Progress report on steps taken to protect critical habitat for boreal caribou

Official title: Progress Report on Steps Taken to Protect Critical Habitat for the Woodland Caribou (*Rangifer tarandus caribou*), Boreal Population, in Canada

Species at Risk Act Critical Habitat Report Series

Woodland Caribou, Boreal population

1. Introduction

In April 2018, the Government of Canada published the first Progress Report on Unprotected Critical Habitat for the Woodland Caribou (*Rangifer tarandus caribou*), Boreal Population in Canada. That report noted that, while all provinces and territories responsible for boreal caribou critical habitat have taken and continue to take steps to protect boreal caribou critical habitat, to varying degrees, there are gaps in protection in each of these provinces and territories. The Minister of Environment and Climate Change has obligations under the *Species at Risk Act* (SARA) to report on steps taken to protect portions of critical habitat for every period of 180 days until the habitat is protected. As such, this second progress report on steps taken to protect critical habitat for boreal caribou provides a summary of steps taken, and of additional steps that are expected to be taken in the near future, that are of relevance to the protection of the species' critical habitat and that will assist in meeting the objectives of the federal Recovery Strategy.

Since April, there has been an increase in efforts in support of boreal caribou recovery across the country, driven by the work of many parties, including provincial and territorial governments, Indigenous communities, as well as stakeholders and non-governmental organizations. This report takes stock of various steps – regulatory changes, policy commitments, programs, and initiatives – that are of relevance to the protection of critical habitat for boreal caribou.

Despite the progress being made, the gaps in protection, as described in <u>the first Progress Report</u>, remain. Additional efforts, including those noted in this report, are needed to reverse the loss of critical habitat and declines in boreal caribou populations.

Nationally, the Government of Canada is implementing and building on the federal Action Plan for boreal caribou, which sets out a multi-pronged approach to meaningfully advance boreal caribou conservation. To this effect, Canada is leveraging the federal government's responsibilities and partnerships to advance the protection of critical habitat, as well as to dovetail with provincial and territorial efforts.

For example, the federal, provincial and territorial governments have made significant efforts towards the negotiation of conservation agreements under Section 11 of SARA. These aim to codify incremental concrete measures to support the conservation of the species and the protection of its critical habitat. Notably, a draft agreement in principle has been concluded with the Government of Saskatchewan, and is available to view on the Species at Risk Public Registry. A 1-year agreement for caribou recovery activities has been signed with the Government of Quebec, under the Bilateral Cooperation Agreement for the Protection and Recovery of Species at Risk in Quebec; Canada and Quebec are now negotiating a longer-term agreement. Negotiations on draft conservation agreements in principle under Section 11 of SARA are nearing completion with the Government of Northwest Territories, the Government of Newfoundland and Labrador, and for a multi-partite agreement with the Yukon Government, the First Nation of Na-Cho Nyäk Dun, and the Gwich'in Tribal Council.

Negotiations on draft conservation agreements in principle are ongoing with the Government of Alberta, the Government of Manitoba and the Government of Ontario.

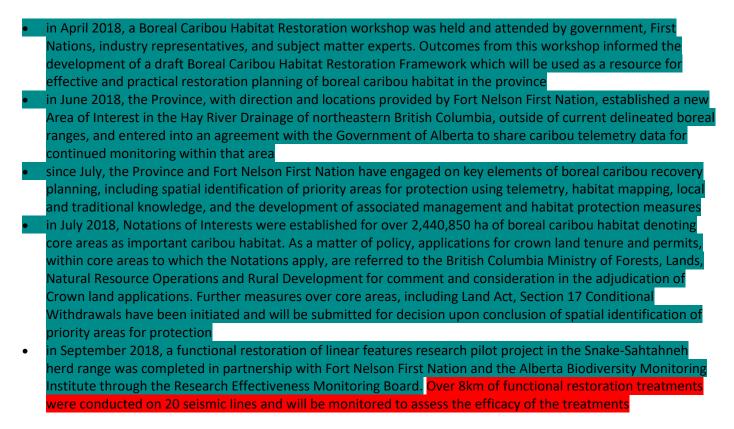
In addition, with funding provided by Budget 2018, including the Canada Nature Fund, various caribou recovery initiatives of direct relevance to the protection of boreal caribou critical habitat are being supported, many of which are in collaboration with Indigenous Peoples. These include the development of over 40 on-theground, Indigenous and multi-stakeholder-led initiatives in key jurisdictions, contributing to boreal conservation. Furthermore, processes to create new protected areas – including Indigenous Protected and Conserved Areas – are being developed across Canada, many of which are within boreal caribou critical habitat.

Meaningful conservation actions take time to build and to have effect: many recovery efforts are still in development or early stages of implementation, whereas we know that boreal caribou populations can take years or decades to respond to ecological changes. This report highlights that, while encouraging steps are being taken, more effort, innovation, investment, and collaboration are needed both to put in place protection for the species' critical habitat, and to ensure that meaningful, on-the-ground actions are being taken to restore critical habitat and recover the species.

2. Non-federal steps

2.1. British Columbia

Since April 2018, the following steps have been taken, which, in various ways, support and are of relevance to the recovery and protection of boreal caribou critical habitat in British Columbia:



Additionally, in the coming months British Columbia plans to:

finalize new herd plans for boreal caribou herds and a revised Boreal Caribou Recovery Implementation Plan,
 which will be collaboratively developed with Fort Nelson First Nation, will be submitted to the Environment and

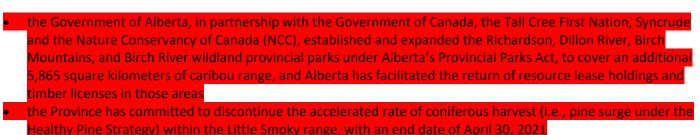
Land Use Committee for approval in spring 2019. The plans will outline the management measures including, but not limited to, habitat protection to be undertaken to recover boreal caribou in British Columbia

- in agreement with the Blueberry River First Nations, support caribou recovery within the Chinchaga herd range, including collaborative land and resource planning, restoration of habitat disturbances, and the establishment of new habitat protection measures
- pursue additional engagement on Provincial species at risk legislation. Legislation is anticipated to allow for the
 designation of habitat for species at risk to be protected from specific threats, and for a framework concerning
 offsetting measures, including those that could result in habitat protection. An accompanying policy framework
 is under development, and is anticipated to identify situations for which various offsetting measures would not
 be appropriate
- work with Indigenous communities to develop habitat restoration project proposals to be submitted for funding consideration. This work will be guided by the Boreal Caribou Habitat Restoration Framework. Funding decisions are expected in February 2019

In the past year, Canada, British Columbia, and Indigenous partners have focused on making progress in the conservation of the southern mountain caribou. In the coming months, Canada and British Columbia anticipate building on experience gained from development of the conservation agreement for southern mountain caribou, in turning their attention towards the conservation of boreal caribou.

2.2. Alberta

Since April 2018, the following steps have been taken, which, in various ways, support and are of relevance to the recovery and protection of boreal caribou critical habitat in Alberta:



- approximately 192,915 ha of sub-surface holdings, in eight boreal caribou ranges, have been returned to the Crown since July 2017 under the current moratorium on subsurface resource sales within caribou ranges
- the Province continues to work towards the protection of critical habitat for boreal caribou through planning exercises, dedicated restoration funding, and on-the-ground actions. For instance, restoration actions have continued, and have continued to be initiated, within the past 6 months in a number of boreal caribou ranges, to help restore caribou critical habitat and help meet the objectives of the federal Recovery Strategy. Industry stakeholders in the province have also been engaged in restoration projects since 2013
- the Province has initiated habitat restoration, partly enabled by federal funding, that will be distributed through the Forest Resource Improvement Association of Alberta (FRIAA) and establish the Caribou Habitat and Recovery Program

Alberta is also undertaking a host of other actions to support the recovery of boreal caribou in the province, including multi-stakeholder range planning, predator and alternate prey management, and legacy seismic restoration, among others. In the coming months, Alberta plans to:

- update and improve operating and approval standards associated with critical habitat restoration and industrial land use approvals
- develop geographically focused forestry harvesting plans to manage and reduce forestry-related disturbance; and
- continue to fund and implement critical habitat restoration projects across a number of ranges.

Additionally, following collaborative discussions with Indigenous groups, industry and other stakeholders, the Government of Alberta is proposing to establish the Biodiversity Stewardship Area to be designated as a wildland provincial park. This proposed protected area is expected to conserve more than 166 000 hectares of boreal forest located directly south of the Wood Buffalo National Park and safeguard the way of life of surrounding Indigenous Peoples. It would also increase connectivity between existing park areas, which is important to maintain ecological integrity and habitats for species at risk like boreal caribou, including the Red Earth and Richardson populations.

Canada and Alberta have made advancements in the negotiation of a draft conservation agreement in principle under Section 11 of SARA for boreal caribou. This draft agreement intends to codify concrete measures of relevance to the protection and recovery of the species and its critical habitat, including the development of range plans.

2.3. Saskatchewan

Since April 2018, the following steps have been taken, which, in various ways, support and are of relevance to the recovery and protection of boreal caribou critical habitat in Saskatchewan:

•	Saskatchewan has developed a habitat mitigation framework that focuses on avoidance of important habitats, mitigation for the effects of new developments and, where necessary, offsetting for those effects when mitigation is not sufficient. As a result, the Province is establishing a formal process for assessment and mitigation for developments in caribou habitat, even if they do not undergo the environmental assessment process. Many project proponents are actively involved in the Province's range planning process and in the past have included considerations in the mitigation framework in their project development, including offsets. This is expected to improve avoidance of important caribou habitats and mitigation/offsetting where necessary, leading to more habitat restoration in disturbed areas
•	the Province is currently reviewing and proposing changes to <i>The Crown Resource Land Regulations</i> . These regulations govern the administration of Crown land in the northern part of the province, including all boreal caribou habitat. Administrative tools will be examined that could hasten or enhance the protection of boreal caribou habitat
•	Saskatchewan has taken steps toward designation of four protected areas within the boreal caribou ranges. In the Boreal Shield (SK1) range, this will add approximately 80,000 hectares of protected lands in two areas (Lower Foster - 23,152 hectares, and Tazin Lake - 56,222 hectares). Lower Foster has already been designated in <i>The Representative Areas Ecological Reserve Regulations</i> , and Tazin Lake is in the preparatory phase. Close to half a million hectares are moving toward protection in the Boreal Plain (SK2) range. This will occur when the Mossy River (469,521 hectares) and Lobstick (22,672 hectares) protected areas are designated Saskatchewan has defined caribou habitat management areas in the central caribou administrative unit in the SK2 range, and identified draft caribou habitat management areas for the West caribou administrative unit in the SK2 range. These caribou habitat management areas were posted on the Province's Hunting, Angling and Biodiversity Information of Saskatchewan (HABISask) website in September to help industry, developers, and others identify sensitive habitat conditions and plan accordingly Saskatchewan met with the planning table for the SK2 range's West caribou administrative unit, which is comprised of First Nations, Métis, industry, environmental non-governmental organizations, and stakeholders. The Province collected input to prepare planning scenarios for the SK2 West caribou administrative unit range plan

Additionally, in the coming months, Saskatchewan plans to:

- actively work on obtaining final approval of the SK2 Central caribou administrative unit range plan
- meet with the SK2 West caribou administrative unit planning table to present management scenarios and sensitivity analyses and obtain review, comment, and feedback from their respective viewpoints

On November 14, 2018, Canada and Saskatchewan concluded the negotiation of a draft agreement in principle under Section 11 of SARA for the conservation of boreal caribou in the province. <u>The agreement is currently</u> <u>available to view on the Species at Risk public registry</u>. This agreement in principle codifies concrete measures to support the conservation of the species and the protection of its critical habitat, and sets out commitments to range planning, restoration, and monitoring, as well as setting short and long-term habitat and population goals. Saskatchewan has undertaken informal consultations on the draft agreement, and, in the coming months, Canada and Saskatchewan anticipate completing consultations on the agreement in principle before seeking to finalize the agreement.

2.4. Manitoba

Since April 2018, the following steps have been taken, which, in various ways, support and are of relevance to the recovery and protection of boreal caribou critical habitat in Manitoba:



- have worked with local industry representatives regarding forest-harvesting plans, to mitigate impacts to boreal caribou habitat. As a result, harvest has been restricted such that there is no harvesting within the core areas that are currently undisturbed by development
- Manitoba Department of Sustainable Development officials reviewed and denied proposed expansions or new developments of quarries occurring in and/or in close proximity to core caribou use areas under a combination of provincial legislation, as appropriate

In the coming months, Manitoba intends to take the following steps:

- development of a draft range plan for the Owl-Flintstone Management Unit
- mitigation of impacts to boreal caribou habitat through review of all development proposals; and
- complete data analysis that is required for the development of range plans, as the basis to describe the current state of populations and habitat for boreal caribou within the identified boreal caribou management units. The data analysis will also provide the foundation for management initiatives and direction to be presented in range plans

In addition, Canada and Manitoba are progressing on the negotiation of a draft conservation agreement in principle under Section 11 of SARA for boreal caribou. This agreement intends to codify concrete measures to support the conservation of the species and the protection of its critical habitat, including the development of range plans.

2.5. Ontario

Since April 2018, the following steps have been taken, which, in various ways, support and are of relevance to the recovery and protection of boreal caribou critical habitat in Ontario:

- The Province continues the review and assessment of a number of large-scale development proposals through Ontario's Endangered Species Act, 2007 (ESA) and Range Management Policy in Support of Woodland Caribou Conservation and Recovery. These efforts involve consideration of caribou range condition based on current data, detailed assessment of potential adverse effects on caribou and their habitat, and identification of avoidance, mitigation, and conditions for authorization
- With respect to the Coastal range, the Province has been working since 2016 to develop a management
 approach for the Lake Superior Coast Range and Discontinuous Distribution. In spring 2018, input was received
 through posting of the discussion paper titled "Seeking Advice on the Future of Caribou in the Lake Superior
 Coast Range," and engagement sessions were held with Indigenous communities to obtain community input.
 The input received, in addition to input from Indigenous and stakeholder sessions planned for early 2019, will
 inform the development of draft management approach. Consultation on the draft management approach is
 anticipated in spring 2019
- In the Far North planning area, the Province continues to work with 10 First Nation communities to plan for a 195,494 square kilometer area. When completed, each community based land use plan will include at least one Dedicated Protected Area. Establishment of Dedicated Protected Areas will result in enhanced protection of significant areas of the Far North from human disturbance
- The 2014 Forest Management Guide for Boreal Landscapes includes new requirements to manage for natural levels of caribou habitat, develop a caribou habitat plan (i.e. Dynamic Caribou Habitat Schedule), and directs that planning be undertaken in the context of the caribou range as opposed to the forest management unit. Since April 2018, the Guide was applied to the development of eight Forest Management Plans (overlapping with eight boreal caribou ranges), and an additional five Forest Management Plans (overlapping four ranges) will apply to the Guide over the next six months
- Ontario Parks continue to implement caribou considerations into management and operations including the development of fire response plans, reviews of work permits, approvals for research permits, and the development of educational materials. The finalization of the Slate Islands Provincial Park Management Plan is anticipated by March 2019
- Boreal caribou habitat maps have been updated using additional observation data including continued boreal caribou habitat mapping work to delineate nursery and winter use areas. In addition, new science-based mapping technology has been developed to enable accurate mapping of seasonal range habitat. The Province continues to improve their caribou screening tool, which tracks both anthropogenic and natural disturbance. Boreal caribou habitat maps and the caribou screening tool help to inform resource management decisions and support the review of development proposals. The Province is planning to undertake additional population monitoring in selected caribou ranges during the winter of 2019
- In Ontario's Far North planning area, work is ongoing to develop population dynamics models for caribou, to facilitate regional cumulative effects assessment. These models will assist in the identification of boreal caribou critical habitat in the Far North and will help to inform future planning and resource development decisions in this region

Canada and Ontario are pursuing discussions towards the negotiation of a draft conservation agreement under Section 11 of SARA for boreal caribou, to inform measures necessary support the conservation of the species and the protection of its critical habitat.

2.6. Québec

Since April 2018, the following steps have been taken, which, in various ways, support and are of relevance to the recovery and protection of boreal caribou critical habitat in Québec:

The new boundary of attributable forests came into effect, which delineates the forests that can be sustainably managed. It was established pursuant to the *Loi sur l'aménagement durable du territoire forestier* (Sustainable Forest Development Act) to ensure that management practices take into account all recognized sustainable forest management criteria. This boundary is used to exclude forest management activities from nearly 65% of the overall range of boreal caribou in Québec, though not for each local population range.

 The Québec Règlement sur l'aménagement durable des forêts du domaine de l'État (Regulation respecting the sustainable development of forests in the domain of the State), which came into effect on April 1, 2018, provides for specific regulatory measures for the protection of boreal caribou in Québec. For example, no forestry activity may be carried out in calving habitats north of the 52nd parallel, or in blocks of certain lichen ecological types.

In addition to these changes, Québec is continuing to implement the *Plan d'action pour l'aménagement de l'habitat du caribou forestier* (Woodland Caribou Habitat Stewardship Plan), which is expected to result in the adoption of a long -term strategy for he sustainable management of boreal caribou habitat.

- In the interim, the Québec *ministère des Forêts, de la Faune et des Parcs* (MFFP ; Department of Forests, Wildlife and Parks) has subtracted 34,000 km2 from the harvestable area and is considering possible modifications to forestry activities on lands that are being considered in the development of the Stewardship Plan. The MFFP is currently planning the second and third years of long -term monitoring of boreal caribou populations in the province. It is also continuing efforts to raise awareness among users of the areas in order to reduce disturbance and mortality.
- In 2017, the MFFP set up a test area for the dismantling and reforestation of logging roads, and, in the summer
 of 2018, began setting up two test areas for a new forest management operational approach adapted to boreal
 caribou habitat, in particular, by limiting the long-term impact of logging roads.
- The MFFP continues to consult interested parties by means of the Table des partenaires (multi-stakeholder committee), and a dedicated committee with First Nations, and through consultations with experts.

The MFFP began a long-term population monitoring project in 2017–2018. Large areas have been inventoried, particularly sectors where knowledge of caribou populations was sparse, and the number of caribou monitored by means of tracking collars has been increased to more than 230 animals. The MFFP is currently analyzing data collected through this process, and is planning monitoring for the coming years.

Over the next few months, the MFFP will also continue the work of implementing the Boreal Caribou Habitat Stewardship Plan. This work will make it possible for Québec to adopt a long-term strategy for the management of boreal caribou habitat by March 31, 2019. This strategy will:

- Be based on the most up-to-date knowledge and take into consideration the socio-economic impacts and
 operational feasibility of the intended actions;
- Set out options and outcomes targeted by Québec for the protection of boreal caribou , and explain the contribution of protected areas and the boundary of attributable forests; and
- Provide an outline of the landscapes that will be subject to adapted forest management methods in order to
 foster boreal caribou habitat.

In August 2018, under the Cooperation Agreement for the Protection and Recovery of Species at Risk in Québec, Canada and Québec signed an agreement applicable to the boreal caribou and their habitat for 2018 –2019. This bilateral agreement commits both parties to allocating funding for measures intended to protect boreal caribou and their habitat. A broad range of activities is under consideration, particularly the sharing of expertise and the participation of working groups, habitat management, monitoring of populations, management of populations, participation of Indigenous Peoples, research, knowledge sharing, and landscape-scale planning.

In addition to this one-year agreement, Canada and Québec have also begun negotiations towards a long-term agreement for boreal caribou, to further codify concrete measures to support the conservation of the species and the protection of its critical habitat.

2.7. Newfoundland and Labrador

Since April 2018, the following steps have been taken, which, in various ways, support and are of relevance to the recovery and protection of boreal caribou critical habitat in Labrador:

- the Province continues to monitor and manage caribou habitat on the landscape through various legislated processes that manage land use activities. Notably, proposed land-use activities may be approved or rejected by the Provincial Department of Fisheries and Land Resources, based on the potential to impact caribou or their habitat, which help to ensure the protection of caribou core areas, and to provide mitigations that will limit disturbance within the range
- the Province continues to undertake recovery and management planning activities, which will feature and support future land use planning, and habitat protection through forest management processes, such as coordinated forestry planning with the Innu Nation within the Red Wine Mountain range which prohibits commercial forestry activities within the reserve, with only small-scale domestic harvest permitted. This reserve is in place for the 2018 to 2022 forestry planning cycle
- the Province continues to limit forest harvesting during the sensitive calving period

Canada recognizes the relative intactness of the three local ranges in Labrador and the processes the Province already has in place to manage land use and critical habitat to ensure it is effectively managed consistent with the federal recovery strategy. Building on these processes, Canada and Newfoundland and Labrador have been negotiating a draft conservation agreement in principle under Section 11 of SARA for boreal caribou, and are committed to concluding it in the near future. This draft agreement intends to codify concrete measures of relevance to the protection and recovery of the species and its critical habitat, and will provide a framework for achieving the critical habitat outcomes, among other caribou recovery outcomes sought by the Province.

2.8. Northwest Territories

Since April 2018, the Government of the Northwest Territories (GNWT) has continued to work with renewable resources boards and Indigenous governments and organizations to implement the *Recovery Strategy for the Boreal Caribou (Rangifer tarandus caribou) in the Northwest Territories* (2017), with some significant progress having been made towards the protection of boreal caribou critical habitat in the Northwest Territories. Specifically:

- the May 2018 release of the Territory's draft Boreal Caribou Range Planning Framework, to guide the development of regional range plans to manage natural and human habitat disturbance for boreal caribou in the Northwest Territories. The GNWT has been undertaking public engagement and Indigenous consultation, as well as establishing two working groups, to seek input on the draft Framework
- the March 2018 release of the proposed Phase II regulatory amendments under the Northwest Territories
 Wildlife Act include new proposed regulations. These proposed regulations would: require Wildlife Management and Monitoring Plans to demonstrate how proposed or existing developments will minimize impacts on boreal caribou and its habitat; prohibit development activity until Plans are approved by the Territorial Minister of Environment and Natural Resources; and create the possibility for penalties for failure to comply with Plans. The GNWT conducted public engagement and Indigenous consultation on the amendments until June 30, 2018
- continued implementation of *Healthy Land, Healthy People: GNWT Priorities for Advancement of Conservation Network Planning 2016-2021*, a five-year work plan for collaborative conservation network planning in the Northwest Territories. This includes engagement of the Technical Working Group of Indigenous governments and organizations and a Stakeholders Advisory Group to collaboratively develop a new draft *Protected Areas Act*. This new legislation would provide the legislative framework for protecting, conserving, and maintaining biodiversity, ecological integrity, and cultural continuity of the Northwest Territories through the creation of a network of permanent protected areas that are representative of the ecosystems and cultural landscapes found in the territory
- on July 25, 2018, the Dehcho First Nations passed a resolution to designate approximately 14,218 square kilometers of land in the Dehcho region as the Edéhzhíe Protected Area under the *Dehcho Protected Area Law* (2018). This area includes important boreal caribou habitat as well as many other values of ecological and

cultural significance. The resolution also authorized Dehcho First Nations to finalize the Edéhzhíe Establishment Agreement with the Government of Canada, so that Edéhzhíe can become a National Wildlife Area under the *Canada Wildlife Act*

- on May 29, 2018, the Commissioner in Executive Council renewed the subsurface land withdrawal in place for Edéhzhíe under the NWT Lands Act until June 2019
- in the southern Northwest Territories, until land claim negotiations and land use planning are complete, as well as pursuant to relevant acts, there is currently a combination of surface and sub-surface land withdrawals, under interim measures agreements and the *NWT Lands Act*, which prevent certain activities, which could destroy critical habitat in approx. 59,404 square kilometers of the NT1 range

The GNWT, with supporting funds from the Government of Canada's Habitat Stewardship Program for Species at Risk, is developing two initiatives related to the protection of critical habitat for boreal caribou, which will be undertaken between fall 2018 and spring 2020. One initiative is to develop a Species at Risk and Caribou Habitat Viewer and Online Mapping Tool, to help avoid, minimize and mitigate impacts of proposed development projects on critical habitat. The other will include the review and development of guidelines for industrial development in boreal caribou range, to reflect current best practices from across Canada for different types of industrial development and public infrastructure projects.

Canada and the GNWT concluded the negotiation of a draft conservation agreement in principle under Section 11 of SARA for boreal caribou on October 18, 2018. The agreement in principle codifies concrete measures to support the conservation of the species and the protection of its critical habitat, and sets out commitments to range planning and harvest management. Specifically, the agreement in principle is based on three existing management and conservation approaches, including the territorial *Recovery Strategy for the Boreal Caribou* (*Rangifer tarandus caribou*) in the Northwest Territories (2017), the Consensus Agreement Respecting Implementation of the Recovery Strategy for Boreal Caribou in the Northwest Territories (2017), and the draft Boreal Caribou Range Planning Framework. The role and contributions of renewable resources boards and Indigenous governments and organizations are key components of the integrated resource management system in the Northwest Territories. The GNWT and the Government of Canada have shared the draft conservation agreement with renewable resources boards and Indigenous governments and organizations in the NWT for their review and comment. This engagement and consultation is expected to be completed by the end of 2018, after which the agreement will be finalized.

Finally, the Government of Canada has committed to working with the GNWT, Indigenous governments, and Northern Wildlife Management Boards to protect critical habitat in a manner that respects the *Northwest Territories Lands and Resources Devolution Agreement* and the authorities of the GNWT to administer and control Public Lands and rights in respect of Waters under that Agreement.

2.9. Yukon

Since April 2018, the Government of Canada, the Yukon Government, the First Nation of Na-Cho Nyäk Dun, and the Gwich'in Tribal Council have advanced negotiations of a draft conservation agreement for boreal caribou. The multi-lateral agreement is intended to codify the commitments of the parties to habitat management and protection measures for boreal caribou, specifically for the period until the Peel Watershed Regional Land Use Plan is finalized and implemented.

As was noted in the April report, several key measures remain in place to prevent destruction of boreal caribou habitat in the Yukon portion of the "Northwest Territories" (NT1) range of the species, and recognizing that this habitat is relatively undisturbed:

Prohibition of Entry on Certain Lands (Peel Watershed Planning Region) Order, OIC 2015/13, prohibits locating of new quartz or placer mineral claims or prospecting or mining for minerals on new claims (in force and ending on

January 1, 2020), with a commitment to consultation with Parties by Yukon Government prior to any extension, amendment or repeal of OIC; and

 a policy that rights for oil and gas will not be issued under the Oil and Gas Act (Yukon) in the Peel Watershed Planning Area (to January 1, 2020), with a commitment to consultation with Parties by Yukon Government prior to any extension, amendment or cancellation of this policy

The Government of Yukon is currently reviewing a draft multi-partite conservation agreement in principle under Section 11 of SARA with the Government of Canada, the First Nation of Na-Cho Nyäk Dun, and the Gwich'in Tribal Council. In the coming months, the parties anticipate having completed negotiations of this draft, upon which the parties will consult before seeking to finalize the agreement. In the long term, the parties to this agreement see the Peel Watershed Regional Land Use Plan, and related land management regulatory tools, as a promising tool to address gaps in the protection of boreal caribou critical habitat. Final consultation on the recommended Peel Plan is currently underway, and the final plan is expected to be released in 2019.

Finally, the Government of Canada has committed to working with the Yukon Government, Indigenous governments, and Wildlife Management Boards to protect critical habitat in a manner that respects the *Yukon Act* and the *Yukon Northern Affairs Program Devolution Transfer Agreement*, and the authorities of the Yukon Government to administer and control Public Lands and rights in respect of Waters under that Agreement.

3. Federal steps

The Government of Canada is committed to implementing the *Species at Risk Act* (SARA), including for boreal caribou, to prevent the species from becoming extinct and to provide for the recovery of the species. This is why Canada has taken a leadership role in boreal caribou conservation, including through the development and implementation of the boreal caribou federal Action Plan. Since the publication of the Action Plan, and since the last report on steps taken to protect critical habitat, Canada has continued to ramp up efforts to leverage its investments, partnerships, and authorities, to improve conservation outcomes for the species. This includes moving to put in place protection for boreal caribou critical habitat under SARA on federally administered lands, advancing the negotiation of conservation agreements with provinces and territories, and making investments in innovative measures and collaborative efforts.

Protection on federal lands

On December 8, 2018, the Minister of the Environment and Climate Change published a proposed Order under SARA Section 58 to protect boreal caribou critical habitat on federally administered land. While only a small fraction of the area containing critical habitat is located on federally administered lands, putting in place an order on these lands is one of many steps towards conserving the species through the protection of its critical habitat. This proposed Order would apply to any portion of boreal caribou critical habitat found on over 300 properties directly managed by federal government departments, agencies, and Crown corporations. These properties make up a combined area of more than 20 000 km². The proposed Order has been published in the Canada Gazette, Part I, and Canadians are invited to review and comment on the proposed Order and Regulatory Impact Assessment Statement until January 10, 2019

As noted in the April 2018 report, the Parks Canada Agency has already provided legal protection to boreal caribou critical habitat in Prince Albert National Park of Canada, Wood Buffalo National Park of Canada, and Nahanni National Park Reserve of Canada. The Parks Canada Agency will continue ongoing work with Canadians to protect boreal caribou critical habitat in protected heritage places administered by the Agency using provisions in, and measures under, federal legislation applicable to the Agency, including the *Canada National Parks Act*.

Canada will also continue to work with affected Indigenous Peoples, as well as with provincial and territorial governments and stakeholders, to ensure the protection of other key areas of interest to the Government of Canada, including the Cold Lake Air Weapons Range in Alberta, Reserve lands set out under the *Indian Act*, and lands whose administration and control have been devolved to the Northwest Territories and Yukon governments under devolution agreements.

On October 11, 2018, the Government of Canada and the Dehcho First Nations signed an establishment agreement, creating the Edéhzhíe protected area, a 14,218 square kilometer Indigenous Protected Area within the boreal caribou Northwest Territories (NT1) range. Edéhzhíe provides important habitat for boreal caribou, as well as other iconic species such as wood bison, tundra swans, and greater white-fronted geese. Through the establishment of Edéhzhíe, Canada and the Dehcho First Nations will work together to protect the area's ecological integrity from impacts of future development and ensure that the Dehcho Dene way of life is maintained for present and future generations, as well as to formally designate the area as a National Wildlife Area in 2020. This area would be subject to the aforementioned proposed Section 58 order.

Conservation agreements

Since the publication of the federal boreal caribou Action Plan, the Government of Canada has engaged all nine provinces and territories responsible for boreal caribou, seeking to initiate negotiations of conservation agreements under Section 11 of SARA to codify incremental concrete measures to support the conservation of the species and the protection of its critical habitat. As noted throughout the previous sections, Canada and several provincial and territorial governments have settled on draft agreements; negotiations with other jurisdictions are still ongoing. The Government of Canada is seeking to publish draft agreements on the Species at Risk Public Registry within the next 6-month period, including commitments to implement range plans.

The Government of Canada goals in negotiating these agreements have been consistent: alongside other relevant measures, we are seeking commitments to complete range planning that will demonstrate credible, ambitious plans to protect critical habitat in each range, and we are encouraging provinces and territories to engage as actively as possible with Indigenous groups, as well as with stakeholders, in completing these plans and ensuring action on the ground.

Investments to support on-the-ground Caribou recovery actions

As a result of Budget 2018 and the historic investment to protect ecosystems, landscapes and biodiversity, including species at risk via the Canada Nature Fund, Environment and Climate Change Canada (ECCC) has advanced a number of on-the-ground initiatives. Specifically, ECCC, in support of the multi-pronged approach to boreal caribou conservation set out in the federal Action Plan for boreal caribou, will invest in actions that will directly contribute to the acceleration and implementation of measures of relevance to the conservation and protection of boreal caribou. This includes support for Indigenous Protected and Conserved Areas (IPCAs), the Indigenous Guardians Pilot Program, and the administration of Grants and Contributions specific to boreal caribou protection and recovery.

With Budget 2018, the Government of Canada committed significant funding to support the goal of protecting 17% of the country's land mass in protected areas by 2020. With this initiative, ECCC is working with Indigenous Peoples, provincial and territorial governments, and stakeholders, seeking ambitious, innovative, and collaborative initiatives to establish new, effective protected areas. Many of these initiatives, like the aforementioned Edéhzhíe Indigenous Protected Area, will support conservation of the boreal forest within the ranges of the boreal caribou. The details of these projects will be released over the course of the coming months, and ECCC will be in a better position to report on the specific expected benefits to boreal caribou habitat conservation in future reports.

The Government of Canada has allocated approximately \$25 million over 4 years for the Indigenous Guardians Pilot Program, which provides Indigenous Peoples with greater opportunity to exercise responsibility in stewardship of wildlife on their traditional lands. Several projects under the program occur throughout the distribution of boreal caribou; for example, the Innu Nation of Quebec program establishes Indigenous guardians to support boreal caribou recovery efforts at the community level.

ECCC Grants and Contributions are being administered through both directed and application-based programs, (e.g. Habitat Stewardship Program and the Aboriginal Fund for Species at Risk), to support steps towards the protection of boreal caribou critical habitat, as well as related conservation objectives for the species. Since April, the Government of Canada has allocated over \$5.3 million for this fiscal year to support the implementation of conservation agreements with provinces and territories, and over \$2 million for 31 Indigenous-led, on-the-ground activities in eight provinces and territories. Many of these funding agreements are multi-year with funding commitments over the next five years under the Canada Nature Fund. The funding for these Indigenous-led projects will support a variety of actions, including Indigenous Traditional Knowledge gathering and integration, development of restoration and recovery plans, implementation of restoration actions, conducting of population and habitat monitoring, and building capacity within communities. It also includes \$230,000 in funding for five projects to support Indigenous-led activities under the National Boreal Caribou Knowledge Consortium, established in accordance with the commitments made within the federal Action Plan, as well as \$237,000 for four projects funded under the Habitat Stewardship Program.

Moreover, Canada has invested in multi-stakeholder tables in jurisdictions across the country, bringing together governments, industry, Indigenous Peoples, and non-governmental organizations to meaningfully advance boreal caribou conservation measures, including through contributions to range planning, the identification of protected areas, and with an interest in multi-species conservation benefits. The purpose of these collaborative tables is to align actions and initiatives with provincial processes, including range planning, to meaningfully advance and accelerate boreal caribou recovery.

Natural Resources Canada has also committed \$75,000 since April 2018 for six Indigenous-led projects across five provinces in support of community engagement in boreal caribou recovery efforts.

Knowledge to support recovery

The federal Action Plan for boreal caribou committed to making key investments in the generation and sharing of knowledge to support the recovery of the boreal caribou. The Government of Canada is committed to taking actions based on sound science and Indigenous Traditional Knowledge, and working with all partners in this endeavour. This knowledge is significant for protection of critical habitat, in many cases, where it is essential for informing range planning and for designing effective regulation.

In June 2018, the Government of Canada launched the National Boreal Caribou Knowledge Consortium (NBCKC), bringing together the expertise and experiences of federal, provincial, territorial, and Indigenous governments, Indigenous and non-governmental organizations, academics, and industry stakeholders. Since the launch, the NBCKC secretariat is working with a broad range of knowledge holders to develop a suite of best practices for monitoring boreal caribou and its habitat and is sharing information via recurring newsletters and webinars. A knowledge-sharing portal is also being developed through collaboration with partners.

Using satellite imagery and data (Landsat-5 data from 2008-2010, and Landsat-8 data from 2015), ECCC's Science and Technology branch updated and mapped human disturbance information. Coarser-resolution (30 m) information is available on <u>Open Government</u>, and ECCC expects to publish finer-resolution (15 m) information in early 2019.

As committed to in the 2012 Recovery Strategy and the 2018 Action Plan, ECCC is moving forward on the proposed amendment to the 2012 Recovery Strategy, which will identify critical habitat in northern Saskatchewan's Boreal Shield range (SK1). In 2012, the boreal caribou Recovery Strategy identified critical habitat for all boreal caribou ranges in Canada with the exception of SK1. Since 2012, significant work has been undertaken, and ECCC recently completed a scientific analysis to inform critical habitat identification for SK1. ECCC is currently engaging with Indigenous communities, affected stakeholders, and the Government of Saskatchewan to identify critical habitat for SK1. To the extent possible, ECCC will complete its cooperation and consultation on the candidate critical habitat prior to posting the proposed amendment to the Recovery Strategy on the Species at Risk Public Registry for a 60-day public comment period.

ECCC and Natural Resources Canada (NRCan) are continuing to invest in science and modelling to better understand dynamics and components of boreal forest, ecosystems and disturbances, climate change, and water, at the site and landscape levels. This work will improve the evidence base and provide decision-support tools for conservation and range planning for boreal caribou. For example, to inform the implementation of range plans through both resource management practices and habitat restoration, NRCan and ECCC researchers are assessing the cumulative effects of natural resource projects and natural disturbances on the landscape, incorporating socioeconomic research. NRCan is using a variety of socioeconomic approaches, including an economic valuation of the natural resources that intersect with critical habitat and may be impacted, socioeconomic analysis of industry impacts, and socioeconomic analysis at the community level to better understand the diversity of impacts of any proposed recovery actions.

NRCan has also initiated projects and discussions to better understand the needs and perspectives of Indigenous communities on the restoration of caribou habitat, to support the monitoring of habitat recovery as well as supporting stewardship and Indigenous management plans.

Other areas of work on knowledge to support boreal caribou recovery and critical habitat protection, undertaken by federal departments in partnership with various other groups, include research on caribou and its habitat to inform range and action planning:

- development of best practices for caribou and habitat monitoring, including for long-term, non-invasive monitoring practices
- enhanced analysis of the relationship between different types of disturbance and boreal caribou population response
- development of methods and tools to help decision-makers allocate resources for conservation in a way that
 maximizes the probability of achieving recovery outcomes under resource constraints, through development of
 a national-scale, spatially-explicit framework to prioritize areas for conservation action
- modelling to project the response of boreal caribou and other species at risk to climate change; and
- research to optimize habitat recovery through forest landscape restoration approaches and the development of tools and practices to support sustainable forest management and restoration success at the site level

4. A collaborative approach to protection and recovery

All Canadians have a role to play in the conservation of wildlife in Canada, and nowhere is this more the case than for caribou. The recovery of boreal caribou is a concern and a focus of many Indigenous Peoples, stakeholders, communities, and Canadians.

This section of this report includes some key examples of steps being taken by non-government actors, including Indigenous Peoples, and stakeholders, to support and complement boreal caribou critical habitat protection, since April 2018 as well as over the past several years. In future reports, we will note key advances and milestones related to Indigenous and stakeholder activities.

Since April 2018, we have seen a gathering of momentum for boreal caribou recovery and conservation, by government and non-government actors alike. While there are gaps in regulatory protection across the country, there have also been efforts, investments, and innovations across the country that aim to dovetail and integrate with steps taken by governments to protect boreal caribou critical habitat. Canada will continue to facilitate and support these efforts, through the development and adoption of measures that can effectively reduce the risk of critical habitat destruction.

4.1. Steps being taken by Indigenous Peoples

Many Indigenous governments, organizations and communities are actively working to build more effective, long-term, and collaborative approaches critical to boreal caribou recovery. The recovery of the species, and Canada's support and efforts on this issue, are equally important to supporting Canada's commitment to reconciliation with Indigenous Peoples.

Boreal caribou is culturally important to many Indigenous Peoples in Canada, and Indigenous Peoples play a critical role in supporting and leading the recovery of this important species. Indigenous Peoples have continued to demonstrate leadership in developing meaningful, practical, and ambitious ways to improve boreal caribou conservation outcomes.

Some Indigenous Peoples are engaged in collaborative approaches to protect and recover boreal caribou, including through activities such as community-based monitoring projects, Action Plans including the Fort Nelson First Nation *Medzih Action Plan*, and the establishment of Indigenous Protected and Conserved Areas in the boreal caribou range, such as the aforementioned Edéhzhíe Indigenous Protected Area. The Government of Canada is also seeking opportunities to work with Indigenous Peoples to protect critical habitat on *Indian Act* lands, lands held by Indigenous Peoples under Land Claims Agreements, and lands where traditional activities are carried out.

Approximately 30 Indigenous-led projects to support recovery and protection outcomes for boreal caribou and its critical habitat are being established through Canada Nature Funds. Among other things, these projects focus on:

- the collection of Traditional Ecological Knowledge to map areas of important habitat, and to better our understand habitat use, caribou movements, distribution and population
- implementation of on-the-ground restoration activities, including combinations of mounding, seeding, planting, and brush barriers
- development of restoration plans including the prioritization of critical sectors for restoration, sites and activities for restoration; and
- increasing capacity within Indigenous communities to conduct additional habitat restoration, monitoring and other caribou conservation activities

Examples of Indigenous-led projects to conserve boreal caribou and its critical habitat:

Lac Simon, Kitcisakik and Long Point First Nations, Quebec

Since April, the Government of Canada, the Government of Quebec, and the Algonquin First Nations of Lac Simon, Kitcisakik, and Long Point have agreed to implement multi-year conservation measures for the Val d'Or population of boreal caribou. The Val-d'Or Local Population Unit is one of six ranges of boreal caribou found in Quebec but lacks connectivity to other populations in the province. The population currently consists of few individuals and is considered non-self-sustaining. This collaboration includes measures to decrease habitat fragmentation, reforestation, predator control, monitoring, and research. The measures will be based on science and Aboriginal Traditional Knowledge.

Blueberry River First Nation, British Columbia

This project is intended to finalize habitat restoration plans and implement on-the-ground habitat restoration through combinations of mounding, seeding, planting, and brush barriers. Community members will be trained in habitat monitoring and restoration techniques to conduct further habitat restoration work in the future. The Blueberry River First Nation will be targeting sites for habitat restoration up to 10 segments of linear corridors, up to 5km in length each.

Cold Lake First Nations, Alberta

Cold Lake First Nations in Alberta has partnered with NRCan to apply their perspectives and Traditional Knowledge along with western science to support the livelihood of communities through landscape restoration approaches that will support multiple benefits.

Deninu K'ue First Nation, Northwest Territories

This three-year Aboriginal Fund for Species at Risk - Species at Risk Stream project will address the time required for foraging habitat to recover following fire and become suitable for use by Woodland Caribou, Boreal population (Threatened). The incidence of fire episodes is increasing as a result of climate change, and therefore it is essential to understand the impact of fire to the species habitat. In 2015-2016, the Deninu K'ue First Nation completed an Aboriginal Fund for Species at Risk - Species at Risk Stream study on Boreal Caribou habitat in the South Slave region of the Northwest Territories that identified forests fires as a perceived threat to the local Boreal Caribou population. The current project expands on this study by examining the temporal impacts of forest fires on Boreal Caribou foraging habitat, in particular terrestrial lichens that are an important food source and do not reach significant biomass levels in fire-affected areas for approximately 50 years. This study will utilize non-destructive sampling of forage lichens at sites affected by recent and historic forest fires as well as sites where fires have not occurred. Sample sites will be chosen from habitats that were modelled as very high, high, or moderate suitability for Boreal Caribou forage. The abundance of forage lichens in experimental (burned) and control (unburned) sites in the study area will be examined.

The Government of Canada will continue to collaborate with Indigenous Peoples to build strong, enduring relationships that support short and long-term protection and recovery objectives for this culturally-important species.

4.2. Multi-stakeholder actions

Many industry and environmental non-governmental organization stakeholders continue to be active drivers in caribou conservation, including through the development and implementation of measures to restore critical habitat and reduce the footprint and impact of activities, as well as in forest management planning, population management, and research.

In the oil and gas sector in Western Canada, this has included integrated planning and restoration of legacy disturbance footprint within caribou ranges, which, industry groups report, has led to the restoration of over 1,000 kilometers of legacy seismic lines, with over 1 million trees planted. In the forestry sector, industry groups have reported the development of integrated, adaptive, landscape-level approaches to sustainable forest management planning, in order to identify and mitigate risks to caribou, reduce long-term disturbance and accelerate suitable habitat recovery. Industry have also used tenure deferrals, zonation, and sequencing of activities to reduce impacts, identified protected areas, developed adaptive operational practices, and ensured timely reclamation and restoration of footprint activities. They have also worked to build collaborative relationships and capacity with Indigenous communities and with other stakeholders in boreal caribou ranges, to ensure that footprint reduction activities are efficient, effective, and informed by the best available knowledge.

These proactive measures and commitments are important to supporting boreal caribou critical habitat recovery and protection outcomes, notably by:

- enabling the maintenance of habitat intactness sufficient to sustain caribou populations (e.g. linear feature restoration, tenure deferral to delay creation of new footprint and reduce intensity of land use)
- increasing connectivity within a range through habitat restoration to facilitate landscape-level movement
- reducing predator and/or alternate prey access to undisturbed areas
- implementing an adaptive, landscape-scale approach to forest management planning that aims to reduce longterm disturbance and accelerate suitable habitat recovery; and
- undertaking collaborative research activities in support of caribou conservation and management (e.g. lichen trials, collaring, identifying high residency habitat/movement patterns, and nutrition studies)

Boreal caribou recovery has benefited from the work of multi-stakeholder groups that are keen to build partnerships with provincial and territorial governments, Indigenous Peoples, environmental and industry stakeholders, and communities, in support of policy change and on-the-ground action. The work of these groups has increased over the course of the present document's reporting period. The Government of Canada, through the Canada Nature Fund, has currently invested over \$3.5 million this fiscal year to support multi-stakeholder collaboration projects across the country. These collaboration projects will (1) contribute to range planning , including providing support and recommendations to governments, (2) identify and recommend potential protected areas , and (3) evaluate associated benefits to other species at risk related to recommendations for boreal caribou range planning and protected areas.

Examples of stakeholder-led efforts to improve caribou conservation and protection outcomes:

in Ontario, stakeholders have undertaken research, monitoring, and habitat restoration projects for boreal caribou over many years, which have the potential to increase the level of habitat protection. For example, the National Council for Air and Stream Improvement Inc., recently concluded a 12 year Caribou Nutritional Research Program. The program demonstrated how forest management could contribute to caribou conservation by managing forests to improve nutritional conditions while managing predation risk. In addition, various stakeholders are collaborating on pilot projects to examine forest management planning in the Brightsand and Kesagami ranges

- energy sector stakeholders, including members of the Canadian Association of Petroleum Producers, have made substantial investments in caribou recovery science and restoration practice in recent years. For example, several industry members have invested in the ecological and functional restoration of hundreds of kilometers of linear seismic lines in several Albertan boreal caribou ranges, including Cold Lake and Eastside Athabasca River, including through the Cenovus Caribou Habitat Restoration Programs, the Algar Historic Restoration Project, and others. Other members have worked in collaboration with First Nations and environmental organizations to support the creation of new and expanded protected areas (e.g., the Birch River Wildland Provincial Park)
- multi-stakeholder collaborative tables, including the Nations of the North Peace Tribal Council, in collaboration with Tolko Industries Ltd., continue collaborative work that began in 2016, consistent with a jointly developed Letter of Understanding. Activity to date has focused on the creation of a Stewardship Plan for several forest management license areas. An Interim Stewardship Plan has been endorsed by the Nations, Tolko, and non-governmental partners. Within the context of this work, emphasis is on the development, via a dedicated Caribou Plan Table, of a Caribou Recovery Plan involving collaborative tables are emerging across the country, including in transboundary caribou ranges, notably in the spirit of supporting and complementing provincial and territorial efforts and addressing the interests of Indigenous Peoples
- several members of the Forest Products Association of Canada have sought to contribute to boreal caribou recovery through pilot projects in adaptive forestry management across the country in collaboration with Indigenous Peoples and environmental groups. In Saskatchewan for example, Weyerhaeuser is integrating caribou habitat considerations in its forest management planning and developing recommendations for a new protected area in and around the Pasquia Porcupine Forest Management Area. Other examples include the

<mark>voluntary deferral of harvesting by Al-Pac</mark>, to support range planning in the Eastside and Westside Athabasca River ranges in Alberta, and the development of a comprehensive modeling tool by Daishowa-Marubeni International (DMI) Ltd., to support range planning in the Alberta portion of the Chinchaga range

Stakeholders are pursuing investments in collaborative research programs to improve our collective understanding of caribou habitat use and habitat management approaches. Stakeholder-led work has included a range of initiatives in partnership with leading researchers, Indigenous Peoples, governments, and local partners, to greatly improve the state of science and knowledge of predator and alternative prey dynamics, caribou habitat use, nutrition and health, as well as related climate change modelling. These research programs help support recovery and protection of boreal caribou by ensuring sound science, and the best available information is used for recovery planning.

Finally, we note that stakeholders have been key partners in investing in population management measures, such as caribou rearing facilities, and predator and alternate prey management, for example, using exclosure fencing. While these activities do not constitute habitat protection, they have a role in ensuring that caribou populations can be maintained and increased, while habitat conservation and restoration efforts take hold.

5. Conclusion

This report notes that there continue to be gaps in comprehensive protection for boreal caribou critical habitat throughout the boreal caribou range, as described in the first progress report. Regulatory initiatives underway will assist in some areas, including to protect boreal caribou critical habitat on federally administered lands; however, more work is needed to afford effective protection to boreal caribou critical habitat. Most importantly, the development of regionally-specific range plans through meaningful partnership with Indigenous Peoples and broad engagement with multi-stakeholder groups, and their implementation, including through effective laws, regulations and policies, are central to achieving this outcome.

We continue to see an increase in momentum towards addressing these issues, driven by the investment and conservation commitments of governments, and by the leadership of Indigenous Peoples, stakeholders and Canadians more broadly.

The Minister of the Environment and Climate Change will continue to publish reports on steps taken to protect portions of critical habitat for the boreal caribou for every 180 day period, until that habitat is protected.

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