

Discussion Paper:

Proposed Scope of an Order Under Section 80 of the *Species at Risk Act* to Provide for the Protection of Caribou, Boreal Population

(Rangifer tarandus)



Environment and
Climate Change Canada

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Changement climatique Canada

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Discussion Paper: Proposed scope of an Order under section 80 of the *Species at Risk Act* to provide for the Protection of Caribou, Boreal population (*Rangifer tarandus*).

1. Purpose

The Government of Canada has taken, and continues to take, steps toward conserving and recovering Caribou (*Rangifer tarandus*), Boreal population (boreal caribou), in collaboration with provinces, territories, and Indigenous partners, and in recognition of its commitment to take steps towards reconciliation.

The purpose of this discussion paper is to support engagement and consultation with the Government of Quebec, Quebec First Nations, stakeholders, and interested parties on the proposed scope and prohibitions for an emergency order under section 80 of the *Species at Risk Act* (SARA).

Section 80 of SARA contains provisions to protect species at risk and their habitat on non-federal lands and specifies that the Minister of Environment and Climate Change is required to recommend to the Governor in Council that an emergency order be made if the Minister is of the opinion that the species faces imminent threats to its survival or recovery.

On May 10, 2024, the Minister formed the opinion under section 80 of SARA that boreal caribou is facing imminent threats to its recovery based on an imminent threat assessment of populations in Quebec. The imminent threat is due to habitat destruction caused by the increase in logging and road building in selected ranges in the province of Quebec.

On June 19, 2024, following his recommendation, the Minister was directed to proceed with the development of an emergency order that will protect habitat and prohibit activities that may adversely affect the species and its habitat.

The proposed scope for the emergency order seeks to address the imminent threats and provide protection to boreal caribou and its habitat in three populations identified as most at risk in the imminent threat assessment completed by Environment and Climate change Canada. These are Val-d'Or, Charlevoix, and Pipmuacan. Shared as part of this discussion paper are the provisional areas for protection within or near the boreal caribou ranges and the proposed prohibitions that would apply to those areas.

Information on how to provide input on this discussion paper and the consultation and engagement process that will follow is set out in section 4.

The consultation is intended to help: 1) inform the exact area to be covered by the order and the activities that would be prohibited, and 2) identify and mitigate, to the extent possible, potential impacts of the emergency order.

2. Background

Importance of boreal caribou

Boreal caribou have special meaning to many Canadians, including Indigenous Peoples. Canadians value the continued existence of caribou in Canada, regardless of whether they will ever interact with the species directly.

Implementing protections for boreal caribou would have significant co-benefits for other species at risk, wildlife in general, and related biodiversity values. Protections for caribou could also help mitigate the effects of climate change through the protection of boreal forests, as the forest acts as a carbon sink, pulling carbon out of the atmosphere and storing it.

Federal Recovery Strategy

Boreal caribou was listed as a threatened species under SARA in 2003, with the listing status re-examined and confirmed in 2014. The federal Recovery Strategy for boreal caribou was published on the Species at Risk Public Registry in 2012 and amended in 2020¹. The federal Recovery Strategy sets the strategic direction to arrest or reverse the species' decline across the country and provides broad strategies and approaches needed to do so. For example, it details species information for boreal caribou, the threats leading to its decline and challenging its recovery, the habitat that is necessary for the survival or recovery of the species (called "critical habitat") and the activities that are likely to result in its destruction.

The recovery goal outlined in the federal Recovery Strategy is to achieve self-sustaining local populations in all boreal caribou ranges throughout their distribution across Canada, to the extent possible. This recovery goal was determined by Environment and Climate change Canada to be both technically and biologically feasible. The federal Recovery Strategy identified 51 ranges across Canada, and assessed those ranges as "self-sustaining", "not self-sustaining", or "as likely as not self-sustaining" to determine the amount of progress required in each range to meet the overall recovery goal.

In general, boreal caribou prefer habitat consisting of mature to old-growth coniferous forests (e.g. jack pine, black spruce) with abundant lichens, or muskegs and peat lands intermixed with upland or hilly areas. Boreal caribou require large range areas comprised of continuous tracts of undisturbed forested landscapes, with one estimate recommending that ranges need to be at least 10,000 to 15,000 km² to support $\geq 300^2$ individuals (ECCC 2011³). Large range areas reduce the risk of predation by allowing boreal caribou to maintain low population densities throughout the range and by allowing them to avoid areas of high predation risk, such as areas with high densities of alternate prey species (e.g. moose and deer) and predators (e.g. wolf and bears).

¹ [Woodland Caribou, Boreal population \(Rangifer tarandus caribou\): amended recovery strategy 2020](#)

² A scientific assessment completed by ECCC (2008), [Scientific Review for the Identification of Critical Habitat for Woodland Caribou, Boreal Population \(Rangifer tarandus caribou\) in Canada](#), suggested that more than 300 individuals are needed for a self-sustaining local population.

³ Environment Canada (ECCC), 2011. Scientific Assessment to Inform the Identification of Critical Habitat for Woodland Caribou (*Rangifer tarandus caribou*), Boreal Population, in Canada: 2011 update. Ottawa, Ontario, Canada. 102 pp. plus appendices

There is strong scientific consensus⁴ that higher levels of cumulative disturbance in a boreal caribou range lead to a reduced likelihood of population persistence. Research⁴ shows that fewer caribou calves survive to become part of the adult population as habitat disturbance in the range increases. This is due to higher calf mortality from higher predation rates in these disturbed ranges. Low calf survival over time can result in population decline. Environment and Climate Change Canada (ECCC 2011)² used this relationship between calf survival and level of habitat disturbance to estimate the probability a population would be stable or increasing over a 20-year period. When 35% of a range is disturbed, there is a 60% probability that a local population will be stable or growing over a 20-year period (i.e., self-sustaining). The federal Recovery Strategy identifies at least 65% *undisturbed* habitat in a range as the disturbance management threshold⁵. This is considered a minimum threshold because at 65% undisturbed habitat there remains a significant risk (40%) that local populations will not be self-sustaining.

The federal Recovery Strategy, developed with input from provinces and territories (PTs), called for PTs, as primary land managers and first authorities responsible for the recovery of this species, to develop “range plans” by 2017, demonstrating how they will manage and protect critical habitat within each caribou range to maintain or attain a minimum of 65% undisturbed habitat. Environment and Climate Change Canada monitors the implementation of the federal Recovery Strategy, and the progress towards meeting its objectives. It publishes its findings every five years and will continue to do so until its objectives have been achieved or the recovery of the species is no longer feasible. See the recently released [Caribou \(*Rangifer tarandus*\) Boreal population: Report on the progress of the recovery strategy implementation \(period 2017 to 2022\) and the action plan implementation \(period 2018 to 2023\)](#) for more information on federal, provincial, and territorial actions taken for boreal caribou.

Quebec Context

The federal Recovery Strategy identifies six boreal caribou ranges in Quebec, of which two are considered “self-sustaining”, three “not self-sustaining”, and one “as likely as not self-sustaining”. Since the publication of the federal Recovery Strategy, important population monitoring efforts by the Government of Quebec have enabled the province to refine its boreal caribou population range boundaries. There are currently ten ranges⁶ recognized by the province, with different boundaries than those identified in the federal Recovery Strategy. Quebec also identifies two areas where the species is known to be present, where they are collecting data to allow identification of the distribution area.

Among the 10 boreal caribou local populations identified by the province, eight are declining, one is increasing and the demographic trend for one is unknown. Declines are largely due to habitat disturbance caused by human land-use activities (e.g., forest harvesting, roads, mining) and fire, and the resulting increases in predation.

⁴ DeMars, C.A., Johnson, C.J., Dickie, M., Habib, T.J., Cody, M., Saxena, A., Boutin, S., and Serrouya, R. 2023. Incorporating mechanisms into conservation actions in an age of multiple and emerging threats: The case of boreal caribou. *Ecosphere*. 14, e4627.

Festa-Bianchet, M., Ray, J.C., Boutin, S., Côté, S.D., and Gunn, A. 2011. *Canadian Journal of Zoology*. 89. 419 – 434.

⁵ For one range in Saskatchewan, the management threshold is at least 40% undisturbed habitat.

⁶ These are, in descending order of total disturbance, Charlevoix, Pipmuacan, Val-d’Or, Assinica, Témiscamie, Baie James, Detour, Manicougan, Nottaway, Outardes, Basse-Côte-Nord, and Caniapiscau.

Quebec originally announced its intention to develop a provincial Caribou Strategy for both Atlantic-Gaspésie caribou and boreal caribou in 2016. The provincial Strategy is meant to be a comprehensive approach to promoting the self-sustainability of caribou populations. Interim measures for the management of caribou habitat were put in place in some ranges by the Government of Quebec in 2019 until a provincial Caribou Strategy could be developed and implemented. Originally announced for 2019-2023, Quebec has since confirmed that these measures would be in place until further notice. On April 30, 2024, Quebec released proposed partial measures for two pilot projects and one protected area expansion, which are subject to consultations until the end of October 2024. Only one of the pilot projects, in Charlevoix, addresses the ranges identified below as most at risk. Quebec has not announced a timeline for when the partial measures will be implemented, nor has it indicated when it expects to release a full Caribou Strategy.

3. Proposed Emergency Order

How did the federal government determine an emergency order is necessary for boreal caribou in Quebec?

In winter 2023/24, Environment and Climate Change Canada conducted an Imminent Threat Assessment (ITA) on boreal caribou populations in Quebec. An ITA is a tool to support the application of authorities for emergency listing and emergency protection under SARA and can inform the making of an opinion by the Minister. An ITA is a scientific assessment that considers the biological condition of boreal caribou, ongoing and expected threats, and existing measures to address these threats to assess whether there is a new or evolving threat, whether the threat(s) will impact the survival or recovery of a species, and whether immediate intervention beyond existing protection measures is required. The ITA on boreal caribou populations in Quebec was carried out in consideration of the precautionary principle and is based on the recovery goal stated in the 2012 federal recovery strategy (amended in 2020), i.e., the achievement of self-sustaining populations throughout the species' current distribution in Canada.

An emergency order can apply to habitat broader than the critical habitat identified in a Federal Recovery Strategy. The ITA used the ranges delineated for the 10 local populations identified by Quebec, rather than the federal ranges, as the provincial ranges were delineated using up to date caribou location data and, thus, they represented the best available information on the structure and distribution of caribou in Quebec at the time of the assessment.

Three populations were identified in the ITA as facing a high level of risk, Val-d'Or, Charlevoix, and Pimpuacan, as they each have over 60% disturbed habitat (well over the 35% threshold identified in the federal Recovery Strategy), a small population size, and decreasing population trends. Based on the most recently available survey data, Val-d'Or has nine individuals (2023), Charlevoix has 31 (2023), and the population estimate for Pimpuacan is 225 individuals (2020). The Val-d'Or and Charlevoix populations no longer exist in the wild and are being maintained in year-round pens (since 2020 and 2022 respectively). Penning caribou is a last resort and without the long-term protection of individuals, and the restoration and protection of their habitat, extirpation is highly likely. The Pimpuacan population declined by 24% between 2012 and 2020.

The full imminent threat assessment can be read here [Imminent threat for the Caribou, Boreal population - Document search - Species at risk registry \(canada.ca\)](#)

On June 19, 2024, following his recommendation, the Government of Canada directed the Minister to proceed with the development of an emergency order that will protect portions of habitat in the three most at risk ranges in Quebec, namely Val-d'Or, Charlevoix and Pipmuacan.

The objective of an emergency order in Val-d'Or and Charlevoix is to protect areas of the best available caribou habitat to facilitate future rewilding of the animals now in the pens. The objective of an emergency order in Pipmuacan is to protect areas of the best available caribou habitat to prevent further degradation of the range and declines of the population.

What areas could be included in the proposed scope of the emergency order?

The emergency order would apply to areas in Val-d'Or, Charlevoix, and Pipmuacan. Provisional areas are identified in Figures 1 - 3. The maps show where the emergency order could apply, dependent on further consultations and considerations from the Government of Quebec, Quebec First Nations, stakeholders, and the public.

The provisional areas for the emergency order were developed by 1. starting with the three ranges and other neighbouring areas (referred to as the area of interest), 2. excluding specific parts of the area of interest, and then 3. selecting the best remaining boreal caribou habitat. Selected areas were further assessed based on a range of criteria.

1. Determining the Area of Interest

To address variability in range delineation, the area of interest for each caribou population encompassed the maximum extent of the federal (2020)⁷ and provincial (2020 and 2023) range boundaries, rather than using a single source for the range boundary. The area of interest also included areas outside the federal and provincial range boundaries that have been identified during other federal or non-federal processes and a buffer added to allow for further identification of areas for caribou during the pre-regulatory consultation period.

⁷ The final 2020 Amended Recovery Strategy for the Woodland Caribou (*Rangifer tarandus caribou*), Boreal Population, in Canada replaced the 2012 Recovery Strategy for the Woodland Caribou (*Rangifer tarandus caribou*), Boreal population, in Canada. The range boundaries were not changed in the amendment, however.

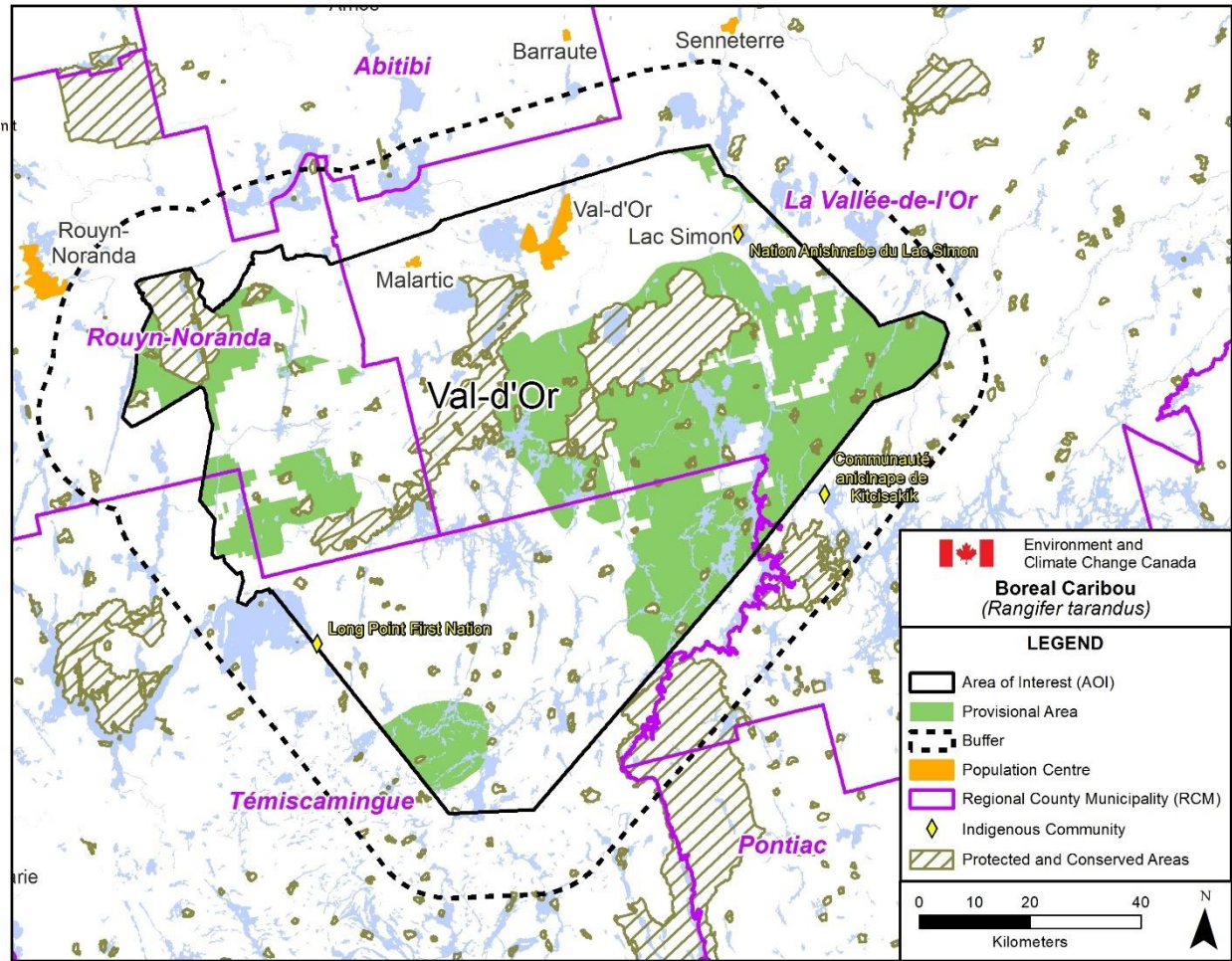


Figure 1: Provisional areas for an emergency order in and around the Val-d'Or boreal caribou range.

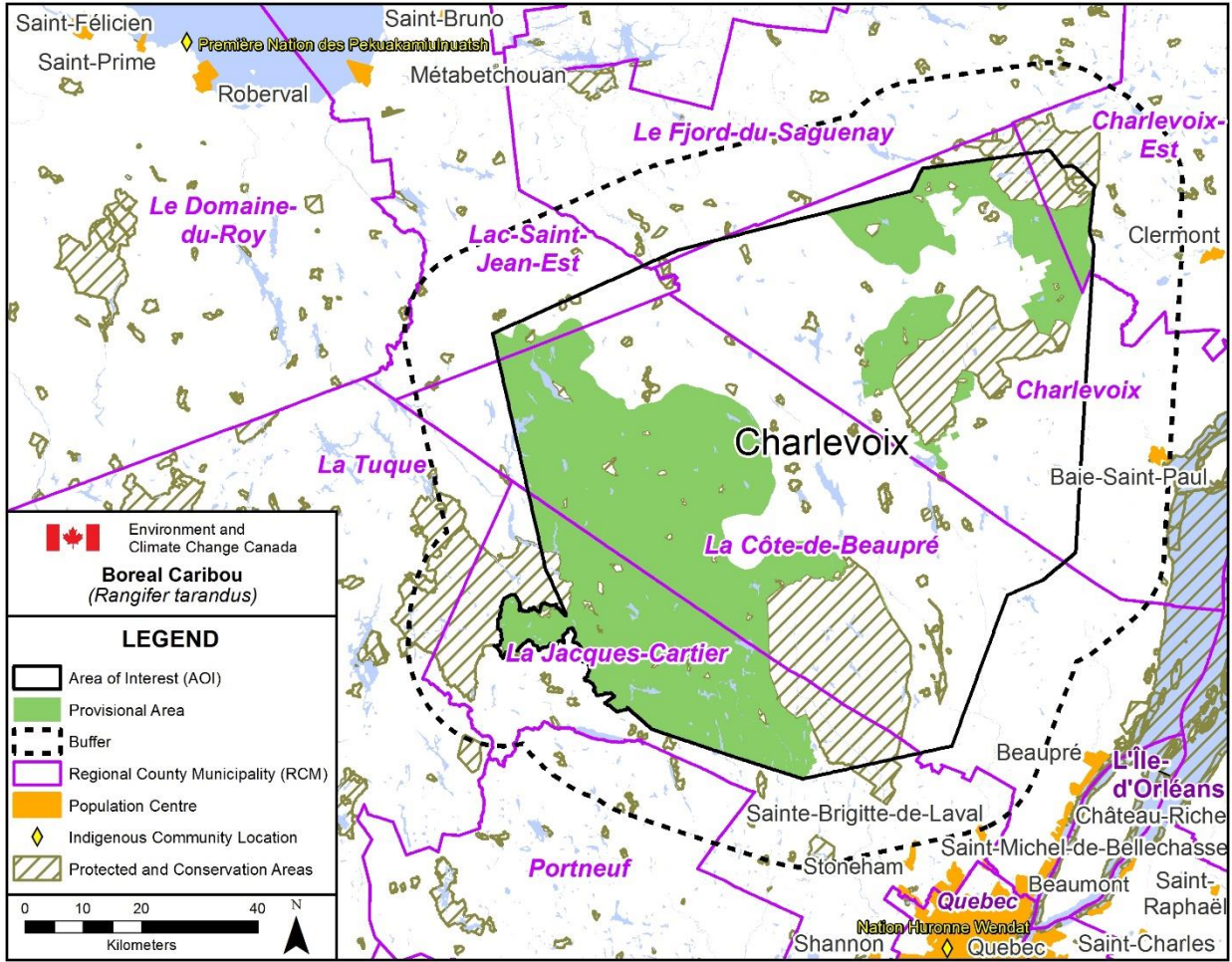


Figure 2: Provisional areas for an emergency order in and around the Charlevoix boreal caribou range.

2. Identifying initial exclusions from the provisional order area

Protected areas, private lands, municipally-managed lands, as well as federal lands already covered by a critical habitat protection order under section 58 of SARA would be excluded from provisional order areas. Federal or provincial environmental assessment or impact assessment projects that are approved or in progress, operating mining facilities, expansions of operating mining facilities, mining projects in advanced development stages⁸, and projects at any stage with primary resources on Canada's critical mineral list would also be excluded from the order area, to limit socio economic impacts (See Annex 1 for justification).

3. Identifying the best available caribou habitat

The best available habitat was identified using an expert-opinion-based boreal caribou habitat suitability model (HSM), developed by Leblond et al. (2014)⁹. The model was used to map habitat suitability in 2024 using current¹⁰ human infrastructure and habitat data. The model ranks the suitability of habitat for caribou based on both habitat amounts (e.g., old mature forest, wetlands) and the amounts of and proximity to human infrastructure (e.g., distance to unpaved/paved roads, mines) (see Annex 1 for further explanation). This means the model can identify areas of higher habitat quality relative to areas of lower habitat quality (e.g., location A is better for caribou than location B). Although we can expect better habitat suitability values to equate to better outcomes for caribou, the model cannot identify whether the habitat is of sufficient quality to allow caribou to persist. In highly degraded ranges, such as those identified for this emergency order, there may be limited areas of high-quality habitat remaining. This means that the best available habitat could be a mix of old and regenerating forests and wetlands, located farther from disturbances.

To support the identification of provisional areas for an emergency order, the habitat suitability model was used to estimate the relative habitat suitability for each 100 m x 100 m cell across the combined areas of interest for the three caribou ranges Val-d'Or, Charlevoix, and Pipmuacan. The average habitat suitability value was then calculated for a neighborhood of 10 km radius around each cell.

The best quality caribou habitat was selected in 500 km² increments for Val-d'Or and Charlevoix, and in 1000 km² increments in Pipmuacan, as it is twice the size of the other areas. The size of the areas included in the provisional areas, shown in Figures 1 -3, were selected because they led to large contiguous patches of best available habitat, which connected with existing large protected areas. This is expected to provide conservation value for caribou while limiting the socioeconomic impact of an order.

4. Re-assess provisional order areas following consultation and engagement.

The above process provides a means to exclude specific parts of the area of interest for each range and then select the best remaining boreal caribou habitat, using an established habitat suitability model (HSM). Exclusions applied in the preliminary process will be validated and refined during consultation

⁸ Projects with a feasibility study or preliminary economic assessment conducted that uses credible mineral resources estimates.

⁹ Leblond, M., Dussault, C. St-Laurent, M-H. 2014. Development and validation of an expert-based habitat suitability model to support boreal caribou conservation. *Biological Conservation*. 177, 100-108.

¹⁰ The datasets used to produce the 2024 HSM were last updated in December 2023, for mine and road data, and in September 2023, for land cover data.

and engagement. Work will continue to refine the proposed scope of the emergency order area to limit impacts on affected sectors and communities, while balancing caribou recovery requirements.

Additional areas for caribou, within the 15 km buffer identified in Figures 1 – 3, will also be considered during the consultation and engagement process.

The area selection process will be rerun to select the best remaining caribou habitat in each range, and selected areas will be refined to maximize contiguity of the order area (i.e., remove small, disconnected patches).

What prohibitions could be applied within the areas included in the emergency order?

The emergency order could prohibit:

- damage, destruction, or removal of trees for industrial/commercial purposes by any activity related to forestry, mining, oil and gas, and electrical industries; and
- construction of new road, trail or utility corridor or extension or widening of existing roads, trails, or utility corridors.

Prohibited activities could include, but are not limited to, commercial logging for sale of timber or pulp, mining exploration (e.g., drilling, excavating), the building of linear features such as pipelines or transmission lines, and the building of infrastructure to support these commercial activities.

If the activity is not included in the prohibitions set out in the order (for example, if the activity is recreational use of existing roads, or cutting trees for maintenance around a cottage), then the activity may be undertaken within the area to which the emergency order applies. If the activity has the potential to damage, destroy, or remove trees for commercial purposes related to forestry, mining, oil and gas, or electrical industries, or to construct a new road, trail or utility corridor, widen or extend existing roads, trails or utility corridors, then the activity would be prohibited within the area to which the emergency order applies, unless an agreement is entered into or permit under section 73 of SARA is obtained from Environment and Climate Change Canada (Annex 2).

Some activities could be allowed to proceed within the order area, per the exceptions outlined under section 83 of SARA. The following exceptions are currently under consideration:

- a) activities related to public health and safety that are authorized under provincial law, and emergencies;
- b) maintenance and operation of existing infrastructure or construction of infrastructure that has received all material approvals (e.g., projects that have not triggered an environmental or impact assessment, for which provincial approvals have been granted) as of publication of the emergency order in the *Canada Gazette*.

How long will the emergency order be in place?

The proposed emergency order would remain in place until the competent minister is of the opinion that boreal caribou would no longer face imminent threats to its recovery even if the order were repealed (as per section 82 of SARA). For example, if Quebec was to implement concrete protection measures that would allow the Minister to conclude that the species is no longer facing imminent

threats to its recovery, the order, upon recommendation of the Minister, could be repealed or amended.

4. Consultation Process

This discussion paper seeks to inform interested parties of the proposed areas for an emergency order for the Quebec boreal caribou ranges of Val-d'Or, Charlevoix, and Pipmuacan, and the proposed prohibitions that would apply to those areas.

We are seeking feedback on:

1. the extent and location of the provisional areas within or near the Quebec boreal caribou ranges of Val-d'Or, Charlevoix, and Pipmuacan (as identified in Figures 1-3), to which an emergency order would apply;
2. the proposed prohibitions;
3. the potential impacts of the proposed scope of the emergency order; and
4. how/whether such impacts can be mitigated, if possible.

Comments from the public, Indigenous Peoples, stakeholders, and other interested parties on the content of the discussion paper, including the questions listed in Annex 2, can be provided through the contact details below.

Consultation and engagement will be done through targeted sessions with the Government of Quebec, First Nations in Quebec, stakeholders, and other affected parties. These will be conducted throughout the spring/summer (June to August 2024) with a mix of virtual, or hybrid engagement sessions to help inform the development of the emergency order, in addition to a public consultation period taking place June 19 to August 18. Consultations will be guided by the questions outlined in Annex 2.

ECCC has already received correspondence from the Government of Quebec, First Nations, environmental organizations, and concerned members of the public. ECCC will ensure that all prior communication and future engagement and consultation feedback is considered during the development of the emergency order and provide sufficient time for all impacted parties to provide feedback.

Shapefiles of the boundaries mapped in Figure 1-3 are available upon request through the email listed below.

A summary of the comments received throughout the consultation and engagement period will be published on the Species at Risk Public Registry.

Contact person

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Annex 1: Details on steps for identifying provisional order areas

Identify relative caribou habitat quality using a Habitat Suitability Model

Leblond et al (2014)¹¹ relied on expert knowledge to build a model of relative habitat suitability for boreal caribou in Quebec. This knowledge was solicited via structured questionnaires completed by 14 experts. These experts had an average of 11 years' experience studying caribou, primarily in Quebec, Ontario, and Newfoundland–Labrador. Within the questionnaire, each expert was provided a list of variables, grouped into three categories: habitat (e.g., wetlands, old mature conifer-dominated forests), human infrastructure (e.g., paved roads, forest roads), and topography (e.g., elevation, slope). They were asked to score the relative importance for each pair of variables within a category (comparison of each pair of variables in the habitat category, comparison of each pair of variables in the infrastructure category, etc.). With this scoring, experts could identify whether variable A was more important, equally important, or less important than variable B. When one variable was more important than the other, the expert ranked the difference in relative importance as absolute, strong, intermediate, or weak. Experts were then asked to similarly score the relative importance of each pair of the three variable categories (habitat, infrastructure, topography). Finally, experts were able to identify which of the variables should be included in a model of habitat suitability, and which should be excluded because they have little perceived influence on the quality of habitat for caribou.

Human activity and infrastructure are known to have impacts on caribou that extend far beyond the footprint of those land use features. The further a location is from infrastructure, the lower the expected impact on habitat suitability will be. This was captured in the survey by asking experts to relate the distance between a caribou and each type of infrastructure (from 0 to 5000 m, in increments of 500 m) to the impact on habitat suitability. At each distant increment from infrastructure, the habitat was scored as the percent remaining habitat suitability, relative to an area with no impact from the infrastructure, where 100% means no impact on suitability from the infrastructure and 0% means no habitat suitability remains due to proximity to infrastructure.

Statistical methods, identified in Leblond et al (2014), were followed to turn the questionnaire responses (i.e., the relative importance of the variables) into a statistical model. The habitat suitability model is an equation that allows calculation of the relative habitat suitability for each 100 m x 100 m cell (analogous to a pixel in a digital camera) of an area using Geographic Information Systems (GIS) data and mapping software. The habitat suitability for each cell was based on the amounts of different habitat and human infrastructure types within 1-km of the cell, as well as the distance to different infrastructure types¹².

Leblond et al. (2014) validated, or confirmed the quality of, their relative habitat suitability estimates by comparing the expected frequency of caribou use predicted from the model to actual caribou use data. Expected use was determined from statistical methods following an assumption that areas with higher

¹¹ Leblond, M., Dussault, C. St-Laurent, M-H. 2014. Development and validation of an expert-based habitat suitability model to support boreal caribou conservation. *Biological Conservation*. 177, 100-108.

¹² Habitat variables in the model are old mature conifer forests > 70 years old, young mature conifer forests 50 – 70 years old, wetlands, open lichen woodlands, natural disturbances ≤ 20 years old, cutblocks ≤ 5 years old, cutblocks 6-20 years old, regenerating stands > 20 years after disturbance. Human infrastructure variables in the model are paved roads, forest roads, mines, distance to forest roads, distance to paved roads, and distance to mines.

suitability would be used more frequently by caribou. Actual caribou use was captured using Global Positioning Systems (GPS) telemetry data collected on adult female boreal caribou within three validation areas in Quebec (see Figure 1 in Leblond et al. 2014): Saguenay–Lac-St-Jean (year 2008, 20 individuals, 9360 locations), Nord-du-Québec (year 2008, 14 individuals, 9324 locations), and Côte-Nord (year 2012, 11 individuals, 3482 locations).

Potential exclusions (areas where an emergency order would not apply)

A range of potential exclusions are being considered based on conservation value for caribou, land tenure, and limiting economic impacts (Table 1).

Table 1: List of potential exclusions that are under consideration from the provisional order areas.

Type	Exclusion
Potential exclusions based on land tenure.	Protected areas where forest cutting is prohibited.
	Private or municipal managed lands.
	Designated reserve lands, as identified in the Aboriginal Lands of Canada dataset
	Federally administered lands located in federal boreal caribou range boundaries
Potential exclusions based on economic activity.	Operating mining facilities; expansions of operating mining facilities
	Projects with approved/ in progress Provincial Environmental Assessment or Federal Environmental/Impact Assessment
	Projects with primary resources on the Canada’s critical mineral ¹³ list, at any level of development

¹³ [Canada’s critical minerals list](#)

Annex 2: Questions to guide consultations.

General Feedback on the Proposed scope of the Emergency Order

- Do you support the federal government pursuing an emergency order to address imminent threats to boreal caribou and its habitat in Quebec? Why or why not?
- Do you support the proposed prohibitions for the emergency order in Quebec? Why or why not?
- What are the expected benefits you could foresee from the proposed scope of the emergency order to you or your community?
- What are the expected challenges you could foresee from the proposed scope of the emergency order to you or your community?
- Are there areas within the Val-d'Or, Charlevoix, and/or Pipmuacan boreal caribou ranges that you would like to see protected in the event of an emergency order being issued? Why? Provide maps, spatial data, or specific terms if possible.
- Are there areas within the Val-d'Or, Charlevoix, and/or Pipmuacan boreal caribou ranges that you would like to see excluded in the event of an emergency order being issued? Why? Provide maps, spatial data, or specific terms if possible.
- Would the protection of boreal caribou and their habitat in the provisional order area (as identified in Figures 1-3) cause direct or indirect financial benefits or costs to you or your community? If so, how?

Potential Cultural and Social Implications

- Would the proposed scope of the emergency order to address imminent threats to boreal caribou in Quebec negatively or positively impact your cultural values or traditional rights? How?
- Do you have access to exercise rights, or participate in activities in the provisional order area (as identified in Figures 1-3)? If so, please provide details.
- Would the proposed scope of the emergency order be inconsistent with your rights under the *United Nations Declaration on the Rights of Indigenous Peoples*? If so, please provide details.
- Would the proposed scope of the emergency order support your rights under the *United Nations Declaration on the Rights of Indigenous Peoples*? If so, please provide details.
- Would the protection of boreal caribou and its habitat on non-federal lands in Quebec enable or prevent you from engaging in your religious or cultural activities?
- Would the protection of boreal caribou and its habitat on non-federal lands in Quebec enable or prevent you from engaging in activities that support your physical and/or mental health?

Potential Planned Activities and Economic Implications

- Do you have any current or planned activities or projects likely to cause damage or destruction to boreal caribou habitat on non-federal lands within the Val-d'Or, Charlevoix, and/or Pipmuacan boreal caribou ranges?
 - If known, what is the scope of impacts? (e.g., hectares of habitat impacted)

- Based on the proposed prohibition related to the damage, destruction, or removal of trees for commercial purposes, do you foresee impacts to your current or planned use of the provisional order area? If so, please provide details, including extent of impacts (e.g., expected annual economic gains/losses, impacts on investments, employment implications).
- Based on the proposed prohibition related to the construction or extension of roads, trails, or utility corridors, do you foresee impacts to your current or planned use of the proposed implicated land? If so, please provide details, including extent of impacts (e.g., expected annual economic gains/losses, impacts on investments, employment implications).
- If your current or planned activities are negatively affected by the proposed scope of the order, do you have the ability to adjust your plans to mitigate impacts? For example, could you invest in similar activities in other locations outside of the order boundaries or relocate projects? If so, please provide details.
 - What would be the additional costs of pursuing these mitigation or alternate measures?
 - e.g., Could any potential mitigation or proposed alternative for your activity be added to your Environmental, Social, and Governance Leadership goals and plans (see <https://www.cer-rec.gc.ca/en/about/publications-reports/canada-energy-regulator-esg/canada-energy-regulator-esg-overview.html>)?
- In cases where activities cannot be relocated or economic impacts mitigated, such as mineral exploration or development activities on non-federal lands, what are the risks to your business from the proposed order?

Additional Considerations

- Do you have any other information that you would like to be considered? Please provide details.

Annex 3: Permitting Conditions.

Section 73 of SARA states that: An agreement may be entered into or a permit may be issued only if the proposed activity meets one of three purposes:

- a. the activity is scientific research relating to the conservation of the species and conducted by qualified persons;
- b. the activity will benefit the species or is required to enhance its chance of survival in the wild; or
- c. affecting the species is incidental to the carrying out of the activity.

In addition, a proposed activity that meets one of the three purposes may only be permitted if it meets the following pre-conditions:

- a. All reasonable alternatives to the activity that would reduce the impact on the species have been considered and the best solution has been adopted;
- b. All feasible measures will be taken to minimize the impact of the activity on the species or its critical habitat; and
- c. The activities will not jeopardize the survival or recovery of the species.

It would be the responsibility of the applicant to provide proof for meeting the pre-conditions in their application. If all preconditions of section 73 are met, the Minister may issue a permit, however, the Minister is not obligated, under SARA, to do so.