



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 Quebec Forest Industry Council (QFIC) and the
Quebec Wood Export Bureau (QWEB)**



**Conseil de
l'industrie
forestière
du Québec**



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

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ACRONYMS AND ABBREVIATIONS

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 Quebec 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 Quebec Agreement*

PLUP: land use plan for the domain of the State

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

QFIC: Quebec Forest Industry Council

QWEB: Quebec 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 Quebec Forest Industry Council (QFIC), the Quebec 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 the table 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
2 Illegally harvested wood	LOW
3 Wood harvested in violation of traditional and human rights	LOW
4 Wood harvested in forests in which high conservation values are threatened by management activities	LOW
5 Wood harvested in forests being converted to plantations or non-forest use	LOW
6 Wood from forests in which genetically modified trees are planted	LOW

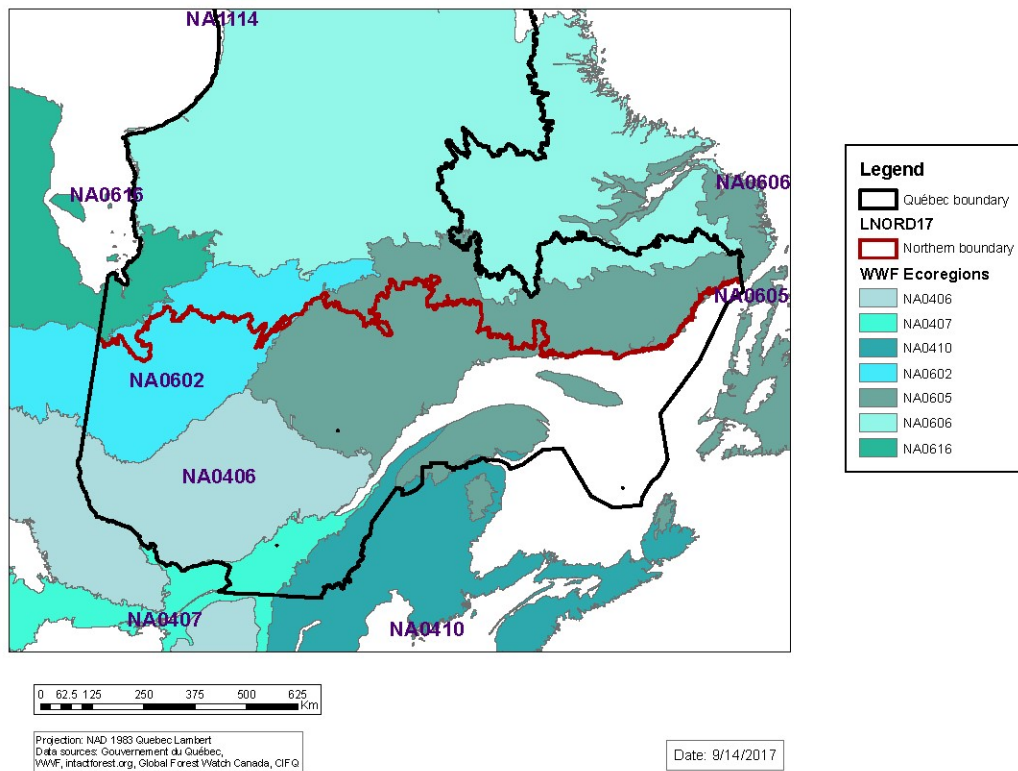
The risk analysis was conducted according to the requirements and interpretations of the following related documents:

- FSC Controlled Wood: [FSC-STD-40-005 V3-1](#)
- 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>1 A district of origin may be considered low risk in relation to illegal harvesting if sound governance indicators are present.</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>LOW</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 forest 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 forest activities in private forests.</p> <p><u>Main sources of information consulted:</u></p> <ul style="list-style-type: none"> - http://info.worldbank.org/governance/ - http://www.mffp.gouv.qc.ca/ - FSC Global Registry - Centralized National Risk Assessment of the FSC (CNRA 2016) - http://beta.nepcon.org/sourcinghub - World Resources Institute 	
<p>1.2 In the district there is evidence demonstrating the legality of harvests and wood purchases, including robust and effective</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>systems for granting licences and harvest permits.</p>	<p><u>Main sources of information consulted:</u></p> <ul style="list-style-type: none"> - http://info.worldbank.org/governance/ - https://bmmb.gouv.qc.ca - http://www.mffp.gouv.qc.ca/ - http://beta.nepcon.org/sourcinghub - CNRA 2016 - AF&PA - http://www.illegal-logging.info/ - http://www.afandpa.org/ - Legislation and regulations (see the detailed section of the report on Category 1)
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<p>1.3 There is little or no evidence or reporting of illegal harvesting in the district of origin.</p>	<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"> - CNRA 2016 - http://www.illegal-logging.info/ - www.mffp.gouv.qc.ca - http://www.sfmcanada.org/images/Publications/FR/QC_info_Provinces_and_territories_FR.pdf - Legislation and regulations (see the detailed section of the report on Category 1)
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<p>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>	<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"> - CNRA 2016 - Transparency.org
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Controlled wood categories and criteria	Evaluation	Risk
2 A district of origin	The Global Forest Registry risk analysis (March 2016)	LOW

<p>may be considered at low risk in relation to the violation of traditional and civic rights when sound governance indicators are present.</p>	<p>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 the 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 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 the Aboriginal people of Canada. The 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 First Nations of Mamuitun and Nutashkuan. Canada is a signatory of the <i>United Nations Declaration on the Rights of Indigenous Peoples</i>. The tools made available to the 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 forest 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"> - https://ic.fsc.org/en/document-center/id/114
<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"> - https://ca.fsc.org/fr-ca/standards/national-risk-assessment-01
<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"> - www.ilo.org - www3.publicationsduquebec.gouv.qc.ca/gazetteofficielle.fr.html

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- scf.rncan.gc.ca/index/forestindustryincanada/3?lang=en
 - www.employer-rights.com/
 - International Trade Union Confederation, 2007, Internationally Recognized 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.

Section 35(1) of the *Constitution Act, 1982* recognizes the existing Aboriginal and treaty rights of the Aboriginal people 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 First Nations of Mamuitun and Nutashkuan. In the case of other nations, they are part of specific agreements on consultation and accommodation.

As part of forest activities, the 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 the 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 forest 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-
-

- <http://legisquebec.gouv.qc.ca/fr/pdf/cs/A-18.1.pdf>
 - *Sustainable Forest Development Act*
 - 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.

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 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 the 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 the First Nations constitute sound practices in the spirit of the provisions of ILO Convention 169. The tools provided to the 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 forest 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 Quebec Agreement* and the *Northeastern Quebec Agreement*
 - Guide intérimaire en matière de consultation des communautés autochtones
 - *Constitution Act, 1982*
 - Manuel sur les consultations autochtones PAFI, SADF, RADF, LADTF
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Controlled wood categories and criteria	Evaluation	Risk
<p>3 A district of origin can be deemed a low-risk area from the standpoint of the threats to high conservation values if:</p> <p>a) indicator 3.1 is observed; OR</p> <p>b) when indicator 3.2 eliminates or considerably reduces the threat posed to the district of origin through non-compliance with indicator 3.1.</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 specified risk in ecoregions NA0406, NA0602 and NA0605 pursuant to indicator 3.1.</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 risk is thus specified for ecoregions NA0602 and NA0605 pursuant to indicator 3.1.</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</p>	<p>SPECIFIED – Woodland caribou and intact forest landscapes</p>

mechanisms in force, there is low risk that forest activities threaten other HCVs in Québec's ecoregions.

Main sources of information consulted:

- <http://www.worldwildlife.org/biome-categories/terrestrial-ecoregions>
- Intactforests.org
- <https://www.cbd.int/forest/definitions.shtml>
- *Act respecting threatened or vulnerable species*
- *Act respecting the conservation and development of wildlife*
- *Sustainable Forest Development Act*
- *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

<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">- 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	<p>LOW</p>
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respecting the biggest 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 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*;

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 forest 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

Controlled wood categories and criteria	Evaluation	Risk
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:		LOW

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).

Losses of forest area caused by forest 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
- <https://www.mffp.gouv.qc.ca/publications/enligne/forets/criteres-indicateurs/3/313/impression.asp>
- nrcan.gc.ca
- globalforestregistry.org/map

Controlled wood categories and criteria	Evaluation	Risk
5. A district of origin can be deemed a low-risk area from the	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	LOW

<p>standpoint of the threats to high conservation values when one of the following requirements is satisfied:</p>	<p>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)</p>
<p>a) no commercial use is made of genetically modified trees of the species in question in the country or district concerned; OR</p>	<p><u>Main sources of information consulted:</u></p> <ul style="list-style-type: none"> - www.cban.ca - nrcan.gc.ca - http://www.inspection.gc.ca - http://fsccontrolledwood.org - http://www.saynotogmos.org/
<p>b) authorizations are required to market genetically modified trees and there is no marketing licence; OR</p>	
<p>c) it is prohibited to market genetically modified trees in the country concerned.</p>	

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 Evidence of enforcement of logging-related laws in the district.	LOW
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.	
1.3 There is little or no evidence or reporting of illegal harvesting in the district of origin.	
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 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 NEPCon, dated August 2017, conclude that the risk is low for all the Category 1 indicators of illegally harvested wood (ENRC 2016).

Table 8 in the appendix 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 avoids land-tenure abuses. In Québec, the MFFP protects the forest environment and reprimands violations that undermine the

integrity of the forest environment. It monitors forest activities in public forests and makes public the findings, for example, the enforcement of legislation and regulations, violations issued, volumes harvested and compliance with allowable cuts.

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.

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 of public forests and their management to ensure the sustainability and diversified use of the forest. 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 market 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.

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.

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.

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.

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*.

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.

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.

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 wood trade.

The 2016 report on 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.

Table 4: Sources of information consulted by criteria

Criteria	Sources of information
1.1	http://www.mffp.gouv.qc.ca/ http://forestierenchef.gouv.qc.ca FSC Global Registry Preliminary centralized risk analysis of Canada – FSC Canada – ENRC 2016 http://beta.nepcon.org/sourcinghub World Resources Institute
1.2	https://bmmb.gouv.qc.ca http://www.mffp.gouv.qc.ca/ 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> <i>Transport Act</i> (chapter T-12, ss. 5 and 47.1) CNRA 2016 AF&PA http://www.illegal-logging.info/ http://www.afandpa.org/
1.3	CNRA 2016 www.mffp.gouv.qc.ca http://www.sfmcanada.org/images/Publications/FR/QC info Provinces and te

Criteria	Sources of information
	rritories_FR.pdf Customs Act Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act Municipal by-laws governing public forests Act respecting the marketing of agricultural, food and fish products (chapter M-35.1) Règlement sur la mise en marché du bois des producteurs de bois de la région de Québec, r. 123.1 Regulation respecting forest transport contracts http://www.sfmcanada.org/images/Publications/FR/QC_info_Provinces_and_territories_FR.pdf
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.	LOW
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 9 in Appendix 1 gives a list of the ILO conventions that Canada has ratified.

Sources of information consulted:

- www.ilo.org
- www3.publicationsduquebec.gouv.qc.ca/gazetteofficielle.fr.html
- scf.rncan.gc.ca/index/forestindustryincanada/3?lang=en
- www.worksmartontario.gov.on.ca
- 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 the Aboriginal people 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 First Nations of Mamuitun and Nutashkuan. In the case of other nations, they are part of specific agreements on consultation and accommodation. As part of forest activities, the 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 the 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. As for private forests, some communities have signed with the government contemporary agreements that recognize their rights to traditional practices, such as subsistence

hunting and gathering.

The **risk is deemed low** that, in forest 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 forest 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 the First Nations, the federal government and the 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) 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 and Toku River, Tsilhqot'in). In August 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.

There are also other types of official land claims negotiations between the Government of Canada, 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 the First Nations have agreed on interim measures to protect the interests of Aboriginal peoples.

First Nations of Québec

Québec has 11 Aboriginal nations in 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



Figure 2: The 11 Aboriginal nations of Québec (saaq.gouv.qc.ca)

Lands reserved for the Indians” come 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 by the negotiation and conclusion of agreements. Moreover, since 1973, the Government of Canada 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 Government of Canada, 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 Quebec* (*The Peace of the Braves*, 2002), which provides for implementation of an adapted forest regime.

Duty to consult and dispute-resolution mechanism

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

Judgments and agreements

- Judgements 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, provision is made for dispute-resolution mechanisms in the northern agreements. 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 the Aboriginal Communities*.¹ After it was adopted in 2006, Québec invited all the communities to make comments and took them into account when the guide was updated in 2008.

Mechanisms associated with forest 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 the Aboriginal communities and adapts it in response to the specific needs of such 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 the First

¹ https://www.autochtones.gouv.qc.ca/publications_documentation/publications/guide_inter_2008.pdf

Nations.

The Sustainable Forest Management Strategy (SFMS) also includes elements concerning the importance of dialogue and maintaining 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 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 Aboriginals. Consultation offers an interim approach, until courts and treaties define the scope of Aboriginal rights. The APGN with the Innu communities includes a consultation framework applicable to forests. Dispute-resolution mechanisms are provided in the implementation agreements concluded with the Crees, the Naskapi and the Inuit.

Concerning forest management and enhancement, communities that have not signed a modern agreement or the APGN have access to the applicable dispute-resolution mechanism during the consultation of Aboriginal communities concerning integrated forest management plans (PIFDs). The 2013-2018 version of the manual provides for application of a dispute-resolution mechanism with the Aboriginal communities 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, in particular 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 mechanism

- 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 with First Nations specific agreements 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 allocated forest rights. In 2016, Université Laval created a Leadership Chair in Aboriginal Forestry Education, whose members include Aboriginal communities and the Quebec Forest Industry Council. The purpose of the Chair is to promote self-government for First Nations, for example through the development of the communities' capabilities and industrial partnerships.

As for private forests, recognition of the rights of First Nations is constantly evolving in the country. Some communities have signed with the government contemporary agreements that recognize their rights to traditional practices, such as subsistence hunting and gathering, even though 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 forest 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
- <http://legisquebec.gouv.qc.ca/fr/pdf/cs/A-18.1.pdf>
- *Sustainable Forest Development Act*
- 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 the Aboriginal communities as they are expressed” (*Interim Guide for Consulting the Aboriginal Communities*, Gouvernement du Québec, 2008). The legislative and regulatory framework gives governments and the First Nations tools to ensure that ancestral rights are recognized and respected, as shown by recent court decisions, even though 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 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 the First Nations constitute sound practices in the spirit of the provisions of ILO Convention 169. The tools provided to the 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 forest 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 matters. Section 35(1) of the *Constitution Act, 1982* recognizes and affirms the existing ancestral and treaty rights of the Aboriginal peoples of Canada. Thereafter, the Canadian courts established that “The Crown must have the intention of sustainably addressing the concerns of the Aboriginal communities as they are expressed; that is what is expected of honourable conduct.”

From the principle of the honourable conduct by the Crown arises, among other things, the Crown’s constitutional duty to consult the 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, if necessary, aims 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 the Aboriginal Communities* (see 2.4). After the guide was adopted in 2006, Québec invited all the communities to make comments, which 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 First Nations so that such rights can be recognized and respected.

The Government of Canada, the Québec government and the First Nations of the Province of Québec have taken various approaches to recognize and guarantee respect for the rights of Aboriginal peoples on their lands and their right to take part in the planning and implementation of forest activities that take place there. The Québec State is the owner of natural resources and must define and implement procedures whereby the First Nations are consulted with a view to determining the degree to which their interests would be adversely affected, before beginning or allowing any resource exploration or development program on their lands.

In Québec, as part of forest activities, the First Nations have access to various tools to affirm their rights and to mitigate the disturbance that forest 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 communities affected take longer than expected, causing the stoppage of consultations or the exclusion of problematic operations sectors.

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

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

More specifically, in the case of the Crees, the Inuit and the Naskapi, the governments have duly concluded, after negotiations, treaties or agreements that are implemented by such means as laws and regulations. Such treaties and agreements may provide processes for Aboriginal participation and consultation in respect of various decision-making processes of the State. As for the Crees, they take part in territory management through such means as 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 Government of Canada and the Québec government (such as 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 mak Nutashkuan Tribal Council; Regroupement Petapan inc.; the Assemblée Mamu Pakatatau Mamit; and Ashuanipi Corporation).²

The negotiations concern multiple areas, including self-government (Innu, Akwesasne and Atikamekw), clarification of ancestral rights provided in treaties before 1975 (Mi'kmaq and Maliseet) and land claims (Atikamekw, Innu and Mi'kmaq). Lists of agreements concluded between

Recognition of and respect for Aboriginal rights

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

² <https://www.aadnc-aandc.gc.ca>

Aboriginal groups and the governments are available on the sites 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 Native community represented by its 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 Native people for food, ritual or social purposes, or to further facilitate wildlife resource development and management by Native people. The *Regulation respecting beaver reserves*,³ of which there are 11, gives Native people the exclusive right to hunt and trap fur-bearing animals in the 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 m³ 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 8: Timber volumes allocated to First Nations (2017)). Several Aboriginal communities have signed with the Québec government specific agreements establishing terms and conditions for programs and cooperation concerning economic development and community infrastructure.⁴ The Aboriginal Human Resource Council, a non-profit organization, has launched, organized and coordinated many initiatives to create career opportunities for Aboriginals in Canada.

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

Region	Name of forest-right beneficiary	Agreement number	Total (\$/m ³)
BSL	Listuguj Mi'gmaq Government ²	411	5 000
SLSJ	Conseil des Montagnais du Lac-Saint-Jean ²	423	200 000
Mauricie	Conseil des Atikamekw de Manawan ²	417	60 000
Mauricie	Société en commandite Services forestiers atikamekw aski ²	400	84 000
Outaouais	Kitigan Zibi Anishinabeg Band Council ²	394	146 200
Abitibi	Coopérative agroforestière Kinijévis-Abijévis ³	637	650
Nord-du-Québec	Produits forestiers Nabakatuk 2008, s.e.n.c. ¹	345	70 000
Nord-du-Québec	Waswanipi Landholding Corporation ²	409	155 000
Nord-du-Québec	Corporation forestière Eenatuk ²	414	125 000

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

⁴ http://www.saa.gouv.qc.ca/relations_autochtones/ententes/liste_ententes_conclues.htm

Region	Name of forest-right beneficiary	Agreement number	Total (\$/m ³)
Gaspésie	Listuguj Mi'gmaq Government ²	411	10 000
Gaspésie	Gespeg Micmac Nation ²	433	5 000
Gaspésie	Micmacs of Gesgapegiag Band Council ²	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 prejudicial effects of forest activities on the potential or established rights of First Nations. The agreements that have been concluded with a large number of communities concern forestry, hunting, fishing and other matters. Several Aboriginal nations 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 forest activities.

The risk that forest 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 Quebec Agreement* and the *Northeastern Quebec Agreement*
- *Interim Guide for Consulting the 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>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>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>	SPECIFIED
<p>See criterion 3.2 – Woodland caribou (NA0406, NA0602, NA0605)</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 the naturally occurring species in natural patterns of distribution and abundance.</p>	SPECIFIED
<p>See criterion 3.2 – Intact forest landscapes (NA0602, NA0605)</p>	
<p>HCV 3: Ecosystems and habitats. Rare, threatened or endangered ecosystems, habitats or refugia.</p>	LOW
<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>	LOW
<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>	LOW
<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 the Aboriginal peoples, identified in cooperation with such communities and the Aboriginal peoples.</p>	LOW
<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>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"> - 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 (www.govindicators.org). - The national and regional stakeholders concerned in the supply area evaluated offer significant support. 	LOW

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"> - A rigorous HCV protection system exists. The adjective “rigorous” refers to the effective enforcement of legislation in the country concerned. A high score ($\geq 75\%$) on the World Bank’s Rule of Law index is one form of proof (www.govindicators.org). - The national and regional stakeholders concerned in the supply area evaluated offer significant support. 	LOW

Summary of Category 3

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

To conclude that the risk is low, it must be shown that forest activities do not threaten the survival of threatened and vulnerable forest species (TVFS) in a given ecoregion. The demonstration benefits from significant support from regional and national stakeholders obtained during consultations organized by the QFIC/QWEB during the period that began in July and ended in October.

It is important to emphasize that the risk assessment was conducted at several levels until low risk was demonstrated, as the standard requires. Indeed, the approach concludes that there is low risk for all of the factors in Category 3 at the national, provincial and ecoregion levels. Certain interveners suggested the possibility that the risks stemming from forest activities would not be the same if the administrative region or a management unit or traditional First Nations territory served as the scale of analysis instead of the ecoregions. Without passing judgment on this questioning, the approach complied with the requirements of the standard. However, the mechanisms stipulated during the planning of forest activities consider the factors raised in areas smaller than the ecoregions.

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 make provision 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 are contributing to the maintenance of habitat characteristics at the level of landscapes or forest stands associated with the needs of TVFS.

According to criterion 3.1, given that forest activities occur in regions where the woodland caribou is present, a specified risk is attributed for ecoregions NA0406, NA0602 and NA0605. There is a low risk that forest 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 et MFFP 2017*). 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.

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;
- 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 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 forest activities pose

Species at risk:

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

The implementation of the agreement is materializing through the province-wide adjustment of planned initiatives in respect of the plans for integrated forest development (PIFDs) when location data are known concerning sites essential to the survival of the threatened or vulnerable fauna and flora species and the protective measures specific to them. 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 elaborates 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 that must necessarily be certified according to the ISO 14001 Standard or the Forest Management Certification Program also take into account threatened species and their habitats. In March 2013, the MFFP obtained ISO 14001:2004 Standard certification for its environmental management system.

To date, measures are in force in respect of 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 structuring 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 COSEWIC⁵ and the provincial list of Québec.⁶

Risk assessment:

The use of forest habitat by species and the possible impact of forest development and the 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 make provision 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
- harlequin duck
- woodland caribou
- woodland caribou, montane ecotype
- American ginseng

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

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

For the other species, no specific measure has yet been elaborated even if they appear on the list of rare or endangered species found in forest habitats:⁷

- Canada warbler
- cerulean warbler
- red-headed woodpecker
- wolverine

In the event of declared observation of one of the three bird species mentioned earlier, the MFFP attempts to confirm the occurrence. 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 are contributing to the maintenance of habitat characteristics at the level of landscapes or forest stands associated with the needs of such species.

The majority of logging companies in Québec are certified pursuant to a management standard and all forest development entrepreneurs on lands in the public domain 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 territory.

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 pinpoint species at risk. Recognized forest producers have access to the private forest development program solely if they possess a silviculture prescription signed by a forest engineer. The regions maintain regional forest protection and development plans (FPDPs), with which private woodlot owners must comply if they wish to benefit from subsidies, but each of the plans 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 forest 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 for the conclusions by the stakeholders 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). The 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 et MFFP 2017*). Sport hunting of woodland caribou 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

⁷ https://www.mffp.gouv.qc.ca/publications/enligne/forets/criteres-indicateurs/1/121/Faune/Faune_liste.asp

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 the road network, vacation resorts and the depletion of mature softwood stands appears to have adversely affected the populations (Rudolph *et al.*, 2012). Other studies question the impact of nutritional conditions (Thompson *et al.*, 2014) and climate change impacts 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 ecoregion NA0602, nearly 27% of the area of ecoregion NA0605, nearly 44% of ecoregion NA0606 and nearly 100% of ecoregion NA0616. Some 80% of the caribou distribution area is excluded from any industrial harvesting activity. Tables 3a and 3b show the proportions of the distribution area protected by the register of protected areas in force, proposed protected areas and other protective measures such as those stipulated in the forest management plans or by the northern limit for forest allocations.

Table 8: According to the protected areas in the register

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

DA: woodland caribou distribution area

Table 9: According to the protected areas in the register and proposed**

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

DA: woodland caribou distribution area

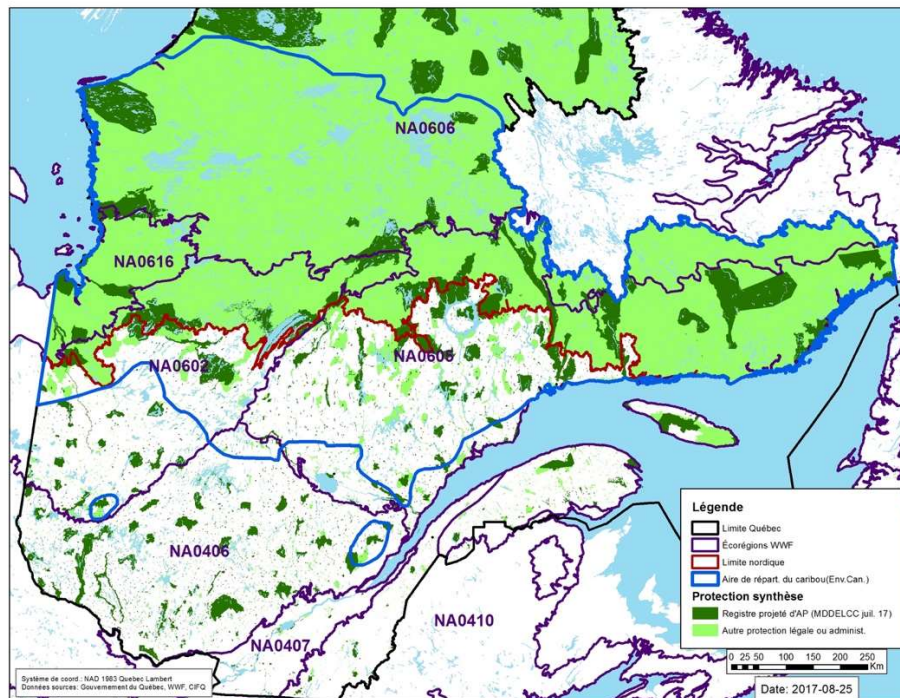
*Proportions calculated at the level of the distribution area of the Charlevoix herd.

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

In 2008 and 2011 (update), Environment Canada published a scientific assessment for the purpose of designating the essential habitat of the woodland caribou population in Canada.⁸ 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 other neighbouring populations.⁹

The report also identifies the main known populations of woodland caribou in Canada and describes the probability of 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 linked to the populations varies from a probability of being non-self-sustaining to self-sustaining depending on the populations (Figure 4 and Table 4).

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



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

⁹ 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 Canada¹⁰

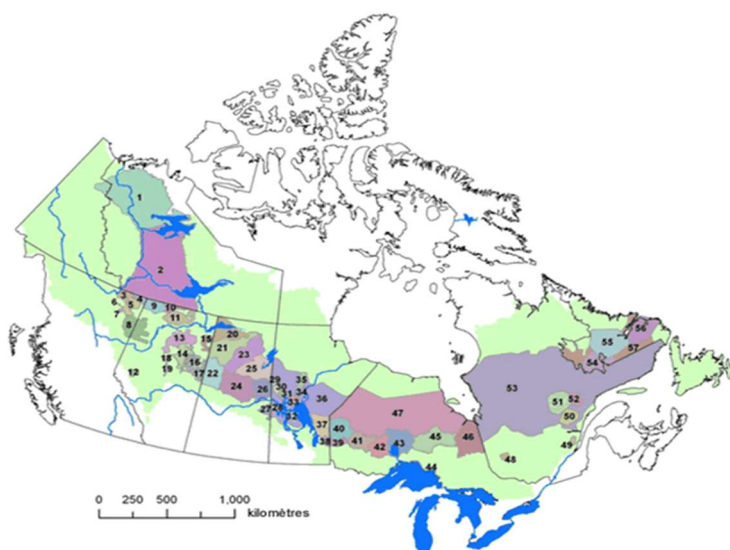


Table 10: Integrated assessment of the probability of being self-sustaining for populations in Québec⁷

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 while two smaller populations, Manouane-QC4 and Pimpuacan-QC3, are deemed, respectively, to be in a mitigated and unfavourable situation as regards the probability of being self-sustaining. However, the experts recognized that the latter two populations are likely subsets of the Québec metapopulation and that their distinction stems more from the availability of wildlife inventory data

at the time the study was conducted than a genuine segregation of the populations.¹⁰ 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 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 the woodland caribou¹¹ for the period 2007-2012. The plan comprises guidelines that propose, by way of an example, management of caribou habitat based on a series of large protection and replacement forest tracts in rotation over several decades. Other measures pertaining to development activities or development in the caribou zone are also proposed, in particular, harvest reports, specific intervention measures in the replacement forest tracts, the management of the road and access network, the management of the development of vacation resorts, and so on. The Équipe de rétablissement du Québec proposed to the MDDEFP in July 2015 a revision of the recovery plan for the period 2013-2023. The revised plan focuses more extensively on the notion of a disturbance factor stemming from the federal recovery program.¹²

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 the 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*).¹³ 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 conservation¹⁴ that 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 on 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 km² of habitats and connectivity in priority zones that complement the network of existing and planned protected areas.¹⁵

Other precautionary measures:

Aside from the administration of 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 are contributing to caribou conservation;

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

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

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

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

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

¹⁵ 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.

- a network of biological refuges and exceptional forest ecosystems excluded from harvesting;
- the maintenance of critical habitats (perennial forest massifs).

Furthermore, since 2008, the annual allowable harvest level has been reduced by nearly 30% in the management units of the distribution area, which has concomitantly reduced the advancement of the level of disturbance in the territory.

Québec government action plan

In April 2016, in the wake of the proposed second recovery plan (2013-2023), the Québec government announced a new two-phase caribou recovery action plan.¹⁶

In particular, Phase I makes provision in the short term for:

- the establishment or consolidation of large protected areas of nearly 10 000 km² 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, the search for other sources of timber supply, collaboration with the other provinces and the elaboration of the 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 challenges (implemented in January 2017). The First Nations are also collaborating in the initiative. What is more, the Conseil de la Première Nation Innus Essipit wishes to pursue its 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 the existing measures and other measures proposed by the provinces, the federal *Species at Risk Act* makes provision for safeguards in cases where the measures adopted by the provinces are deemed inadequate to protect the target species. For example, the Act stipulates that in the absence of protection deemed to be effective of critical habitat, the Minister of Environment and Climate Change Canada can recommend to the Governor in Council to adopt an Order in Council that compels the protection of the caribou habitat. The federal government was to conduct in the fall of 2017 an initial assessment of the policy directions proposed by the provinces to safeguard and restore the caribou in their respective territories.

State of and trends in caribou populations in Québec

According to Environment Canada, the level of disturbance of the territory 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-

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

sustaining must 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).¹⁷

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

Zone	Area (km ²) ¹	%	2013-2023 plan objective ²		Current situation ²	% vs. current situation	% vs. objective
			Density (caribou/100 km ²)	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%
SOUTH	165 000	26%	1.5	2 500	2 650	36%	106%
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 distribution area (Manicouagan, Saguenay—Lac-Saint-Jean and Nord-du-Québec), where surveys were also conducted between 2003 and 2009. In all cases, it was noted that the total number of individuals increased in the sectors surveyed, even in highly disturbed sectors, while the recruitment rates observed are 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

2012: 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

¹⁷ 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.

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 the assessment of the recruitment rate is a one-off observation that is subject to several 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 the recruitment rates are problematical by explaining the population increases by a likely impact of 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 survey¹⁸ was, by and large, 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. The survey results in respect of which the total number of individuals has practically doubled seems 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 other than the level of disturbance only, especially in the presence of a metapopulation such as that in Québec that is present in the territory targeted here.

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;¹⁹
- 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 forest 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 the nests and eggs must be protected and that no exception is authorized, regardless of the type of tenure. Sound management practices and allied policies respecting the Canada warbler, its prey and habitat have yet to be specified and implemented based on the best scientific data available. A recovery program was adopted in 2016 and “one or more action plans will be published on the

¹⁸ 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.

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

Species at Risk Public Registry within five years of the publication of this recovery program.”²⁰ The plans are still pending because the critical habitat has not yet been determined for want of the identification of the key biophysical elements.

The recovery program emphasizes that the species is more common in natural disturbances than anthropogenic disturbances in the boreal mixed wood forest. The conversion of the 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.²¹ Efforts made in public and private forests to protect wetland environments and maintain residual structure in the case of precommercial 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 forest 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 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 pursuant to the *Migratory Birds Convention Act* and the federal *Species at Risk Act*. It has been designated a “threatened species” pursuant to 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.²² The protection of standing dead trees is one way to protect its habitat. Forest 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 the species’ habitat.

In light of the foregoing, **the risk is deemed low** that forest 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.

²⁰ http://www.registrelep-sararegistry.gc.ca/default.asp?lang=Fr&n=8D09B8FC-1#_09

²¹ La paruline du Canada, fiche d’informations (Corridor Appalachien, 2012).

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

In light of the foregoing, **the risk is deemed low** that forest 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 10 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 the IFLs benefits from some form of protection. Conversely, this means that forest 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, there is **low risk** of the IFLs' not surviving in the ecoregions since they are subject to a rigorous protection system (legislation and effective protected areas).

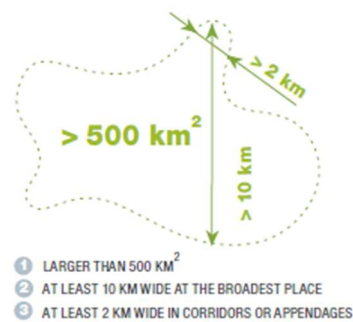
Methodological notes

The 2013 Global Forest Watch International (GFWI) digital layer, which locates intact forest landscapes (IFLs) in Québec, served as a reference basis 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 forest activities do not threaten the survival of the high conservation value that the IFLs represent in a given ecoregion. Significant support from regional or national third parties must underpin the demonstration.

First, the known, available anthropogenic interventions neighbouring the GFWI 2013 IFLs were 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 the GFWI were used to identify the IFLs following the update.²³ According to the criteria, a large forest tract can be deemed an IFL if its area is equal to or greater than 500 km², 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. The GFWI's updated IFL map, dated January 1, 2017, is presented in Figure 6 on the following page.

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

Figure 5: Criteria for defining the IFLs²⁵



Once the IFLs were identified, an assessment was made of their situation at the ecoregion level and the protective measures in force in the regions to determine if the long-term survival of the IFLs at the ecoregion level is guaranteed, as the standard requires. Three categories of protective measures were 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 the IFLs protected according to the three categories at the ecoregion level were calculated.

Presence of HCVs and assessment of the threat that forest activities pose

To ascertain whether the long-term survival of the IFLs is threatened by forest activities at the ecoregion level, the proportion of their areas located beyond and within the northern limit for forest allocations were analyzed. In Québec, a high proportion of the 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, 84%, on average, of the area of the IFLs is located beyond the current northern forest attribution limit. At the ecoregion level, 100% of the area of the IFLs in the NA0606 ecoregion is located beyond the northern limit. In the case of the NA0602, NA0605 and NA0616 ecoregions, proportions are 77%, 77% and 99%, respectively, of the area of the IFLs that benefit from protection of the northern limit of attributable forests.

As of January 1, 2017, 14%, on average, of the area of the 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 the IFLs when protected areas are identified. According to the information obtained from the MDDELCC in July 2017, the addition of proposed protected areas would increase the percentage of permanent protection to 17%, on average, of the areas of the IFLs. Table 6 shows that at the ecoregion level, the total proportion of the area of the IFLs benefiting from medium- and long-term permanent, legal or administrative protection ranges from 100% to a minimum of 86% in the worst case (NA0605). At the provincial level, more than 95% of the total area of the IFLs benefits from some form of protection, which means that forest activities could only be carried out on a maximum of 5% of the IFLs found in Québec in the short, medium and long terms.

Figure 6: Updated map of the GFWI's IFLs as of January 1, 2017

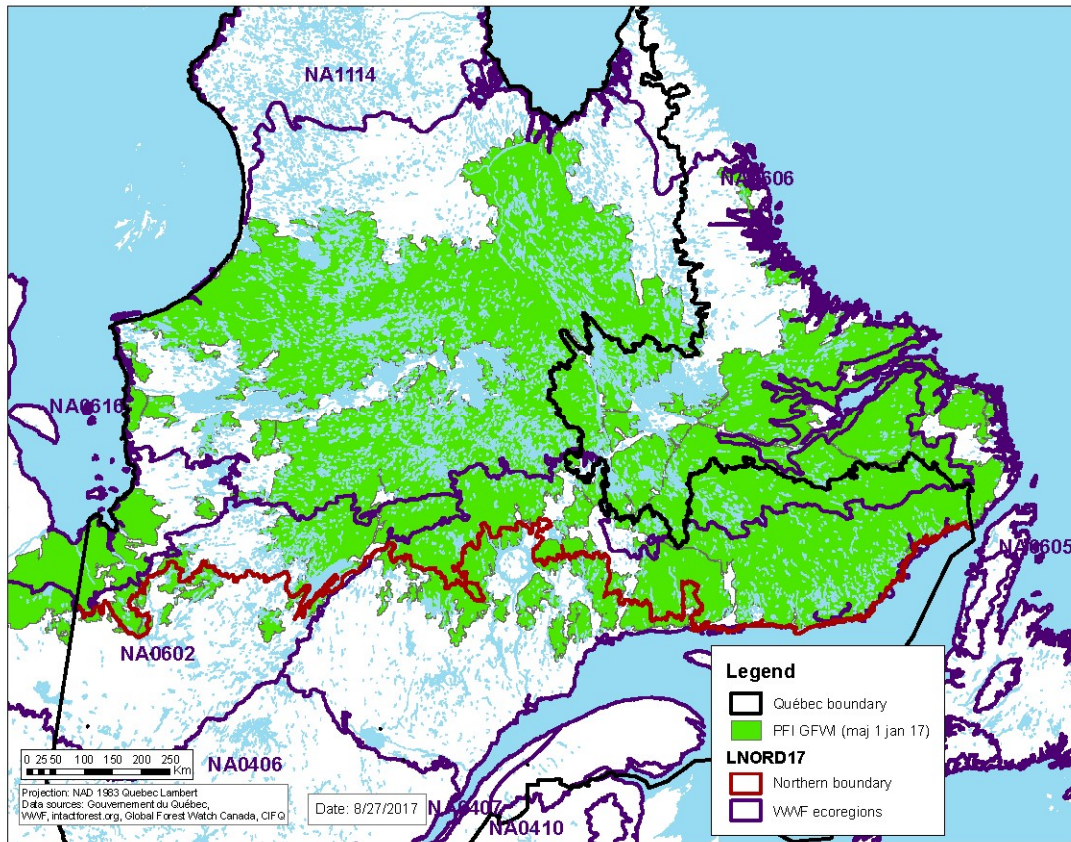


Table 12: Proportion of intact forest landscapes north of the northern limit of attributable forests

Ecoregion	% of the IFLs north of the northern limit
NA0602	77%
NA0605	77%
NA0606	100%
NA0616	99%

Table 13: Summary of the GFWI's IFLs updated on January 1, 2017 (percentage of the area of the 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, 18%, on average, of the area of the 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 alone. What is more, 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. The measures are stipulated in the regional woodland caribou habitat development plans south of the northern limit. On average, the proportion of the area of the 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, the large forest tracts must comply with GFW criteria and apply the exclusion zones that its method stipulates. Accordingly, such activities and the applicable exclusion zones presented earlier impact the areas of the IFLs affected by anthropogenic disturbances. The assessment of the impact of the anticipated anthropogenic disturbances was conducted using the forest operations zones for the next two years on the IFLs, determined as of January 1, 2017. The forest operations zones for the analysis represent roughly 200% of the areas that should be harvested during this period. The analysis carried out reveals that over the next two years, a maximum reduction of 1% in the 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 certain ecoregions display 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, it remains to determine the threat that forestry as it is carried out poses to ecosystems and habitats at the ecoregion level.

1) Identification of the conservation status

The analysis relies on the WWF Conservation Status Index. The assessment is designed to estimate the current and future capacity of an ecoregion to comply with three basic objectives of biodiversity conservation: maintain populations and communities of viable species, support ecological processes and 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 future threats in the next 20 years to determine the final conservation status.

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 vulnerable Conservation Status Index (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 (page 31).

2) Assessment of the risk that forest 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 factors:

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

Only ecoregions in which the relative impact of forest 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 in order to adequately protect the area from forest development (FSC-PRO-60-002a V1-0 Table 3.2, indicator 3.3).

The 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 forest activities pose

1) Identification of the 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 pose a threat with respect to certain HCVs for the category HCV 3.

The following ecoregions are found in Québec and those that are underlined are deemed to pose a potential threat 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 the threat is analyzed here for the ecoregions that have HCVs 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 that the WWF has raised stems mainly from urbanization and the intensification of agriculture. Certain portions of the ecoregions have a vocation that is shared more extensively between farming and forestry operations. The ecoregions are almost exclusively privately owned although forests in the public domain are located in small

numbers there in the Outaouais, Estrie, Beauce, Chaudière-Appalaches and Bas-Saint-Laurent regions.

The MFFP²⁴ delegates responsibility to the regional agencies for private forest development for planning protection and the development of private forests, as stipulated in section 132 of the SFDA. Regional private forest protection and development plans (FPDPs), in accordance with the land-use planning plans of the RCMs, adopt an ecosystem-based approach with monitoring indicators to achieve 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 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 to engage in sound practices in their woodlots, in particular to manage wildlife habitats, protect threatened or vulnerable species and even forest certification. Forest activities in forests in these ecoregions are nevertheless limited in terms of area and volume. According to a survey of the Fédération des producteurs forestiers du Québec conducted in 2012,²⁵ 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 m³ over a five-year period. The small percentage of activity in terms of area and volume harvested in private forests 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, in particular 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 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) for spatial distribution of forestry interventions have made possible better integration of factors at the landscape level. This implies setting objectives and forest restoration targets so that certain 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 2018-203 five-year planning. Henceforth, wildlife needs will be recognized *a priori* in the planning of the PIFDs.²⁶

In inhabited environments, a number of projects related to connectivity are occurring in Québec, especially in ecoregions linked to HCVs. The 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

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

²⁵ 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.

²⁶ 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).

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, the HCV 3 category is potentially at risk in 2%, 4% and 11%, respectively, of protected areas in the New England-Acadian forests (NA0410), the Eastern Great Lakes lowland forests (NA0407) and the Eastern Canadian forests (NA0605) ecoregions. By way of comparison, the 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, the analysis has shown the limited role of forest activities on the HCV 3 category in these ecoregions. As for the NA0605 ecoregion, the analysis shows once again the limited role that forest activities play in the habitat loss and degradation reported by the WWF while emphasizing the attainment of a minimum threshold of 10% protected areas by ecoregion, in accordance with Aichi Target 11.²⁷ 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 that forest practice poses.

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

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

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).
- 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 forest activities pose

Landslide risk:

The map of the Major Landslides Causing Fatalities in *The Atlas of Canada*²⁸ presents few landslides in Québec since 1906. Most of them are located near major rivers such as the St. Lawrence River, the Gatineau River and the Saguenay River. The number of incidents in more than a 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 dangerousness in this respect. On this account, no site is identified as being vulnerable to landslides for the province.

Therefore, there is a **low risk** 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 reveals that they have not occurred in commercial forests. Consequently, avalanches are deemed **low risk** 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 values 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;

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

- 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:

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 Minister of Fisheries and Oceans Canada.

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 maintenance, in the form of buffer zones or distances 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 the protective measures rose from 78% to 91%.²⁹

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

The *Act respecting land use planning and development* requires each regional county municipality (RCM) to have a land-use planning plan that “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 the municipalities to react or prohibit all uses 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.”³⁰ These situations apply to private woodlots.

The *Environment Quality Act* includes the *Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains*, which establishes standards, by way of an example, for a riparian strip of 10 m (15 m if the slope exceeds 30% and 3 m for farmland). If the land-use planning plan of an RCM does not comply with the standards, the MDDELCC can demand the necessary modifications.³¹

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

²⁹ http://www.registrelep-sararegistry.gc.ca/default.asp?lang=Fr&n=8D09B8FC-1#_09

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

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

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

Main sources of information consulted:

- <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*
- *Environment 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 forest 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.³² Given that Québec uses 1.5% of the total national volume of irrigation water³³

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

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

and that only 2.5% of farms in Québec are irrigated,³⁴ the impact of forest activities on sources of water for irrigation are deemed low risk in Québec.

Sources of community water supply:

The MDDELCC has identified 316 municipalities whose water supply comes from surface water³⁵ (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* 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 Minister of Fisheries and Oceans Canada.

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.³⁶ The plans highlight the 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 or maintenance, in the form of buffer zones or distances 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 the protective measures rose from 78% to 91%.³⁷

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

The *Act respecting land use planning and development* requires each regional county municipality (RCM) to have a land-use planning plan that “must identify zones where land occupation is subject

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

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

³⁶ <https://robvq.qc.ca/obv>

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

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 the municipalities to react or prohibit all uses 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.”³⁸ These situations (RCMs and municipalities) also apply to private woodlots.

The *Environment Quality Act* includes the *Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains*, which establishes standards, by way of an example, for a riparian strip of 10 m (15 m if the slope exceeds 30% and 3 m for farmland). If the land-use planning plan of an RCM does not comply with the standards, the MDDELCC can demand the necessary modifications.³⁹

Considering the provincial regulatory framework and the restrictions imposed on forest 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).

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

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

- 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).
- 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 forest 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 forms of conservation areas.

Risk assessment

There is little or no risk of damage to sites of worldwide or national importance stemming from forest activities. The sites are well known and most of them are included in existing protected areas or are protected by various 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 Government of Canada and, where mandated, providing 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).⁴⁰

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

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 stemming from 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.⁴¹

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.⁴² The plan includes archaeological sites and sectors, which are protected from forest activities (sections 44 and 45 of the RS). Such protection is mandatory once the PLUP recognizes the site or sector.

Moreover, the RCMs are responsible for the land use planning and development plan, which facilitates the coexistence of several activities and interests. In addition to the 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 within the meaning of the preliminary provision of the *Forest Act*.⁴³ It is subject to a public consultation process pursuant to the *Act respecting land use planning and development*.⁴⁴ 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

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

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

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

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

⁴⁴ <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/>

which interested parties can request the protection of certain sites.⁴⁵ 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 the Aboriginal peoples, identified in cooperation with such communities and the Aboriginal peoples. Once again, such HCVs can be found throughout the province, especially in areas of critical importance to the First Nations. However, on private lands, local communities or Aboriginal populations do not usually use the territory at the level of landscapes 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 and 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 on the compulsory protection of heritage cultural landscapes (Section III).⁴⁶

In Québec public forests, 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 the 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 the 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.

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

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

The foregoing section represents the compulsory measures at the time when the 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 Ministère des Transports*
- <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>
- <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 forest 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

- <https://www.mffp.gouv.qc.ca/publications/enligne/forets/criteres-indicateurs/3/313/impression.asp>
- nrcan.gc.ca
- 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
1 Harvesting rights	
1.1 Land and management rights	<p>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.</p> <ul style="list-style-type: none"> - <i>Regulation respecting the fees payable by certified forest producers</i> (CQLR, chapter A-18.1, r. 3) - SFDA - Land-related legislation
1.2 Concession licences	<p>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.</p> <ul style="list-style-type: none"> - <i>Regulation respecting sugar bush management in forests in the domain of the State</i> (CQLR, chapter A-18.1, r. 2) - SFDA
1.3 Forest development and harvesting planning	<p>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.</p> <ul style="list-style-type: none"> - SFDA
1.4 Licences	<p>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.</p> <ul style="list-style-type: none"> - <i>Regulation respecting changes in the destination of timber purchased by a holder of a timber supply guarantee pursuant to the guarantee</i> (CQLR, chapter A-18.1, r. 0.1) - SFDA
2 Taxes and royalties	
2.1 Payment of royalties	<p>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</p> <ul style="list-style-type: none"> - <i>Regulation respecting the scaling of timber harvested in forests in the domain</i>

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.

- of the State (CQLR, chapter A-18.1, r. 5)*
- *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*
- *Excise Tax Act (GST)*
- *Act respecting the Québec sales tax (QST)*

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)

A minimum of legislation and regulations and international conventions in force in public and private forests in Québec		Proof of Québec's regulatory framework
		<ul style="list-style-type: none"> - <i>Alternative Fuels Act</i> - <i>Customs Act</i>
2.3 Taxes on income and profits	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"> - <i>Income Tax Act</i> (federal) - <i>Taxation Act</i> (provincial), which includes a section on the tax on forestry operations
3 Timber harvesting activities		
3.1 Regulation of timber harvesting	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"> - SFDA (from the standpoint of authorizations and the recognition of ecosystem-based management) - <i>Regulation respecting standards of forest management for forests in the domain of the State</i> (CQLR, chapter A-18.1, r. 7) - <i>Sustainable Forest Development Regulation</i> (draft) (2014, G.O. 2, 4837) - Municipal by-laws governing public forests
3.2 Protected species and sites	The treaties and international, national and subnational legislation and regulations pertaining to forest 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"> - <i>Natural Heritage Conservation Act</i> (NHCA) - <i>Act respecting threatened or vulnerable species</i> and the attendant regulations - <i>Species at Risk Act</i> (Canada) - <i>Canada National Parks Act</i> - <i>Parks Act</i> (Québec)

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

Proof of Québec's regulatory framework

3.3 Environmental requirements

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, 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.

- SFDA
- RS
- RSFM
- *Forest Protection Regulation* (CQLR, chapter A-18.1, r. 10)
- *Forest Protection Regulation* (CQLR, chapter A-18.1, r. 10.1)
- SFDS
- *Environment 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)
- *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*

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

Proof of Québec's regulatory framework

- <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-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>

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

Proof of Québec's regulatory framework

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 sécurité du travail*
- *Act respecting occupational health and safety (AOHS) (CQLR, chapter S-2.1)*
- *Act respecting industrial accidents and occupational diseases (AIAOD) (CQLR, chapter A-3.001)*
- *Workers' Compensation Act (WCA) (CQLR, chapter A-3)*
- *Crime Victims Compensation Act (CQLR, chapter I-6) and Act to promote good citizenship (CQLR, chapter C-20)*

3.5 Legal employment

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

- *Act respecting labour standards*
- *Canada Labour Code*

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

Proof of Québec’s regulatory framework

and a minimum age for staff involved in dangerous work, legislation against forced and compulsory labour, and discrimination and freedom of association.

4 Aboriginal populations

4.1 Customary rights

Legislation governing customary rights applicable to forest harvesting operations, including requirements respecting the sharing of benefits and Aboriginal law.

- Information document published by the Québec government for promoters and general introduction to relations with the Aboriginal communities in the context of natural resource development projects⁴⁷
- *Manuel de consultation du public sur les plans d’aménagement forestier intégré 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*

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.

- *Constitution Act, 1982*: Section 35(1) of the *Constitution Act, 1982* recognizes the existing Aboriginal and treaty rights of the Aboriginal people in Canada.
- Treaties and other agreements concluded with Aboriginal groups*
- Judicial decisions respecting Aboriginal rights**
- Negotiations on the settlement of comprehensive land claims and

⁴⁷ 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

4.3 The rights of Aboriginal populations

Legislation governing the rights of Aboriginal populations in the case of forestry operations. The facets that can be considered are land rights, the right to use certain forest-related resources or engage in traditional activities that may involve forest lands.

- negotiations of other types of agreements of an administrative nature
- *Interim Guide for Consulting the 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*
- Treaties and other agreements concluded with Aboriginal groups⁴⁸
- Judicial decisions respecting Aboriginal rights⁴⁹
- *Act to ensure the implementation of the Agreement Concerning a New Relationship Between le Gouvernement du Québec and the Crees of Québec* (in part) (CQLR, chapter M-35.1.2)
- *Sustainable Forest Development Act*
- *Indian Act* (Canada)
- *First Nations Land Management Act* (Canada)

⁴⁸ The *James Bay and Northern Quebec Agreement* and the *Northeastern Quebec 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 the Cree Nation and the Government of Quebec* (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.

⁴⁹ 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	
5 Trade and transportation		
5.1 Classification of species, quantities and qualities	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.	– <i>Regulation respecting the scaling of timber harvested in forests in the domain of the State</i>
5.2 Trade and transportation	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"> – <i>Transport Act</i> – <i>Regulation respecting forest transport contracts</i> – <i>Regulation respecting the scaling of timber harvested in forests in the domain of the State</i>
5.3 Export trade and transfer pricing	<p>Legislation governing offshore trade. Offshore trade with affiliated companies located in tax havens linked to artificial transfer pricing is a well-known way to avoid paying 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.</p> <p>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.</p>	<ul style="list-style-type: none"> – <i>Sustainable Forest Development Act (SFDA).</i> – 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.⁵⁰

- *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 products sectors in Canada and the United States are highly integrated.

- 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.

- Canada also imports relatively small volumes of wood products from other sources.

- *Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act*

- "No person shall import into Canada any animal or plant that was taken, or any

⁵⁰ <http://www.mcan.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
		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.”
5.4 Customs regulations	Customs legislation covering fields such as import/export licences, the classification of products (codes, quantities, qualities and species).	<ul style="list-style-type: none"> - <i>Customs Act</i> - Use of HS codes and the NAICS - http://cfs.nrcan.gc.ca/entrepotpubl/pdfs/35983.pdf
5.5 CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) permit (also known as the Washington Convention).	- <i>Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)</i>
6 Due diligence		
6.1 Due diligence	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"> - <i>Customs Act</i> - http://www.sfmcanada.org/images/Publications/FR/QC_info_Provinces_and_territories_FR.pdf - <i>Sustainable Forest Development Act</i>

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. http://www.ilo.org/public/english/standards/relm/gb/docs/gb277/pdf/d2-elim.pdf
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 freedom of association.
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 freedom of association. 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. (https://www.theglobeandmail.com/news/national/top-court-upholds-canadian-workers-right-to-strike/article22717100/)
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. http://www.ilo.org/public/english/standards/relm/gb/docs/gb277/pdf/d2-elim.pdf</p>
ILO 111: Discrimination (Employment and Occupation) Convention, 1958	November 1964	In force	<p>See the guide on employment discrimination legislation in Canada. http://www.naalc.org/migrant/english/pdf/mgcanemd_en.pdf</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: http://www.bestlibrary.org/ss9/files/minagee.pdf</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. http://www.ilo.org/public/english/standards/relm/gb/docs/gb277/pdf/d2-elim.pdf</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)
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
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>
Scientific Assessment to Inform the Identification of Critical Habitat for Woodland Caribou (Rangifer tarandus caribou) in Canada, 2011 update – Environment Canada.
http://www.registrelep-sararegistry.gc.ca/virtual_sara/files/ri_boreale_caribou_des_bois_science_0811_fra.pdf
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.
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
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
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.

- G. Yannic *et al.* 2014. "Genetic diversity in caribou linked to past and future climate change," *Nat. Clim. Change* 4,132–137.
- T.D. Rudolph, P. Drapeau, M.-H. St-Laurent and L. Imbeau, 2012. "Situation du caribou forestier (*Rangifer tarandus caribou*) sur le territoire de la Baie-James dans la région Nord-du-Québec." Scientific report submitted to the Ministère des ressources naturelles et de la faune and Grand Council of the Crees (Eeyou Istchee), Montréal, Québec, 77 pages.
- D.P. Thompson and P.S. Barboza, "Nutritional Implications of Increased Shrub Cover for Caribou (*Rangifer Tarandus*) in the Arctic" in *Canadian Journal of Zoology* 92, No. 4 (April 2014): 339–51, doi:10.1139/cjz-2013-0265.
- 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
 - 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.
 - 2012 – 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:
- 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.
 - 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.
- Plan d'action du Gouvernement du Québec pour le rétablissement du Caribou forestier 2016.*

ADDENDUM No 1

The QFIC-QWEB risk analysis published in December 2017 is still effective as of November 1st 2018. The conclusion of low risk for all indicators of the five categories remains unchanged.

This assertion is based on the following elements;

- The wood procurement sources for the province of Quebec have not changed in the past year.
- The laws and regulations pertaining to forest activity practices have essentially remained the same in the past year.
- No new information that could lead to changes in the analysis conclusions has been brought to our attention in the past year.