting custom consultation makes his community "the problem" by creating extra work for the ministry which doesn't have the capacity to handle it. He thinks that more capacity and emphasis should be placed on customized consultation approaches.

Text Box 21

"Please do not remove that tool [customized consultation approach] from the FMP process"

~ Participant 1

"We really need more emphasis on custom consultation, and the ministry, I think needs to put a little more capacity into, a little more encouragement to the district managers that it's not a bad thing, that it's a good thing."

~ Participant 4

Participant 1 spoke positively about the customized consultation approach. He provided an anecdote about how this approach was used by a First Nation to reengage with the SFL-holder and the ministry after the First Nation representatives had left the forest management planning table.

3.4 Cross-cutting issues

3.4.1 Culture, worldview, and Indigenous knowledge

A recurring theme throughout our discussions about expectations of Indigenous rights holders, Indigenous participation in forest tenure, and Indigenous participation in the forest

management planning process relates to Indigenous cultures and worldviews, and the clash with the worldview informing forestry and forest management. Interviewees described various important aspects of Indigenous worldviews, such as Indigenous relationships to the natural world and the understanding of the natural world as being populated by animate beings rather than inanimate objects, and a holistic perspective that resists separating different issues and challenges along organizational, sectoral, or other lines (Text Box 22).

Text Box 22: Aspects of Indigenous values and worldviews mentioned by participants, with example quotations

- **Human relationship to the natural world is a familial relationship:** *“For us, that tree is not a tree. That's my brother you know, like for real.” (Participant 5)*
- **The natural world is not inanimate objects:** *“If you speak the language fluently like [my mother] did, her world was populated by things that were animate. If you look at nouns for instance, in our language the trees were alive, and rocks were alive, and all those other things were alive.” (Participant 8)*
- **Humility:** *“You start looking at those seven traditional grandfather teachings, and you start to look at the hardest one that people have a tendency [to have] a problem with is humility.... you know, we're comfortable with humility and we learn from it. But ... with non-native people, I mean humility is often associated with failure.” (Participant 11)*
- **Holistic understanding:** *“When [our First Nation] is looking at the forest, we're not just looking at the timber; we're looking at the swath of activities that are happening in that forest, all of the living beings in that forest, and the cumulative effects that's being experienced in that forest over time.... I think one of the challenges we do have is the siloed view of the trees, the moose, you know, the bears—it's all very different pieces of MNRF, different entities executing on those pieces. And really, when we start to talk about holistic forest management... we often have the same conversations with sixteen different people just to try to get that message across.” (Participant 9C)*
- **Absence of boundaries on the land:** *“We don't believe in boundaries. We've never had boundaries.” (Participant 12)*
- **Focus on communal rather than individual benefit:** *“You're looking at it from people who think socially, okay: ‘What can I do for my community members?’.... That's what leaders think about, and that's what all the people in the communities think about: ‘What can we do for our community?’” (Participant 13)*

“Cultural practices, preservation. Hunting and even berry picking, and when you pick fiddlehead ferns. [If there are] 12 fiddleheads you only take five, you leave the rest. You could pick probably 5 or 6 and not hurt the plant, but you're already thinking that somebody else might come down that trail tomorrow behind you and be hungry and need a couple of those fiddleheads. So you don't just preserve the species or the plant, you're

also preserving it for your neighbor or somebody else who is coming along behind you.” (Participant 4)

- **Importance of oral rather than written communication:** *“When I orally say something, that's just like me writing it down, okay?... That's the difference between me, okay, as an Indigenous person and you as a white person.... How we communicate is far different than how you communicate and how you receive information.” (Participant 13)*

“Storytelling. I think that they could come and listen to the elders, the youth, and you know, hear their stories and their experiences and knowledge of our land. I think that storytelling is probably the best way to learn knowledge from our people.” (Participant 3)

Many participants in the research referred to Indigenous peoples’ deeper connection to the forest and their lands compared to the apparent commercialized or more economically oriented way current guidelines oversee forest management. One participant suggested that progress is now gradually being made towards incorporating Indigenous worldviews and values into decision-making (Participant 3). However, most participants who spoke of issues related to culture and worldviews emphasized ways in which Indigenous worldviews are not respected or understood, and therefore not incorporated into forest management decision-making and the difficulty in bridging worldviews (Text Box 23). Participants spoke, for instance, of the difference between the Indigenous holistic perspective and the reactionary, compartmentalized thinking that dominates the Western approach to forest management (participants 2, 4, 5, 9C, and 11).

Text Box 23

“Their worldview—and I'm not an expert at it—but based on all my conversations with them, is that, you know, mimicking forest fires as your background methodology of FMP planning isn't good enough anymore, and we need to do more than that. We can't just take sciences into consideration. And our First Nations view water and trees and the medicinal plants in the forest as a huge part of their life. And... we just don't care about it in the FMP world. We don't, and the ministry needs to figure out how to do that and how to balance what we do today with the additional values that we need to consider.... It's a very difficult task. I'm not going to pretend to have a solution to it, but what's being done today is definitely not enough.”

~ Participant 1

“And that's the big issue for us, right, is to look at decision making and protecting that forest and seeing that forest, you know that we have a hard time when forests are looked at as two by fours that does NOT sit well with us. We do understand the economic piece of that, even with the economic piece, for us you can't view that forest as two-by-fours. We find that there's a lot of clash in values because generally that industry just looks at money. You know, like money is the big driving force there, and so you know those clash of values.”

~ Participant 5

For instance, there may be a short-lived concern about one particular species—pine marten, for instance—but before long the concern shifts to another species (Participant 4). The current system is seen as making it difficult to plan for multiple values and to appreciate the effects of forestry activities on particular groups (Participant 1, 4).

Participants also discussed the difficulty in reconciling competing worldviews: understandings of *sustainability* are seen as conflicting (Participant 1), and too few people in key ministry positions are Indigenous or understand Indigenous belief systems (Participant 11). Participant 1 compared the current situation to a hierarchy where Western science is at the top and Indigenous knowledge and values sit much further down the list. He suggested that the forest management planning process suffers because the ministry's definition of sustainability is very different from the Indigenous definition, and he feels it should not be this way.

Moreover, worldview and cultural features such as clan relationships can shape how Indigenous people approach issues and even shape how Indigenous-run companies and organizations function (Participant 11). Participants mentioned ceremonies as an important part of connecting Indigenous worldviews and culture to decision-making and management practices and raising awareness of Indigenous ways of understanding (participants 8, 10, 11 and 12).

Participant 14 spoke about the need and desire to have Indigenous elders share their knowledge. This knowledge may be useful to forest industry and the SFL-holding company but cannot be properly shared due to limited time and budget in the forest management planning process. He also spoke of the urgency to have this knowledge documented as it is being lost due to elders “becoming endangered species themselves”.

3.4.2 Who gets a seat at the table?

Another recurring theme relates to questions about which Indigenous communities are included in which decision-making processes and get “a seat at the table”. This question is seen in the forest management planning process when the ministry provides the SFL-holding company with a list of Indigenous communities that need to be included. Several participants were concerned about which Indigenous communities are invited to participate in forest management planning processes for a given management unit, and how they are selected. Some of the research participants feel that too little thought is put into this question, with no recognition that different Indigenous communities may differ in their connections to a management unit, strengths of their claim, and their rights. A few interviewees expressed frustration that First Nations quite distant from a management unit are invited to participate in processes like planning teams and treated the same as First Nations whose territories are largely *within* that management unit. They suggested that the ministry casts the net too widely, as one interviewee said, inviting “every Tom, Dick and Harry” (Participant 5). Participant 1

stated, “And then you have communities invited to attend the planning table who are really, really far, who some First Nation communities feel like have never had a presence on this forest. It creates friction.”

Sometimes communities in this situation choose not to participate in forest management planning for a unit that is geographically far from them, as Participant 14 told us: “not all communities choose to be represented in forest management planning. Some geographically, because they're from four hours away from the forest unit and have no basis to want to share or participate. They're more interested in the forest management units where they are.” Participants 5 and 11 spoke about communities that don't have land title or treaty rights being afforded the same rights and consultations as the land title or treaty communities do, which is confusing and frustrating. According to Participant 7, the four First Nations that own LNFMI do not have difficulty with these same inclusion issues among themselves; he attributes that to the fact that the four owner communities of LNFMI based their model on equality rather than traditional territories.

The question of which communities are included in consultation processes also arises in relation to Métis communities. In discussing which communities participate in forest management consultations for one particular forest, one First Nations participant (Participant 11) expressed concerns about inclusion of Métis communities, explaining that to his understanding of treaty and historical claims, Métis communities have no legitimate reason to have a seat at the table for that forest. On the other hand, the lone Métis participant in this research spoke of the challenges Métis communities face in getting a seat at the table:

“There is a great deal of frustration—frustration that we've built up because we haven't been talked to. We haven't been talked to. Nothing seems to ever happen, and it seems to be a whole bunch of lip service with nothing—nothing actually ever happening.”

Two participants suggested that risk aversion drives the ministry to cast a wide net when deciding which Indigenous communities should be invited. This process creates friction between the SFL-holding company and First Nations in the management unit but may also affect the quality of the forest management plan (Text Box 24).

The provincial government is not necessarily the only actor perpetuating what some would see as an overly simplistic and inappropriately inclusive approach to bringing Indigenous communities to the table. Participant 9C referred to the forest certification programs not trying to understand the nuances of treaty and Aboriginal title in assessing the appropriateness of Indigenous involvement. Participants 5 and 11 explicitly stated (and some others implied) the need to structure inclusion in different aspects of decision-making processes based on the

details of treaty and Aboriginal title, and not treating every community's right to participate as being identical.

Text Box 24

"The ministry, because it's so risk-adverse, decides to include communities ... who are geographically really far.... in my opinion, that it's such a really bad decision by the ministry... you know, 'We're gonna take the least amount of risk here and just cover everyone in this huge radius to be included,' only to create friction when it comes to the planning table and to really not be able to eventually have an FMP as good as it could be.... So that, to me, is a huge detriment to the FMP process."

4 Discussion

4.1 Expectations

Although the expectations of Indigenous communities for their participation in forest management vary from one community and individual to another, we identified three common threads in how the research participants described the expectations of their communities: (1) having a significant say in how forests are managed; (2) planning and management approaches that are not confined by the boundaries of forestry and are holistic, taking a broad view of sustainability; and (3) economic participation in and economic benefits from forestry.

The interviewees mostly acknowledged that the state of affairs for Indigenous participation has improved over the past 10 to 15 years. This opinion does not, however, mean that expectations are being met. Where Indigenous communities began participating in one of the multiparty tenure models, a common sentiment was that the model was not living up to its potential and has not met their expectations in any of the three categories.

Our study did not focus on economic participation and benefits, and we asked participants few questions about it. However, concerns about economic matters came up frequently, with many participants expressing dissatisfaction. This concern suggests its importance to their expectations, and to fostering a forest management system that First Nations and Métis people see as fair. Regarding forest tenure, it is important to note that harvest allocation rights and other economic opportunities are structured differently among different forests, and whether an Indigenous community finds the arrangements beneficial depends on these sorts of details as much or more as having a seat at the table in a cooperative or shared SFL holding company. Whether in relation to employment and business opportunities for Indigenous communities, revenue sharing, restrictions on how stumpage revenue can be used (in the case of the LFMC), or the perceived failure to develop business models that put ecological sustainability ahead of,

or at least on equal footing with, profits, these criticisms shape opinions of all aspects of Ontario's forest management system including tenure and forest management planning.

Regarding expectations around a meaningful say in forest management decisions and holistic approaches—the forest management planning process probably has more influence over these issues than forest tenure. For some of the forests where, a decade ago, new multiparty tenure arrangements were being established, it seems misunderstandings occurred between the province and Indigenous communities. Some Indigenous participants in the new, more inclusive models learned that much of what they wished to see change in forest management is laid out not in the structure of sustainable forest licence-holding but in the forest management planning process.

Today, however, most participants in this research have a clear understanding of the respective parts of Ontario's forest management framework and the relationship between them. Most participants recognize the importance of the forest management planning process and how it can, or at least has the potential to, influence forestry practices and outcomes for sustainability and economic opportunities. Some participants explicitly referred to the forest management planning manual and guides, and spoke of changes that they would like to see, including clearer and stronger guidance in the manual on the participation of Indigenous communities in the planning process.

It is important for the ministry and forest industry to appreciate and try to understand how Indigenous worldviews shape the desire for holistic approaches. Participants drew connections among several aspects of environmental sustainability that concern them. Some also want a planning approach that brings Indigenous communities' economic aspirations into the same conversations as forest management planning.

As important as it is to understand how Indigenous worldviews shape the desire for planning and management processes that are broader than the boundaries of *forestry*, directly pragmatic reasons exist for this preference for more holistic approaches, such as capacity. For the provincial government, it may make sense for different needs and tasks to be separated into distinct and clearly defined processes, and for SFL-holding companies and forest management plan authors to not be tasked with needs outside of their areas of expertise. For First Nations, however, individuals who are given the responsibility to be the primary representative of their community in forest management planning are often tasked with a long list of other responsibilities including representing their communities on matters of treaty, land claims, road development, land use, mining, and others. Since most or all of these issues have important connections to forest management, compartmentalizing forest management

planning from these other issues, such that each one has its own process, can tax the capacity of First Nations and Métis communities.

In addition to capacity considerations, it is important to recognize that forestry greatly influences Ontario's economy, landscapes, and ecosystems. Moreover, forest management affects and is affected by a variety of other issues, such as mining, wildland fire management, employment, and protection of biodiversity. However, few of these other issues have a dedicated decision-making process akin to forest management planning, that combines spatial planning with an emphasis on ecosystem sustainability and with extensive provisions for Indigenous participation (even if Indigenous communities are often dissatisfied with those processes). As such, forest management planning is the closest thing to a comprehensive landscape scale land use planning process. While it is not quite the "only game in town", it is a process that allows some Indigenous communities to have some level of input into issues affecting their lives across large landscapes. A common idea expressed by participants is that those other interconnected issues need to be brought more explicitly into the forest management planning process, which needs to properly account for interconnected sustainability, social, and economic concerns.

4.2 Specific mechanisms for participation in the forest management planning process

In both forest tenure and the forest management planning process, the ministry has created specific mechanisms and taken other actions meant to provide pathways for First Nations and Métis communities to participate at various stages in forestry and forest management.

4.2.1 Community background information reports

First Nation and Métis background information reports are intended to give Indigenous communities the opportunity to document the community's traditional ecological knowledge, values, and concerns related to forest management (Government of Ontario 2018). Participants in half of the interviews told us that background information reports had been prepared for the community(ies) they represent, but none suggested that these reports are important to their community's participation in the forest management planning process. We heard that a community's participation in preparing a community background information report can be "superficial" (Participant 13), suggesting that community members may not recognize the potential value of these reports to the forest management planning process. We were also told that the government does not provide enough money or time in the forest management planning process to *properly* complete one of these reports (Participant 14). In other words, even if the value of a community background information report—how it can help the

community meaningfully participate in forest management planning—is recognized, the community may not be able to complete it to the extent that it is helpful.

4.2.2 Forest management planning teams

Of the specific mechanisms discussed, the participants had the most knowledge of and the most to say about forest management planning teams. Opinions were mixed on the usefulness of participating on planning teams. Opportunities to participate in the planning team are not taken up by all Indigenous communities, who cite lack of economic benefit as one reason for this.

Capacity was another factor mentioned numerous times. Individuals representing their community in forest management planning often have multiple forest management units to pay attention to and have many other responsibilities outside of forestry. Moreover, the technical nature of the discussions during forest management planning meetings can make it difficult for Indigenous community representatives to meaningfully participate. They can struggle to keep up because they may miss meetings due to other responsibilities, and because they may not fully understand the discussions when they are in attendance. Some participants, in one way or another, referred to the benefits of being able to afford to bring in “outside people” to sit on planning teams or to help Indigenous community representatives understand the various parts of the forest management planning process. Greater training support, or funding for someone with a forestry background, to assist Indigenous community representatives was suggested to help Indigenous communities have meaningful participation on forest management planning teams.

While the possibility of communities hiring forestry experts to represent them on planning teams may help them navigate the process, it does not necessarily address the tension between alternative visions of what the forest management planning process is or should be. The current process is very technical and meant to rely on the application of a science-based methodology through the expertise of registered professional foresters and other experts trained in Western science. Forest management teams can be flexible regarding who participates in the development of the forest management plan, including having Indigenous community members sit at the same table as these experts. However, some participants implied a desire for a process that goes further to equally include different sources of knowledge, rather than inviting participation in a process that remains technocratic, relying heavily on professional experts and based primarily on Western science. The difficulty of creating a forest management planning process that bridges knowledge systems effectively should not be underestimated.

4.2.3 Annual work plans

Participants in 7 of 14 interviews acknowledged annual work plans but did not mention that they or other representatives from their community had the opportunity to review them. Participants in the research gave no impression that reviewing annual work plans are important to their respective communities' contributions to forest related decision-making.

4.2.4 Customized consultation

The possibility of customized consultation approaches does not seem to be well understood. Moreover, among the interviewees that have participated in customized consultation, various challenges and concerns were identified. This raises questions about what is and is not possible under customized consultation, and what might be going wrong if it is sometimes perceived as not providing meaningful participation opportunities. It may be that the possibilities for creative and diverse approaches with customized consultation are often not appreciated either by Indigenous communities or ministry personnel.

It is important to note that despite the varied knowledge and experience levels with specific aspects of the forest management planning process discussed in this section, none of the opinions we heard point to any single aspect as being problematic or a barrier to meaningful Indigenous participation. On the other hand, neither is there a consensus that any of these aspects of the planning process is working exceptionally well for Indigenous participation.

4.3 Forest tenure shapes but does not determine forest management

For forest tenure, the forest tenure modernization initiative was a critical milestone, and one of its objectives—provision of opportunities for meaningful involvement from local and Indigenous communities—is particularly relevant to this study. The review of tenure models commissioned by the ministry in 2016 (OMNR 2016) considered this and other objectives of tenure modernization. Three forest management units covered in that review were also included in our study: French Severn, Lake Nipigon, and Pic forests. One observation for these three forests from both the 2016 review and our study is that Indigenous communities not participating on the board of the SFL-holding company felt less engaged and involved in forest management than those with representatives on the board (OMNR 2016). We heard similar sentiments from participants 1, 6, 10, and 12 in this research project (Section 3.2.1).

The Lake Nipigon Forest situation is especially interesting when taking the observations from the 2016 forest tenure review into account. That review found that while members of the four owner First Nations were satisfied with the tenure model and their participation in forestry and

forestry-related management activities, a great deal of dissatisfaction came from municipalities, non-owner First Nations, and Métis organizations with how the Lake Nipigon Forest is governed (OMNR 2016). We interviewed two Indigenous community representatives connected to the Lake Nipigon Forest, one representing one of the four owner First Nations—Participant 7—and one representing a non-owner First Nation—Participant 10. Participant 7 was very positive about the tenure model and his community’s relationship with the SFL-holding company. While Participant 10 was not particularly critical of the forest governance model, he was less knowledgeable about his community’s involvement in forestry decision-making processes for the Lake Nipigon Forest and was not sure that his community had ever been invited to participate on the LNFMI board.

Generally, we found that although the way in which tenure is structured can affect the opportunities for meaningful participation from Indigenous communities, many other influences on participation have little to do with how tenure is structured. We discuss some factors in reference to both forest tenure and forest management planning in the following sections.

4.4 Flexibility and responsiveness

Many of the concerns about and criticisms of current decision-making processes relate to the responsiveness of the forest industry and the provincial government to the aspirations and concerns of Indigenous communities, and to the flexibility of the forest management planning process. The two are linked insofar as the ability of key actors to respond depends in part on the extent to which the process has flexibility to permit novel approaches and adjustments in plans and timelines. For the most part, participants in this research believe it is not at all flexible. Rather it is described, for example, as a locomotive moving along predetermined tracks or as “checking boxes” (Section 3.3.3).

Timelines play a key role in the ability of SFL-holding companies and other key actors to be flexible and responsive. The ten-year forest management planning cycle is seen by some as not being amenable to adjustments outside of the two- to three-year period when the plan is being developed. But to participate effectively in that very intensive phase of the cycle requires an investment of time and a level of expertise that many communities cannot easily muster.

Yet, a few participants gave examples of flexibility and creative solutions to respond to Indigenous communities’ concerns and priorities. This finding begs the question of whether options that exist for flexibility are widely appreciated. It also hints at the positive role that can be played by key individuals in forest industry and the provincial government who have strong relationships and open communication with Indigenous communities and have the willingness,

capacity, and discretion to seek out creative solutions. A key challenge in efforts to make forest management decision-making more responsive to First Nations and Métis communities will be developing strategies and crafting processes in a way that facilitates flexibility, while also meeting the need of forest industry for a reasonable degree of predictability.

Lake Nipigon Forest, as a shareholder SFL for which the SFL-holding company is 100% First Nation owned, was an exception to some of the above conclusions. It is important to note here, that only one participant in the research is from a First Nation that is an LNFMI shareholder, and some individuals certainly differ in how the forest is viewed among all Indigenous people. But recognizing this caveat, it is interesting to note that this participant expressed few of the criticisms and unmet expectations that the other research participants described. He outlined ways in which LNFMI has been able to operate in the existing provincial framework in a way that responds to the priorities and preferences of its owner First Nations. While not suggesting that everything is perfect or that all problems and challenges have been resolved, this interviewee implied that LNFMI has been able to make the existing forest management planning framework work for its owner First Nations. As alluded to in the 2016 review of tenure models (OMNR 2016), some First Nations, municipalities, and stakeholders with an interest in the Lake Nipigon Forest but are not shareholders, see the situation differently. This finding again highlights the importance of clarity around questions about who gets a seat at which table and why (Sections 4.3 and 4.5). But our study does suggest that, for Indigenous communities, there is something qualitatively different between merely having a seat at the table compared to having 100% Indigenous *ownership*.

What these conflicting opinions about alternative tenure models cannot easily account for is the downsides of particular models, especially during times of severe economic stress. The new models developed following the economic downturn of 2008 have not been similarly tested. It bears repeating that much of the satisfaction or dissatisfaction with Indigenous participation at different forests relates to elements such as the forest management planning process and to harvesting allocations, rather than to the tenure model. Moreover, as this research has focused on unpacking experiences and perspectives on what is and is not working in forest management decision-making and understanding how the various pieces fit together, it does not broadly test hypotheses about specific tenure models. The benefits and drawbacks of different models described in this report should not be taken as a definitive verdict on any of them.

4.5 Representation and inclusion

Much of the research on participation in natural resource management explores in what ways participation is or is not meaningful, by examining questions of *representation* and *inclusion*, which were certainly recurring topics raised by the participants in this research. Not only were

there concerns about *whether* a community is represented in decision-making processes; participants also made points about the details of how representation is structured, and about insufficient attention given to which communities are invited to participate in which ways. Some participants emphasized that different Indigenous communities do not each have the same rights over any particular piece of land. Several different avenues for participation exist, including forest management planning teams, LCCs, and seats on the boards of multiparty SFL-holding boards. But these participants suggested that differences in different communities' rights are not reflected in which Indigenous communities are invited to participate in which processes. First Nations whose traditional territories are largely or wholly in a particular forest management unit may see it as unfair when First Nations located further from the forest in question and/or Métis communities are accorded the same opportunities to participate.

How representation is structured is also important. For instance, among the multiparty tenure forests, representation of Indigenous communities takes different forms. Westwind Forest Management Inc. (French-Severn Forest) has a First Nations individual on the board of directors, but that seat is not held by any particular First Nation by right. For the LFMC we considered, First Nations have board seats allocated to them, but the individuals serving in those roles do so as individuals and are limited by non-disclosure agreements from sharing certain information with their First Nations. In these cases, while the individual in question may be expected to bring perspectives from their community and Indigenous perspectives generally to the board of directors, they are limited in their ability to actively *represent* their community. This situation is quite different from Lake Nipigon Forest Management Inc., which, unlike Westwind Forest Management Inc. or Nawiinginokiima Forest Management Corporation, is a private company that is wholly owned by First Nations.

4.6 Adaptable, flexible approaches for diverse communities

Although participants raised many similar perspectives and concerns, this research also highlights the diversity among Indigenous communities, and the diversity of history and the ecological, social, and economic characteristics associated with managed forests across Ontario. Differing interests, priorities, and degrees and types of experience with forest and forest management processes imply that flexible and adaptable approaches to engagement and consultation are needed. As mentioned above, the rights of communities may also differ in relation to particular forests based on treaty, and history of use and occupation.

These differences no doubt influence the degree of diversity in how individual communities participate in forest management decision-making. For example, it is a widely shared perspective among First Nations that participation in LCCs is not appropriate to their status as holders of inherent and constitutional rights. Moreover, for First Nations that are represented

in multi-party tenure arrangements and participate in forest management planning teams, participation in an LCC can be seen as redundant. For these reasons, the unwillingness of most First Nations to participate in LCCs should not be seen as a failure, nor is the number of Indigenous communities participating in LCCs a particularly useful indicator, on its own, of the extent of Indigenous participation.

Yet, among participants in this research whose First Nations do participate in LCCs, we received positive comments. For First Nations that have little experience participating in forest management processes, participating in an LCC could be a useful step toward gaining experience and knowledge, and building capacity.

Another example of the need to adapt approaches to local context relates to the different degrees and types of rights that individual Indigenous communities may have in relation to a particular forest. The perceived failure of forest management processes to acknowledge differences in rights was a sore point for several participants. Consultation exists on a spectrum and procedures are in place to account for the greater or lesser depth of consultation owed to different Indigenous communities. For example, Aboriginal Community Identification Templates (ACITs) completed by the ministry are meant to inform the fulfilment of the Crown's duty to consult, including in plans for Indigenous engagement and consultation in forest management planning. However, the ministry's understanding of differences in depth of consultation owed to different communities may not always be obvious, particularly if it is reflected, for example, in a simple list of communities invited to participate in a planning team. Moreover, some of the dissatisfaction demonstrates a desire for forest management processes to reflect and help address deeper concerns about Aboriginal and treaty rights, and issues such as reserve expansion, that the forest management planning process is ill-equipped to deal with. Nor is the forest management planning process an appropriate place for resolving larger questions related to the rights of Métis communities; nevertheless, disagreement and lack of clarity about these rights is a source of dissatisfaction with the forest management planning process. Greater use of customized consultation in forest management planning may help to address some of these challenges.

Broadly, these issues highlight the benefits that could be gained from responsive, creative, and flexible approaches from SFL-holding companies and the Ministry of Natural Resources using strategies developed together with the Indigenous communities and adapted to each situation. But the fact that locally adapted approaches are sometimes used suggests a potential need to raise general awareness of the possibilities for such flexibility and to understand the factors that lead some management units to pursue creative approaches. It also raises the question: does the frustration of Indigenous communities about their participation result from current

policy and legislation or rather, the local understanding and implementation of that policy and legislation?

5 Conclusion

The aim of this study was to (1) get a snapshot of the expectations of Indigenous rights holders for their participation in forest tenure and forest management planning in Ontario, and how those expectations are and are not being met; and (2) identify challenges associated with the current processes and opportunities for improvement. The objectives, expectations, and experiences of Indigenous people and communities are not uniform; they vary across and within communities, and no attempt was made in this study to carry out a comprehensive survey that might generalize across that diversity or to determine what “typical” Indigenous perspectives on Ontario’s forest management system might be. Instead, we attempted to delve into and unpack people’s experiences and perspectives on what is and is not working for Indigenous participation in forest management planning and forest tenure.

In general, interviewees felt that participation in multiparty forest tenure has been beneficial for Indigenous communities and provides more opportunity for their community’s voice to be heard than the “single entity” forest tenure model. However, interviewees representing communities participating in multiparty tenure also mostly agreed that their participation is falling short of expectations. Much of the disappointment and frustration derives not from tenure and how forest licences are structured, but from the forest management planning process and the requirements in the Forest Management Planning Manual and its associated guides, regardless of what kind of organization holds the sustainable forest licence.

Among the most common criticisms of the forest management planning process were that it is not flexible; is not responsive to Indigenous knowledge, worldviews, and preferences; and does not promote sustainability. A related theme was the desire for forest management to be more holistic, including that the primary focus of forest management on forestry and sustainable wood supply be widened to fully incorporate broader ecosystem sustainability issues in the same process, and that it be easier to make connections between forestry and broader social and economic issues and sometimes engage with those issues at the same table.

As this study focused on Indigenous participation in forest tenure and participation in the forest management planning process, we asked few interview questions about economic participation and benefits. Nevertheless, interviewees repeatedly expressed dissatisfaction about this.

Lastly, we heard various expressions of the idea that forest tenure and forest management planning need to engage with treaties, land claims, Aboriginal title, and Indigenous rights in more comprehensive and more locally grounded ways. Several participants implied that the

province's default approach to Indigenous consultation is a simplistic, binary, and risk-averse approach of developing a list of which Indigenous communities need to be consulted and which do not, rather than recognizing that for any particular forest, different communities may have differing degrees and types of rights. The failure of the province to be seen recognizing and engaging with the details and nuances of such rights uniquely for each forest contributes to tension around which communities get seats at which tables, and which communities share which benefits. Some participants also expressed strong feelings about the participation of Métis communities.

The economic recession of 2008 marked a turning point for the participation of First Nations and Métis communities in forestry-related decision making in Ontario. Opportunities have been created for participation in various aspects and at various stages of forest management. These changes have opened some doors for Indigenous communities to have their voice heard in decision-making. However, there is still room for improvement and much work remains to be done.

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Appendix

A1: A generalized interview guide used to help guide discussions with research participants and maintain consistency between all interviews.

Introduction, informed consent, etc.

Table A1. Informed consent script

Intros	<i>[Do introductions.]</i>
Thanks	Thanks for agreeing to this interview.
Relevance	(*Explanation about the project and what's been done so far) This research project is being led by the Ontario Ministry of Natural Resources, with the participation of the Canadian Forest Service. The purpose of this research is to inform MNR policies on issues around Indigenous engagement, consultation, and participation in forestry-related decision making, specifically regarding forest management planning and forest tenure. Our plan is to interview Indigenous people from various parts of Ontario who have been involved in forest management issues. Today's conversation is a part of that research project, and we want to focus on: 1. models of forest tenure and different ways that First Nations and Indigenous organizations can share in the governance of SFL companies. 2. and forest management planning – specifically the approaches and requirements that are used in the forest management planning process for Indigenous consultation 3. and the relationship between SFL company participation and forest management planning—in other words, how involvement in forest tenure might influence Indigenous communities' objectives related to forest management planning. We will be asking particularly about the Pic Forest, but if you have experiences that come from engagement in any other forest management units, feel free to share those as well.
Overview	
Sharing outputs from the research	We will review and analyze what we hear in the interviews and produce a report that will discuss topics related to Indigenous participation and consultation around forest management issues, and opportunities for improvement. As this is a research project, it is not meant to be <i>consultation</i> in the formal sense. The report and the findings from this study may inform MNR policy on these issues, and any consultations on those policies that may happen in the future.

Audio recording	With your permission, we would like to record the discussion. The only people who will have access to the recording will be those of us here— [name(s) of interviewer(s)]—, other members of our small research team at CNFER in MNR, and possibly a transcriptionist who will type up the recording for us. As researchers, we will treat the discussion and any transcript that we type up confidentially. In any reports or other analysis and write-ups of the research, we will not identify which individuals said what.
Confidentiality	
How the discussion will go.	We have some questions that will help guide our discussion today, but we intend for it to be quite informal. We value your thoughts and opinions on all the topics we might touch on today. Even if you feel you have limited knowledge or experience on any particular topic, please don't hesitate to contribute to the conversation as there are no right or wrong answers. If there are any questions you don't want to answer, that's fine too. Also, although we may have a couple of questions about the priorities or interests of your First Nation (your community/your organization), for the most part, we'll be asking for your own opinion on these topics. Do not feel that you necessarily need to answer our questions with the "official position" of your First Nation (your community/your organization).
Length	We expect this conversation will last between 90 minutes and two hours and we won't keep you longer than two hours.
Consent page	The consent page that we've already sent you summarizes what I just explained, and it has our contact information. We have also already discussed over email about the honorarium we will have for you to thank you for your time. Are there any questions about that? Before we begin, do you have any questions on any of what I just described?

Particular arrangements and the interviewee's role

[Confirm what we know about community's connection to the forest licence (seat on the board, etc.), LCC participation, planning team participation, etc.

Confirm what we know about interviewee's role (current/past, was the community's representative on the board, represented community in the FMP consultations, etc.).

Confirm their employment in playing that role:

- Employed by the First Nation/the Tribal Council/the SFL company etc.?
- Regular employee/consultant?
- If, employed, are they also a member of the community?]

Broad questions on participation in forestry decision-making

What are the main ways that your community tries to engage in decision-making and to have some influence in how forestry and forest management are done?

How is that working? What outcomes are you seeing from doing this?

Forest tenure model

I've got a few questions specifically about the forest licence and tenure.

[For Indigenous or shared licences] According to our information, the Nawiinginokiima Forest Management Corporation (NPMC) board was formed in 2012 and the SFL was issued to the company for Big Pic and Pic River forests were issued in 2017, before they were amalgamated into one in 2019. In the case of this Forest, the tenure is classified as Local Forest Management Corporation. I just want to confirm that is also your understanding.

[For communities participating in the SFL company:]

What did the community consider when making a decision to participate in NPMC?

What do you think your community was hoping to gain from participating in NPMC? By being involved in this way, would you say that your hopes and expectations of participation have been achieved?

What are your expectations now? Have they changed?

[For shareholder models where the interviewee's community is not participating in the SFL company:]

Some other communities in the area chose to participate in NPMC. Why did your community not participate?

Do you feel your community should get a seat on the board at some point? Have your views about being part of NPMC changed in any way?

What do you feel are the strengths and weaknesses of this type of tenure model – particularly when you consider Indigenous engagement and involvement?

Do you feel your voice is heard and that you are able to influence decisions that are made regarding the business model, management philosophy, and oversight of management of the forest to which you are connected?

How would you describe the relationship between NFMC and the local Indigenous communities?

How well do you feel that NFMC is listening to and addressing Indigenous concerns in a meaningful way?

How has your participation in NFMC met or not met your expectations?

Have there been aspects that haven't worked well or that need to be improved or change?
How could they be improved?

Which aspects do work well?

Has it had any impact on participation in the forestry economy or benefits from management—employment for example?

Do you have any other thoughts on how the forest tenure system, such as SFL companies and the governance of these companies, functions or how it might be improved?

Forest management planning process

Another aspect that we'd like to talk about is forest management planning, because how the forest licence is organized is one thing, but regardless of that, there is still the forest management planning process.

[Confirm our understanding of the interviewee's role vis-à-vis forest management planning (FMP). E.g., "I understand that you represented your First Nation in consultations during the drafting of the FMP for this forest – is that right?", "I understand that you are/were a member of the planning team for this forest."]

Tell me about your experience with that process.

What stands out for you from your participation in the FMP process?

Are there ways in which the process is difficult or aspects of it that are not working well? What are those? Can you give an example?

Are there particular aspects of the FMP process that are working well? Or particular strengths it has?

Did the community choose to host information sessions in the community as part of the planning process? Are they useful? What makes these effective? What are some opportunities for improvement?

One piece of the FMP process is a community background information report. Was your community involved in the preparation or the review of the community background information report? What worked well in that? What are some opportunities for improvement?

Do you think that the interests of local Indigenous communities are adequately considered during the forest management planning processes in this forest management unit (FMU)?

Can you tell me about the consultations that were held when the FMP was being drafted? Did they allow for your community to adequately express its issues, ideas, and preferences?

How was the community involved in the development of protections for Indigenous values? What worked well in that process? What are some opportunities for improvement?

Do you feel the inputs from the consultation were reflected in the forest management plan?

[Questions for interviewees who participated in the planning team or whose community participated in the planning team:]

Not every Indigenous community chooses to participate in the FMP planning team. Why did your community decide to do so? What were your expectations in doing so?

Do you feel those expectations were met? In what way?

[Questions for interviewees whose communities did not participate in the planning team:]

Another aspect of the FMP process is a forest management planning team. Why did your community not participate in that?

How was your community involved in reviewing annual work schedules? What went well? What are some opportunities for improvement?

Do you feel you had sufficient access to information—mapping and technical information, for example, or where operations are going to happen?

Experiences with LCCs

Does your community participate in the LCC?

[If no] Why doesn't your community participate? Are there any changes that could be made to how LCCs work that might make you willing to participate?

[If yes] How do you feel about the process?

Is it effective? Why/why not? What might improve the LCC's effectiveness?

Does it help your community to influence the management of the forest?

Does participation in LCC help build relationships with the various stakeholders on the forest such as cottage owners, snowmobile clubs, etc.?

Wrap-up questions on the FMP process

Do you have any other thoughts on how the FMP process and Indigenous participation in it might be improved?

Are you familiar with the customized consultation approach option outlined in the forest management planning manual? Do you know if a customized consultation approach was considered for this FMU and your community's consultation about this forest? Was there any particular reason that a customized consultation approach was not developed?

Questions on the relationship between forest management planning and forest tenure

We've asked about the forest licence model and NFMCC on the one hand, and we've asked about the forest management planning process on the other. Do you see these two processes working together? How do you see that relationship?

Is there any confusion about what the role of each one is?

[If the Indigenous community is participating in tenure (seat on the board, etc.)] Has your community's participation in NFMCC had any impacts on the forest management planning process and forestry operations? Has it helped to have your priorities and interests considered? Can you give examples?

Has participation in NFMCC created issues for the community or the individuals assigned to represent the community on the board? Can you explain how participation has created issues or perhaps how it has resolved issues?

How might the ministry facilitate a better understanding of the relationship between these two areas—the sustainable forest licences and the FMP process?

General Indigenous consultation and engagement

For the last part of this discussion, we'd like to step back and look at all of this together—the whole system through which consultation and engagement with Indigenous communities on forestry happens.

For people like yourself who are representing your community in these processes, how does information flow from the community to you—about things like priorities and concerns—and from you back to the community?

Are there any challenges in that information flow between the representatives and the community at large?

Have you participated in consultation or engagement on forestry at other levels, such as the ministry's Forest Sector Strategy, or reviews of the forest management planning manual? What was the experience like? What went well? What opportunities for improvement exist?

Overall, do you feel that current approaches and processes for Indigenous engagement and involvement in the forestry-related decision-making are helpful? Are there particular aspects where there are gaps or that are not working well?

Are there some aspects of Indigenous engagement and consultation you feel are working well?

Looking at all the different process for engagement and participation and consultation that we've discussed, taken all together, have they improved trust between Indigenous communities and forest industry?

Have the processes we've discussed improved trust between Indigenous communities *and the ministry*?

In what way?

We've talked about how things are now. Maybe we could turn the discussion to the future. What does MNR need to understand/learn about Indigenous people and how they are connected to the forest in their Territories to better manage the forest ecosystem?

Another concern that we've heard is how to incorporate an Indigenous spiritual perspective or world view into forest management. Do you have any thoughts of how this can be done?

Are there obstacles to this in the Province's current framework for forestry—obstacles to bringing in Indigenous knowledge, spiritual perspectives, and worldviews in a way that genuinely influences decision-making?

MNR monitors Indigenous participation in forest management planning, for example, by tracking which forest management units have Indigenous participation in the planning team, which ones have Indigenous participation in the LCC. Do you have any suggestions about how the MNR could measure or track Indigenous participation in forest management planning across Ontario?

To finish up, is there anything else you would like to add?

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