



## **RISK ANALYSIS**

**Forest Region: Province of Québec**

**PRODUCED IN THE CONTEXT OF THE REQUIREMENTS OF THE  
FOREST STEWARDSHIP COUNCIL (FSC)  
CONTROLLED WOOD STANDARD**

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**Prepared by the Québec Forest Industry Council (QFIC) and the  
Québec Wood Export Bureau (QWEB)**



**Bureau de promotion  
des produits du bois  
du Québec (QWEB)**

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## ACRONYMS AND INITIALISMS

APGN: agreement-in-principle of a general nature

CEAF: Forest Management Certification Program

CIFA: Canadian Food Inspection Agency

CNRA: Centralized National Risk Assessment of the FSC

EMS: environmental management system

FPIC: Free, Prior and Informed Consent

FSC: Forest Stewardship Council

GFWI: Global Forest Watch International

HCV: High Conservation Values

IFL: intact forest landscapes

IFMP: Integrated Forest Management Plan

ILO: International Labour Organization

JBNQA: *James Bay and Northern Québec Agreement*

LILRMP: local integrated land and resource management panel

MDDELCC: *Ministère du Développement durable, de l'Environnement et de la Lutte contre les changements climatiques*

MFFP: *Ministère des Forêts, de la Faune et des Parcs*

NEPCON: Nature Economy and People Connected

NEQA: *Northeastern Québec Agreement*

PLUP: land use plan for the domain of the State

PRAU: permit to harvest timber to supply a wood processing plant

QFIC: Québec Forest Industry Council

QWEB: Québec Wood Export Bureau

RCM: regional county municipality

RS: *Regulation respecting standards of forest management for forests in the domain of the State*

RSFM: *Regulation respecting standards of forest management for forests in the domain of the State*

SBP: Sustainable Biomass Program

SFDA: *Sustainable Forest Development Act*

SFDS: *Sustainable Forest Development Strategy*

TC: traceability chain

TVFS: threatened and vulnerable forest species

UN: United Nations

USAID: United States Agency for International Development

WO: watershed organization

WTO: World Trade Organization

WWF: World Wildlife Fund

## SUMMARY

The Québec Forest Industry Council (QFIC), the Québec Wood Export Bureau (QWEB) and their accredited members have jointly produced the risk analysis for controlled wood for the Province of Québec in order to satisfy the mandatory requirements of the FSC Controlled Wood Standard® and the Sustainable Biomass Program (SBP). The outcomes of the risk analysis are presented according to the requirements of the FSC®.

The majority of primary, secondary and tertiary forest products processing companies in Québec have in recent years established certification that is independent of the traceability chain (TCs) of their products in order to demonstrate the sustainable, responsible nature of the fibres that make up their supplies. Such certification guarantees that the companies control the origin of their supplies and that the certified products that they market do not contain wood from controversial sources. It differs in this respect from forest certification that requires forestry practices in a given territory to conform to a specific standard.

The FSC® and SBP controlled wood certifications are of major importance to the vast majority of wood processing firms in Québec in maintaining access to global markets.

The controlled wood standard does not demand the elimination of all sources of supply in respect of which there exists a specified risk that a portion of the wood supply comes from one of the categories of controlled wood that the standard defines (see Table 1, below). Instead, it stipulates that if such a risk exists, it must be demonstrated that it is a low risk, in particular as regards adequate recognition of it in the legal and regulatory framework, existing processes or other appropriate measures in accordance with the standard's requirements. Accordingly, considering the measures in force and the procedures under way, the analysis suggests a low risk that the timber harvested in the province comes from any of the following categories of controlled wood:

**Table 1:** Risk of harvested timber being controlled wood in Québec

Category of controlled wood	Risk
1 Illegally harvested wood	<b>LOW</b>
2 Wood harvested in violation of traditional and human rights	<b>LOW</b>
3 Wood harvested in forests in which high conservation values are threatened by management activities	<b>LOW</b>
4 Wood harvested in forests being converted to plantations or non-forest use	<b>LOW</b>
5 Wood from forests in which genetically modified trees are planted	<b>LOW</b>

The risk analysis was conducted according to the requirements and interpretations of the following related documents:

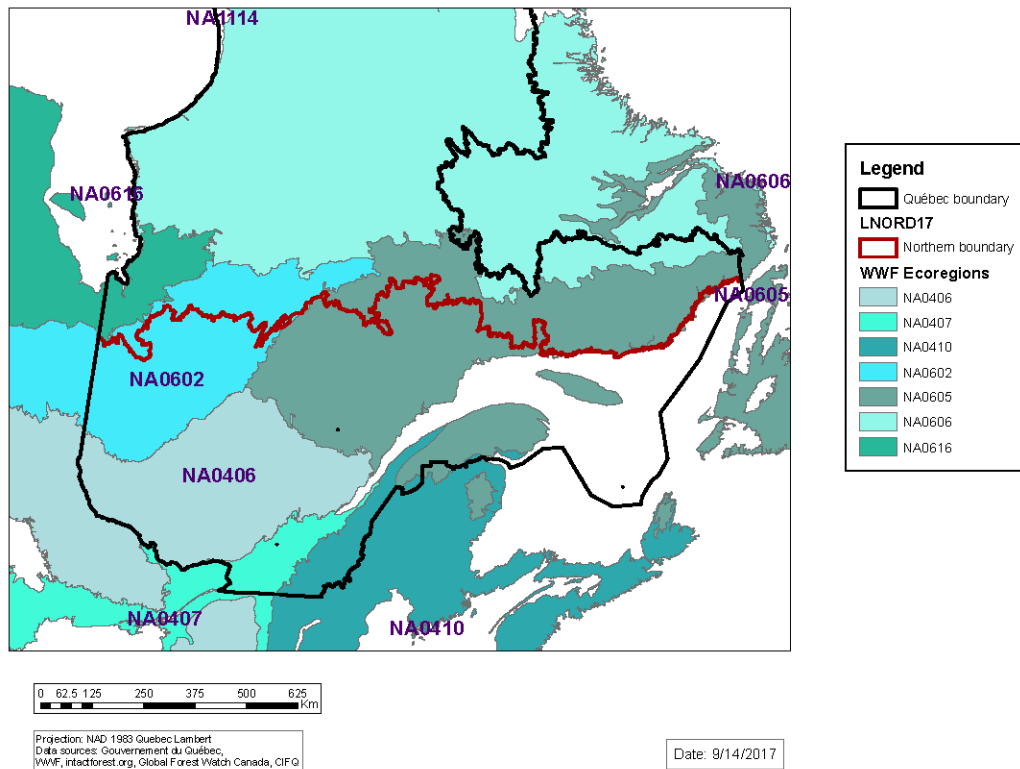


- FSC Controlled Wood: [FSC-STD-40-005 V3-1](https://www.fsc.org/controlled-wood)
- Timber Risk Assessments: <http://beta.nepcon.org/sourcinghub>
- Preliminary centralized risk analysis of Canada – Categories 1, 2 and 5
- FSC Canada Guidance on Free, Prior and Informed Consent (FPIC), Working Draft 1 – Release Date: November 24, 2016
- Indigenous Cultural Landscapes Discussion Paper Version 1 (December 2016)

## 1. TERRITORIAL ANALYSIS

The risk analysis focuses on the territory of the Province of Québec that includes the NA0602, NA0605, NA0616, NA0410, NA0407 and NA0406 ecoregions defined by the World Wide Fund for Nature (WWF). The northern limit of attributable forests, in red on the map in Figure 1, represents an important component of the Québec forest context in which the Québec government has decided to exclude all commercial forestry operations above the northern limit.

**Figure 1:** Province of Québec and the WWF ecoregions



- NA0406 – Eastern Forest-Boreal Transition
- NA0407 – Eastern Great Lakes lowland forests
- NA0410 – New England-Acadian forests
- NA0602 – Central Canadian Shield forests
- NA0605 – Eastern Canadian forests
- NA0606 – Eastern Canadian Shield taiga
- NA0616 – Southern Hudson Bay taiga

**Table 2:** Risk analysis summary for FSC Canada criteria in the Province of Québec Forest Region

Controlled wood categories and criteria	Evaluation	Risk
<p><b>1 A district of origin may be considered low risk in relation to illegal harvesting if sound governance indicators are present.</b></p>	<p>FSC Canada’s preliminary risk analysis concludes that the risk is low for all the indicators of the illegally harvested wood category (ENRC 2016).</p> <p>NEPCon’s preliminary risk analysis, dated August 2017, concludes that the risk is low for all the indicators of illegally harvested wood category.</p>	<p><b>LOW</b></p>
<p>1.1 Evidence of enforcement of logging-related laws in the district</p>	<p>Canada has a rigorous and extensive forest governance system that avoids land-tenure abuses. In Québec, the MFFP carries out forest planning and monitors forestry activities on public forests. The Chief Forester calculates the allowable cut and five-year plans on the status of forests. The MFFP and the Chief Forester make public the findings of their monitoring, for example, the enforcement of legislation and regulations, violations issued, volumes harvested and compliance with allowable cuts.</p> <p>The municipalities, wood market forestry boards, forest engineers and private forest development agencies established in 1995 monitor forestry activities in private forests.</p> <p><u>Main sources of information consulted:</u></p> <ul style="list-style-type: none"> <li>- <a href="http://info.worldbank.org/governance/">http://info.worldbank.org/governance/</a></li> <li>- <a href="http://www.mffp.gouv.qc.ca/">http://www.mffp.gouv.qc.ca/</a></li> <li>- FSC Global Registry</li> <li>- Centralized National Risk Assessment of the FSC (CNRA 2016)</li> <li>- <a href="http://beta.nepcon.org/sourcinghub">http://beta.nepcon.org/sourcinghub</a></li> <li>- World Resources Institute</li> </ul>	
<p>1.2 In the district there is evidence demonstrating the legality of harvests and wood purchases, including robust and effective systems for</p>	<p>The low corruption indicator combined with an effective governance system leads us to conclude that there is a low risk that licences or tax exemptions are granted illegally.</p> <p><u>Main sources of information consulted:</u></p> <ul style="list-style-type: none"> <li>- <a href="http://info.worldbank.org/governance/">http://info.worldbank.org/governance/</a></li> <li>- <a href="https://bmmb.gouv.qc.ca">https://bmmb.gouv.qc.ca</a></li> </ul>	

granting licences and harvest permits.	<ul style="list-style-type: none"> <li>- <a href="http://www.mffp.gouv.qc.ca/">http://www.mffp.gouv.qc.ca/</a></li> <li>- <a href="http://beta.nepcon.org/sourcinghub">http://beta.nepcon.org/sourcinghub</a></li> <li>- CNRA 2016</li> <li>- AF&amp;PA</li> <li>- <a href="http://www.illegal-logging.info/">http://www.illegal-logging.info/</a></li> <li>- <a href="http://www.afandpa.org/">http://www.afandpa.org/</a></li> <li>- Legislation and regulations (see the detailed section of the report on Category 1)</li> </ul>
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1.3 There is little or no evidence or reporting of illegal harvesting in the district of origin.	<p>Canada is not on the list of countries with a domestic harvesting problem. It only appears there because of timber imports. The provinces have laws and regulations as well as personnel to ensure that they are enforced.</p> <p><u>Main sources of information consulted:</u></p> <ul style="list-style-type: none"> <li>- CNRA 2016</li> <li>- <a href="http://www.illegal-logging.info/">http://www.illegal-logging.info/</a></li> <li>- <a href="http://www.mffp.gouv.qc.ca">www.mffp.gouv.qc.ca</a></li> <li>- <a href="http://www.sfmcanada.org/images/Publications/FR/QC_info_Provinces_and_territories_FR.pdf">http://www.sfmcanada.org/images/Publications/FR/QC_info_Provinces_and_territories_FR.pdf</a></li> <li>- Legislation and regulations (see the detailed section of the report on Category 1)</li> </ul>
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1.4 There is a low perception of corruption related to the granting or issuing of harvesting permits and other areas of law enforcement related to harvesting and the wood trade.	<p>The 2016 report on the perception of corruption by Transparency International gives Canada a mark of 82 out of 100, ranking it ninth among those countries where this perception is lowest.</p> <p><u>Main sources of information consulted:</u></p> <ul style="list-style-type: none"> <li>- CNRA 2016</li> <li>- <a href="http://www.transparency.org">Transparency.org</a></li> </ul>
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Controlled wood categories and criteria	Evaluation	Risk
<b>2 A district of origin may be considered at low risk in relation to the violation of traditional and civic rights when</b>	<p>The Global Forest Registry risk analysis (March 2016) concludes that the risk is low with respect to criteria 2.1 and 2.2 and specified as regards criterion 2.3 – The rights of Aboriginal peoples are respected.</p> <p>Canada is not designated as a source of conflict timber and there is no United Nations Security Council ban on timber exports from Canada. Canada is a signatory to the ILO</p>	<b>LOW</b>

<p><b>sound governance indicators are present.</b></p>	<p>conventions on Fundamental Principles and Rights at Work.</p> <p>Section 35(1) of the <i>Constitution Act, 1982</i> recognizes the existing Aboriginal and treaty rights of Aboriginal peoples in Canada. First Nations have access to significant dispute resolution mechanisms. Treaties and agreements-in-principle of a general nature exist with the Cree First Nations and the Mamuitun and Nutashkuan First Nations. Canada is a signatory of the <i>United Nations Declaration on the Rights of Indigenous Peoples</i>. The tools made available to First Nations and their recognized, equitable access to the legal system allow for compliance with the spirit of ILO Convention 169 within the framework of forestry activities.</p>
<p>2.1 There is no UN Security Council ban on timber exports from the country concerned.</p>	<p>No embargo.</p> <p><u>Main source of information consulted:</u></p> <ul style="list-style-type: none"> <li>- <a href="https://ic.fsc.org/en/document-center/id/114">https://ic.fsc.org/en/document-center/id/114</a></li> </ul>
<p>2.2 The country or district is not designated as a source of conflict timber (e.g. Type 1 conflict timber as defined by the United States Agency for International Development (USAID)).</p>	<p>Canada is not designated as a source of conflict timber as stipulated in FSC Canada's Centralized National Risk Assessment for Canada.</p> <p><u>Main source of information consulted:</u></p> <ul style="list-style-type: none"> <li>- <a href="https://ca.fsc.org/fr-ca/standards/national-risk-assessment-01">https://ca.fsc.org/fr-ca/standards/national-risk-assessment-01</a></li> </ul>
<p>2.3 There is no evidence of child labour or violation of ILO Fundamental Principles and Rights at Work taking place in the forest areas in the district concerned.</p>	<p>There is no forced labour in the forest.</p> <p>Canada is a signatory to the ILO's fundamental conventions (29, 87, 98, 100, 105, 111, 138 and 182).</p> <p><u>Main sources of information consulted:</u></p> <ul style="list-style-type: none"> <li>- <a href="http://www.ilo.org">www.ilo.org</a></li> <li>- <a href="http://www3.publicationsduquebec.gouv.qc.ca/gazetteofficielle.fr.html">www3.publicationsduquebec.gouv.qc.ca/gazetteofficielle.fr.html</a></li> <li>- <a href="http://scf.rncan.gc.ca/index/forestindustryincanada/3?lang=en">scf.rncan.gc.ca/index/forestindustryincanada/3?lang=en</a></li> <li>- <a href="http://www.employer-rights.com/">www.employer-rights.com/</a></li> <li>- International Trade Union Confederation, 2007, <i>Internationally Recognized Core Labour Standards in Canada: Report for the WTO General Council</i></li> </ul>

2.4 There are recognized and equitable processes in place to resolve conflicts of substantial magnitude pertaining to traditional rights, including use rights, cultural interests or traditional cultural identity in the district concerned.

Section 35(1) of the *Constitution Act, 1982* recognizes the existing Aboriginal and treaty rights of Aboriginal peoples in Canada. A number of contemporary judgments confirm and define the ancestral rights of First Nations. The courts have been asked to rule on specific disputes, such as that of the community of Opitciwan. In August 2017, the Superior Court of Québec rendered a judgment in which it determined that the community had not been adequately consulted and had not had sufficient time to analyze a special development plan.

Dispute resolution mechanisms are incorporated into the Québec government's agreements with the Cree First Nations and the Mamuitun and Nutashkuan First Nations. In the case of other nations, they are part of specific agreements on consultation and accommodation.

As part of forestry activities, First Nations have access to various tools to affirm their rights and to mitigate the negative impacts that forest operations could have on them, such as the *Interim Guide for Consulting Aboriginal Communities*, the *Manuel de consultation des communautés autochtones 2013-2018*, the *Sustainable Forest Management Strategy* and the *Sustainable Forest Development Act*. Communities that have not signed modern agreements or the APGN have access to the dispute resolution mechanism applicable to consultations with Aboriginal communities concerning plans for integrated forest development (PIFDs). A number of communities have also concluded with forestry companies agreements that provide dispute resolution processes.

The **risk is deemed low** that, in forestry activities, Aboriginal communities will not have access to an equitable process to resolve conflicts of substantial magnitude concerning their potential or established ancestral rights or treaty rights.

Main sources of information consulted:

- [https://www.autochtones.gouv.qc.ca/publications\\_documentation/publications/document-11-nations-2e-edition.pdf](https://www.autochtones.gouv.qc.ca/publications_documentation/publications/document-11-nations-2e-edition.pdf)
- <http://legisquebec.gouv.qc.ca/fr/pdf/cs/A-18.1.pdf>
- *Sustainable Forest Development Act*
- [beta.nepcon.org](http://beta.nepcon.org)

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2.5 There is no evidence of violation of ILO Convention 169 on

The Canadian courts have established that "The Crown must have the intention of substantially addressing the concerns of the Aboriginal communities as they are expressed." The legislative and regulatory framework gives

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Indigenous and Tribal Peoples taking place in the forest areas in the district concerned.

governments and First Nations tools to ensure that ancestral rights are recognized and respected, as shown by recent court decisions. Consultations concerning plans for integrated forest development (PIFDs) make it possible to finalize forest planning, taking into account the rights of First Nations. Under section 8 of the *Sustainable Forest Development Act* (SFDA), the government may conclude agreements with band councils to enable the members of a community to carry out and follow up on certain forest development activities and to support sustainable forest development. The Québec government puts in place various measures to support their economic development, such as the allocation of volumes of wood from public forests.

The legislative framework and the agreements concluded and under discussion with First Nations constitute sound practices in the spirit of the provisions of ILO Convention 169. The tools provided to First Nations, their recognized and equitable access to the judicial system and the support obtained during consultations make it possible to conclude that there is a **low risk** that forestry activities do not respect the spirit of ILO Convention 169.

Main sources of information consulted:

- <https://indigenousworks.ca/fr>
- Rapport FSC de certificats en forêts publiques au Québec : <https://info.fsc.org/>
- ILO Convention 169: ilo.org
- Annual reports of the *James Bay and Northern Québec Agreement* and the *Northeastern Québec Agreement*
- Guide intérimaire en matière de consultation des communautés autochtones
- *Constitution Act, 1982*
- Manuel sur les consultations autochtones PAFI, SADF, RADF, LADTF

Controlled wood categories and criteria	Evaluation	Risk
3	<p><b>A district of origin can be deemed a low-risk area from the standpoint of the threats to high conservation values if:</b></p> <p><b>a) indicator 3.1 is observed; OR</b></p> <p><b>b) when indicator 3.2 eliminates or considerably reduces the threat posed to the district of origin through non-compliance with indicator 3.1.</b></p>	<p><b>high</b></p>

<p>3.1 Forest management activities conducted in a defined territory (ecoregion, sub-ecoregion, locally) do not threaten high values that are important for conservation at the ecoregion level.</p>	<p>The Global Forest Registry (March 2016) attributes a specified risk for this criterion for Canada.</p> <p>No ecoregion among the WWF's "200 global ecoregions" is found in Québec.</p> <p>No Conservation International biodiversity hotspot is found in Québec.</p> <p>The conservation status of ecoregions NA0605 and NA0407 is deemed "critical" according to the WWF Wildfinder, while the other ecoregions of Québec are deemed "vulnerable" or "relatively stable" from the standpoint of high conservation values (HCVs).</p> <p>The analysis determined that the presence of woodland caribou, a threatened species with a large home range, constitutes a <b>specified risk in ecoregions NA0406, NA0602 and NA0605 pursuant to indicator 3.1.</b></p> <p>The risk analysis also determined that intact forest landscapes are included in ecoregions NA0602, NA0605, NA0606 and NA0616. However, there is no forest management activity in ecoregions NA0606 and NA0616.</p> <p>As regards the presence of intact forest landscapes (IFLs), the <b>risk is thus specified for ecoregions NA0602 and NA0605 pursuant to indicator 3.1.</b></p> <p>There are border forests in Québec as defined by the GFW. This factor is considered through an analysis of the IFLs.</p> <p>The <i>Sustainable Forest Development Act</i> (SFDA) and the <i>Regulation respecting standards of forest management for forests in the domain of the State</i> (RS) make provision for several restriction and adapted practices measures concerning harvesting operations and road networks in public forests. The <i>Act respecting threatened or vulnerable species</i> applies to all of Québec's territory.</p> <p>Considering the legal and regulatory framework, forest management strategies, procedures under way to attain the Aichi Targets established within the framework of the <i>Convention on Biological Diversity</i> and the monitoring mechanisms in force, there is low risk that forestry activities threaten other HCVs in Québec's ecoregions.</p>	<p><b>SPECIFIED – Woodland caribou and intact forest landscapes</b></p>
	<p><u>Main sources of information consulted:</u></p> <ul style="list-style-type: none"> <li>- <a href="http://www.worldwildlife.org/biome-categories/terrestrial-ecoregions">http://www.worldwildlife.org/biome-categories/terrestrial-ecoregions</a></li> <li>- Intactforests.org</li> <li>- <a href="https://www.cbd.int/forest/definitions.shtml">https://www.cbd.int/forest/definitions.shtml</a></li> <li>- <i>Act respecting threatened or vulnerable species</i></li> <li>- <i>Act respecting the conservation and development of wildlife</i></li> <li>- <i>Sustainable Forest Development Act</i></li> </ul>	

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- *Migratory Birds Convention Act*
  - *Species at Risk Act*
  - Recovery Strategy for the Woodland Caribou, Boreal population (*Rangifer tarandus caribou*) in Canada
  - Mffp.gouv.qc.ca
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<p>3.2 A robust protection system (protected areas and effective legislation) is implemented to ensure the persistence of HCVs in the ecoregion.</p>	<p>In 2015, the World Bank Rule of Law Index stood at 95% for Canada, one of the best scores in the world, which demonstrates an effective system to administer the legislation and regulations in force.</p> <p>Re: Govindicators.org</p> <p><u><i>Woodland caribou</i></u></p> <p>The forest ecotype of the woodland caribou has had the status of a threatened species in Canada since 2002 and the status of a vulnerable species in Québec since 2005 (<i>COSEWIC et MFFP 2017</i>). The current range of the woodland caribou covers nearly 13% of ecoregion NA0602, nearly 27% of the area of ecoregion NA0605, nearly 44% of ecoregion NA0606 and nearly 100% of ecoregion NA00616. Some 80% of the caribou distribution area is excluded from any industrial harvesting activity. Woodland caribou recovery plans have been implemented since 2007 and have been updated and are in effect in the territory. In April 2016, the provincial government announced a new two-stage caribou recovery plan that called in the short term for the establishment of new protected areas, planning adapted to the constitution of vast spaces for caribou, road dismantling tests and the restoration of habitats in disturbed territories, and the elaboration of a long-term strategy to develop woodland caribou habitat in consultation with interested partners and groups.</p> <p>To summarize and considering:</p> <ul style="list-style-type: none"> <li>- the high proportion of the woodland caribou distribution area that is protected or excluded from managed forest zones (80%);</li> <li>- Environment Canada's favourable risk assessment respecting the biggest population in Québec's territory;</li> <li>- the implementation of important facets of the first Québec recovery plan;</li> <li>- the existence of regional woodland caribou habitat development plans;</li> <li>- various additional precautionary measures;</li> <li>- the government's new action plan announced in April 2016;</li> <li>- favourable data on the state of and trends in</li> </ul>	<p><b>LOW</b></p>
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caribou populations; and

- the existence of the protective measures stipulated in the federal *Endangered Species Act*;

an effective protection system has been established to ensure the survival of woodland caribou in the short- and medium-term in the NA0406, NA0602 and NA0605 ecoregions.

The risk analysis consultation report shows significant support for the low risk designation for woodland caribou (see the risk analysis consultation report for the Province of Québec of the QFIC/QWEB, December 2017)

### **See Section 3 – Detailed Risk Analysis**

#### Intact forest landscapes (IFLs)

The analysis reveals that, on average, 84% of the IFLs are located north of the northern limit of attributable forests protected from forest harvesting activities. At the provincial level, more than 95% of the total area of the IFLs benefits from some form of protection. Conversely, this means that forestry activities could only be carried out on a maximum of 5% of the IFLs found in Québec in the short, medium and long terms. In the NA0602 and NA0605 ecoregions, 93% and 86%, respectively, of the area of the IFLs are subject to integral permanent or temporary protection (15 to 70 years).

In light of these observations, the **risk is low** that the IFLs do not benefit from a rigorous protection system (legislation and effective protected areas) that guarantee that the IFLs remain intact in each of the ecoregions.

The risk analysis consultation report shows significant support for the low risk designation for intact forest landscapes (see the risk analysis consultation report for the Province of Québec of the QFIC/QWEB, December 2017)

#### Main sources of information consulted:

- Intactforests.org
- Global Forest Watch International (2013)
- *Sustainable Forest Development Act*
- Aires protégées au registre (MDDELCC)
- Aires protégées projetées (MDDELCC, July 2017)
- Données géo référencées des activités forestières (chemins, récoltes, infrastructures) (MFFP)

### **See Section 3 – Detailed Risk Analysis**

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Controlled wood categories and criteria	Evaluation	Risk
<p><b>4. A district of origin can be deemed at low risk as regards the conversion of forests into plantations or non-forest use zones when the following indicators exist:</b></p>		<p><b>LOW</b></p>
<p>4.1 There is neither a net loss nor a considerable loss rate (&gt; 0.5% per year) of natural forests and other naturally wooded ecosystems such as bogs in the ecoregion in question.</p>	<p>Forest cover in Canada has been stable in recent years. The report on the state of Canada's forests emphasizes that between 1990 and 2015 <b>less than 0.05%</b> of forest area was lost. The 2011 report on the state of world forests of the FAO states that Canada's canopy cover remained stable between 1990 and 2010 (FAO 2015).</p> <p>Losses of forest area caused by forestry activities stem primarily from the development of the permanent road network. Bearing in mind that, on average, less than 1% of the management units are harvested annually and that the occupancy of roads accounts for between 4% and 5% of harvesting operations, the analysis of historic data reveals that the losses attributable to the road network stand at roughly 0.05% annually.</p> <p><u>Main sources of information consulted:</u></p> <ul style="list-style-type: none"> <li>- <a href="http://www.fao.org">www.fao.org</a></li> <li>- <a href="https://www.mffp.gouv.qc.ca/publications/enligne/forets/criteres-indicateurs/3/313/impression.asp">https://www.mffp.gouv.qc.ca/publications/enligne/forets/criteres-indicateurs/3/313/impression.asp</a></li> <li>- nrcan.gc.ca</li> <li>- globalforestregistry.org/map</li> </ul>	
<p><b>Controlled wood categories and criteria</b></p>	<p><b>Evaluation</b></p>	<p><b>Risk</b></p>
<p><b>5. A district of origin can be deemed a low-risk area from the standpoint of the threats to high conservation values when one of the following requirements is satisfied:</b></p> <p>a) no commercial use is made of genetically modified trees of</p>	<p>No genetically modified trees are marketed in Québec. The Canadian Food Inspection Agency (CFIA) regulates the dissemination in the environment of new plants. Such plants cannot be marketed until the CFIA has conducted a rigorous assessment to confirm that they pose no threat if they are disseminated in the environment like other traditional plant varieties cultivated in the country. (<a href="http://www.inspection.gc.ca">http://www.inspection.gc.ca</a>)</p> <p><u>Main sources of information consulted:</u></p> <ul style="list-style-type: none"> <li>- <a href="http://www.cban.ca">www.cban.ca</a></li> <li>- nrcan.gc.ca</li> <li>- <a href="http://www.inspection.gc.ca">http://www.inspection.gc.ca</a></li> <li>- <a href="http://fsccontrolledwood.org">http://fsccontrolledwood.org</a></li> </ul>	<p><b>LOW</b></p>

the species in question in the country or district concerned; OR

- <http://www.saynotogmos.org/>

b) authorizations are required to market genetically modified trees and there is no marketing licence; OR

c) it is prohibited to market genetically modified trees in the country concerned.

## 2. DETAILED RISK ANALYSIS

**Category 1: A district of origin may be considered low risk in relation to illegal harvesting if sound governance indicators are present**

**Table 3: Risk analysis summary for Category 1 criteria in Québec**

Criteria	Risk
1.1 There is evidence of enforcement of logging-related laws in the district.	<b>LOW</b>
1.2 There is evidence demonstrating the legality of harvests and wood purchases in the district, including robust and effective systems for granting licences and harvest permits.	
1.3 There is little or no evidence or reporting of illegal harvesting in the district.	
1.4 There is a low perception of corruption in the district related to the granting or issuing of harvesting permits and other areas of law enforcement related to harvesting and wood trade.	

**According to the FSC Global Registry, the risk that Canadian timber is illegally harvested is low.**

FSC Canada's preliminary risk analysis and that of NEPCo, dated August 2017, conclude that the risk is low for all the Category 1 indicators of illegally harvested wood (ENRC 2016).

Table 14, in Appendix 1, lists the laws and regulations that are in effect in Québec and meet the Category 1 minimum assessment indicators for legally harvested wood.

### 1.1 Evidence of enforcement of logging-related laws in the district

Canada has a rigorous and extensive forest governance system that helps prevent land tenure

#### Enforcement of legislation and regulations

- The MFFP protects the forest environment.
- Creation in 1995 of the *Agences de mise en valeur des forêts privées*.
- Creation in 2005 of the position of Chief Forester.
- Recognition in 2014 by the WRI of Canada's exemplary record.

abuses. In Québec, the MFFP protects the forest environment and responds to violations that undermine its integrity. It monitors forestry activities in public forests and publishes findings on, for example, the enforcement of legislation and regulations, violations issued, volumes harvested and compliance with allowable cuts.

In 2005, Québec created the position of Chief Forester, whose mission is to determine allowable cuts and to inform decision makers and the public of the status and management of public forests to ensure their sustainability and diversified use. He provides opinions to the Minister on forest-related matters, prepares a five-year plan of the status

of the forest and calculates allowable cuts for the province's regions.

Logging in private forests is also monitored by various stakeholders and levels of government. On the municipal level, inspectors monitor logging. Under the private forest development program, forest producers must retain the services of a forestry engineer to determine the appropriate requirements. Since 1995, the *Agences régionales de mise en valeur de la forêt* (regional forest development agencies) have also monitored operations under the program.

In 2014, the World Resources Institute emphasized Canada's record, pointing out that it has the lowest occurrence of suspicious log supply and corruption of any country. There is a **low risk** that laws and regulations are not enforced in Québec.

### **1.2 In the district there is evidence demonstrating the legality of harvests and wood purchases, including robust and effective systems for granting licences and harvest permits.**

#### **Evidence of legal harvesting**

- Certification of forest contractors in public forests contributes to compliance with laws and regulations as well as reporting of illegal activity.
- The ISO 14001 certifications of the MFFP and Rexforêt are conducive to compliance with procedures and continuous improvement of forest contractors' operations.
- The regulations concerning timber marketing and transport, as well as the presence of police forces, minimize the risk of illegal logging in private forests.

Since 2013, the MFFP has carried out forest planning for public forests and monitored the wood allocated and harvested. In 2010, the timber marketing board created under the *Sustainable Forest Development Act (SFDA)* made wood available on the open market. All timber harvested in public forests is subject to supply guarantees, contractual agreements and permits. The *Regulation respecting the scaling of timber harvested in forests in the domain of the State* ensures that the quantities of such timber are recorded where it is harvested as well as on delivery to mills.

Timber harvested in private forests and marketed in Québec is subject to the *Act Respecting the Marketing of Agricultural, Food and Fish Products* and regulations governing timber marketing by producers in each administrative region of Québec. Depending on the region, wood marketing forestry boards monitor all or a portion of the timber harvested in private forests.

A permit to operate a wood-processing plant is mandatory and requires the maintenance of an annually updated record of inventories, fibre

received and consumed, and the nature and quantity of the products manufactured. In this way, volumes allocated and harvested in public and private forests can be compared with volumes delivered to mills.

A low corruption indicator combined with an effective governance system leads us to conclude that there is a **low risk** that licences or tax exemptions are granted illegally.

### **1.3 There is little or no evidence or reporting of illegal harvesting in the district of origin.**

Canada is not on the list of countries with a domestic harvesting problem. It only appears there because of timber imports. The provinces have laws and regulations as well as personnel to ensure that they are enforced.

#### **Monitoring of harvesting**

- The public has access to MFFP reports on management of the timber volumes allocated and harvested in public forests.
- The marketing of timber harvested in private forests is governed by the *Act Respecting the Marketing of Agricultural, Food and Fish products*.

Forest development companies operating in public forests must have ISO 14001 or CEAF certification. They are obliged to train their employees and contractors in the procedures to follow if they witness illegal activity. Any incident must be reported to a supervisor, who then notifies the MFFP by completing a reporting sheet.

The reports are analyzed and processed by various MFFP officials and, if necessary, are sent to the competent authorities, such as the *Sûreté du Québec* or wildlife agents. In private forests, harvest monitoring is governed by the *Act Respecting the Marketing of Agricultural, Food and Fish Products* and the *Transport Act*. Inspectors from municipalities and regional county municipalities (RCMs) as well as the provincial and municipal police forces monitor compliance with property rights and enforce municipal bylaws.

#### Measures and requirements

- Volumes harvested and delivered to mills are monitored under regulations on the scaling and transport of timber.
- Mills submit a record of wood fibre received and consumed each year.

#### 1.4 There is a low perception of corruption related to the granting or issuing of harvesting permits and other areas of law enforcement related to harvesting and trading wood.

Transparency International's Corruption Perceptions Index from 2016 gives Canada a mark of 82 out of 100, ranking it ninth among those countries where this perception is lowest.

**Table 4:** Sources of information consulted, by criteria

Criteria	Sources of information
1.1	<a href="http://www.mffp.gouv.qc.ca/">http://www.mffp.gouv.qc.ca/</a> <a href="http://forestierenchef.gouv.qc.ca">http://forestierenchef.gouv.qc.ca</a> FSC Global Registry Preliminary Centralized Risk Analysis of Canada – FSC Canada – ENRC 2016 <a href="http://beta.nepcon.org/sourcinghub">http://beta.nepcon.org/sourcinghub</a> World Resources Institute
1.2	<a href="https://bmmb.gouv.qc.ca">https://bmmb.gouv.qc.ca</a> <a href="http://www.mffp.gouv.qc.ca/">http://www.mffp.gouv.qc.ca/</a> Scaling Manual for Timber Harvested on Lands in the Domain of the State (administration and forms section) Scaling Manual for Timber Harvested on Lands in the Domain of the State (method and technical instruction section) <i>Regulation respecting the scaling of timber harvested in forests in the domain of the State</i> <i>Sustainable Forest Development Act</i> (chapter A-18.1, and 72) <i>Regulation respecting standards of forest management for forests in the domain of the State</i> (CQLR, chapter A-18.1, r. 7) <i>Règlement sur l'aménagement durable des forêts du domaine de l'État</i> (draft) (2014, G.O. 2, 4837) Municipal by-laws governing public forests <i>Act Respecting the Marketing of Agricultural, Food and Fish Products</i> (chapter M-35.1) <i>Règlement sur la mise en marché du bois des producteurs de bois de la région de Québec</i> , r. 123.1 <i>Regulation Respecting Forest Transport Contracts</i>

Criteria	Sources of information
	<i>Transport Act</i> (chapter T-12, ss. 5 and 47.1) CNRA 2016 AF&PA <a href="http://www.illegal-logging.info/">http://www.illegal-logging.info/</a> <a href="http://www.afandpa.org/">http://www.afandpa.org/</a>
1.3	CNRA 2016 <a href="http://www.mffp.gouv.qc.ca">www.mffp.gouv.qc.ca</a> <a href="http://www.sfmcanada.org/images/Publications/FR/QC_info_Provinces_and_territories_FR.pdf">http://www.sfmcanada.org/images/Publications/FR/QC_info_Provinces_and_territories_FR.pdf</a> <i>Customs Act</i> <a href="#">Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act</a> Municipal by-laws governing public forests <i>Act Respecting the Marketing of Agricultural, Food and Fish Products</i> (chapter M-35.1) <i>Règlement sur la mise en marché du bois des producteurs de bois de la région de Québec</i> , r. 123.1 <i>Regulation Respecting Forest Transport Contracts</i> <a href="http://www.sfmcanada.org/images/Publications/FR/QC_info_Provinces_and_territories_FR.pdf">http://www.sfmcanada.org/images/Publications/FR/QC_info_Provinces_and_territories_FR.pdf</a>
1.4	CNRA 2016 Transparency.org

**Category 2: A district of origin may be considered low risk in relation to the violation of traditional and civic rights when sound governance indicators are present**

**Table 5:** Risk analysis summary for Category 2 criteria in Québec

Criteria	Risk
2.1 There is no UN Security Council ban on timber exports from the country concerned.	
2.2 The country or district is not designated as a source of conflict timber (e.g. Type 1 conflict timber as defined by the United States Agency for International Development (USAID).	
2.3 There is no evidence of child labour or violation of ILO Fundamental Principles and Rights at Work taking place in the forest areas in the district concerned.	<b>LOW</b>
2.4 There are recognized and equitable processes in place to resolve conflicts of substantial magnitude pertaining to traditional rights, including use rights, cultural interests or traditional cultural identity in the district concerned.	
2.5 There is no evidence of violation of ILO Convention 169 on Indigenous and Tribal Peoples taking place in the forest areas in the district concerned.	

## **2.1 There is no UN Security Council ban on timber exports from the country concerned.**

There is no United Nations Security Council ban on timber exports from Canada, as specified in FSC Canada's Centralized National Risk Assessment for Canada.

### Main sources of information consulted:

<https://ic.fsc.org/en/document-center/id/114>

## **2.2 The country or district is not designated as a source of conflict timber**

Canada is not designated as a source of conflict timber.

### Sources of information consulted:

<https://ca.fsc.org/fr-ca/standards/national-risk-assessment-01>

## **2.3 There is no evidence of child labour or violation of ILO Fundamental Principles and Rights at Work taking place in the forest areas in the district concerned.**

There is no forced labour in the forest.

Canada is a signatory to the ILO's fundamental conventions (29, 87, 98, 100, 105, 111, 138 and 182). The laws and regulations of Canada and Québec concerning labour standards and worker rights regulate the workplace to ensure compliance with Canada's obligations under these conventions. Table 15 in Appendix 1 gives a list of the ILO conventions that Canada has ratified.

### Sources of information consulted:

- [www.ilo.org](http://www.ilo.org)
- [www3.publicationsduquebec.gouv.qc.ca/gazetteofficielle.fr.html](http://www3.publicationsduquebec.gouv.qc.ca/gazetteofficielle.fr.html)
- [scf.rncan.gc.ca/index/forestindustryincanada/3?lang=en](http://scf.rncan.gc.ca/index/forestindustryincanada/3?lang=en)
- [www.worksmartontario.gov.on.ca](http://www.worksmartontario.gov.on.ca)
- [www.employer-rights.com/d3.html](http://www.employer-rights.com/d3.html)
- International Trade Union Confederation, 2007, Internationally Recognised Core Labour Standards in Canada: Report for the WTO General Council Review of the Trade Policies of Canada

## **2.4 There are recognized and equitable processes in place to resolve conflicts of substantial magnitude pertaining to traditional rights, including use rights, cultural interests or traditional cultural identity in the district concerned.**

### Summary

Section 35(1) of the *Constitution Act, 1982* recognizes the existing Aboriginal and treaty rights of Aboriginal peoples in Canada. A number of contemporary judgments confirm and define the ancestral rights of First Nations. The courts have been asked to rule on specific disputes, such as that of the community of Ojibwa. In August 2017, the Superior Court of Québec delivered a judgment in which it determined that the community had not been adequately consulted and had not had sufficient time to analyze a special development plan.

Dispute resolution mechanisms are incorporated into the Québec government's agreements with the Cree First Nations and the Mamuitun and Nutashkuan First Nations. Other First Nations are part of specific agreements on consultation and accommodation. As part of forestry activities, First Nations have access to various tools to affirm their rights and to mitigate the negative impacts that



forest operations could have on them, such as the *Interim Guide for Consulting Aboriginal Communities*, the *Manuel de consultation des communautés autochtones 2013-2018*, the *Sustainable Forest Management Strategy* and the *Sustainable Forest Development Act*. Communities that have not signed modern agreements or an APGN have access to the dispute resolution mechanism applicable to consultations with Aboriginal communities concerning plans for integrated forest development (PIFDs). A number of communities have also concluded agreements with forestry companies that provide for dispute resolution processes. As for private forests, some communities have signed contemporary agreements with the government that recognize their rights to traditional practices, such as subsistence hunting and gathering.

The **risk is deemed low** that, in forestry activities, Aboriginal communities will not have access to an equitable process to resolve conflicts of substantial magnitude concerning their potential or established ancestral rights or treaty rights.

#### Evaluation of the threat created by forestry activity

The rights of Aboriginal peoples have been recognized in Canada’s Constitution since 1982. Even so, the Constitution does not define these rights nor does it specify the territories where they apply. A number of judgments by Canadian courts have affirmed ancestral rights in favour of First Nations. In general, conflicts concerning land use rights are resolved with assistance from the courts or by means of treaty negotiation processes involving First Nations, the federal government and provincial governments.

Even though there are land claims and treaty negotiations in several regions of Canada, governmental and legal mechanisms enable all parties to express their claims freely and to expect an equitable judgment that is respectful of their rights. Such equitable mechanisms are also in place in Québec to resolve major conflicts concerning traditional Aboriginal rights. NEPCon’s Sourcing Hub ([beta.nepcon.org](http://beta.nepcon.org)) concludes that these mechanisms, as well as the related laws and regulations, meet the requirements for consultation and respect for customary and traditional rights, and that monitoring of non-compliance with such obligations is rapidly taken into consideration by the relevant authorities. Over the years, a number of court decisions have recognized and defined the scope of the rights of Canada’s Aboriginal peoples (e.g. *Haida*, *Taku River*, and *Tsilhqot’in*). In August of 2017, the Atikamekw community of Opitciwan obtained an injunction from the Superior Court of Québec, which determined that it had not been adequately consulted and had not had sufficient time to analyze a special development plan.



**Figure 2:** The 11 Aboriginal nations in Québec ([saaq.gouv.qc.ca](http://saaq.gouv.qc.ca))

There are also other types of official land claims negotiations between the federal government, the Québec government and some First Nations. The Québec government regularly concludes sectoral agreements with First Nations concerning management of natural resources. Such agreements may also include provisions concerning economic development, taxation, public safety, justice,

hunting and fishing, and so on.

At a time when formal agreements on natural resource management are being discussed, the Québec government and First Nations have agreed on interim measures to protect the interests of Aboriginal peoples.

#### Aboriginal nations in Québec

There are 11 Aboriginal nations in Québec, including 14 Inuit villages and 41 communities of the Abenaki, Algonquin, Atikamekw, Cree, Huron-Wendat, Innu, Maliseet, Mi'kmaq, Mohawk and Naskapi nations (see Figure 2). Even though “Indians, and Lands reserved for the Indians” are under federal jurisdiction, in 1985 and 1989 the National Assembly of Québec adopted resolutions recognizing these nations and the need to establish harmonious relationships with them, notably through the negotiation and conclusion of agreements. Moreover, since 1973, the federal government has been negotiating comprehensive land claims or modern treaties with Aboriginal groups and provincial or territorial governments, including Québec.

In 1975, the Québec government, the federal government, Crown corporations and representatives of the Cree and Inuit nations signed the *James Bay and Northern Québec Agreement (JBNQA)*. The Québec government has also concluded northern agreements with these Aboriginal nations, such as the *Agreement Respecting a New Relationship Between the Cree Nation and the Government of Québec (The Peace of the Braves, 2002)*, which provides for implementation of an adapted forest regime.

#### Duty to consult and dispute resolution mechanisms

In 2004, an Agreement-in-Principle of General Nature (APGN) was concluded between the Mamuitun and Nutashkuan First Nations, the Québec government and the federal government as part of comprehensive land claims negotiations. The negotiations are ongoing, with the three Innu communities concerned aiming to sign a treaty. The federal and provincial governments are also negotiating comprehensive land claims with the Atikamekw and Mi'kmaq Nations.

#### **Judgments and agreements recognizing and defining Aboriginal rights**

- Duty of the Crown to consult and accommodate
- Agreements with the Crees of Québec
- Agreement-in-Principle of General Nature with the Innu
- Land claims negotiations with the Atikamekw and Mi'kmaq

The conclusion of the APGN gave rise to the implementation of a consultation framework applicable to forests between the three Innu communities concerned and the MFFP. In the case of the Crees, the Inuit and the Naskapi, the northern agreements provide for dispute resolution mechanisms. The parties may have recourse to dispute resolution mechanisms for matters concerning interpretation and implementation of the JBNQA and the NEQA, or as specified in the agreements. The process involving such mechanisms generally begins with bipartite or tripartite consultations and may lead to mediation.

Even in the absence of treaties defining the existence and scope of Aboriginal rights, the Crown has a duty to consult Aboriginal communities and, where necessary, to accommodate them when

it considers a decision that may have prejudicial effects on their potential or established Aboriginal rights or treaty rights. The purpose of this good-faith duty is to avoid conflicts. The objective is to reconcile the interests of Aboriginals with those of society in general. To implement the duty to consult, the Québec government created the *Interim Guide for Consulting Aboriginal Communities*.<sup>1</sup> After it was adopted in 2006, Québec invited all the communities to comment and took these comments into account when the guide was updated in 2008.

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<sup>1</sup> [https://www.autochtones.gouv.qc.ca/publications\\_documentation/publications/guide\\_inter\\_2008.pdf](https://www.autochtones.gouv.qc.ca/publications_documentation/publications/guide_inter_2008.pdf)

### Mechanisms associated with forestry activities

For the purposes of forest planning consultation, the *Manuel de consultation des communautés autochtones 2013-2018* on PIFDs is implemented by the regional directorates of the MFFP. The regional office presents the PIFD development and consultation process to Aboriginal communities and adapts it in response to the specific needs of these communities. The manual is being revised by the MFFP for the next 2018-2023 five-year plan. It will take into consideration the recommendations made by a task force consisting of representatives of the MFFP and of First Nations.

The Sustainable Forest Management Strategy (SFMS) also includes elements concerning the importance of dialogue and harmonious relations with Aboriginal communities in the context of forest management and development. The SFDA includes a number of provisions that are specific to Aboriginal communities and that concern their consultation and, if applicable, accommodation, as well as consideration of their interests, values and needs in sustainable forest management (e.g., sections 9, 10, 11, 37, 40, 55, 58, 224 and 345). The *Regulation Respecting Standards of Forest Management for Forests in the Domain of the State* and the *Sustainable Forest Management Regulation*, which will take effect on April 1, 2018, also aim to reconcile forest management activities with the activities of Aboriginal populations. Consultation offers an interim solution while courts and treaties work to define the scope of Aboriginal rights. The APGN with the Innu communities includes a consultation framework applicable to forests. Dispute resolution mechanisms are provided for in the implementation agreements concluded with the Crees, the Naskapi and the Inuit.

Concerning forest management and enhancement, Aboriginal communities that have not signed a modern agreement or an APGN have access to dispute resolution mechanisms during their consultation concerning integrated forest management plans (PIFDs). The 2013-2018 version of the manual provides for a dispute resolution mechanism in the event of a dispute concerning PIFDs as part of an initiative involving consultation and, as applicable, accommodation. Moreover, the MFFP manages the *Programme de participation autochtone à l'aménagement durable des forêts* (Program for Aboriginal participation in sustainable forest management), intended to financially sustain Aboriginal communities' participation in and contribution to sustainable forest development. It supports their involvement in consultation processes concerning sustainable forest management and development, particularly forest planning, as well as local integrated land and resource management panels (LILRMPs) or any other forum under the forest regime. It also promotes implementation by Aboriginal communities of socioeconomic development projects involving sustainable forest development to ensure such communities can contribute to the forest sector.

#### **Consultation and dispute resolution mechanisms**

- Adapted consultation
- Dispute resolution mechanisms
- SFDA
- Specific agreements before and during forest planning

It is also noteworthy that a number of forestry companies have concluded specific agreements with First Nations that, for the most part, provide their own processes to resolve disputes with the communities affected by their operations. A number of these private agreements have also led to business and economic development partnerships with Aboriginal communities. The sawmill operated by *Société en commandite Opitciwan* in the Haute-Mauricie and the Boisaco group of companies in the Côte-Nord region are examples of successful partnerships of this kind between the forest industry and First Nations. Other agreements, of a contractual or supply nature, are common in Québec, given that a number of communities have been granted forest rights. In 2016, Université Laval created a Leadership Chair in Aboriginal Forestry Education, whose members include Aboriginal communities and the Québec Forest Industry Council. The purpose of the Chair

is to promote self-government for First Nations, for example through the development of communities' capabilities and of industrial partnerships.

As for private forests, recognition of the rights of First Nations is constantly evolving in the country. Some communities have signed contemporary agreements with the government that recognize their rights to traditional practices like subsistence hunting and gathering, although they point out that they have difficulty undertaking discussions with landowners for the implementation of such agreements.

In light of the foregoing, the **risk is deemed low** that, in the context of forestry operations, Aboriginal communities will not have access to an equitable process to resolve conflicts of substantial magnitude concerning their potential or established ancestral or treaty rights.

Sources of information consulted:

- [https://www.autochtones.gouv.qc.ca/publications\\_documentation/publications/document-11-nations-2e-edition.pdf](https://www.autochtones.gouv.qc.ca/publications_documentation/publications/document-11-nations-2e-edition.pdf)
- <http://legisquebec.gouv.qc.ca/fr/pdf/cs/A-18.1.pdf>
- *Sustainable Forest Development Act*
- [beta.nepcon.org](http://beta.nepcon.org)

## **2.5 There is no evidence of violation of ILO Convention 169 on Indigenous and Tribal Peoples taking place in the forest areas in the district concerned.**

### Summary

The Canadian courts have established that “The Crown must have the intention of substantially addressing the concerns of Aboriginal communities as they are expressed” (*Interim Guide for Consulting Aboriginal Communities*, Gouvernement du Québec, 2008). The existing legislative and regulatory framework gives governments and First Nations tools to ensure that ancestral rights are recognized and respected, as shown by recent court decisions. That said, such recourses can be long and costly, particularly in the case of recognition of ancestral and customary rights. Consultations concerning PIFDs make it possible to finalize forest planning taking into account the rights of First Nations. Under section 8 of the SFDA, the government may conclude agreements with band councils to enable the members of a community to carry out and follow up on certain forest development activities and to support sustainable forest development. The Québec government has put in place various measures to support the economic development of First Nations, such as the allocation of volumes of wood from public forests.

The existing legislative framework and the agreements concluded and under discussion with First Nations constitute sound practices in the spirit of the provisions of ILO Convention 169. The tools provided to First Nations, their recognized and equitable access to the judicial system and the support obtained during consultations make it possible to conclude that there is **a low risk** that forestry activities do not respect the spirit of ILO Convention 169.

### Legislative framework to recognize and respect Aboriginal rights

Canada and Québec have a substantial legislative, political and judicial framework concerning Aboriginal rights. Section 35(1) of the *Constitution Act, 1982* recognizes and affirms the existing ancestral and treaty rights of Aboriginal peoples in Canada. Thereafter, the Canadian courts established that “the Crown must have the intention of sustainably addressing the concerns of Aboriginal communities as they are expressed; that is what is expected of honourable conduct.”

From the principle of honourable conduct by the Crown arises, among other things, the Crown's constitutional duty to consult Aboriginal communities and, as necessary, to accommodate them

when it considers a decision that may have prejudicial effects on their potential or established ancestral and treaty rights. The duty to accommodate when necessary is supposed to mitigate the effect of the contemplated measure on such rights. The approach taken by the Québec government is described in the *Interim Guide for Consulting Aboriginal Communities* (see 2.4). After the guide was adopted in 2006, Québec invited communities to comment, and these comments were taken into account when it updated the guide in 2008.

The legislative and regulatory framework described below makes tools available to the federal and provincial governments and to First Nations so that such rights can be recognized and respected.

The federal government, the Québec government and First Nations in the Province of Québec have taken various steps to recognize and guarantee respect for the rights of Aboriginal peoples on their lands as well as their right to take part in the planning and implementation of forestry activities that take place there. The Québec government is the owner of natural resources and must define and implement procedures to consult First Nations with a view to determining the degree to which their interests would be adversely affected by an action, before beginning or allowing any resource exploration or development on their lands.

In Québec, First Nations have access to various tools to affirm their rights and to mitigate the disturbance that forestry activities may cause. Pending a treaty or judgment defining their rights, consultations during the PIFD process make it possible to finalize forest planning. Occasionally, agreements with affected communities take longer than expected, causing the cease of consultations, the suspension or the relocation of forestry operations until disputes are resolved.

In the absence of treaties addressing the question of consultation around forest development, the Québec government enables communities to negotiate administrative agreements concerning consultations, which may establish terms and conditions including the territory to which they apply. In the case of the Innu, a protocol to facilitate consultation was signed between the Mashteuiatsh, Essipit and Nutashkuan communities and the MFFP. In February of 2017, the Abitibiwinni First Nation signed an agreement on consultation and accommodation with the Québec government.

The *Sustainable Forest Development Act* requires that all Aboriginal communities be consulted separately by the MFFP before plans for integrated forest development (TPIFDs) are published and when operational and annual forest planning takes place. The *Interim Guide for Consulting Aboriginal Communities* provides that if First Nations raise concerns about forestry activity, accommodation measures can be negotiated to mitigate the disturbance as much as possible. A number of forest development companies have their own process for consulting with First Nations affected by their operations.

More specifically, in the case of the Crees, the Inuit and the Naskapi, the federal and provincial governments have negotiated and concluded treaties and agreements that are implemented by means including laws and regulations. Such treaties and agreements may provide for Aboriginal participation and consultation in various state decision-making processes. As for the Crees, they participate in territorial management through involvement in the Cree-MFFP Joint Committee on Forestry. Moreover, a number of First Nations with claims below the northern limit for timber allocations have begun negotiating with the federal and Québec governments. These Nations include the Mohawk of Akwesasne; the Innu of Natuashish and Sheshatshiu; the Micmacs of Gesgapegiag, Gespeg and Listuguj; the Maliseet of Viger; the Atikamekw of Manawan, Obedjiwan and Wemotaci; the Innu of the Mamuitun and Nutashkuan Tribal Council; Regroupement Petapan

#### Recognition of and respect for Aboriginal rights

- Legislative and regulatory framework
- Treaty
- Agreement-in-Principle of General Nature
- SFDA
- Negotiations
- Economic development agreements

inc.; the Assemblée Mamu Pakatatau Mamit; and Ashuanipi Corporation.<sup>2</sup>

These negotiations concern multiple subjects, including self-government (Innu, Akwesasne and Atikamekw), clarification of ancestral rights defined in treaties before 1975 (Mi'kmaq and Maliseet) and land claims (Atikamekw, Innu and Mi'kmaq). Lists of agreements concluded between Aboriginal groups and the federal and provincial governments are available on the websites of Indigenous and Northern Affairs Canada and the *Secrétariat aux affaires autochtones*. Information on the situation of various Aboriginal communities can also be found in the integrated forest management plans available on the MFFP website.

Section 8 of the SFDA authorizes the Québec government to enter into agreements with any Aboriginal community, as represented by a band council, to enable the members of the community to carry out and follow up on certain forest development activities and to support sustainable forest development. Under section 24.1 of the *Act Respecting the Conservation and Development of Wildlife*, the government is also authorized to enter into agreements with communities to better reconcile wildlife conservation and management requirements with the activities pursued by Aboriginal peoples for subsistence, ritual or social purposes, or to further facilitate wildlife resource development and management by Aboriginal peoples. The *Regulation Respecting Beaver Reserves*,<sup>3</sup> of which there are 11, gives Aboriginal peoples the exclusive right to hunt and trap fur-bearing animals within beaver reserves, with the exception of the Saguenay Reserve.

As for economic development, the Québec government has put in place various support measures. In 2017 more than 875 850 m<sup>3</sup> of timber were allocated to organizations associated with 12 First Nations in the form of supply guarantees, permits to harvest timber to supply a wood processing plant and forest biomass allocation agreements (see Table 6: Timber volumes allocated to First Nations (2017)). Several Aboriginal communities have signed specific agreements with the Québec government establishing terms and conditions for programs and cooperation around economic development and community infrastructure.<sup>4</sup> The Aboriginal Human Resource Council, a non-profit organization, has launched, organized and coordinated many initiatives to create career opportunities for Aboriginal peoples in Canada.

**Table 6:** Timber volumes allocated to First Nations (2017)

Region	Name of forest-right beneficiary	Agreement number	Total (\$/m <sup>3</sup> )
BSL	Listuguj Mi'gmaq Government <sup>2</sup>	411	5 000
SLSJ	Conseil des Montagnais du Lac-Saint-Jean <sup>2</sup>	423	200 000
Mauricie	Conseil des Atikamekw de Manawan <sup>2</sup>	417	60 000
Mauricie	Société en commandite Services forestiers atikamekw aski <sup>2</sup>	400	84 000
Outaouais	Kitigan Zibi Anishinabeg Band Council <sup>2</sup>	394	146 200
Abitibi	Coopérative agroforestière Kinijévis-Abijévis <sup>3</sup>	637	650

<sup>2</sup> <https://www.aadnc-aandc.gc.ca>

<sup>3</sup> <http://www.mffp.gouv.qc.ca/faune/territoires/castor.jsp>

<sup>4</sup> [http://www.saa.gouv.qc.ca/relations\\_autochtones/ententes/liste\\_ententes\\_conclues.htm](http://www.saa.gouv.qc.ca/relations_autochtones/ententes/liste_ententes_conclues.htm)

Nord-du-Québec	Produits forestiers Nabakatuk 2008, s.e.n.c. <sup>1</sup>	345	70 000
Nord-du-Québec	Waswanipi Landholding Corporation <sup>2</sup>	409	155 000
Nord-du-Québec	Corporation forestière Eenatuk <sup>2</sup>	414	125 000
Gaspésie	Listuguj Mi'gmaq Government <sup>2</sup>	411	10 000
Gaspésie	Gespeg Micmac Nation <sup>2</sup>	433	5 000
Gaspésie	Micmacs of Gesgapegiag Band Council <sup>2</sup>	418	15 000

**875 850**

1: Supply guarantee (SG)

2: Permit to harvest timber to supply a wood processing plant

3: Forest biomass allocation agreement (FBAA)

Even though Canada has not signed ILO Convention 169, the legislative, regulatory and case law frameworks referred to above constitute sound practices in the spirit of the Convention's provisions. The duty to consult and, as necessary, to accommodate makes it possible to mitigate as much as possible the potential negative effects of forestry activities on the potential or established rights of First Nations. Agreements have been concluded with a large number of communities that concern forestry, hunting, fishing and other matters. Several Aboriginal groups have had their rights recognized by treaties or the courts, or are in the process of negotiating with the federal and provincial governments in a framework other than that of forestry activities.

The risk that forestry activities do not respect the spirit of ILO Convention 169 is considered low.

Sources of information consulted:

- <https://indigenousworks.ca/fr>
- Rapport FSC de certificats en forêts publiques au Québec : <https://info.fsc.org/>
- ILO Convention 169: ilo.org
- Annual reports of the *James Bay and Northern Québec Agreement* and the *Northeastern Québec Agreement*
- *Interim Guide for Consulting Aboriginal Communities*
- *Constitution Act, 1982*
- Indigenous and Northern Affairs Canada
- Manuel sur les consultations autochtones PAFI, SADF, RADF, LADTF
- *Peace of the Braves*
- Secrétariat des affaires autochtones Québec
- *Répertoire des bénéficiaires de droits forestiers sur les terres du domaine de l'État*

**Category 3: A district of origin can be deemed a low-risk area from the standpoint of the threats to high conservation values if:**

- a) **indicator 3.1 is observed; OR**
- b) **when indicator 3.2 eliminates or considerably reduces the threat posed to the district of origin through non-compliance with indicator 3.1.**

**Table 7: Risk analysis summary for Category 3 criteria in Québec**

Criteria	Risk
<p><b>3.1</b> Forest management activities conducted in a defined territory (ecoregion, sub-ecoregion, locally) do not threaten high values that are important for conservation at the ecoregion level.</p>	
<p>HCV 1: Diversity of species. Concentrations of biodiversity, including endemic, rare, threatened or endangered species which are significant at global, ecological region or national levels.</p>	<b>SPECIFIED</b>
<p><b>See criterion 3.2 – Woodland caribou (NA0406, NA0602, NA0605)</b></p>	
<p>HCV 2: Ecosystems and mosaics at landscape level. Intact forest landscapes and large landscape-level ecosystems and ecosystem mosaics that are significant at global, ecological region or national levels, and that contain viable populations of the great majority of naturally-occurring species in natural patterns of distribution and abundance.</p>	<b>SPECIFIED</b>
<p><b>See criterion 3.2 – Intact forest landscapes (NA0602, NA0605)</b></p>	
<p>HCV 3: Ecosystems and habitats. Rare, threatened or endangered ecosystems, habitats or refugia.</p>	<b>LOW</b>
<p>HCV 4: Critical environmental services. Basic ecosystem services in critical situations, including protection of water catchments and control of erosion of vulnerable soils and slopes.</p>	<b>LOW</b>
<p>HCV 5: Communities’ needs. Sites and resources fundamental for satisfying the basic necessities of local communities or indigenous peoples (for livelihoods, health, nutrition, water, etc.), identified through engagement with these communities or indigenous peoples.</p>	<b>LOW</b>
<p>HCV 6: Cultural values. Areas, resources, habitats or landscapes of special cultural, archaeological or historical significance at the global or national level and of critical cultural, ecological, economic or religious/sacred importance for the traditional cultures of local communities or of Aboriginal peoples, identified in cooperation with such communities and Aboriginal peoples.</p>	<b>LOW</b>
<p><b>3.2</b> A robust protection system (protected areas and effective legislation) is implemented to ensure the persistence of HCVs in the ecoregion.</p>	
<p>HCV 1: Diversity of species. Concentrations of biodiversity, including endemic, rare, threatened or endangered species, which are significant at global, ecological region or national levels.</p> <ul style="list-style-type: none"> <li>- A rigorous HCV protection system exists. The adjective “rigorous” refers to the effective enforcement of legislation in the country concerned. A high score (≥ 75%) on the World Bank’s Rule of Law index is one form of proof (<a href="http://www.govindicators.org">www.govindicators.org</a>).</li> <li>- The national and regional stakeholders concerned in the supply area evaluated offer significant support.</li> </ul>	<b>LOW</b>



Criteria	Risk
<p>HCV 2: Ecosystems and mosaics at landscape level. Intact forest landscapes and major ecosystems and mosaics of ecosystems that are significant at global, ecological region or national levels, containing viable populations of the vast majority of naturally occurring species in natural patterns of distribution and abundance.</p> <ul style="list-style-type: none"> <li>- A rigorous HCV protection system exists. The adjective “rigorous” refers to the effective enforcement of legislation in the country concerned. A high score (<math>\geq 75\%</math>) on the World Bank’s Rule of Law index is one form of proof (<a href="http://www.govindicators.org">www.govindicators.org</a>).</li> <li>- The national and regional stakeholders concerned in the supply area evaluated offer significant support.</li> </ul>	<b>LOW</b>

### Summary of Category 3

The list of species at risk was filtered to retain vertebrates, invertebrates and well-known plants, for practical reasons and based on the availability of information.

To conclude that the risk is low, it must be shown that forestry activities do not threaten the survival of threatened and vulnerable forest species (TVFS) in a given ecoregion. Demonstrating this is made easier by the significant support obtained from regional and national stakeholders during consultations organized by the QFIC/QWEB between July and October.

It is important to emphasize that this risk assessment was conducted at several levels until low risk was demonstrated, as the standard requires. Indeed, this analysis concludes that there is low risk for all of the factors in Category 3 at the national, provincial and ecoregion levels. Certain parties have suggested that the risks stemming from forestry activities might differ if administrative regions, management units, or traditional First Nations territories served as units of analysis rather than ecoregions. Without passing judgment on this suggestion, the current approach complied with the requirements of the standard. However, various parts of the planning process for forestry activities require consideration of factors at a smaller scale than that of the ecoregion.

According to criterion 3.1:

- The Eastern Forest-Boreal Transition ecoregion (NA0406) is deemed at **low** risk for HCV 1: Canada warbler and red-headed woodpecker.
- The Eastern Great Lakes lowland forests ecoregion (NA0407) is deemed at **low** risk for HCV 1: Canada warbler and red-headed woodpecker.
- The New England-Acadian forests ecoregion (NA0410) is deemed at **low** risk for HCV 1: Canada warbler and red-headed woodpecker.
- The Central Canadian Shield forests ecoregion (NA0602) is deemed at **low** risk for HCV 1: Canada warbler.
- The Eastern Canadian forests ecoregion (NA0605) is deemed at **low** risk for HCV 1: Canada warbler.
- The Eastern Canadian Shield taiga ecoregion (NA0606) is deemed at **low** risk for HCV 1.
- The Southern Hudson Bay taiga ecoregion (NA0616) is deemed at **low** risk for HCV 1.
- The Central Canadian Shield forests ecoregion (NA0602) is deemed at **specified** risk for HCV 1: woodland caribou.

- The Eastern Canadian forests ecoregion (NA0605) is deemed at **specified** risk for HCV 1: woodland caribou.

According to criterion 3.2:

- The Central Canadian Shield forests ecoregion (NA0602) is deemed at **low** risk for HCV 1: woodland caribou.
- The Eastern Canadian forests ecoregion (NA0605) is deemed at **low** risk for HCV 1: woodland caribou.

**HCV 1: Diversity of species. Concentrations of biodiversity, including endemic, rare, threatened or endangered species, which are significant at global, ecological region or national levels.**

### Summary

The *Sustainable Forest Development Act* (SFDA), the *Regulation respecting standards of forest management for forests in the domain of the State* (RS), and the *Sustainable Forest Development Regulation* (SFDR) that replaced the latter on April 1, 2018, provide for several restrictive measures and adapted practices concerning harvesting operations and road works in public forests. The *Act Respecting Threatened or Vulnerable Species* applies to all of Québec's territory. The MFFP maintains an up-to-date list of known habitats that specifies the location of habitats to be protected and the scope of protective measures. Measures pertaining to so-called "umbrella species" or "focal species" contribute to the maintenance of habitat characteristics at the level of landscapes or forest stands, in accordance with the requirements of TVFS.

According to criterion 3.1, given that forestry activities occur in regions where the woodland caribou is present, a specified risk is given to ecoregions NA0406, NA0602 and NA0605. There is a low risk that forestry activities threaten the survival of the other HCV 1.

Woodland caribou has had the status of a threatened species in Canada since 2002 and the status of a vulnerable species in Québec since 2005 (COSEWIC and MFFP 2017). The current range of the woodland caribou covers nearly 13% of the area of ecoregion NA0602, nearly 27% of ecoregion NA0605, nearly 44% of ecoregion NA0606 and nearly 100% of ecoregion NA00616. Some 80% of the caribou distribution area is excluded from any industrial harvesting activity. Woodland caribou recovery plans have been implemented since 2007 and have been updated and are in effect in the territory. In April 2016, the provincial government announced a new two-stage caribou recovery plan that called in the short term for the establishment of new protected areas, planning adapted to the vast spaces required by caribou, road dismantling tests, the restoration of habitats in disturbed territories, and the elaboration of a long-term strategy to develop woodland caribou habitat in consultation with interested partners and groups.

To summarize and considering:

- the high proportion of the woodland caribou distribution area that is protected or excluded from managed forest zones (80%);
- Environment Canada's favourable risk assessment respecting the biggest woodland caribou population in Québec's territory;
- the implementation of important facets of the first Québec recovery plan;
- the existence of regional woodland caribou habitat development plans;
- various additional precautionary measures;
- the government's new action plan announced in April of 2016;

- favourable data on the state of and trends in caribou populations; and
- the existence of the protective measures stipulated in the federal *Endangered Species Act*;

there is **low risk** given that an effective protection system is in force to ensure the survival of woodland caribou in the short and medium terms in the NA0406, NA0602 and NA0605 ecoregions.

#### Presence of HCVs and assessment of the threat that forestry activities pose

Species at risk:

An administrative agreement involving the wildlife, forest and regional operations sectors, along with the MDDELCC, seeks to foster the protection of threatened or vulnerable fauna and flora species, their habitats, and other biodiversity elements in Québec's forest areas through the concerted implementation of projects.

This agreement is being implemented through the province-wide adjustment of plans for integrated forest development (PIFDs), when location data are known concerning sites essential to the survival of the threatened or vulnerable species. The MFFP maintains an up-to-date list of known habitats that specifies the location of habitats to be protected and the scope of protective measures. Since 1997, annual campaigns have been conducted to inventory and validate known, suspected or potential habitats of threatened and vulnerable forest species (TVFS). Assisted by a committee of experts, the MFFP plans protective measures according to the needs of the species concerned. The instructions of the environmental management system (SGE) of the MFFP on sustainable forest development target the recognition of TVFS when forest development activities are planned and carried out in public forests. Since 2008, the obligation to protect known TVFS habitats has been formally integrated into forest management plans. Companies engaged in logging in public forests, which must necessarily be certified with the ISO 14001 Standard or the Forest Management Certification Program, also take into account threatened species and their habitats. In March of 2013, the MFFP obtained ISO 14001:2004 certification for its environmental management system.

To date, measures are in force with respect to several plant species (1) and wildlife species (9). Despite the absence of measures respecting certain TVFS, those pertaining to so-called "umbrella species" or "focal species" are contributing to the maintenance of habitat characteristics at the level of landscapes or forest stands associated with the needs of TVFS. Indicator INDI no 1.2.1 of the environmental management system of the MFFP makes it possible to monitor progress in protecting threatened and vulnerable species. In 2017, more than 625 726 ha of public territory were covered by a protective measure. The number of sites on public land subject to a protective measure increased from fewer than 200 in 1999 to more than 1300 in 2015. The agreement is also part of the Québec government's initiatives to demonstrate its adherence to the Aichi Targets established in the context of the *Convention on Biological Diversity*.

### Presence of the HCV:

The list of species at risk was elaborated in light of the designations of the COSEWIC<sup>5</sup> and the provincial list of Québec.<sup>6</sup>

### Risk assessment:

The use of forest habitat by species and the possible impact of forest development and attendant operations have been evaluated. The forest species that can sustain moderate to high impact include:

- river redhorse
- spring salamander
- wood turtle
- Barrow's goldeneye
- Bicknell's thrush
- bald eagle
- Canada warbler
- cerulean warbler
- golden eagle
- harlequin duck
- red-headed woodpecker
- woodland caribou
- woodland caribou, montane ecotype
- wolverine
- American ginseng

### Regulatory risk mitigation measures:

The *Sustainable Forest Development Act* (SFDA), the *Regulation respecting standards of forest management for forests in the domain of the State* (RS) and the *Sustainable Forest Development Regulation* (SFDR) that replaced the latter on April 1, 2018 provide for several restrictive measures and adapted practices concerning harvesting operations and road works in public forests. The measures target, in particular, the protection of the habitat or populations of the following species:

- river redhorse
- harlequin duck
- spring salamander
- wood turtle
- Barrow's goldeneye
- Bicknell's thrush
- bald eagle
- golden eagle
- woodland caribou
- woodland caribou, montane ecotype
- American ginseng

For the other species, no specific measures have yet been taken, although they appear on the list of rare or endangered species found in forest habitats:<sup>7</sup>

- Canada warbler

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<sup>5</sup> <http://www.fil-information.gouv.qc.ca/Pages/Article.aspx?idArticle=2406027881>

<sup>6</sup> <http://www3.mffp.gouv.qc.ca/faune/especes/menacees/liste.asp>

<sup>7</sup> [https://www.mffp.gouv.qc.ca/publications/enligne/forets/criteres-indicateurs/1/121/Faune/Faune\\_liste.asp](https://www.mffp.gouv.qc.ca/publications/enligne/forets/criteres-indicateurs/1/121/Faune/Faune_liste.asp)

- cerulean warbler
- red-headed woodpecker
- wolverine

In the event of a declared sighting of one of the three bird species mentioned above, the MFFP attempts to confirm the sighting. In cases where a nesting site is confirmed, its location is added to the *Centre de données sur le patrimoine naturel du Québec* and a protection belt is added. As indicated earlier, ecosystem-based management and the measures adopted respecting so-called “umbrella species” or “focal species” contribute to the maintenance of habitats at the level of landscapes or forest stands associated with the needs of such species.

The majority of logging companies in Québec are certified by a management standard and all forest development entrepreneurs on public lands are certified under the Forest Management Certification Program or the ISO 14001 standard. These stakeholders are, therefore, contributing to the detection of threatened and vulnerable species in the area.

The Québec *Act Respecting Threatened or Vulnerable Species* is also applicable on private lands and the *Fédération des producteurs forestiers du Québec* encourages its members to consult forestry professionals or conservation agencies in order to identify species at risk. Recognized forest producers only have access to the private forest development program if they possess a silviculture prescription signed by a forest engineer. Regions maintain regional forest protection and development plans (FPDPs), which private woodlot owners must comply with if they wish to benefit from subsidies, but each plan deals differently with the protection of species at risk.

The situation of certain species is analyzed in greater detail below.

***Woodland caribou:***

According to criterion 3.1, there appears to be a **specified risk** that forestry activities threaten the survival of woodland caribou at the ecoregion level. However, at this level of analysis, the existence of an effective protection system, the procedures under way to enhance the management of woodland caribou and significant support from stakeholders for these actions reduce the risk to “low” pursuant to indicator 3.2.

Globally, only one species of caribou exists but specialists have identified several subspecies. In Québec, only the so-called “woodland caribou” subspecies is present. However, depending on the type of habitat that the subspecies occupies and the behaviour adopted, the subspecies can be divided into three genetically distinct ecotypes (woodland, barren-ground and montane caribou). These three ecotypes are found in Québec. The forest ecotype lives in small herds year-round in the boreal forest, mainly between the 49th and 54th parallels north. The forest ecotype has had the status of a threatened species in Canada since 2002 and the status of a vulnerable species in Québec since 2005 (COSEWIC and MFFP 2017). Hunting woodland caribou for sport has been prohibited since 2001 in Québec.

Woodland caribou populations have declined significantly in recent centuries (Courtois *et al.*, 2003b). Significant cyclical reductions in barren-ground caribou populations have also been observed. Over the past decade, governments have made a considerable effort to obtain demographic information on local woodland caribou populations, which has appreciably broadened knowledge of the species and its ecology. Research has demonstrated an empirical link between the level of disturbance of the crown cover and the likelihood of the persistence of local populations in the forest environment (Env. Can., 2012). The development of road networks and vacation resorts and the depletion of mature softwood stands appear to have adversely affected populations (Rudolph *et al.*, 2012). Other studies question the impact of nutritional conditions (Thompson *et al.*, 2014) and climate change on the distribution of caribou populations (Yannic *et al.*, 2014).

The current woodland caribou distribution area covers almost the entire boreal forest in Canada, including that in Québec (see Figure 3 “Caribou distribution area” [Env. Canada] and current and proposed protected areas). It covers nearly 13% of the area of ecoregion NA0602, nearly 27% of ecoregion NA0605, nearly 44% of ecoregion NA0606 and nearly 100% of ecoregion NA00616. Some 80% of the caribou distribution area is excluded from any industrial harvesting activity. Tables 8 and 9 show the proportions of the distribution area currently protected and those that are proposed to be protected, by the protected areas register or by other protective measures such as those stipulated in the forest management plans or by the northern limit for forest allocations.

**Table 8:** Proportion of caribou distribution area protected by the register of protected areas

Ecoregion	% DA by ecoregion	% DA in PA in the register	% DA other protection	Total of the % DA protected
<b>NA0406</b>	1%	19%*	11%*	30%*
<b>NA0602</b>	15%	18%	51%	69%
<b>NA0605</b>	39%	13%	49%	62%
<b>NA0606</b>	39%	5%	94%	100%
<b>NA0616</b>	5%	13%	87%	100%

DA: woodland caribou distribution area

**Table 9:** Proportion of caribou distribution area protected by the register of protected areas and proposed protected areas\*\*

Ecoregion	% DA by ecoregion	% DA in PA in the register	% DA other protection	Total of the % DA protected
<b>NA0406</b>	1%	19%*	11%*	30%*
<b>NA0602</b>	15%	18%	51%	69%
<b>NA0605</b>	39%	17%	45%	62%
<b>NA0606</b>	39%	7%	93%	100%
<b>NA0616</b>	5%	13%	87%	100%

DA: woodland caribou distribution area

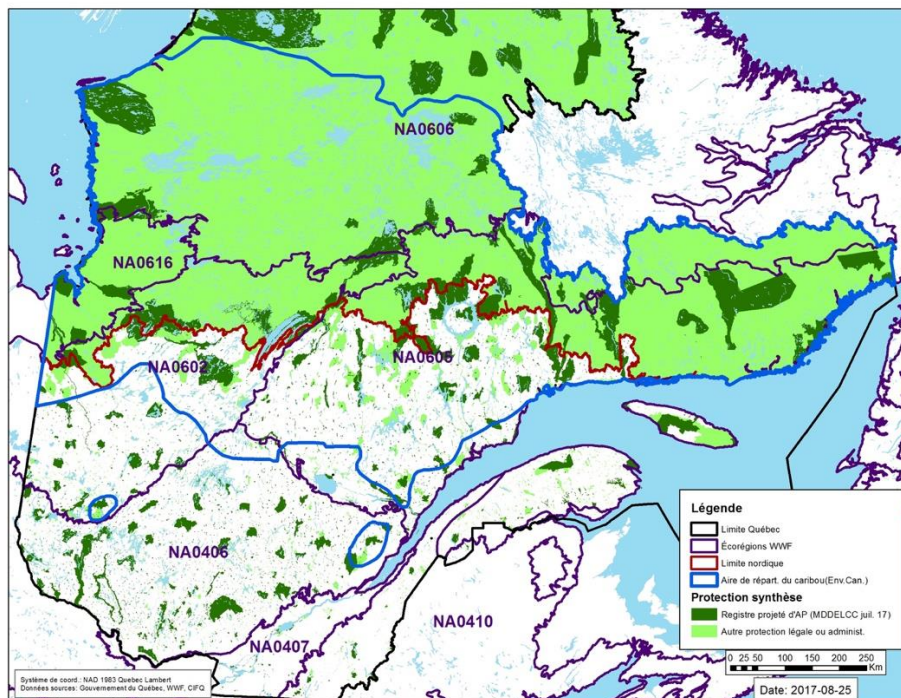
\*Proportions calculated at the level of the distribution area of the Charlevoix herd.

\*\*Proposed protected areas predominantly located on the boundary and above the northern limit for forest allocations.

In 2008 and 2011, Environment Canada published a scientific assessment intended to identify the essential habitat of the woodland caribou population in Canada.<sup>8</sup> The report establishes, by way of an example, a correlation between the level of disturbance of a population’s habitat and its probability of being self-sustaining. However, the report stipulates that the correlation is valid insofar as the population in question is “local,” that is, a population that displays a very low rate of exchange of individuals with neighbouring populations.<sup>9</sup>

The report also identifies the main known populations of woodland caribou in Canada and describes the probability of a population being self-sustaining based on certain population parameters and the level of habitat disturbance. In Québec, the federal assessment recognizes six separate populations, two of them isolated. The risk assessment for these populations varies from a probability of being non-self-sustaining to self-sustaining, depending on the populations (see Figure 4 and Table 10).

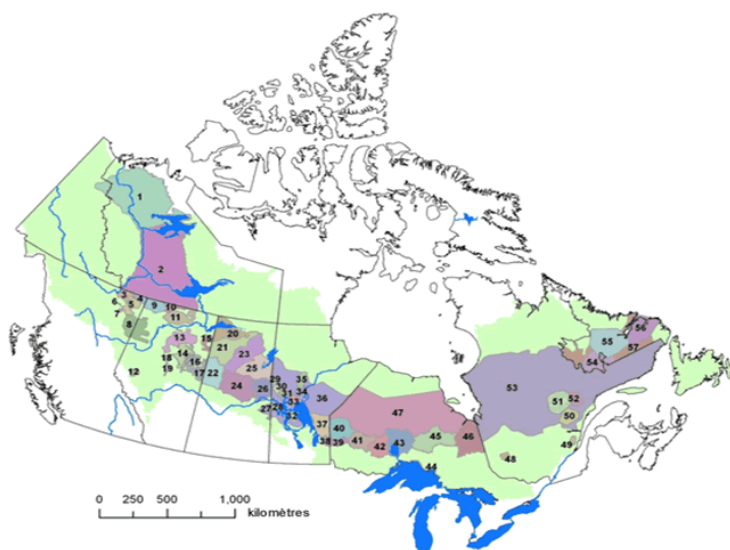
**Figure 3:** Woodland caribou distribution areas and current and proposed protected areas (MDDELCC, July 2017)



<sup>8</sup> *Scientific Assessment to Inform the Identification of Critical Habitat for Woodland Caribou (Rangifer tarandus caribou), Boreal Population, in Canada: 2011 update* – Environment Canada.

<sup>9</sup> Environment Canada, 2008. *Scientific Assessment to Inform the Identification of Critical Habitat for Woodland Caribou (Rangifer tarandus caribou), Boreal Population, in Canada*, August 2008. Ottawa: Environment Canada, 80 pages and 192 pages of appendices.

**Figure 4:** Geographic distribution areas of each of the 57 known local boreal caribou populations in Canada<sup>10</sup>



**Table 10:** Integrated assessment of the probability of being self-sustaining for populations in Québec<sup>7</sup>

Area	Type of distribution area	Estimated population size	Population trend	Disturbed habitats (%)			Risk assessment
				Fires	Humans	Total	
VAL-D'OR (QC 1)	LP	30	In decline	0.1	60	60	NSS
CHARLEVOIX (QC 2)	LP	75	Stable	4	77	80	NSS
PIPMUACAN (QC 3)	ECU	134	Stable	11	51	59	NSS
MANOUANE (QC 4)	ECU	358	Stable	18	23	39	NSS / SS
MANICOUAGAN (QC 5)	ECU	181	Rising	3	32	33	SS
QUÉBEC (QC 6)	CU	9 000	Stable	20	12	30	SS

According to this assessment, the probability of being self-sustaining of the biggest woodland caribou population (QC6) present in the NA0605 and NA0602 ecoregions appears to be favourable. Meanwhile two smaller populations, Manouane-QC4 and Pipmuacan-QC3, are deemed, respectively, to be in mitigated or unfavourable situations as regards the probability of being self-sustaining. However, the researchers recognized that the latter two populations are likely subsets of the Québec metapopulation and that their distinction stems more from the type of wildlife



inventory data available at the time of study than a genuine segregation of the populations.<sup>10</sup> In the 2011 update of its report, Environment Canada referred more frequently to “Improved Conservation Units” (ICUs) than to “local populations” for the latter two groups. The dynamic of the populations appears to be determined less by local factors that may affect birth and death rates (Environment Canada, *Scientific Assessment*, 2008).

#### Plans de rétablissement du caribou forestier du Québec de 2007 à 2018

Prior to the publication by the federal government of its recovery program, Québec adopted an initial provincial recovery plan for woodland caribou<sup>11</sup> for the period of 2007-2012. The plan contains guidelines that propose, for example, management of caribou habitat based on a series of large protection and replacement forest tracts, which would rotate over several decades. Other measures pertaining to development activities or development in the caribou zone are also proposed, particularly harvest reports, specific intervention measures in replacement forest tracts, management of the road and access network, management of the development of vacation resorts, and so on. The *Équipe de rétablissement du Québec* proposed a revision of the recovery plan for the period 2013-2023 to the MDDEFP in July of 2015. This revised plan focuses more extensively on the notion of disturbance factors that was introduced by the federal recovery program.<sup>12</sup>

The regional offices of the MRN have implemented several facets of the first Québec recovery plan, which are still in force. However, the approach adopted varies according to regional conditions. The Saguenay—Lac-Saint-Jean region has elaborated a plan to implement the guidelines of a recovery plan that have applied at the regional level since 2012 (*Le plan d'aménagement de l'habitat du caribou forestier de la région du Saguenay-Lac-Saint-Jean*).<sup>13</sup> All told, bearing in mind the protected areas for caribou stipulated in the regional plan, more than 49% of the territory of interest for caribous conservation<sup>14</sup> is excluded from short- and long-term harvesting in the zone under development in the region. The Côte-Nord region is applying long-term administrative protection to a series of large mature forest tracts based on the location of radio-collars and the probability of occurrence. The Nord-du-Québec region has adopted a “precautionary approach” by targeting the protection of 8000 km<sup>2</sup> of habitats and corridors in priority zones that complement the network of existing and planned protected areas.<sup>15</sup>

Other precautionary measures:

Aside from the regional plans mentioned earlier, several other measures reduce the risk of the disappearance of the caribou population, in particular:

- a network of protected areas and potential protected areas, several of which contribute to caribou conservation;
- a network of biological refuges and exceptional forest ecosystems excluded from harvesting activities;

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<sup>10</sup> *Recovery Strategy for the Woodland Caribou, Boreal population (Rangifer tarandus caribou) in Canada*, 2012, Environment Canada.

<sup>11</sup> *Plan de rétablissement du caribou forestier (Rangifer tarandus) au Québec 2005-2012*.

<sup>12</sup> *Plan de rétablissement du caribou forestier (Rangifer tarandus) au Québec 2013-2023*.

<sup>13</sup> *Plan d'aménagement de l'habitat du caribou forestier (2012)* – Direction générale du Saguenay—Lac-Saint-Jean – Ministère des Ressources naturelles du Québec.

<sup>14</sup> According to the limit of interest defined by the community of Mashteuiatsh in conjunction with the elaboration of *The Canadian Boreal Forest Agreement*.

<sup>15</sup> Precautionary approach to recognize the recovery of woodland caribou in the territory covered by Chapter 3 of *The Peace of the Braves* (2013) – Direction générale du Nord-du-Québec – Ministère des Ressources naturelles du Québec.

- the maintenance of critical habitats (perennial forest massifs).

Furthermore, since 2008, the annual allowable harvest level has been reduced by nearly 30% in management units that fall within the distribution area of woodland caribou, which has further reduced the level of disturbance in this area.

#### Québec government action plan

In April 2016, in the wake of a proposed second Recovery Plan (2013-2023), the Québec government announced a new two-phase Caribou Recovery Action Plan.<sup>16</sup>

In particular, Phase I provides in the short term for:

- the establishment or consolidation of large protected areas of nearly 10 000 km<sup>2</sup> in the Rivière Broadback (Nord-du-Québec) and Montagnes Blanches (Saguenay--Lac-Saint-Jean et Côte-Nord sectors);
- the permanent or temporary protection of more than 95% of intact forest landscapes in the territory;
- adapted forest planning to establish vast spaces for caribou in the Nord-du-Québec, Saguenay—Lac-Saint-Jean and Côte-Nord regions;
- road dismantling and habitat restoration trials in disturbed territories.

Phase II presents four sections comprising an analysis of socioeconomic consequences, a consideration of other sources of timber supply, collaboration with the other provinces and the elaboration of a long-term strategy to develop woodland caribou habitat. This phase also includes the consultation of partners and groups interested in the caribou to ensure shared understanding of the issues (implemented in January 2017). Some First Nations are also collaborating in the initiative. What is more, the *Conseil de la Première Nation Innus Essipit* wishes to pursue a proactive collaboration in the elaboration of conservation agreements, especially by participating in a permanent tripartite committee whose mandate will be to protect the caribou and ensure respect for the cultures and traditions of the Innu First Nations of Québec and Labrador.

#### The federal *Species at Risk Act*

In addition to existing and proposed provincial measures, the federal *Species at Risk Act* provides safeguards in cases where provincial measures are deemed inadequate to protect the target species. For example, the *Act* stipulates that in the absence of effective protection of critical habitat, the federal Minister of Environment and Climate Change can recommend to the Governor in Council to adopt an Order in Council that compels the protection of caribou habitat. The federal government was slated to conduct an initial assessment, in the fall of 2017, of the policy directions proposed by the provinces to safeguard and restore caribou populations in their respective territories.

#### State of and trends in caribou populations in Québec

According to Environment Canada, the level of disturbance of an area is only an indirect indicator of the probability of a caribou population's being self-sustaining in the absence of adequate data on population parameters and trends. The probability of a population's being self-sustaining must

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<sup>16</sup> *Plan d'action caribou forestier au Québec (2016)* – <http://mffp.gouv.qc.ca/publications/faune/napperon-caribou-forestier-2016.pdf>

not only be defined by the percentage of disturbance but also according to the growth and size of the population (page 54, Environment Canada, 2011).<sup>17</sup>

Between 2012 and 2014, the Québec government conducted population surveys in three different regions of the woodland caribou distribution area (Manicouagan, Saguenay—Lac-Saint-Jean and Nord-du-Québec), where surveys had also been conducted between 2003 and 2009. In all regions, the total number of individuals increased in the sectors surveyed, even in highly disturbed sectors, while the recruitment rates observed were lower.

Sources of information consulted:

Saguenay—Lac-Saint-Jean region survey reports:

2007:

[ftp://ftp.mrn.gouv.qc.ca/Public/Defh/Publications/Archives/Dussault%20Gravel%202008\\_Inv%20caribou%20h2007.pdf](ftp://ftp.mrn.gouv.qc.ca/Public/Defh/Publications/Archives/Dussault%20Gravel%202008_Inv%20caribou%20h2007.pdf)

2012: [http://mffp.gouv.qc.ca/ministere/acces/documents/201603-01\\_DO.pdf](http://mffp.gouv.qc.ca/ministere/acces/documents/201603-01_DO.pdf)

Manicouagan region survey reports:

2009: <https://www.mern.gouv.qc.ca/publications/cote-nord/inventaire-aerien-caribou-manicouagan.pdf>

2014: <http://mffp.gouv.qc.ca/publications/faune/inventaire-caribou-Manicouagan-2014.pdf>

**Table 11:** Status of woodland caribou, Québec woodland caribou recovery plan 2013-2023

Zone	Area (km <sup>2</sup> ) <sup>1</sup>	%	2013-2023 plan objective <sup>2</sup>		Current situation <sup>2</sup>	% vs. current situation	% vs. objective
			Density (caribou/100 km <sup>2</sup> )	Number of caribou			
NORTH	248 000	39%	1.5	3 700	665	9%	18%
CENTRE	90 000	14%	2.0	1 800	2 300	32%	128%
EAST	136 000	21%	2.0	2 700	1 650	23%	61%
<b>SOUTH</b>	<b>165 000</b>	<b>26%</b>	<b>1.5</b>	<b>2 500</b>	<b>2 650</b>	<b>36%</b>	<b>106%</b>
TOTAL	639 000	100%	1.7	10 700	7 265	100%	68%

1: 2013-2023 recovery plan, section 2.3.2, page 5.

2: *Id.*, section 3.5, page 58.

Between 2012 and 2014, the Québec government conducted population surveys in three different regions of the woodland caribou distribution area (Manicouagan, Saguenay—Lac-Saint-Jean and Nord-du-Québec), where surveys had also been conducted between 2003 and 2009. In all regions,

<sup>17</sup> Environment Canada, 2011. *Recovery Strategy for the Woodland Caribou, Boreal population (Rangifer tarandus caribou) in Canada* [proposal]. Species at Risk Act Recovery Strategy Series, Environment Canada, Ottawa, vi and 62 pages.

the total number of individuals increased in the sectors surveyed, even in highly disturbed sectors, while the recruitment rates observed were lower.

Sources of information consulted:

Saguenay—Lac-Saint-Jean region survey reports:

2007:

[ftp://ftp.mrn.gouv.qc.ca/Public/Defh/Publications/Archives/Dussault%20Gravel%202008\\_Inv%20caribou%20h2007.pdf](ftp://ftp.mrn.gouv.qc.ca/Public/Defh/Publications/Archives/Dussault%20Gravel%202008_Inv%20caribou%20h2007.pdf)

2012: [http://mffp.gouv.qc.ca/ministere/acces/documents/201603-01\\_DO.pdf](http://mffp.gouv.qc.ca/ministere/acces/documents/201603-01_DO.pdf)

Manicouagan region survey reports:

2009: <https://www.mern.gouv.qc.ca/publications/cote-nord/inventaire-aerien-caribou-manicouagan.pdf>

2014: <http://mffp.gouv.qc.ca/publications/faune/inventaire-caribou-Manicouagan-2014.pdf>

Nord-du-Québec region survey reports:

2003: V. Brodeur, S. Rivard and C. Jutras, 2013. *Inventaire du caribou forestier dans les secteurs Assinica et Broadback en 2003*. Ministère des Ressources naturelles du Québec, Direction de l'expertise Énergie-Faune-Forêts-Mines-Territoire du Nord-du-Québec, Chibougamau, Québec, 13 pages.

2013: V. Brodeur, A. Bourbeau-Lemieux and C. Jutras, 2017. *Inventaire de la population de caribous forestiers de la harde Assinica en mars 2013*. Ministère des Forêts, de la Faune et des Parcs, Direction de la gestion de la faune du Nord-du-Québec. Cree Nation Government, 22 pages.

While this assessment of the recruitment rate is a one-off observation that may be skewed by methodological errors, the total number of individuals is the result of the effect over several years of all of the factors that affect population dynamics, and is less vulnerable to methodological errors. Experts emphasize that recruitment rates are problematic measures, as population increases may result from immigration, while other experts caution against using recruitment rates to analyze and predict changes in caribou populations (Sleep and Loehle, 2010 and 2017).

It is also noteworthy that the Saguenay—Lac-Saint-Jean survey<sup>18</sup> was primarily conducted on the territory of the “Pipmuacan” population identified in the Environment Canada report, which assessed its risk as “non-self-sustaining” based mainly on the level of disturbance. Survey results showing that the total number of individuals has practically doubled seem at the very least to confirm that the “Pipmuacan” population is not a “local” population within the meaning of the Environment Canada assessment (see the definition above) and that the real risk assessment associated with a caribou population must take into account several factors in addition to the level of disturbance, especially in the case of a metapopulation, such as the Québec metapopulation that is present in the territory targeted in this survey.

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<sup>18</sup> Claude Dussault, 2013. *Inventaire du caribou forestier à l'hiver 2012 au Saguenay—Lac-Saint-Jean*, Société de la faune et des parcs du Québec, Direction de l'aménagement de la faune du Saguenay-Lac-Saint-Jean, 20 pages.

To summarize and considering:

- the high proportion of the woodland caribou distribution area that is protected or excluded from managed forest zones (80%);
- Environment Canada's favourable risk assessment respecting the biggest population in Québec's territory;<sup>19</sup>
- the implementation of important facets of the first Québec recovery plan;
- the existence of regional woodland caribou habitat development plans;
- various additional precautionary measures;
- the government's new action plan announced in April 2016;
- favourable data on the state of and trends in caribou populations; and
- the existence of the exceptional protective measures stipulated in the federal *Endangered Species Act*;

according to criterion 3.2, there appears to be a **low risk** that forestry activities threaten the survival of woodland caribou at the ecoregion level in Québec.

*Canada warbler:*

The population of this species is in decline but it is still abundant and occupies a large territory. The species is protected pursuant to the *Migratory Birds Convention Act*, which stipulates only that nests and eggs must be protected and that no exception is authorized, regardless of the type of land tenure. Sound management practices and allied policies respecting the Canada warbler, its prey and its habitat have yet to be specified and implemented based on the best scientific data available. A recovery program was adopted in 2016, with the promise that "one or more action plans will be published on the Species at Risk Public Registry within five years of the publication of this recovery program."<sup>20</sup> These plans are still pending because critical habitats have not yet been determined for want of the identification of their key biophysical elements.

The recovery program emphasizes that the species is more common in areas subject to natural disturbances than in those subject to anthropogenic disturbances in the boreal mixed wood forest. The conversion of crown cover to other **non-forest** uses poses a high threat to its general and breeding habitats, while the **threat is classified as average as regards the potential impact of forest harvesting** on its breeding habitat. The loss of sub-vegetation in forest stands and the dewatering of wetland environments are also pinpointed as a cause of the decline in the species' population.<sup>21</sup> Efforts made in public and private forests to protect wetland environments and maintain residual structure in the case of pre-commercial silvicultural treatments are beneficial. In the meantime, the implementation of ecosystem-based management, which seeks to maintain or restore the key characteristics of the habitat in the natural range of variability, is deemed a coarse filter to maintain a critical habitat for this species.

In light of the foregoing, **the risk is deemed low** that forestry activities threaten the survival of the Canada warbler at the ecoregion level.

*Cerulean warbler:*

The *Species at Risk Act* and the *Migratory Birds Convention Act* protect this species, which is observed, above all, in the Montréal and Outaouais regions. It is regarded as a rare migratory

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<sup>19</sup> The five-year progress report on the implementation of the boreal caribou recovery program (October 2017) will be considered in a subsequent version of this risk analysis.

<sup>20</sup> [http://www.registrelep-sararegistry.gc.ca/default.asp?lang=Fr&n=8D09B8FC-1#\\_09](http://www.registrelep-sararegistry.gc.ca/default.asp?lang=Fr&n=8D09B8FC-1#_09)

<sup>21</sup> La paruline du Canada, fiche d'informations (Corridor Appalachien, 2012).

species and its population is estimated at a dozen nesting pairs. Such a small number of individuals outside its normal nesting area does not warrant a specific risk designation.

*Red-headed woodpecker:*

The same reasoning as for the Canada warbler applies to the red-headed woodpecker. No specific provincial measures have been established and the species is protected under the *Migratory Birds Convention Act* and the federal *Species at Risk Act*. It has been designated a “threatened species” under the *Québec Act Respecting Threatened or Vulnerable Species*. The species is found above all in urban areas of the southern St. Lawrence Valley and is rare. The main threat is the loss of nesting habitat to starlings in the Greater Montréal area and the conversion of land to agricultural use, which leads to a decline in dead trees and the disappearance of clusters of trees.<sup>22</sup> The protection of standing dead trees is one way to protect its habitat. Forestry activities in the southern portion of the NA0406, NA0407 and NA0410 ecoregions promote the retention of residual structure, with mainly partial cutting of limited areas and irregular contours. Ecosystem-based management in public forests also promotes the retention of trees suited to this species’ habitat.

In light of the foregoing, **the risk is deemed low** that forestry activities threaten the survival of the red-headed woodpecker at the ecoregion level.

*Wolverine:*

The scarcity and reclusive nature of the wolverine hamper accurate determination of forestry’s impact on its habitat and thus the identification of adapted practices. The current ecosystem-based forest management approach, which seeks to restore the forest’s natural diversity (age structure, coarse woody debris, species composition, and so on) will contribute to maintaining the natural conditions of its habitat.

In light of the foregoing, **the risk is deemed low** that forestry activities threaten the survival of the wolverine in the ecoregions where the species is present.

Centres of endemism:

While endemic species do exist in Québec, there are no centres of endemism in forest species. Consequently, the province is deemed at low risk for centres of endemism.

See Table 16 in Appendix 1 for the revised sources of information.

**HCV 2: Ecosystems and mosaics at landscape level. Intact forest landscapes and large landscape-level ecosystems and ecosystem mosaics that are significant at global, ecological region or national levels, and that contain viable populations of the great majority of the naturally occurring species in natural patterns of distribution and abundance.**

Summary

According to criterion 3.1, a specified risk is attributed for intact forest landscapes (IFLs) found in the NA0602 and NA0605 ecoregions because of their significant presence. However, the analysis reveals that, on average, 84% of the IFLs are located north of the northern limit of attributable forests protected from forest harvesting activities. At the provincial level, more than 95% of the total area of IFLs benefits from some form of protection. Conversely, this means that forestry activities could only be carried out on a maximum of 5% of IFLs found in Québec in the short, medium and long terms. In the NA0602 and NA0605 ecoregions, 93% and 86%, respectively, of the area of IFLs

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<sup>22</sup> <http://www3.mffp.gouv.qc.ca/faune/especes/menacees/fiche.asp?noEsp=39>

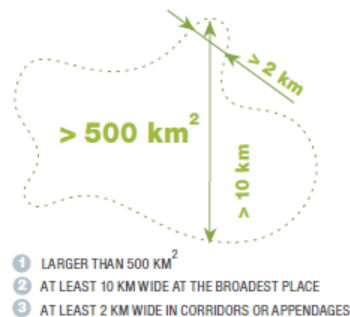
are subject to integral permanent or temporary protection (15 to 70 years). In light of these observations, there is a **low risk** of IFLs' not surviving in the ecoregions since they are subject to a rigorous protection system (legislation and effective protected areas).

#### Methodological notes

The 2013 Global Forest Watch International (GFWI) digital layer, which locates intact forest landscapes (IFLs) in Québec, served as a reference for the subsequent analysis (IFL Mapping Team 2015). According to the requirements of Standard FSC-STD-40-005v3.1 Appendix A, to conclude that the risk is low, it must be demonstrated that forestry activities do not threaten the survival of the high conservation value that IFLs represent in a given ecoregion. Significant support from regional or national third parties must underpin the demonstration.

First, a list of known anthropogenic interventions neighbouring the GFWI 2013 IFLs was collected from forestry industrialists and the Québec government. The information was used to update the GFWI 2013 IFLs dated January 1, 2017. Criteria comparable to those of GFWI were used to identify IFLs following the update.<sup>23</sup> According to these criteria, a large forest tract can be deemed an IFL if its area is equal to or greater than 500 km<sup>2</sup>, if a circle with a diameter of at least 10 km can be contained at a site inside the tract and if the forest corridors (constrictions) are more than 2 km wide (see Figure 5 below). Exclusion zones of 500 m around harvesting operations and on each side of secondary forestry roads have been applied except for mainline roads and non-standard roads, public roads, and the rail network and high-voltage lines, where exclusion zones of 1 km have been applied. GFWI's updated IFL map, dated January 1, 2017, is presented in Figure 6 on the following page.

**Figure 5:** Criteria for defining IFLs<sup>25</sup>



Once IFLs were identified, an assessment was made of their situation at the ecoregion level and of the protective measures in force in their respective regions, to determine if the long-term survival of IFLs at the ecoregion level is guaranteed, as the standard requires. Three categories of protective measures have been adopted: so-called “permanent protected areas” included in the Register of Protected Areas, the areas north of the forest attribution limit, i.e. the northern limit, and the integral protective measures and permanent or temporary administrative measures lasting from 15 to 70 years. The proportions of the areas of IFLs protected according to the three categories at the ecoregion level were calculated.

#### Presence of HCVs and assessment of the threat that forestry activities pose

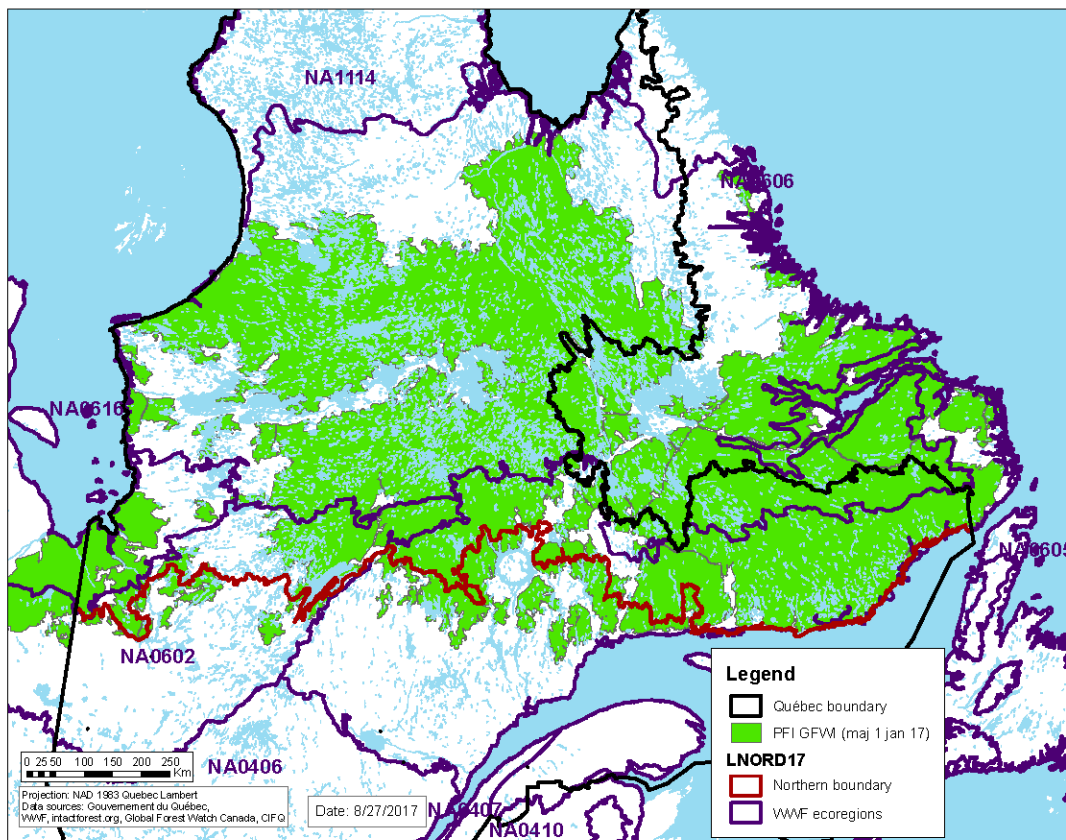
To ascertain whether the long-term survival of IFLs is threatened by forestry activities at the ecoregion level, the proportion of their areas located beyond and within the northern limit for forest

<sup>23</sup> <http://www.intactforests.org/concept.html>

allocations was analyzed. In Québec, a high proportion of IFLs is located north of the limit of managed forests, where the Québec government has for several years prohibited industrial forestry operations. As of January 1, 2017, an average of 84% of the area of IFLs is located beyond the current northern forest attribution limit. At the ecoregion level, 100% of the area of IFLs in the NA0606 ecoregion is located beyond the northern limit. In the case of the NA0602, NA0605 and NA0616 ecoregions, 77%, 77% and 99%, respectively, of the area of IFLs benefit from protection of the northern limit of attributable forests.

As of January 1, 2017, an average of 14% of the area of IFLs benefited from permanent protection through inclusion in the Register of Protected Areas, a percentage slightly higher than the proportion of protected areas in the province. There is, therefore, a positive bias in favour of IFLs when protected areas are identified. According to information obtained from the MDDELCC in July of 2017, the addition of proposed protected areas would increase the percentage of permanent protection to 17%, on average, of the areas of IFLs. Table 12 shows that at the ecoregion level, the total proportion of the area of IFLs benefiting from medium- and long-term permanent, legal or administrative protection ranges from 100% to a minimum of 86% in the case of the NA0605 ecoregion. At the provincial level, more than 95% of the total area of IFLs benefits from some form of protection, which means that forestry activities could only be carried out on a maximum of 5% of the area of IFLs found in Québec in the short, medium and long terms.

**Figure 6:** Map of Global Forest Watch International's intact forest landscapes, as of January 1, 2017





**Table 12:** Proportion of intact forest landscapes north of the northern limit of attributable forests

<b>Ecoregion</b>	<b>% of the IFLs north of the northern limit</b>
NA0602	77%
NA0605	77%
NA0606	100%
NA0616	99%

**Table 13:** Summary of Global Forest Watch International's intact forest landscapes, as of January 1, 2017 (percentage of the area of IFLs protected, by ecoregion)

Ecoregion	% of the IFLs in the Register of Protected Areas	% of the IFLs with other protection	Total of the % of the IFLs with protection in force
NA0602	26%	67%	93%
NA0605	17%	69%	86%
NA0606	12%	88%	100%
NA0616	16%	84%	100%

Moreover, in the managed forest zone alone, an average of 18% of the area of IFLs is included in the Register of Protected Areas. Such legal protection stands at 33%, 14% and 47%, respectively, for the NA0602, NA0605 and NA0616 ecoregions in the managed forest zone. Furthermore, inside the woodland caribou distribution area, a high proportion of IFLs also benefit from integral but temporary protection lasting from 15 to 75 years under protective measures to restore caribou populations. The measures are stipulated in the regional woodland caribou habitat development plans that apply south of the northern limit. On average, the proportion of the area of IFLs in the managed zone that benefit from protection rises to more than 42% by grouping together protected areas with temporary and permanent protection.

#### Short-term anticipated impact of activities

To remain IFLs, these large forest tracts must comply with GFWI criteria and apply the exclusion zones that its method stipulates. Accordingly, such activities and the applicable exclusion zones presented earlier impact the areas of IFLs affected by anthropogenic disturbances. An assessment of the impact of anticipated anthropogenic disturbances on IFLs over the next two years was conducted using forest operations zones, for January 1, 2017. The forest operations zones used in the analysis represented roughly 200% of the areas that were slated to be harvested during this period. The analysis reveals that over the next two years, a maximum reduction of 1% in the area of IFLs in the NA0605 ecoregion and 2% in the NA0602 ecoregion is anticipated.

In light of the foregoing, the persistence of intact forest landscapes (IFLs) at the ecoregion level is in no way threatened. The risk is **low**.

#### Main sources of information consulted:

- Intactforests.org
- Global Forest Watch International (2013)
- Protected areas in the Register of Protected Areas (MDDELCC)
- Proposed protected areas (MDDELCC, July 2017)
- *Données géo référencées des activités forestières (chemins, récoltes, infrastructures)* (MFFP)

#### HCV 3: Ecosystems and habitats. Rare, threatened or endangered ecosystems, habitats or refugia.

##### Summary

According to criterion 3.1:

- The Eastern Forest-Boreal Transition ecoregion (NA0606) is deemed at **low** risk for HCV 3.

- The Eastern Great Lakes lowland forests ecoregion (NA0407) is deemed at **low** risk for HCV 3.
- The New England-Acadian forests ecoregion (NA0410) is deemed at **low** risk for HCV 3.
- The Central Canadian Shield forests ecoregion (NA0602) is deemed at **low** risk for HCV 3.
- The Eastern Canadian forests ecoregion (NA0605) is deemed at **low** risk for HCV 3.
- The Eastern Canadian Shield taiga ecoregion (NA0606) is deemed at **low** risk for HCV 3.
- The Southern Hudson Bay taiga ecoregion (NA0616) is deemed at **low** risk for HCV 3.

#### Methodological notes

The analysis of this category of high conservation value is conducted in three stages. First, the conservation status of the ecoregions is analyzed. If an ecoregion is found to have HCVs at risk they are selected for the second and third stages of the analysis. The second stage assesses the risk that forestry poses to conservation. Lastly, the third stage assesses the percentage of protected areas in the ecoregions.

Once the analysis has been completed, the threat posed by current forestry activities to ecosystems and habitats at the ecoregion level remains to be determined.

#### **1) Identification of conservation status**

This analysis relies on the WWF Conservation Status Index. The assessment is designed to estimate the current and future capacity of an ecoregion to meet three basic objectives of biodiversity conservation: to maintain populations and communities of viable species, to support ecological processes and to react effectively to short- and long-term environmental changes.

The Conservation Status Index hinges on the following essential criteria:

- habitat loss and degradation;
- the presence of large blocks of residual habitat;
- the level of habitat fragmentation; and
- the level of existing protection.

The index also includes an assessment of anticipated threats over the next 20 years to determine the final conservation status of an ecoregion.

The source of information on the conservation status of each ecoregion can be found at <http://www.worldwildlife.org/biome-categories/terrestrial-ecoregions>

The ecoregions with a Conservation Status Index of vulnerable (3), relatively stable (4) and relatively intact (5) are deemed at low risk as specified in Appendix A of Standard FSC-STD-40-005v3.1.

#### **2) Assessment of the risk that forestry activities pose**

Situations may arise where the conservation status of an ecoregion is adversely affected by non-forestry operations. This stage in the selection process seeks to pinpoint the forest ecoregions in which forestry is not deemed to pose a major threat to the remaining forest habitat. This analysis comprises two assessments:

- a) a general assessment of threats to the ecoregion;
- b) an assessment of the relative impact of forestry activities.

Only ecoregions in which the relative impact of forestry activities in the ecoregion is low are deemed at low risk.

#### **3) Assessment of existing protection**

The final filter of the analysis assesses the percentage of protected areas in the ecoregion. The Aichi Target of 17% protected areas includes areas with integral protection and those that allow for sustainable management that protects species, habitats and ecosystem processes. The FSC considers this target to be the threshold for adequate protection of an area from forest development (FSC-PRO-60-002a V1-0 Table 3.2, indicator 3.3).

Protected areas are areas identified as Categories I-VI of the IUCN, which corresponds to the requirements of Aichi Target 11.

### Presence of HCVs and assessment of the threat that forestry activities pose

#### **1) Identification of conservation status**

Of the seven Québec ecoregions assessed, the WWF deems four to be “vulnerable/relatively stable/intact”: the Southern Hudson Bay taiga (NA0616), the Eastern Canadian Shield taiga (NA0606), the Central Canadian Shield forests (NA0602) and the Eastern Forest-Boreal Transition (NA0406). The other three ecoregions, NA0407, NA0410 and NA0605, are thus deemed to be threatened with respect to certain HCVs for HCV category 3.

The following is a list of Québec ecoregions. Those that are underlined are deemed to be potentially threatened with respect to certain HCVs:

- the Eastern Forest-Boreal Transition (NA0406);
- the Eastern Great Lakes lowland forests (NA0407);
- the New England-Acadian forests (NA0410);
- the Central Canadian Shield forests (NA0602);
- the Eastern Canadian forests (NA0605);
- the Eastern Canadian Shield taiga (NA0606);
- the Southern Hudson Bay taiga (NA0616).

#### **2) Assessment of the risk that forestry poses**

The forest product industry is active in each of the NA0407, NA0410 and NA0605 ecoregions and is, consequently, deemed to pose a potential threat to certain HCVs. The relative importance of this threat is analyzed here for the ecoregions in which HCVs are potentially at risk.

The NA0410 and NA0407 ecoregions extend from the Outaouais region to the Bas-Saint-Laurent region. The issue of natural habitat loss and degradation, raised by the WWF, stems mainly from urbanization and the intensification of agriculture. The land use of certain portions of these ecoregions is shared between farming and forestry operations. These ecoregions are almost exclusively privately owned, although a small number of public forests are located in the Outaouais, Estrie, Beauce, Chaudière-Appalaches and Bas-Saint-Laurent regions.

The MFFP<sup>24</sup> delegates responsibility for planning protection and the development of private forests to the regional agencies for private forest development, as stipulated in section 132 of the SFDA. Regional private forest protection and development plans (FPDPs) adopt, in accordance with the land-use planning provisions of the RCMs, an ecosystem-based approach with monitoring indicators to ensure the range of natural variation. The revision in recent years of the FPDPs has made it possible to incorporate more extensively ecosystem-based management measures,

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<sup>24</sup> <http://mffp.gouv.qc.ca/les-forets/forets-privees/>

including the protection of wildlife habitats and rare, unusual ecosystems, reduced fragmentation of the territory and forests, the limitation of the construction of forestry roads, and so on.

Incentives such as the *Regulation Respecting the Reimbursement of Property Taxes of Certified Forest Producers* are available to owners who engage in sound practices in their woodlots, in particular by managing wildlife habitats, protecting threatened or vulnerable species and even obtaining forest certification. Forestry activities in forests in these ecoregions are nevertheless limited in terms of area and volume. According to a 2012 survey of the *Fédération des producteurs forestiers du Québec*,<sup>25</sup> it is estimated that only 40% of woodlot owners have harvested trees on their property and that for more than 66% of such owners, harvesting generates volumes of less than 50 m<sup>3</sup> over a five-year period. The small percentage of activity in private forests, in terms of area and volume harvested, confirms the limited impact of forest management activities on the conservation status of the ecoregions concerned.

According to the WWF, 40% of the NA0605 ecoregion is relatively intact in the north. However, natural habitat loss and degradation are nonetheless identified as conservation issues in certain portions of the ecoregion, particularly in the Gaspé Peninsula, New Brunswick and Newfoundland. Since 2013 the Québec government, through the *Sustainable Forest Development Act* (SFDA), has sought to establish sustainable forest development through ecosystem-based management. Measures have been adopted to protect rare, unusual ecosystems and wildlife habitats, especially through the designation of exceptional forest ecosystems and biological refuges, which can be rare forests, old-growth forests and forests that serve as refuges for threatened or vulnerable species.

Since 2013, spatial organization compartments (SOCs) have been used to manage the spatial distribution of forestry interventions, making possible better integration of factors at the landscape level. This involves setting objectives and forest restoration targets so that parameters such as the structure of forest stands, the composition of species, connectivity, wildlife habitats, and so on, approach naturally prevailing conditions. This method will also be adopted in fir forests during the forthcoming 2018-2023 five-year planning period. Henceforth, wildlife needs will be recognized *a priori* in the writing of PIFDs.<sup>26</sup>

A number of projects related to connectivity are occurring in inhabited environments in Québec, especially in ecoregions linked to HCVs. These projects will foster the attainment of biodiversity conservation objectives in fragmented landscapes. They are assessing the possibility of creating links between the crown cover in public forests and that in private forests. Certain projects are transborder initiatives, especially in the Montérégie, Estrie and Gaspésie regions, where the United States and other provinces are involved.

### Existing protections

According to the WWF, HCV 3 category is potentially at risk in 2%, 4% and 11%, respectively, of protected areas in the New England-Acadian forests (NA0410), Eastern Great Lakes lowland forests (NA0407) and Eastern Canadian forests (NA0605) ecoregions. By way of comparison, the

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<sup>25</sup> Caractérisation des profils, des motivations et des comportements des propriétaires forestiers québécois par territoire d'Agence régionale de mise en valeur des forêts privées, FPBQ *et al.*, 2012.

<sup>26</sup> Guide d'intégration des besoins associés aux espèces fauniques dans la planification forestière, Ministère du Développement durable, de l'Environnement, de la Faune et des Parcs (F. Bujold, 2013).

percentages of protected areas of the other ecoregions in the province with forest areas are 8% (NA0406), 14% (NA0602) and 13% (NA0606, NA0616).

Despite the small percentage of protected areas in the NA0407 and NA0410 ecoregions, this analysis has shown the limited impact of forestry activities on HCV 3 category in these ecoregions. As for the NA0605 ecoregion, this analysis has also shown the limited role that forestry activities play in the habitat loss and degradation reported by the WWF, while emphasizing the attainment of protection of a minimum threshold of 10% of the area of an ecoregion, in accordance with Aichi Target 11.<sup>27</sup> More than 41% of the ecoregion benefits from other legal and administrative protections such as the northern limit of attributable forests, caribou habitat management plans, and so on. With regard to the intact forest landscapes in this ecoregion, more than 17% are included in the Register of Protected Areas and 86% of their area benefits from protection (see HCV 2).

Consequently, these ecoregions are deemed at **low risk** for the HVC 3 category from the standpoint of threats from forestry activities.

Main sources of information consulted:

- <http://mffp.gouv.qc.ca/les-forets/forets-privées/>
- *Caractérisation des profils, des motivations et des comportements des propriétaires forestiers québécois par territoire d'Agence régionale de mise en valeur des forêts privées*, FPBQ et al., 2012.
- *Guide d'intégration des besoins associés aux espèces fauniques dans la planification forestière*, Ministère du Développement durable, de l'Environnement, de la Faune et des Parcs (F. Bujold, 2013).
- FSC-STD-40-005v3.1
- WWF Conservation Status Index
- <http://www.worldwildlife.org/biome-categories/terrestrial-ecoregions>
- *Sustainable Forest Development Act – SFDA*
- *Regulation respecting standards of forest management for forests in the domain of the State*
- *Sustainable Forest Development Regulation*
- *Act Respecting Threatened or Vulnerable Species – ATVS*
- *Ministère des Forêts, de la Faune et des Parcs – MFFP*
- *Ministère du Développement durable, de l'Environnement et de la Lutte contre les changements climatiques – MDDELCC*
- *Regulation Respecting the Reimbursement of Property Taxes of Certified Forest Producers – RPT*

**HCV 4: Critical environmental services. Basic ecosystem services in critical situations, including protection of water catchments and control of erosion of vulnerable soils and slopes.**

Summary

According to criterion 3.1:

- The Eastern Forest-Boreal Transition ecoregion (NA0406) is deemed at **low** risk for HCV 4 (landslides, avalanches and water protection).

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<sup>27</sup> <https://www.cbd.int/doc/strategic-plan/targets/T11-quick-guide-en.pdf>

- The Eastern Great Lakes lowland forests ecoregion (NA0407) is deemed at **low** risk for HCV 4 (landslides, avalanches and water protection).
- The New England-Acadian forests ecoregion (NA0410) is deemed at **low** risk for HCV 4 (landslides, avalanches and water protection).
- The Central Canadian Shield forests ecoregion (NA0602) is deemed at **low** risk for HCV 4 (landslides, avalanches and water protection).
- The Eastern Canadian forests ecoregion (NA0605) is deemed at **low** risk for HCV 4 (landslides, avalanches and water protection).
- The Eastern Canadian Shield taiga ecoregion (NA0606) is deemed at **low** risk for HCV 4 (landslides, avalanches and water protection).
- The Southern Hudson Bay taiga ecoregion (NA0616) is deemed at **low** risk for HCV 4 (landslides, avalanches and water protection).

#### Presence of HCVs and assessment of the threat that forestry activities pose

##### **Landslide risk:**

The map of Major Landslides Causing Fatalities in *The Atlas of Canada*<sup>28</sup> shows few landslides in Québec since 1906. Most of them have been located near major rivers such as the St. Lawrence River, the Gatineau River and the Saguenay River. The small number of incidents over the past century does not warrant the designation of a specified risk. The world map of the Conservation Biology Institute that breaks down landslide-related threats gives Québec overall a low level of threat in this respect. By this account, no site is identified as being vulnerable to landslides in the province.

Therefore, a **low risk** is identified for this element of HVC 4.

##### **Avalanche risk:**

Avalanches have been recorded in Québec since 2000. A thorough examination of the map and the location of deaths revealed that they have not occurred in commercial forests. Consequently, a **low risk** is identified for this element of HVC 4 in Québec.

##### **Water protection:**

No drainage basins or specific water bodies have been designated as being of particular importance for supplying ecological value and services. However, there is a potential presence of this type of HCV 4 in Québec as a whole.

##### Risk assessment:

The threats that forestry poses in areas essential for the protection of water quality, flood prevention and aquatic fauna are:

- the construction and maintenance of roads and bridges near or across watercourses;
- physical damage to watercourses arising from inappropriate development practices that lead to sediment erosion and soil compaction; and
- indirect contamination of watercourses as a result of surface runoff or underground seepage.

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<sup>28</sup> <http://ouvert.canada.ca/data/fr/dataset/dda14a5e-8893-11e0-bbc6-6cf049291510>

#### Regulatory risk mitigation measures:

In Canada, the *Navigation Protection Act* stipulates that “[i]t is prohibited to construct, place, alter, repair, rebuild, remove or decommission a work in, on, over, under, through or across any navigable water that is listed in the schedule.” This applies to the St. Lawrence River and the Saguenay River.

Furthermore, the *Fisheries Act* makes provision for the protection of fish habitat. Pursuant to the *Act*, no one can carry out work or an undertaking that would cause the harmful alteration, disruption or destruction of fish habitat subject to commercial fishing, unless authorized to do so by the federal Minister of Fisheries and Oceans.

At the provincial level, the Québec government implemented the *Québec Water Policy* in the fall of 2002. The policy introduces measures and commitments by the government to implement management based on drainage basins, reform water governance and protect water quality and aquatic ecosystems, in particular.

On public lands, the *Sustainable Forest Development Act*, the *Regulation respecting standards of forest management for forests in the domain of the State* (RS) and the *Sustainable Forest Development Regulation*, which came into force on April 1, 2018, include several protective measures respecting water in the realm of harvesting, road construction or and maintenance. These include requirements for buffer zones of a certain distance from a watercourse or lake (sections 2, 10 to 14, 17 to 19, 21, 40 and 42). Between 1999 and 2013, the compliance rate with these protective measures rose from 78% to 91%.<sup>29</sup>

Regardless of tenure, the *Environmental Quality Act* requires the issuance of a permit for any disturbance in a wetland. The permit application process includes an analysis of the project from the standpoint of ensuring environmental quality.

The *Act Respecting Land Use Planning and Development* stipulates that the land-use plan of each regional county municipality (RCM) “must identify zones where land occupation is subject to special restrictions for reasons of public safety such as flood zones, erosion zones, landslide zones or zones subject to other disasters or for reasons of environmental protection regarding wetlands and bodies of water.” The *Act* also allows municipalities to restrict or prohibit any use of land, “taking into account the topography of the landsite, the proximity of wetlands or bodies of water, the danger of flood, rockfall, landslide or other disaster, or any other factor specific to the nature of a place which may be taken into consideration for reasons of public safety or of protection of the environment.”<sup>30</sup> These provisions apply to private woodlots.

The *Environmental Quality Act* includes the *Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains*, which establishes standards, for example, for a riparian strip of 10 m, or 15 m if the slope exceeds 30% and 3 m for farmland. If the land-use plan of an RCM does not comply with these standards, the MDDELCC can demand the necessary modifications.<sup>31</sup>

As regards the impact of the application of herbicides, no herbicide is applied in the context of private and public forest development in Québec.

In short, regulatory measures exist to minimize the impact of forestry activities on watercourses and the functions and quality of wetlands.

#### Main sources of information consulted:

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<sup>29</sup> [http://www.registrelep-sararegistry.gc.ca/default.asp?lang=Fr&n=8D09B8FC-1#\\_09](http://www.registrelep-sararegistry.gc.ca/default.asp?lang=Fr&n=8D09B8FC-1#_09)

<sup>30</sup> <http://legisquebec.gouv.qc.ca/fr/ShowDoc/cs/A-19.1>

<sup>31</sup> <http://legisquebec.gouv.qc.ca/fr/ShowDoc/cr/Q-2,%20r.%2035>



- <http://ouvert.canada.ca/data/fr/dataset/dda14a5e-8893-11e0-bbc6-6cf049291510>
- The federal *Navigation Protection Act*
- *Sustainable Forest Development Act* – SFDA
- *Regulation respecting standards of forest management for forests in the domain of the State*
- *Sustainable Forest Development Regulation*
- *Fisheries Act*
- *Environmental Quality Act*
- *Act Respecting Land Use Planning and Development*
- <http://legisquebec.gouv.qc.ca/fr/ShowDoc/cs/A-19.1>
- <http://legisquebec.gouv.qc.ca/fr/ShowDoc/cr/Q-2,%20r.%2035>
- <http://www.mamrot.gouv.qc.ca/amenagement-du-territoire/guide-la-prise-de-decision-en-urbanisme/protection-de-lenvironnement/protection-des-rives-du-littoral-et-des-plaines-inondables/>

**HCV 5: Communities’ needs. Sites and resources fundamental for satisfying the basic necessities of local communities or indigenous peoples (for livelihoods, health, nutrition, water, etc.), identified through engagement with these communities or indigenous peoples.**

#### Summary

According to criterion 3.1:

- The Eastern Forest-Boreal Transition ecoregion (NA0406) is deemed at **low** risk for HCV 5 (water for irrigation or communities).
- The Eastern Great Lakes lowland forests ecoregion (NA0407) is deemed at **low** risk for HCV 5 (water for irrigation or communities).
- The New England-Acadian forests ecoregion (NA0410) is deemed at **low** risk for HCV 5 (water for irrigation or communities).
- The Central Canadian Shield forests ecoregion (NA0602) is deemed at **low** risk for HCV 5 (water for irrigation or communities).
- The Eastern Canadian forests ecoregion (NA0605) is deemed at **low** risk for HCV 5 (water for irrigation or communities).
- The Eastern Canadian Shield taiga ecoregion (NA0606) is deemed at **low** risk for HCV 5 (water for irrigation or communities).
- The Southern Hudson Bay taiga ecoregion (NA0616) is deemed at **low** risk for HCV 5 (water for irrigation or communities).

#### Presence of HCVs and assessment of the threat that forestry activities pose

##### **Sources of water for irrigation purposes:**

On average, there is no shortage of rain in eastern Canada and, consequently, there is little irrigation in Québec.<sup>32</sup> Given that Québec uses 1.5% of the total national volume of irrigation water<sup>33</sup> and that only 2.5% of farms in Québec are irrigated,<sup>34</sup> forestry activities are deemed at low risk of impacting sources of water for irrigation in Québec.

##### **Sources of community water supply:**

<sup>32</sup> <https://www.canada.ca/fr/services/environnement/meteo.html>

<sup>33</sup> <http://www.statcan.gc.ca/pub/16-402-x/2011001/part-partie1-fra.htm>

<sup>34</sup> <http://www.statcan.gc.ca/pub/16-402-x/2011001/t024-fra.htm>

The MDDELCC has identified 316 municipalities whose water supply comes from surface water<sup>35</sup> (79 water supplies from lakes, five lacustrine or fluvial water supplies, 10 watercourses, 199 rivers, 23 underground sources of supply rounded out with at least one surface water supply). While the intake points have not all been mapped to ascertain whether they are located in a forest area, they are all deemed potential HCVs.

#### Risk assessment:

The threats that forestry poses in zones that are critical for community water supply are:

- physical damage to watercourses arising from inappropriate development practices that lead to sediment erosion and soil compaction; and
- indirect contamination of watercourses as a result of surface runoff or underground seepage.

#### Regulatory risk mitigation measures:

At the national level, the *Fisheries Act* provides for the protection of fish habitat. Pursuant to the *Act*, no one can carry out work or an undertaking that would cause the harmful alteration, disruption or destruction of fish habitat subject to commercial fishing, unless authorized to do so by the federal Minister of Fisheries and Oceans.

At the provincial level, the Québec government implemented the *Québec Water Policy* in the fall of 2002. The policy introduces measures and commitments by the government to implement management based on drainage basins with a view to reforming water governance and protecting water quality and aquatic ecosystems, in particular.

Under the policy, 40 watershed agencies have been established to elaborate water master plans with local stakeholders.<sup>36</sup> The plans highlight key issues in the territory from the standpoint of integrated water management and propose an action plan to enhance water quality and aquatic ecosystems.

On public lands, the *Sustainable Forest Development Act*, the *Regulation Respecting Standards of Forest Management for Forests in the Domain of the State (RS)* and the *Sustainable Forest Development Regulation*, which came into force on April 1, 2018, include several protective measures respecting water in the realm of harvesting, road construction and maintenance, in the form of buffer zones of a certain distance from a watercourse or lake (sections 2, 10 to 14, 17 to 19, 21, 40 and 42). Between 1999 and 2013, the compliance rate with these protective measures rose from 78% to 91%.<sup>37</sup>

Regardless of tenure, the *Environmental Quality Act* requires the issuance of a permit for any disturbance of a wetland. The permit application process includes an analysis of the project from the standpoint of ensuring environmental quality.

The *Act Respecting Land Use Planning and Development* stipulates that the land-use plan of each regional county municipality (RCM) “must identify zones where land occupation is subject to special restrictions for reasons of public safety such as flood zones, erosion zones, landslide zones or zones subject to other disasters or for reasons of environmental protection regarding wetlands and bodies of water.” The Act also allows municipalities to restrict or prohibit any use of land, “taking into account the topography of the landsite, the proximity of wetlands or bodies of water, the danger of flood, rockfall, landslide or other disaster, or any other factor specific to the nature of a place

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<sup>35</sup> <http://www.mddelcc.gouv.qc.ca/EAU/potable/distribution/index.asp>

<sup>36</sup> <https://robvq.qc.ca/obv>

<sup>37</sup> <http://forestierenchef.gouv.qc.ca/wp-content/uploads/2015/11/c3.pdf>

which may be taken into consideration for reasons of public safety or of protection of the environment.”<sup>38</sup> These provisions also apply to private woodlots.

The *Environmental Quality Act* includes the *Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains*, which establishes standards, for example, for a riparian strip of 10 m, or 15 m if the slope exceeds 30% and 3 m for farmland. If the land-use plan of an RCM does not comply with these standards, the MDDELCC can demand the necessary modifications.<sup>39</sup>

Considering the provincial regulatory framework and the restrictions imposed on forestry activities around watercourses and intake points, the HCV is deemed at low risk for drinking water quality.

Main sources of information consulted:

- <https://www.canada.ca/fr/services/environnement/meteo.html>
- <http://www.statcan.gc.ca/pub/16-402-x/2011001/part-partie1-fra.htm>
- <http://www.statcan.gc.ca/pub/16-402-x/2011001/t024-fra.htm>
- <http://www.mddelcc.gouv.qc.ca/EAU/potable/distribution/index.asp>
- *Fisheries Act*
- *Sustainable Forest Development Act – SFDA*
- *Sustainable Forest Development Regulation*
- *Regulation respecting standards of forest management for forests in the domain of the State*
- *Québec Water Policy (2002)*
- <https://robvq.qc.ca/obv>
- <http://forestierenchef.gouv.qc.ca/wp-content/uploads/2015/11/c3.pdf>
- <http://legisquebec.gouv.qc.ca/fr/ShowDoc/cs/A-19.1>
- <http://legisquebec.gouv.qc.ca/fr/ShowDoc/cs/A-19.1>
- <http://legisquebec.gouv.qc.ca/fr/ShowDoc/cr/Q-2,%20r.%2035>
- <http://www.mamrot.gouv.qc.ca/amenagement-du-territoire/guide-la-prise-de-decision-en-urbanisme/protection-de-lenvironnement/protection-des-rives-du-littoral-et-des-plaines-inondables/>

**HCV 6: Cultural values. Sites, resources, habitats and landscapes of global or national cultural, archaeological or historical significance, and/or of critical cultural, ecological, economic or religious/sacred importance for the traditional cultures of local communities or indigenous peoples, identified through engagement with these local communities or indigenous peoples.**

Summary

According to criterion 3.1:

- The Eastern Forest-Boreal Transition ecoregion (NA0406) is deemed at **low** risk for HCV 6 (of national importance or critical local importance at the level of a site or landscape).
- The Eastern Great Lakes lowland forests ecoregion (NA0407) is deemed at **low** risk for HCV 6 (of national importance or critical local importance at the level of a site or landscape).
- The New England-Acadian forests ecoregion (NA0410) is deemed at **low** risk for HCV 6 (of national importance or critical local importance at the level of a site or landscape).
- The Central Canadian Shield forests ecoregion (NA0602) is deemed at **low** risk for HCV 6 (of national importance or critical local importance at the level of a site or landscape).

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<sup>38</sup> <http://legisquebec.gouv.qc.ca/fr/ShowDoc/cs/A-19.1>

<sup>39</sup> <http://legisquebec.gouv.qc.ca/fr/ShowDoc/cr/Q-2,%20r.%2035>

- The Eastern Canadian forests ecoregion (NA0605) is deemed at **low** risk for HCV 6 (of national importance or critical local importance at the level of a site or landscape).
- The Eastern Canadian Shield taiga ecoregion (NA0606) is deemed at **low** risk for HCV 6 (of national importance or critical local importance at the level of a site or landscape).
- The Southern Hudson Bay taiga ecoregion (NA0616) is deemed at **low** risk for HCV 6 (of national importance or critical local importance at the level of a site or landscape).

#### Presence of HCVs and assessment of the threat that forestry activities pose

##### **Significant cultural sites at the national level:**

Sites and landscapes of worldwide and national importance have been defined for many years and are integrated into national or provincial parks or other types of conservation areas.

##### Risk assessment

There is little or no risk of damage to sites of worldwide or national importance due to forestry activities. These sites are well known and most of them are included in existing protected areas or are protected by other mechanisms.

##### Regulatory risk mitigation measures

Parks Canada plays a decisive role in the federal government's initiatives to recognize areas that are representative of Canada's natural heritage and sites of national historic importance.

The main statutes that govern Parks Canada's activities include the *National Parks Act*, the *Historic Sites and Monuments Act*, the *Heritage Railway Stations Protection Act* and the *Department of Transport Act*. The Federal Heritage Buildings program and the Canadian Heritage Rivers program are operated under Cabinet authority and federal-provincial agreements between parks ministers, respectively.

In some cases, Parks Canada's heritage activities are directly related to formal designations by the federal government and, where mandated, provide support for the preservation and interpretation of designated heritage properties that are managed by other organizations. These include most Canadian heritage rivers.

Parks Canada contributes to an international heritage agenda through its leadership role and participation in or support for international conventions, programs, agencies and agreements. These include, among others:

- UNESCO's *World Heritage Convention*;
- the *Ramsar Convention on Wetlands of International Significance*;
- the *Convention on Biological Diversity*;
- UNESCO's *Québec Declaration on World Heritage Towns*;
- the *Venice Charter for the Conservation and Restoration of Monuments and Sites*;
- the *International Charter for Archaeological Heritage Management*;
- the *World Charter for Nature*;
- UNESCO's Biosphere Reserves Program;
- the International Council for Monuments and Sites (ICOMOS);
- the International Centre for the Study of the Preservation and Restoration of Cultural Properties (ICCROM); and
- the World Conservation Union (IUCN).<sup>40</sup>

The foregoing section shows that Canada has implemented a national mechanism to protect natural or built sites of cultural importance.

<sup>40</sup> See <https://www.pc.gc.ca/fr/docs/pc/poli/princip/sec1/part1c>

### **Cultural sites of critical local importance (specific sites):**

Sites of critical local importance can potentially be found everywhere. Such sites of HCV 6 at this level can be identified through public consultations.

#### Risk assessment

Forestry poses a moderate-to-high threat since it can engender permanent or temporary damage to sites due to heavy equipment traffic or the elimination of crown cover. Winter operations when there is sufficient snow cover and freezing can be less detrimental in cases where artifacts in the ground require protection.

#### Regulatory risk mitigation measures

At the provincial level, the *Conseil du patrimoine culturel du Québec* (CPCQ) advises the Minister of Culture pursuant to the *Cultural Heritage Act* and the *Archives Act* and meets with individuals or groups at private hearings, public consultations and representations. Requests to designate heritage cultural landscapes can be submitted to it.<sup>41</sup>

All public lands in Québec are subject to a public land use plan (PLUP), which is open to consultation and to suggestions from the public at the time of its renewal.<sup>42</sup> The plan includes archaeological sites and sectors, which are protected from forestry activities (sections 44 and 45 of the RS). Such protection is mandatory once the PLUP recognizes the site or sector.

Moreover, RCMs are responsible for the land use and development plan, which facilitates the coexistence of several activities and interests. In addition to other components, the plan must determine all portions of the territory that are of historic, cultural, aesthetic or ecological interest requiring specific protective and development measures. The plan can also determine guidelines to promote the sustainable development of private forests as provided for by the *Forest Act*.<sup>43</sup> It is subject to a public consultation process pursuant to the *Act Respecting Land Use Planning and Development*.<sup>44</sup> Protection is also mandatory when a site is integrated into the plan.

Furthermore, tactical and operational integrated forest management plans in public forests and forest protection and development plans (FPDP) in private forests call for consultations during which interested parties can request the protection of certain sites.<sup>45</sup> Once protection of the sites is integrated into the plans, it becomes mandatory.

### **Cultural sites of critical local importance (at the landscape level):**

The foregoing analysis applies to localized sites of critical importance. It must also take into account the resources, habitats and landscapes of critical cultural, ecological, economic or religious/sacred importance for the traditional cultures of local communities or Aboriginal peoples, identified in cooperation with such communities and Aboriginal peoples. Once again, such HCVs can be found throughout the province, especially in areas of critical importance to First Nations. However, on private lands, local communities or Aboriginal populations do not usually use the territory at the

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<sup>41</sup> <http://www.cpcq.gouv.qc.ca/index.php?id=mandat>

<sup>42</sup> <https://mern.gouv.qc.ca/territoire/planification/planification-affectation.jsp>

<sup>43</sup> <http://www.mamrot.gouv.qc.ca/amenagement-du-territoire/guide-la-prise-de-decision-en-urbanisme/planification/schema-damenagement-et-de-developpement/>

<sup>44</sup> <http://www.mamrot.gouv.qc.ca/amenagement-du-territoire/guide-la-prise-de-decision-en-urbanisme/acteurs-et-processus/mecanismes-de-consultation-publique-en-matiere-damenagement-du-territoire-et-durbanisme/>

<sup>45</sup> <https://mffp.gouv.qc.ca/forets/consultation/consultation-amenagement.jsp>

landscape level and HCVs are more likely to be found in the form of localized sites, as mentioned earlier.

### Risk assessment

Forestry poses a moderate-to-high relative threat since it modifies the crown cover at the level of traditional use of the territory. This can adversely affect the presence and distribution of wildlife resources, food and medicinal plants and other culturally-significant resources, and can impact traditional activities that require such resources as well as deep-seated spiritual and cultural ties with the earth. Greater numbers of access roads can also increase pressure from uses that conflict or compete with cultural values and traditional activities.

### Regulatory risk mitigation measures

The *Cultural Heritage Act* contains provisions for the compulsory protection of heritage cultural landscapes (Section III).<sup>46</sup>

For public forests in Québec, section 7 of the *Sustainable Forest Development Act* (SFDA) stipulates that “[t]he Minister must consult Native communities specifically to ensure that sustainable forest development and forest management take into account, and accommodate if necessary, their interests, values and needs. The Minister must ensure that the consultation policy drawn up under section 9 includes a procedure that is specific to Native communities, established in a spirit of collaboration with those communities” (see also the section of this analysis focusing on Category 2, criteria 2.4 and 2.5).

More specifically, under subsection 58(6) of the SFDA, the Minister “consults the Native communities affected by forest planning so as to be aware of their concerns relating to the possible effects of the planned activities on their domestic, ritual or social activities, and accommodates those concerns, if necessary.” Such accommodation is deemed to be harmonization for the purposes of forest planning. Accordingly section 65 stipulates that “The Minister ensures compliance with the harmonization measures, forest development standards and other provisions of this Act and the regulations, and, if the persons or bodies carrying out forest development activities fail to comply, requires them to take the corrective measures the Minister considers necessary, or takes them at their expense if they refuse to do so.”

Timber supply guarantee holders must agree on operational harmonization measures with First Nations so that, for example, the operational calendar does not interfere with the practice of certain traditional activities in the management units. Generally speaking, harvesting authorizations are issued once such harmonization has been completed. In the event of failure to abide by a harmonization measure, the MFFP can issue non-compliance notices to the offending company.

The foregoing section summarizes the compulsory measures that apply at the time when sites or concerns are integrated into heritage protection or forest development planning.

### Main sources of information consulted:

- *Department of Transport Act*
- *National Parks Act*
- *Historic Sites and Monuments Act*
- *Heritage Railway Stations Protection Act*
- *Act Respecting the Ministry of Transport*
- <https://www.pc.gc.ca/fr/docs/pc/poli/princip/sec1/part1c>
- <http://www.cpcq.gouv.qc.ca/index.php?id=mandat>
- <https://mern.gouv.qc.ca/territoire/planification/planification-affectation.jsp>

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<sup>46</sup> <http://legisquebec.gouv.qc.ca/fr/ShowDoc/cs/P-9.002>

- <http://www.mamrot.gouv.qc.ca/amenagement-du-territoire/guide-la-prise-de-decision-en-urbanisme/planification/schema-damenagement-et-de-developpement/>
- <http://www.mamrot.gouv.qc.ca/amenagement-du-territoire/guide-la-prise-de-decision-en-urbanisme/acteurs-et-processus/mecanismes-de-consultation-publique-en-matiere-damenagement-du-territoire-et-durbanisme/>
- <https://mffp.gouv.qc.ca/forets/consultation/consultation-amenagement.jsp>
- <http://legisquebec.gouv.qc.ca/fr/ShowDoc/cs/P-9.002>
- Public land use plan (PLUP)
- *Act Respecting Land use Planning and Development*
- *Sustainable Forest Development Act – SFDA*
- *Sustainable Forest Development Regulation*
- *Regulation respecting standards of forest management for forests in the domain of the State*
- *Cultural Heritage Act*
- <https://mffp.gouv.qc.ca/forets/consultation/consultation-amenagement.jsp>
- <http://legisquebec.gouv.qc.ca/fr/ShowDoc/cs/P-9.002>

**Category 4: A district of origin can be deemed at low risk as regards the conversion of forests into plantations or non-forest use zones when the following indicators exist:**

**4.1 There is neither a net loss nor a considerable loss rate (> 0.5% per year) of natural forests and other naturally wooded ecosystems such as bogs in the ecoregion in question.**

Forest cover in Canada has been stable in recent years. The report on the state of Canada's forests emphasizes that between 1990 and 2015 **less than 0.05%** of forest area was lost. The 2011 report on the state of world forests of the FAO states that Canada's canopy cover remained stable between 1990 and 2010 (FAO 2015). The Global Forest Registry corroborated this observation by citing the FAO assessment (2007), which emphasizes an annual deforestation rate of 0.019% in Canada (<http://www.globalforestregistry.org/map>).

Losses of forest area caused by forestry activities stem primarily from the development of the permanent road network. Bearing in mind that, on average, less than 1% of the management units are harvested annually and that the occupancy of roads accounts for between 4% and 5% of harvesting operations, the analysis of historic data reveals that the losses attributable to the road network stand at roughly 0.05% annually.

Main sources of information consulted:

- [www.fao.org](http://www.fao.org)
- <https://www.mffp.gouv.qc.ca/publications/enligne/forets/criteres-indicateurs/3/313/impression.asp>
- [nrcan.gc.ca](http://nrcan.gc.ca)
- [globalforestregistry.org/map](http://globalforestregistry.org/map)

**Category 5: A district of origin can be deemed a low-risk area from the standpoint of the threats to high conservation values if:**

**5.1 No commercial use is made of genetically modified trees of the species in question in the country or district concerned.**

No genetically modified trees are marketed in Québec. Existing genetically modified tree plantations are planted in conjunction with scientific studies and do not exceed 2 ha (CNRA 2016).

The Canadian Food Inspection Agency (CFIA) regulates the dissemination in the environment of new plants. Such plants cannot be marketed until the CFIA and Health Canada have conducted a rigorous assessment to confirm that they pose no threat if they are disseminated in the environment like other traditional plant varieties cultivated in the country (<http://www.inspection.gc.ca>).

Main sources of information consulted:

- Centralized National Risk Assessment of the FSC (CNRA 2016)
- <http://www.inspection.gc.ca>
- Globalforestregistry.org



## **APPENDIX 1: Legislation and Regulations in Force**

**Table 14:** Legislation and regulations in effect in Québec that meet minimum assessment indicators for legally harvested wood

A minimum of legislation and regulations and international conventions in force in public and private forests in Québec		Proof of Québec's regulatory framework
<b>1 Harvesting rights</b>		
<b>1.1 Land and management rights</b>	Legislation covering land rights, including customary rights and management rights, which encompasses recourse to legal methods to obtain land rights and management rights. Also covers the legal registration of corporations and tax registration, including the requisite applicable legal licences.	<ul style="list-style-type: none"> <li>- Regulation respecting the fees payable by certified forest producers (CQLR, chapter A-18.1, r. 3)</li> <li>- SFDA</li> <li>- Land-related legislation</li> </ul>
<b>1.2 Concession licences</b>	Legislation governing procedures for the issuance of forest concession licences and including recourse to legal methods to obtain concession licences. Bribes, corruption and nepotism, in particular, are well-known problems related to concession licences.	<ul style="list-style-type: none"> <li>- Regulation respecting sugar bush management in forests in the domain of the State (CQLR, chapter A-18.1, r. 2)</li> <li>- SFDA</li> </ul>
<b>1.3 Forest development and harvesting planning</b>	Any national or subnational legal requirement respecting development planning, including forest inventories, the possession of a forest development document and the attendant planning and control, impact studies, the consultation of other entities and the approval by the appropriate authorities of these elements.	<ul style="list-style-type: none"> <li>- SFDA</li> </ul>
<b>1.4 Licences</b>	National and subnational legislation and regulations governing procedures for the issuance of licences and other legal documents required to carry out determined harvesting operations, which includes recourse to legal methods to obtain licences. Corruption linked to the issuance of licences is a well-known problem.	<ul style="list-style-type: none"> <li>- Regulation respecting changes in the destination of timber purchased by a holder of a timber supply guarantee pursuant to the guarantee (CQLR, chapter A-18.1, r. 0.1)</li> <li>- SFDA</li> </ul>
<b>2 Taxes and royalties</b>		
<b>2.1 Payment of royalties</b>	Legislation governing the payment of all specific royalties related to forest harvesting and required by law, such as royalties, stumpage fees or other expenses related to	<ul style="list-style-type: none"> <li>- Regulation respecting the scaling of timber harvested in forests in the domain of the State (CQLR, chapter A-18.1, r. 5)</li> </ul>

**A minimum of legislation and regulations and international conventions in force in public and private forests in Québec**

**Proof of Québec’s regulatory framework**

volume. Also includes the payment of expenses related to the correct classification of quantities, qualities and species. The incorrect classification of forest products is a well-known problem, often linked to the corruption of civil servants responsible for control of the classification.

- *Regulation respecting the method for assessing the annual royalty and the method and frequency for assessing the market value of standing timber purchased by guarantee holders pursuant to their timber supply guarantee* (CQLR, chapter A-18.1, r. 6)
- *Regulation respecting the scaling of timber harvested in forests in the domain of the State* (CQLR, chapter A-18.1, r. 5.1)
- *Regulation respecting the terms of payment of the annual royalty and timber purchased by guarantee holders pursuant to their timber supply guarantee* (CQLR, chapter A-18.1, r. 6.1)
- *Regulation respecting forest royalties* (CQLR, chapter A-18.1, r. 11)
- *Regulation respecting the rate per cubic metre of timber applicable to the computation of the contribution payable to a regional agency for private forest development by holders of a wood processing plant operating permit* (CQLR, chapter A-18.1, r. 13)
- *Cullers Act* (CQLR, chapter M-12.1)
- SFDA

**2.2 Value-added taxes and other sales taxes**

Legislation governing different types of sales taxes that apply to materials sold, including the sale of materials such as a growing forest (sale of standing stocks)

- *Excise Tax Act* (GST)
- *Act respecting the Québec sales tax* (QST)
- *Alternative Fuels Act*
- *Customs Act*

A minimum of legislation and regulations and international conventions in force in public and private forests in Québec		Proof of Québec's regulatory framework
<b>2.3 Taxes on income and profits</b>	Legislation governing taxes on income and profits pertaining to the profit generated by the sale of forest products and harvesting operations. This category also concerns income derived from the sale of timber and does not include the other taxes usually applicable to businesses (it is not linked to the payment of wages).	<ul style="list-style-type: none"> <li>- <i>Income Tax Act</i> (federal)</li> <li>- <i>Taxation Act</i> (provincial), which includes a section on the tax on forestry operations</li> </ul>
<b>3 Timber harvesting activities</b>		
<b>3.1 Regulation of timber harvesting</b>	All legal requirements pertaining to harvesting techniques and technology, including selective cutting, clump regeneration, clearcutting, the transportation of unbarked logs from the logging site, and seasonal limitations. This typically includes regulations governing the area of felling zones, the age or minimum diameter of harvested trees and elements that must be preserved during felling. The establishment of skidding and hauling lanes, road construction, the drainage system, and bridges must also be taken into account as well as the planning and control of harvesting operations. Account must be taken of all of the legally restrictive codes respecting harvesting operations	<ul style="list-style-type: none"> <li>- SFDA (from the standpoint of authorizations and the recognition of ecosystem-based management)</li> <li>- <i>Regulation respecting standards of forest management for forests in the domain of the State</i> (CQLR, chapter A-18.1, r. 7)</li> <li>- <i>Sustainable Forest Development Regulation</i> (draft) (2014, G.O. 2, 4837)</li> <li>- Municipal by-laws governing public forests</li> </ul>
<b>3.2 Protected species and sites</b>	The treaties and international, national and subnational legislation and regulations pertaining to forestry activities and uses authorized in protected areas or to rare, threatened or endangered species, including their habitats or potential habitats.	<ul style="list-style-type: none"> <li>- <i>Natural Heritage Conservation Act</i> (NHCA)</li> <li>- <i>Act respecting threatened or vulnerable species</i> and the attendant regulations</li> <li>- <i>Species at Risk Act</i> (Canada)</li> <li>- <i>Canada National Parks Act</i></li> <li>- <i>Parks Act</i> (Québec)</li> </ul>
<b>3.3 Environmental requirements</b>	National and subnational legislation and regulations respecting the identification or the protection of environmental values, in particular but not solely those pertaining to or concerned by harvesting, the acceptable limit on soil degradation, the establishment of buffer zones,	<ul style="list-style-type: none"> <li>- SFDA</li> <li>- RS</li> <li>- RSFM</li> <li>- <i>Forest Protection Regulation</i> (CQLR, chapter A-18.1, r. 10)</li> </ul>

**A minimum of legislation and regulations and international conventions in force in public and private forests in Québec**

for example, along watercourses, clearings and reproductions sites, the maintenance of residual trees on the harvesting site, the seasonal limitation of the harvesting period, environmental requirements for forest machinery, the use of pesticides and other chemical products, biodiversity conservation, air quality, the protection and restoration of water quality, the operation of recreational equipment, the development of non-forest infrastructure, and mining exploration and mining.

**Proof of Québec's regulatory framework**

- *Forest Protection Regulation* (CQLR, chapter A-18.1, r. 10.1)
- SFDS
- *Environmental Quality Act*
- *Pesticides Act*
- *Mining Act*
- *Act respecting the conservation and development of wildlife* (CQLR, chapter C-61.1)
- *Regulation respecting wildlife habitats* (CQLR, chapter A-61.1, r. 18)
- *Regulation respecting the payment of indemnities to holders of hunting or trapping licences and the payment of third party damages* (CQLR, chapter C-61.1, r. 19)
- *Regulation respecting the enforcement of legislative provisions by wildlife protection officers* (CQLR, chapter C-61.1, r. 6)
- *Regulation respecting wildlife sanctuaries* (CQLR, chapter A-61.1, r. 53)
- *Regulation respecting wildfowl hunting controlled zones* (CQLR, chapter C-61.1, r. 77)
- *Regulation respecting hunting and fishing controlled zones* (CQLR, chapter C-61.1, r. 78)
- *Regulation respecting salmon fishing controlled zones* (CQLR, chapter C-61.1, r. 79)
- *Regulation respecting the content of an outfitter's licence* (CQLR, chapter C-61.1, r. 33)

**A minimum of legislation and regulations and international conventions in force in public and private forests in Québec**

**Proof of Québec's regulatory framework**

- *Act respecting threatened or vulnerable species* (CQLR, chapter E-12.01)
- *Regulation respecting the disposal of things seized* (CQLR, chapter E-12.01, r. 1)
- *Regulation respecting threatened or vulnerable species and their habitats* (CQLR, chapter E-12.01, r. 2)
- *Regulation respecting threatened or vulnerable plant species and their habitats* (CQLR, chapter E-12.01, r. 3)
- *Ministerial Order concerning the establishment of a list of threatened or vulnerable vascular plant species which are likely to be so designated and a list of threatened or vulnerable wildlife species which are likely to be so designated* (CQLR, chapter E12.01, r. 4)
- *Plant Protection Act*
- <http://canlii.ca/t/ckt7>
- *Plant Protection Regulations*
- <http://canlii.ca/t/cpk7>
- *Pest Control Products Act*
- <http://canlii.ca/t/cl1x>
- *Pest Control Products Regulations*
- <http://canlii.ca/t/cn79>
- *Hazardous Products Act*
- <http://canlii.ca/t/ckld>
- *Transportation of Dangerous Goods Act*
- <http://lois.justice.gc.ca/fr/T-19.01/110323.html>
- *Transportation of Dangerous Goods Regulations*
- <http://www.tc.gc.ca/fra/tmd/clair-tdesm->

**A minimum of legislation and regulations and international conventions in force in public and private forests in Québec**

**Proof of Québec's regulatory framework**

- 211.htm
- *Highway Safety Code*
- <http://canlii.ca/t/19pl>
- *Transportation of Dangerous Substances Regulation*
- <http://canlii.ca/t/1f30>
- *Regulation respecting road vehicle registration*
- <http://canlii.ca/t/chrv>
- *Watercourses Act*
- <http://canlii.ca/t/19hm>
- *Regulation respecting the water property in the domain of the State*
- <http://canlii.ca/t/1ds1>
- *Pesticides Act*
- *Regulation respecting permits and certificates for the sale and use of pesticides*
- <http://canlii.ca/t/cjh2>
- *Pesticide Management Code*
- <http://canlii.ca/t/1fpp>

**3.4 Health and safety**

Individual protective equipment required by law for individuals involved in harvesting operations, adoption of safe felling and transportation practices, establishment of protected areas around harvesting sites, and safety requirements pertaining to the machines used. Safety requirements dictated by legislation governing the use of chemical products. The requirements to be observed in the realm of health and safety must be considered with respect to operations carried out in the forest (not to office work or other activities less connected to genuine forestry operations).

- *Regulation respecting health and safety in forest development work (RHSFDW)*
- *First-aid Minimum Standards Regulation*
- *Regulation respecting forestry operations*
- *Regulation respecting health and safety committees*
- *Regulation respecting prevention programs*
- *Regulation respecting the quality of the work environment*
- *Règlement intérieur de la Commission des normes, de l'équité, de la santé et de la*

**A minimum of legislation and regulations and international conventions in force in public and private forests in Québec**

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<b>3.5 Legal employment</b>	<p>Legal requirements respecting the employment of staff involved in harvesting operations, including requirements pertaining to contracts and work permits, requirements governing compulsory insurance, requirements governing qualification certificates and other training-related requirements, and the payment of the social charges and income taxes withheld by the employer. What is more, this point covers compliance with a minimum legal working age and a minimum age for staff involved in dangerous work, legislation against forced and compulsory labour, and discrimination and freedom of association.</p>	<p><i>sécurité du travail</i></p> <ul style="list-style-type: none"> <li>- <i>Act respecting occupational health and safety (AOHS) (CQLR, chapter S-2.1)</i></li> <li>- <i>Act respecting industrial accidents and occupational diseases (AIAOD) (CQLR, chapter A-3.001)</i></li> <li>- <i>Workers’ Compensation Act (WCA) (CQLR, chapter A-3)</i></li> <li>- <i>Crime Victims Compensation Act (CQLR, chapter I-6) and Act to promote good citizenship (CQLR, chapter C-20)</i></li> </ul> <hr/> <ul style="list-style-type: none"> <li>- <i>Act respecting labour standards</i></li> <li>- <i>Canada Labour Code</i></li> </ul>
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**4 Aboriginal populations**

<b>4.1 Customary rights</b>	<p>Legislation governing customary rights applicable to forest harvesting operations, including requirements respecting the sharing of benefits and Aboriginal law.</p>	<ul style="list-style-type: none"> <li>- Information document published by the Québec government for promoters and general introduction to relations with Aboriginal communities in the context of natural resource development projects<sup>47</sup></li> <li>- <i>Manuel de consultation du public sur les plans d’aménagement forestier intégré</i></li> </ul>
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<sup>47</sup> [http://www.autochtones.gouv.qc.ca/publications\\_documentation/publications/2015-02-document-intention-promoteurs.pdf](http://www.autochtones.gouv.qc.ca/publications_documentation/publications/2015-02-document-intention-promoteurs.pdf).



**A minimum of legislation and regulations and international conventions in force in public and private forests in Québec**

**Proof of Québec’s regulatory framework**

**4.2 Free, prior and informed consent**

Legislation governing “free, prior and informed consent” in keeping with the transfer of forest management rights and customary rights to the organization responsible for harvesting operations.

- *et les plans d’aménagement spéciaux*
  - *Manuel de consultation des communautés autochtones sur les plans d’aménagement forestier intégré (PIFD)*
  - *Consultation Policy on Québec’s Priorities for the Management and Development of the Forest Environment*
  - *Sustainable Forest Development Act*
- 
- *Constitution Act, 1982: Section 35(1) of the Constitution Act, 1982 recognizes the existing Aboriginal and treaty rights of Aboriginal peoples in Canada.*
  - *Treaties and other agreements concluded with Aboriginal groups\**
  - *Judicial decisions respecting Aboriginal rights\*\**
  - *Negotiations on the settlement of comprehensive land claims and negotiations of other types of agreements of an administrative nature*
  - *Interim Guide for Consulting Aboriginal Communities*
  - *Consultation policy respecting sustainable forest development and forest environment management*
  - *Manuel de consultation des communautés autochtones sur les plans d’aménagement forestier intégré (PIFD)*
  - *Sustainable Forest Development Act*

**4.3 The rights of Aboriginal**

Legislation governing the rights of Aboriginal populations in the case of forestry operations. The facets that can be

- *Treaties and other agreements concluded with Aboriginal groups<sup>48</sup>*

<sup>48</sup> The *James Bay and Northern Québec Agreement* and the *Northeastern Québec Agreement* are treaties that define the rights and advantages of the Cree, the Inuit and the Naskapi. Other agreements have been concluded with the signatories of the treaties, such as the *Agreement Respecting a New Relationship Between*

<b>A minimum of legislation and regulations and international conventions in force in public and private forests in Québec</b>		<b>Proof of Québec's regulatory framework</b>
<b>populations</b>	considered are land rights, the right to use certain forest-related resources or engage in traditional activities that may involve forest lands.	<ul style="list-style-type: none"> <li>- Judicial decisions respecting Aboriginal rights<sup>49</sup></li> <li>- <i>Act to ensure the implementation of the Agreement Concerning a New Relationship Between le Gouvernement du Québec and the Crees of Québec</i> (in part) (CQLR, chapter M-35.1.2)</li> <li>- <i>Sustainable Forest Development Act</i></li> <li>- <i>Indian Act</i> (Canada)</li> <li>- <i>First Nations Land Management Act</i> (Canada)</li> </ul>
<b>5 Trade and transportation</b>		
<b>5.1 Classification of species, quantities and qualities</b>	Legislation governing the classification of harvested materials from the standpoint of species, volume and quality, in terms of trade and transportation. The incorrect classification of harvested materials is a well-known method of reducing/avoiding the payment of the taxes and royalties prescribed by law.	<ul style="list-style-type: none"> <li>- <i>Regulation respecting the scaling of timber harvested in forests in the domain of the State</i></li> </ul>
<b>5.2 Trade and transportation</b>	All of the requisite sales licences must exist as well as the transportation documents required by law that must accompany timber transportation from the forestry operations.	<ul style="list-style-type: none"> <li>- <i>Transport Act</i></li> <li>- <i>Regulation respecting forest transport contracts</i></li> <li>- <i>Regulation respecting the scaling of timber harvested in forests in the domain of the State</i></li> </ul>
<b>5.3 Export trade and</b>	Legislation governing offshore trade. Offshore trade with	<ul style="list-style-type: none"> <li>- <i>Sustainable Forest Development Act</i></li> </ul>

*the Cree Nation and the Government of Québec* (also called *The Peace of the Braves*) and the *Agreement to Resolve the Baril-Moses Forestry Dispute Between the Cree Nation of Eeyou Istchee and the Gouvernement du Québec*, which define, by way of an example, procedures governing forest development.

<sup>49</sup> See the following judgments: *R. c. Sparrow*, [1990] 1 R.C.S. 1075, *Delgamuukw c. Colombie-Britannique*, [1997] 3 R.C.S. 1010, *Nation Haïda c. Colombie-Britannique* (ministre des Forêts), [2004] 3 R.C.S. 511, *Première nation Tlingit de Taku River c. Colombie-Britannique* (Directeur d'évaluation de projet), [2004] 3 R.C.S. 550 et *Première nation crie Mikisew c. Canada* (ministre du Patrimoine canadien), [2005] 3 R.C.S. 388, *Delgamuukw c. Colombie-Britannique*, [2014] 2 R.C.S. 256.

**A minimum of legislation and regulations and international conventions in force in public and private forests in Québec**

**Proof of Québec's regulatory framework**

**transfer pricing**

affiliated companies located in tax havens linked to artificial transfer pricing is a well-known way to avoid paying the country in which harvesting occurs the taxes and royalties prescribed by law. The practice is deemed to generate substantial funds that can be used to pay bribes and obtain dirty money for the forestry operation and the employees involved in the harvesting operation. Many countries have adopted legislation governing transfer pricing and offshore trade. It should be noted that only transfer pricing practices and offshore trade, provided that they are proscribed by the laws of the country, can be included here.

- (SFDA).
- The State owns nearly 90% of Québec's productive forest land and the MFFP allocates wood volumes, assesses the available wood volumes in each territory and sells the timber through a supply guarantee system or at auction. The vast majority of exported forest products are destined for the United States. Very strict control occurs at the US border.
  - The federal government is responsible for international trade. The provinces' policy directions, legislation and management and monitoring practices to avoid illegal timber trade in Canada are explained on the Natural Resources Canada website.<sup>50</sup>
  - *Customs Act*
  - The *Customs Act* demands that all goods imported into Canada be declared at to the Canada Border Services Agency. Border services officers can examine any goods imported or exported and hold goods until the CBSA confirms that the import or export complies with the *Customs Act* or any other statute of Parliament.
  - Most of the imports are linked to transborder trade with the United States, which is also a territory at low risk of illegal forest harvesting. The forest

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<sup>50</sup> <http://www.rncan.gc.ca/forets/canada/lois/13304>

**A minimum of legislation and regulations and international conventions in force in public and private forests in Québec**

**Proof of Québec’s regulatory framework**

		<p>products sectors in Canada and the United States are highly integrated.</p> <ul style="list-style-type: none"> <li>- While Québec requires timber from public forests to be processed in Québec, Québec firms buy unbarked logs and sell a multitude of forest products in the United States.</li> <li>- Canada also imports relatively small volumes of wood products from other sources.</li> <li>- <i>Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act</i></li> <li>- “No person shall import into Canada any animal or plant that was taken, or any animal or plant, or any part or derivative of an animal or plant, that was possessed, distributed or transported in contravention of any law of any foreign state.”</li> </ul>
<b>5.4 Customs regulations</b>	Customs legislation covering fields such as import/export licences, the classification of products (codes, quantities, qualities and species).	<ul style="list-style-type: none"> <li>- <i>Customs Act</i></li> <li>- Use of HS codes and the NAICS</li> <li>- <a href="http://cfs.nrcan.gc.ca/entrepotpubl/pdfs/35983.pdf">http://cfs.nrcan.gc.ca/entrepotpubl/pdfs/35983.pdf</a></li> </ul>
<b>5.5 CITES</b>	Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) permit (also known as the Washington Convention).	<ul style="list-style-type: none"> <li>- <i>Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)</i></li> </ul>
<b>6 Due diligence</b>		
<b>6.1 Due diligence</b>	Legislation that requires due diligence/reasonable care procedures, in particular due diligence/reasonable care systems, reporting obligations, or the preservation of sales-related documents.	<ul style="list-style-type: none"> <li>- <i>Customs Act</i></li> <li>- <a href="http://www.sfmcanada.org/images/Publications/FR/QC_info_Provinces_and_territories_FR.pdf">http://www.sfmcanada.org/images/Publications/FR/QC_info_Provinces_and_territories_FR.pdf</a></li> </ul>

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**A minimum of legislation and regulations and international conventions in force in public and private forests in Québec**

**Proof of Québec's regulatory framework**

*- Sustainable Forest Development Act*

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# **APPENDIX 2: International Labour Organization (ILO) Conventions**

**Table 15:** Conventions on fundamental principles and rights of the International Labour Organization

ILO convention	Date of ratification	Status	Convention on legislation and regulations
ILO 29: Forced Labour Convention, 1930	June 2011	In force	According to the WTO, forced labour is against the law in Canada and there are no known cases of it. <a href="http://www.ilo.org/public/english/standards/relm/gb/docs/gb277/pdf/d2-elim.pdf">http://www.ilo.org/public/english/standards/relm/gb/docs/gb277/pdf/d2-elim.pdf</a>
ILO 87: Freedom of Association and Protection of the Right to Organise Convention, 1948	March 1972	In force	Section 2 of the <i>Canadian Charter of Rights and Freedoms</i> is the section of the Canadian Constitution that lists what the Charter calls “fundamental freedoms.” Such freedoms can be taken against the actions of all levels of government and are enforceable by the courts. The fundamental freedoms are freedom of expression, freedom of religion, freedom of thought, freedom of belief, freedom of peaceful assembly and <b>freedom of association.</b>
ILO 98: Right to Organise and Collective Bargaining Convention, 1949	June 2017	Will come into force on June 14, 2018.  Partially covered in Canada by the <i>Canadian Charter of Rights and Freedoms.</i>	Section 2 of the <i>Canadian Charter of Rights and Freedoms</i> is the section of the Canadian Constitution that lists what the Charter calls “fundamental freedoms.” Such freedoms can be taken against the actions of all levels of government and are enforceable by the courts. The fundamental freedoms are freedom of expression, freedom of religion, freedom of thought, freedom of belief, freedom of peaceful assembly and <b>freedom of association.</b>  The application of section 2 of the <i>Canadian Charter of Rights and Freedoms</i> can be illustrated by the Supreme Court of Canada’s declaration in 2015 that the right to strike is fundamental and protected by the Constitution. ( <a href="https://www.theglobeandmail.com/news/national/top-court-upholds-canadian-workers-right-to-strike/article22717100/">https://www.theglobeandmail.com/news/national/top-court-upholds-canadian-workers-right-to-strike/article22717100/</a> )
ILO 100: Equal Remuneration Convention, 1951	November 1972	In force	For employers subject to federal regulation, pay equity is guaranteed pursuant to the <i>Canadian Human Rights Act.</i>

ILO convention	Date of ratification	Status	Convention on legislation and regulations
			<p>(www.chrc-ccdp.ca)            In Ontario, pay equity is mandatory pursuant to the <i>Employment Standards Act</i> (www.labour.gov.on.ca/french/es/)            All Canadian jurisdictions have similar legislation although the names of the statutes vary.</p>
ILO 105: Abolition of Forced Labour Convention, 1957	June 1959	In force	<p>According to the WTO, forced labour is against the law in Canada and there are no known cases of it.  <a href="http://www.ilo.org/public/english/standards/relm/gb/docs/gb277/pdf/d2-elim.pdf">http://www.ilo.org/public/english/standards/relm/gb/docs/gb277/pdf/d2-elim.pdf</a></p>
ILO 111: Discrimination (Employment and Occupation) Convention, 1958	November 1964	In force	<p>See the guide on employment discrimination legislation in Canada.  <a href="http://www.naalc.org/migrant/english/pdf/mgcanemd_en.pdf">http://www.naalc.org/migrant/english/pdf/mgcanemd_en.pdf</a></p>
ILO 138: Minimum Age Convention, 1973	June 2016	In force	<p>Each province and territory stipulates by law the minimum age, depending on the type of work. The legislation applicable by province and territory can be found at:  <a href="http://www.bestlibrary.org/ss9/files/minagee.pdf">http://www.bestlibrary.org/ss9/files/minagee.pdf</a></p>
ILO 182: Worst Forms of Child Labour Convention, 1999	June 2000	In force	<p>According to the WTO, forced labour is against the law in Canada and there are no known cases of it.  <a href="http://www.ilo.org/public/english/standards/relm/gb/docs/gb277/pdf/d2-elim.pdf">http://www.ilo.org/public/english/standards/relm/gb/docs/gb277/pdf/d2-elim.pdf</a></p>



## **APPENDIX 3: Sources of Information Consulted on Woodland Caribou**

**Table 16:** Sources of information consulted on woodland caribou

## Sources

- Act respecting threatened or vulnerable species*  
*Regulation respecting threatened or vulnerable plant species and their habitats*  
*Regulation respecting threatened or vulnerable species and their habitats*  
*Act respecting the conservation and development of wildlife*  
*Sustainable Forest Development Act*  
*Migratory Birds Convention Act*  
*Species at Risk Act* – Government of Canada  
([http://www.registrelep.gc.ca/approach/act/sara\\_f.pdf](http://www.registrelep.gc.ca/approach/act/sara_f.pdf))  
*Regulation respecting standards of forest management for forests in the domain of the State*  
*Regulation on sustainable forest management*  
*Forest Act*  
*Convention on Biological Diversity*  
Aichi Targets [http://www.mffp.gouv.qc.ca/publications/enligne/forets/criteres-indicateurs/1/121/Faune/121\\_faune.asp](http://www.mffp.gouv.qc.ca/publications/enligne/forets/criteres-indicateurs/1/121/Faune/121_faune.asp)  
*Plan de rétablissement du caribou forestier (Rangifer tarandus) au Québec 2005-2012*  
*Plan de rétablissement du caribou forestier du Québec 2013-2023*  
<http://www.mddep.gouv.qc.ca/faune/publications/especes/menaces/caribou-forestier/Plan-retablissement2013-2023.pdf>  
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*Recovery Strategy for the Woodland Caribou, Boreal population (Rangifer tarandus caribou) in Canada, 2012.* Environment Canada, [http://www.registrelep-sararegistry.gc.ca/virtual\\_sara/files/plans/rs\\_caribou\\_boreal\\_caribou\\_0912\\_f1.pdf](http://www.registrelep-sararegistry.gc.ca/virtual_sara/files/plans/rs_caribou_boreal_caribou_0912_f1.pdf)  
*Plan d'aménagement de l'habitat du caribou forestier (2012)* – Direction générale du Saguenay-Lac-Saint-Jean – ministère des Ressources naturelles du Québec  
<http://www.mrn.gouv.qc.ca/publications/saguenay-lac-saint-jean/plan-amenagement-caribou.pdf>  
Precautionary approach to recognize the recovery of woodland caribou in the territory covered by Chapter 3 of *The Peace of the Braves* (2013) – Direction générale du Nord-du-Québec – Ministère des Ressources naturelles du Québec.  
[http://www.ccqf-cqfb.ca/wp-content/uploads/2015/10/201310-17-NO\\_IN\\_approche\\_precaution\\_DGR-10.pdf](http://www.ccqf-cqfb.ca/wp-content/uploads/2015/10/201310-17-NO_IN_approche_precaution_DGR-10.pdf)  
J. Darren, H. Sleep and Craig Loehle, "Validation of a Demographic Model for Woodland Caribou" in *The Journal of Wildlife Management* 74, No. 7 (September 2010): 1508–12, doi:10.1111/j.1937-2817.2010.tb01278.x.  
J. Darren, H. Sleep and Craig Loehle, NCASI Technical Comments on "Demographic responses of boreal caribou to cumulative disturbances highlight elasticity of range-specific tolerance thresholds", 2017.

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  - Claude Dussault, 2013. *Inventaire du caribou forestier à l'hiver 2012 au Saguenay—Lac-Saint-Jean*, Société de la faune et des parcs du Québec, Direction de l'aménagement de la faune du Saguenay-Lac-Saint-Jean, 20 pages.
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