

**AGREEMENT FOR THE CONSERVATION OF
CARIBOU, BOREAL POPULATION IN ONTARIO**

This Agreement (“Agreement”), made in duplicate, pursuant to sections 10 and 11 of the *Species at Risk Act* (SARA), for the conservation of the Woodland Caribou, Boreal population in Ontario, is effective as of date of last signature,

BETWEEN

HER MAJESTY THE QUEEN IN RIGHT OF CANADA,
as represented by the Minister of the Environment responsible for the
Department of the Environment (“Canada”, “Environment and Climate Change Canada”
or “ECCC”)

And

HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO,
as represented by the Minister of the Environment, Conservation and Parks
responsible for the Ministry of the Environment, Conservation and Parks (“Ontario”)

(hereinafter the “Parties”)

PREAMBLE

WHEREAS the Caribou (*Rangifer tarandus*), Boreal population (“Boreal Caribou”) has been listed as threatened under the federal *Species at Risk Act, 2002* (“SARA”);

AND WHEREAS the Caribou (Boreal population) (*Rangifer tarandus caribou*), (“Boreal Caribou”) has been listed as threatened under the Ontario *Endangered Species Act, 2007* (“ESA”);

AND WHEREAS Canada’s Boreal Caribou recovery goal is “to achieve Self-sustaining Local Populations in all Boreal Caribou Ranges throughout their current distribution in Canada, to the extent possible”;

AND WHEREAS Ontario’s Boreal Caribou Conservation Framework for the maintenance and recovery of Self-sustaining Local Populations of Boreal Caribou in Ontario includes the ESA which applies generally, except to forest operations conducted in Crown Forests in accordance with an approved forest management plan under the *Crown Forest Sustainability Act, 1994* (“CFSA”);

AND WHEREAS Ontario’s Boreal Caribou conservation goal under the ESA is, “to maintain Self-sustaining, genetically-connected Local Populations of Woodland Caribou (forest-dwelling boreal population) where they currently exist, strengthen security and connections among isolated mainland Local Populations, and facilitate the return of caribou to strategic areas near their current extent of occurrence”;

AND WHEREAS, the CFSA seeks to minimize adverse effects on animal life (including Boreal Caribou) and the Forest Management Guide for Boreal Landscapes provides direction to maintain an adequate amount and distribution of Boreal Caribou habitat at sustainable levels capable of supporting Local Populations of Boreal Caribou;

AND WHEREAS the Parties recognize the importance of taking into consideration the conservation goals, objectives and actions for other wildlife species including other species at risk;

AND WHEREAS the Parties recognize that recovery is achieved through a combination of coordinated Habitat Restoration, population management and protection actions, informed by updated information on the current state of Boreal Caribou populations, applied over time to maintain or recover Self-sustaining Local Populations of Boreal Caribou in Ontario;

AND WHEREAS the management of cumulative disturbance within each Range will be an important consideration for Canada and Ontario, one that follows through on the goal of the Federal Amended Recovery Strategy and builds upon Ontario's *Range Management Policy in Support of Woodland Caribou Conservation and Recovery* (2014) which sets out principles related to cumulative disturbance, habitat amount and arrangement, and sub-range habitat features, both of which seek equivalent outcomes for the species (i.e., Self-sustaining Local Populations);

AND WHEREAS the "Lake Superior Coast Range" is unique due to its isolation, small size, shoreline location and inclusion of small nearshore and large off-shore islands; and therefore requires a different approach to management than is taken in the other 13 Ranges as delineated by Ontario;

AND WHEREAS the Parties wish to collaborate in the identification and taking of Conservation Measures to support recovery and protection of Boreal Caribou in Ontario;

AND WHEREAS Ontario has legislative authority for, among other things, wildlife management, including species at risk, and decisions respecting natural resources and provincial Crown and private lands, in the province of Ontario and has the responsibility to lead Conservation Measures for Boreal Caribou in the province;

AND WHEREAS Ontario has a Conservation Framework that includes laws, policies and processes to protect and recover Boreal Caribou and their habitat in Ontario including the ESA, "Ontario's Woodland Caribou Conservation Plan", and "Range Management Policy in Support of Woodland Caribou Conservation and Recovery";

AND WHEREAS Ontario has a provincial forest management planning framework that is applicable to forest operations conducted in Crown Forests in accordance with an approved forest management plan under the CFSA and includes the Forest Management Planning Manual, 2020, and the Forest Management Guide for Boreal Landscapes, 2014, which collectively support the management of Ontario's Crown forests including management for Boreal Caribou habitat;

AND WHEREAS Canada has legislative responsibility for wildlife species located on federal lands and wildlife species listed on Schedule 1 of the SARA which includes provisions to address recovery, as well as the protection of listed wildlife species including the individuals, their residences and critical habitat on non-federal land in certain circumstances;

AND WHEREAS the Federal (Amended) Recovery Strategy identifies the Critical Habitat for Boreal Caribou on the basis of biophysical attributes and undisturbed habitat in each Range and requires the provision of evidence to support any alternative approaches to achieve the recovery goal;

AND WHEREAS other organizations, Indigenous communities, and persons (e.g., local governments, non-governmental organizations, industry representatives and other stakeholders) are also positioned to collaborate in Boreal Caribou recovery with the Parties;

AND WHEREAS the Parties recognize that achieving Boreal Caribou protection and recovery will consider biological, social and economic factors;

AND WHEREAS sustainable natural resource management can support Boreal Caribou conservation and other objectives such as climate change mitigation and adaptation;

AND WHEREAS nothing in this Agreement shall be construed so as to abrogate or derogate from the protection provided for the existing Aboriginal and treaty rights of the Indigenous peoples of Canada as recognized and affirmed in section 35 of the *Constitution Act, 1982*;

AND WHEREAS the Parties will recognize and respect section 35 Aboriginal and treaty rights and are committed to meeting their obligations in respect of Indigenous peoples, including the duty to consult and, where appropriate, accommodate;

AND WHEREAS the area of the Ranges overlaps treaty lands and the traditional territories of multiple Indigenous peoples;

AND WHEREAS the Parties recognize that Indigenous peoples have important connections to, and maintain a spiritual and cultural relationship with, Boreal Caribou, in addition to possessing significant knowledge which could support conservation and recovery efforts of the Boreal Caribou;

AND WHEREAS section 10 of the SARA provides the competent ministers with the authority to enter into agreements with any other government of Canada, organization or wildlife management board with respect to the administration of any provision of the SARA;

AND WHEREAS section 11 of the SARA provides the competent ministers with the authority to enter into conservation agreements with any other government of Canada,

organization or person to benefit a species at risk or enhance its survival in the wild, and such agreements must provide for the taking of Conservation Measures and any other measures consistent with the purposes of the SARA;

AND WHEREAS the Parties are both signatories to the *Accord for the Protection of Species at Risk (1996)*.

NOW THEREFORE, the Parties commit to the following:

1 DEFINITIONS

“Agreement” means this Conservation Agreement, known as both the “Canada-Ontario Agreement for the Boreal Caribou”, and the “Agreement for the Conservation of the Caribou, Boreal Population in Ontario” and includes all appendices and any amendments.

“Boreal Caribou” means the Caribou (*Rangifer tarandus*), Boreal population also known as Caribou (Boreal population) (*Rangifer tarandus caribou*), in Ontario.

“Boreal Caribou Conservation Framework” means the respective frameworks of Canada and Ontario: Canada’s conservation framework is based on SARA, and its associated regulations, policies, and guidance; and Ontario’s conservation framework is described in section 7.4.

“CFSA” means the *Crown Forest Sustainability Act, 1994*, S.O 1994, c. 25, as amended.

“Critical Habitat” means the habitat that is necessary for the survival or recovery of a species and for the purpose of this Agreement is the Boreal Caribou critical habitat as identified in the Federal Amended Recovery Strategy.

“Conservation Measures” means the measures and actions described in Appendix B to be implemented to advance progress towards the goal and purpose of this Agreement.

“Cumulative Disturbance” means the additive influence of individual habitat disturbances (i.e., natural and anthropogenic) that, when combined together, cause significant change to landscape-level ecological functions for Boreal Caribou habitat, and/or to the probability of Boreal Caribou living or persisting in a particular geographic area.

“Discontinuous Distribution” means the area of Ontario occupied by Boreal Caribou, where Boreal Caribou exist in isolated populations, where individuals and local populations do not freely intermingle and mix, and where there are geographic or human-caused barriers preventing the genetic interchange of populations (see Figure 1).

“ESA” means the *Endangered Species Act, 2007*, S.O. 2007, c. 6, as amended.

“Forest Management Guide for Boreal Landscapes” means Ontario’s 2014 Forest Management Guide for Boreal Landscapes made under the CFSA, also referred to as the “BLG”.

“Federal (Amended) Recovery Strategy” means the federal “Amended Recovery Strategy for the Woodland Caribou (*Rangifer tarandus caribou*), Boreal Population, in Canada” published in 2020 under the SARA, and includes any further amendment to it included in the Species at Risk public registry.

“Government Response Statement” means a statement made by the Ontario Minister of the Environment, Conservation and Parks under section 12.1 of the ESA that sets out the policy with respect to the actions that the Government of Ontario intends to take in response to a recovery strategy or management plan prepared under section 11 or 12 of the ESA, and the Ontario Government’s priorities with respect to taking those actions.

“Habitat Restoration” means active human intervention and action for the purpose of returning habitat to a state suitable for Boreal Caribou use that would support a self-sustaining population.

“Indigenous” relates to and encompasses First Nation, Inuit and Métis peoples.

“Lake Superior Coast Range” means the northeastern shore of Lake Superior, extending inland 10km from just west of Terrace Bay to south of Lake Superior Provincial Park, and includes all islands offshore to 28km, as identified in Figure 1 (Appendix A).

“Local Population” means a group of Boreal Caribou occupying a defined Range and as illustrated in Figure 1 (Appendix A).

“Ontario’s Woodland Caribou Conservation Plan” means the “Government Response Statement” published in 2009 for the Boreal Caribou in Ontario.

“Range” refers to any one of the fourteen Boreal Caribou ranges in Ontario, denoted in Figure 1 (Appendix A), except where specifically referring to the nine federal ranges identified in the Federal Amended Recovery Strategy.

“Range Management Approach” means managing cumulative disturbance, and habitat amount and arrangement, and the ecological function of sub-range habitat features, within a Range, which collectively influence Boreal Caribou population trend (i.e. increasing, stable or declining) and ultimately influence classification of range condition.

“Range Management Policy in Support of Woodland Caribou Conservation and Recovery” means the provincial policy developed to support the implementation of the range management approach described in “Ontario’s Woodland Caribou Conservation Plan”.

“Representatives” means, as in section 15.3:

- For Ontario –The Assistant Deputy Minister of Land And Water Division, Ministry of the Environment, Conservation and Parks and Assistant Deputy Minister, Policy Division, Ministry of Northern Development, Mines, Natural Resources and Forestry; and
- For Canada – The Assistant Deputy Minister of the Canadian Wildlife Service, Environment and Climate Change Canada

“SARA” means the *Species at Risk Act*, S.C. 2002, c. 29, as amended.

“Self-sustaining Local Population” means a Boreal Caribou population that demonstrates stable or positive population growth over the short term, and is large enough (number of Boreal Caribou) to withstand stochastic events and persist over the long term without external intervention or support.

2 GOAL AND PURPOSE

2.1 The overarching goal of this Agreement will be for Ontario, with support from Canada, to work collaboratively with Indigenous and non-Indigenous partners to sustain or improve the environmental conditions necessary for recovery of the Boreal Caribou at the Range-scale, informed by best available science. For example, Ontario will use range-scale analysis to inform conservation, resource management and other development activities to contribute to the protection, management and mitigation of impacts on Critical Habitat outcomes (i.e.,

disturbance levels and biophysical attributes) set out in the Federal Amended Recovery Strategy.

- 2.2 The purpose of this Agreement will be to support the implementation of Conservation Measures, building on the base of existing management under Boreal Caribou Conservation Frameworks, that create the environmental conditions necessary to maintain and recover Self-Sustaining Local Populations of Boreal Caribou.

3 PRINCIPLES

- 3.1 The following principles will guide the interpretation and implementation of this Agreement:

- **Collaboration:** the Parties will work together to identify opportunities for alignment and achieve a common understanding of measures needed to achieve Boreal Caribou recovery and will cooperate in the delivery of the Conservation Measures in a manner that minimizes duplication, maximizes efficiency, and respects jurisdictional roles and responsibilities and considers socio-economic implications.
- **Results-based:** the Parties will work toward achieving the Agreement goal and purpose, recognizing the need for and contribution of both habitat and population measures in achieving these results.
- **Use of best available information:** the Parties will review and consider best available information including existing and emerging scientific and technical data, and Indigenous traditional and community knowledge.
- **Adaptive management:** the Parties recognize that monitoring the effects of Conservation Measures and adjusting approaches as necessary, including in response to a range of factors such as climate change, will be critical to success, as recovery is an emerging “discipline”.
- **Transparency:** the Parties will make information related to the engagement, planning and implementation of the Conservation Measures publicly available.
- **Risk-based approach:** the Parties will take an approach that guides the implementation of Conservation Measures that are informed by an understanding of risks to Boreal Caribou recovery. A risk-informed approach allows decision-makers to focus their time, energy and resources on priority actions that reduce risk, while allowing greater flexibility in responding to actions that do not significantly affect risk.
- **Indigenous collaboration:** the Parties will continue to seek opportunities for collaboration with Indigenous communities and organizations and to respect

indigenous traditional and community knowledge including in the implementation of Conservation Measures.

- **Stakeholder engagement:** the Parties will continue to seek opportunities for engagement with stakeholders as collaborators in Boreal Caribou recovery, including in the implementation of Conservation Measures.
- **Funding:** the Parties will work together to fund the implementation of Conservation Measures to achieve the goal of this Agreement.

4 INTERPRETATION

- 4.1 Canada enters into this Agreement with Ontario under the authority of sections 10 and 11 of SARA.
- 4.2 Neither Canada nor Ontario relinquishes any jurisdiction, right, power, privilege, prerogative or immunity by virtue of this Agreement.
- 4.3 This Agreement does not create any new legal powers or duties nor does it alter the powers and duties established by the SARA, or the ESA, or the CFSA or any other federal or provincial legislation.

5 INDIGENOUS COLLABORATION AND ENGAGEMENT

- 5.1 The Parties commit to engaging with Indigenous communities regarding Boreal Caribou conservation, in particular to engaging as the plans included in the Conservation Measures are developed and implemented where they may affect the rights or interests of Indigenous communities.
- 5.2 The Parties commit to review and incorporate Indigenous traditional and community knowledge shared with the Parties in the implementation of the Conservation Measures (Appendix B), where appropriate and as advised by impacted Indigenous communities for the purposes.
- 5.3 Where an Indigenous community identifies Indigenous traditional and community knowledge as being confidential, the Parties will, subject to any applicable laws, including legislative provisions related to access to information, hold and treat that information as confidential (see section 9.2).
- 5.4 The Parties commit to information sharing with Indigenous communities and seeking collaborative arrangements with Indigenous communities, organizations

and individuals to support recovery of Boreal Caribou pursuant to this Agreement, including facilitating meetings and discussions among interested or affected communities and engaging Indigenous communities in Range monitoring processes and the development and implementation of Conservation Measures.

6 STAKEHOLDER ENGAGEMENT

- 6.1 The Parties commit to ensuring that stakeholders, such as local governments, non-governmental organizations, private landowners, tenure holders, industry representatives and industry associations, are informed of this Agreement and engaged in implementation of the Conservation Measures.
- 6.2 The Parties commit to seeking collaborative arrangements with individuals and organizations (e.g., local governments, non-governmental organizations, industry representatives, academics, and other stakeholders), to support recovery of Boreal Caribou pursuant to this Agreement.

7 CONSERVATION APPROACH

- 7.1 Ontario's Boreal Caribou population is a component of the broader national Boreal Caribou population, and actions taken to conserve and recover Boreal Caribou in Ontario will contribute to maintaining genetic connectivity and state of the national Boreal Caribou population. The Parties acknowledge that:
 - 7.1.1 recovery will require a landscape-level approach over many years, and adaptive management will be required to ensure that the Conservation Measures undertaken are monitored and, as necessary, improved and adapted to incorporate new information or changed circumstances;
 - 7.1.2 the Parties will collaborate with other jurisdictions, in particular Manitoba and Québec, to support the effective and coordinated management and conservation of Local Populations that cross jurisdictional boundaries;
 - 7.1.3 determining the appropriate mix of Conservation Measures is a multifaceted and complex undertaking that requires individual and collective analysis of biological, jurisdictional, social, cultural, economic, and natural resource related tenures, northern community interests and the rights and interests of Indigenous communities;
 - 7.1.4 Boreal Caribou recovery will require measures that integrate considerations for Boreal Caribou recovery (for example Habitat Restoration) or protection into land use and resource development decision-making;

- 7.1.5 while considered in decision making, some factors that directly influence Boreal Caribou recovery are outside the control of the Parties, including the effects of climate change, forest fire, insects, disease or other naturally occurring events; and
 - 7.1.6 additional studies will help validate and inform measures required to achieve Boreal Caribou recovery including spatial information; however, the Parties agree that Conservation Measures must be taken during the course of this Agreement, while best available information continues to develop.
- 7.2 The Parties will work towards the equivalent outcomes for the species (i.e., Self-sustaining Local Populations). Specifically Ontario's conservation goal is "to maintain Self-sustaining, genetically-connected Local Populations of Woodland Caribou (forest-dwelling boreal population) where they currently exist, strengthen security and connections among isolated mainland Local Populations, and facilitate the return of Boreal Caribou to strategic areas near their current extent of occurrence" as set out in Ontario's Woodland Caribou Conservation Plan; and Canada's Boreal Caribou recovery goal is "to achieve Self-sustaining Local Populations in all Boreal Caribou Ranges throughout their current distribution in Canada, to the extent possible".
- 7.3 To support the achievement of the goal and purpose mentioned in section 2 of the Agreement, the Parties commit to:
- 7.3.1 Implementing the Conservation Measures (Appendix B) to support the provincial and federal goals set out in section 7.2 and using a risk-based approach and adaptive management noting that Conservation Measures could include but are not limited to monitoring and science, habitat protection and restoration, planning and management, updates to Boreal Caribou Conservation Frameworks, and stewardship collaborations and funding;
 - 7.3.2 Encourage collaborations to explore adaptive management and innovative approaches to achieve Boreal Caribou conservation objectives;
 - 7.3.3 Encourage multi-sectoral and Indigenous collaboration to seek efficiency and effectiveness in implementing/investigating the Conservation Measures;
 - 7.3.4 Share information and, where opportunities arise, collaborate to improve understanding of Boreal Caribou and habitat conservation and recovery;
 - 7.3.5 Investigate Funding (see section 3) opportunities to support implementation of Conservation Measures for the five-year term of this Agreement; and

7.3.6 Review updated relevant information and consider the incorporation or adoption into their respective Boreal Caribou Conservation Frameworks.

7.4 To support the achievement of the goal and purpose mentioned in section 2 of the Agreement, Ontario commits to continue to implement Ontario's Boreal Caribou Conservation Framework, including:

7.4.1 The ESA, which affords both species and habitat protection to Boreal Caribou in Ontario, where the ESA applies;

7.4.2 Ontario's Woodland Caribou Conservation Plan, which outlines the actions to be taken to conserve and recover Boreal Caribou in Ontario, with a key action to take a Range Management Approach, focusing on the management of cumulative disturbances, where applicable;

7.4.3 The Range Management Policy in Support of Woodland Caribou Conservation and Recovery which identifies the objective to maintain or move towards a range condition that is sufficient to support Self-sustaining Local Populations of Boreal Caribou in all Ranges in Ontario, and describes the Range Management Approach, including consideration of Range condition based on current data (population size trend, disturbance and habitat amount and arrangement) in the assessment of development proposals, where applicable;

7.4.4 The General Habitat Description for the Forest-dwelling Woodland Caribou which provides clarity on the area of habitat protected for Boreal Caribou based on the general habitat definition found in the ESA, that is, the habitat on which the species depends, directly or indirectly, to carry out its life processes such as reproduction, rearing, hibernation, migration or feeding, where applicable. Habitat is categorized, or sub-divided, based on sub-Range habitat features and anticipated level of tolerance to alteration before the features function is compromised; and

7.4.5 The Forest Management Guide for Boreal Landscapes ("BLG") made under the CFSA, which complements Ontario's Range Management Policy in Support of Woodland Caribou Conservation and Recovery approach and includes requirements to manage for natural levels of Boreal Caribou habitat (simulated ranges of natural variation), develop a Boreal Caribou habitat plan (i.e., Dynamic Caribou Habitat Schedule) and also directs planning be considered in the context of the Boreal Caribou Ranges and the larger landscape levels in addition to the forest management unit level with the objective of providing a continuous, sustainable supply of caribou habitat. And further includes:

- Consideration of Integrated Range Assessment Reports and range condition.
- Use of decision support tools (e.g., Ontario Landscape Tool) for assessing and managing the amount and arrangement of caribou habitat consistent with simulated ranges of natural variation (SRNV).
- Managing caribou sub-range habitat features (i.e., biophysical attributes such as calving areas).

7.5 To support the achievement of the goal and purpose mentioned in section 2 of the Agreement, Canada commits to:

7.5.1 Continue to implement the three pillars of the 2018 federal Action Plan for Boreal Caribou, including assessment of critical habitat (biophysical attributes and the maintenance of 65% undisturbed habitat or strong evidence of self-sustaining populations, validated by Environment and Climate Change Canada, from population data collected over an extended period of time).

7.6 To achieve the goals set out in section 7.2, the Parties will implement the Conservation Measures set out in Appendix B over the five-year term of this Agreement.

7.7 Results of Conservation Measures that relate to the implementation of this Agreement will be used to inform the modification or direction for Conservation Measures in subsequent years within the term of the Agreement as set out in Appendix B.

8 GOVERNANCE

8.1 Officials referred to in sections 15.1 and 15.2 will undertake the day to day administration and implementation of this Agreement.

8.2 Officials may convene from time to time to facilitate the day to day administration and implementation of this Agreement.

9 INFORMATION SHARING

9.1 The Parties agree, as appropriate and subject to any applicable data sharing agreements and their respective legislation that would prevent them from doing so,

to provide the other Party access at no charge to available data and information relevant to the implementation of this Agreement including:

- 9.1.1 Information on the status, conservation, and recovery of Boreal Caribou in Ontario, including population data, habitat protection, restoration and other Conservation Measures; and
 - 9.1.2 Information pertaining to mapping of Boreal Caribou general habitat and Critical Habitat for the purposes of mapping general habitat under the ESA and Critical Habitat under SARA.
- 9.2 Some data and information may require confidentiality, including Indigenous traditional and community knowledge and land use information, or may have been obtained with an understanding of confidentiality, in order to protect species at risk from exploitation or harm. Data and information so identified by a Party, or a collaborator in programs and activities related to this Agreement, will be held confidential by the Parties to the extent permitted by their respective legislation and related policies, procedures, and agreements, and consistent with the understanding upon which the data or information was provided to the Parties. The Parties agree to develop and enter into a data-sharing agreement, as described in the Conservation Measures (Appendix B).
- 9.3 The Parties recognize and promote the optimal use of new and existing decision support tools and information technology such as the habitat categorization maps for Ranges to facilitate information exchange, promote integration and strengthen conservation networks. The Parties agree to support these tools and technologies with data and resources in a manner consistent with agreements between federal/provincial/territorial governments and NatureServe Canada.

10 FINANCIAL ARRANGEMENTS

- 10.1 Recognizing the significant financial investments required to support Boreal Caribou in Ontario, the Parties will work together to identify needs, priorities and funding opportunities to implement Conservation Measures to achieve the Agreement goal identified in this Agreement. A separate funding agreement among the Parties that contains financial commitments by both Parties will be put in place to support the implementation of this Agreement over its five year term.
- 10.2 The Parties recognize that implementation of this Agreement is subject to their respective appropriations, priorities and budgetary constraints.

11 WORKPLAN, MONITORING AND REPORTING

- 11.1 The Representatives of the Parties agree to convene annually to review and document the status of Boreal Caribou conservation efforts.
- 11.2 An annual public report summarizing the results and status of the Conservation Measures will be prepared by the Parties and will be used to inform reporting requirements under Sections 46 and 63 and paragraph 126 (c) of the SARA.
- 11.3 The Parties will report on some or all of the following as appropriate:
- 11.3.1 Progress against commitments made by the Parties under this Agreement;
 - 11.3.2 Progress towards achieving the goal and purpose of the Agreement; and
 - 11.3.3 Unforeseen circumstances or stochastic events (e.g., fire, forest health issues) that might impact Conservation Measures.
- 11.4 The Representatives of the Parties identified in section 15.3 will review the Conservation Measures and commitments under this Agreement each year from the Effective Date. In this review, the Representatives will examine: progress against commitments made by the Parties under this Agreement; and the proposed workplan for the following year, including consideration of costs, where applicable.
- 11.5 The Parties agree to develop an annual workplan, including costs, that provides for the proposed annual actions in regard to implementing the Conservation Measures set out in Appendix B: Conservation Measures.
- 11.6 Based on the review outlined in section 11.4, the Parties will evaluate the actions and propose any additional Conservation Measures to be included in the annual workplan to increase the likelihood of achieving the Agreement's goal and purpose described in this Agreement (section 2) or otherwise expedite the recovery of Boreal Caribou in Ontario.
- 11.7 Prior to the end of year five of this Agreement, a report on outputs and deliverables to date in relation to the Agreement's goal and purpose (section 2) will be produced by the Parties and used to inform discussions on renewal of this Agreement.

12 DURATION, TERMINATION AND RENEWAL

- 12.1 The duration of this Agreement is five years from the Effective Date, unless: (a) terminated earlier by one of the Parties as per section 12.2 or, (b) terminated by mutual agreement of the Parties, or (c) amended to extend its duration as prescribed by section 13.
- 12.2 Either Party may terminate this Agreement for any reason 90 days after consulting with and providing written notice to the other Party. Each Party acknowledges that failure to implement commitments it has made in this Agreement may be a basis on which the other Party may invoke this section.

13 AMENDMENT

- 13.1 This Agreement may be amended in writing, at any time, including through the addition or deletion of appendices, by the written mutual consent of the Representatives of the Parties identified in section 15.3.
- 13.2 Appendix B to this Agreement (Conservation Measures), and any annual workplan developed by the Parties in accordance with section 11.5, may be amended, in writing, as required, and automatically incorporated into this Agreement, as amended, by the written mutual consent of the Representatives identified in section 15.3 of this Agreement.

14 DISPUTE RESOLUTION

- 14.1 In the event of a dispute or to resolve technical disagreements with respect to Boreal Caribou recovery between the Parties arising out of this Agreement, the Parties will use the following procedure to resolve the dispute:
- 14.1.1 the Director, Canadian Wildlife Service, Ontario Region, Environment and Climate Change Canada and the Director Species at Risk Branch, Ontario Ministry of the Environment, Conservation and Parks will be the first point of resolution for disputes arising from Boreal Caribou activities and programming contemplated in this Agreement; and
 - 14.1.2 disputes which cannot be resolved by the Directors referred to in section 14.1.1 will be referred to the Representatives as referred to in section 15.3.

15 DESIGNATION FOR IMPLEMENTATION OF THIS AGREEMENT

15.1 The administration and day-to-day implementation of this Agreement will be carried out on behalf of Canada by officials of the Assistant Deputy Minister of the Canadian Wildlife Service, Environment and Climate Change Canada.

15.2 The administration and day-to-day implementation of this Agreement will be carried out on behalf of Ontario by officials of the Assistant Deputy Minister of Land and Water Division, Ministry of the Environment, Conservation and Parks and the Assistant Deputy Minister of Policy Division, Ministry of Northern Development, Mines, Natural Resources and Forestry.

15.3 For the purposes of this Agreement, the Representatives from each Party are:

15.3.1 Ontario –The Assistant Deputy Minister of Land And Water Division, Ministry of the Environment, Conservation and Parks and Assistant Deputy Minister, Policy Division, Ministry of Northern Development, Mines, Natural Resources and Forestry; and

15.3.2 Canada – The Assistant Deputy Minister of the Canadian Wildlife Service, Environment and Climate Change Canada

16 COUNTERPARTS

16.1 This Agreement may be signed in several counterparts and each counterpart shall constitute an original document; these counterparts taken together shall constitute one and the same Agreement. The Parties agree that executed counterparts may be transmitted electronically and that such counterparts shall be treated as originally executed instruments. Each Party undertakes to provide the others with a copy of the original Agreement bearing actual original signatures within a reasonable period of time following the execution of this Agreement.

17 SIGNATURES

IN WITNESS WHEREOF, the Parties have executed this Agreement effective as of the date of last signature (“Effective Date”).

On behalf of Her Majesty the Queen in Right of Canada, as represented by the Minister of the Environment

As originally signed by

Assistant Deputy Minister, Canadian Wildlife Service, Department of the Environment and Climate Change

Signed this ____21____ day of ____April____, 2022.

On behalf of Her Majesty the Queen in right of Ontario, as represented by the Minister of the Environment, Conservation and Parks

As originally signed by

Assistant Deputy Minister, Land and Water Division, Ministry of the Environment, Conservation and Parks

Signed this ____21____ day of ____April____, 2022.

APPENDIX A : FEDERAL AND PROVINCIAL BOREAL CARIBOU RANGES

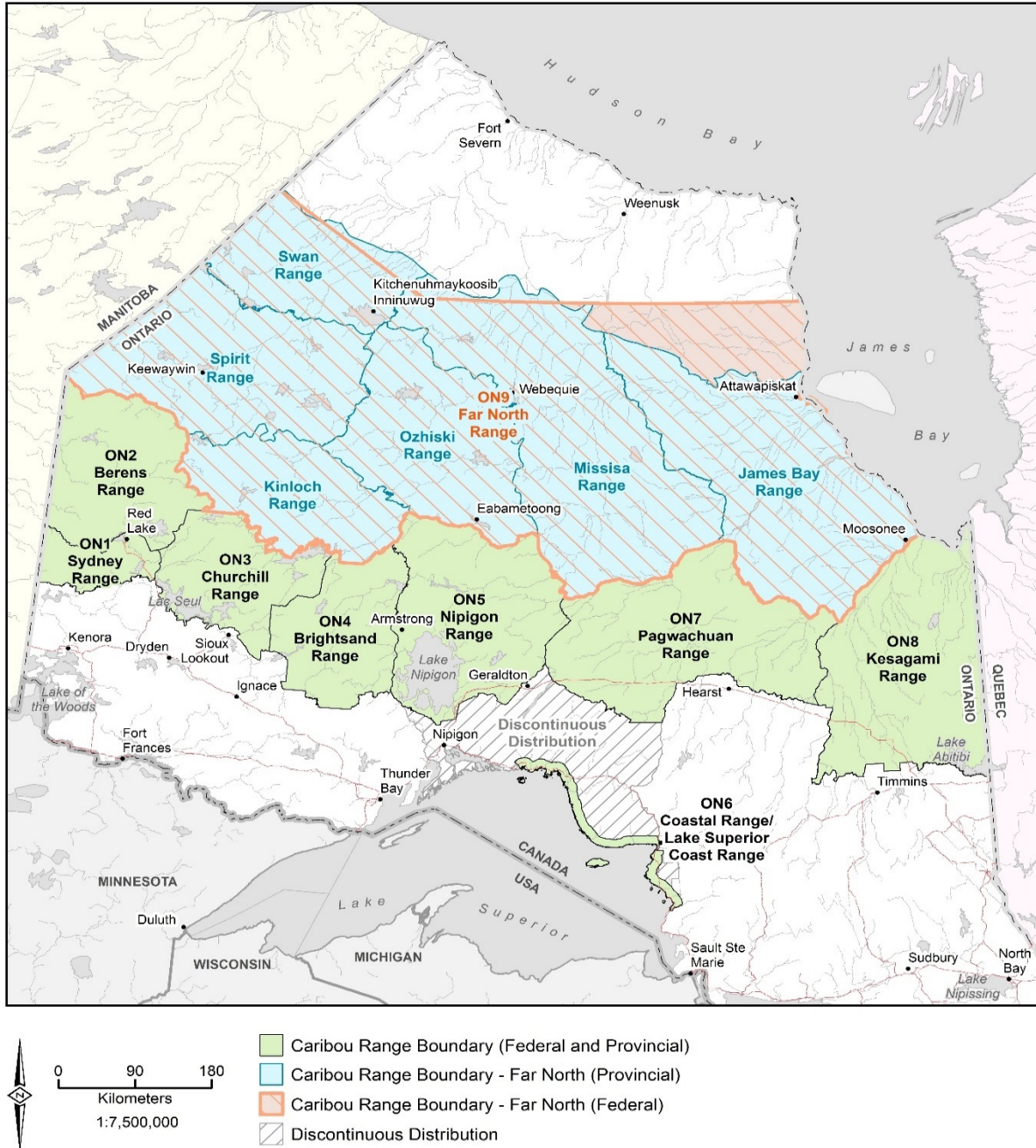


Figure 1 Locations of federal and provincial Range designations for Boreal Caribou in Ontario for the purposes of this Agreement. Areas designated in the Federal Amended Recovery Strategy are labeled ON1-ON9. In Ontario six Ranges have been delineated within the federal Far North (ON9) Range. These six Ranges are shown in blue (i.e., the Kinloch, Spirit, Swan, Ozhiski, Missisa, and James Bay Ranges). To date, these changes to the provincial Range designations have not been reflected in the Federal Amended Recovery Strategy.

APPENDIX B: CONSERVATION MEASURES

This table describes the Conservation Measures which fall into five broad themes including monitoring and science, habitat protection and restoration, planning and management, updates to Boreal Caribou Conservation Frameworks, and stewardship collaborations and funding.

The sequencing of the Conservation Measures are not indicative of relative priority. The measures will be informed by best available science and will augment ongoing Boreal Caribou conservation activities being undertaken by Canada and Ontario, and collectively will both implement immediate incremental actions and create a solid and common information base which will inform future planning and decision-making.

Theme	Goal	Conservation Measure	Timelines	Performance Measures to be achieved in 5 years
1. Monitoring and Science	Improved understanding of the current and projected future status of Boreal Caribou at a Range-scale.	1.1 Boreal Caribou Monitoring Program - Ongoing Range-scale Boreal Caribou monitoring, modelling, and reporting in all Ranges.	Ontario will: Years 1- 2 <ul style="list-style-type: none"> • Develop an ongoing monitoring program for Boreal Caribou that builds on past investments (e.g., including criteria for Range prioritization, timelines, methods, logistics, Indigenous engagement and participation, reporting) and provides opportunities to engage northern and Indigenous communities and enhance caribou conservation capacity in Indigenous communities. • Implement monitoring program starting in key Ranges (e.g., Brightsands, Churchill, and Kesagami) in 2022/23 and as identified through Range prioritization that includes consideration of risk to the species. Years 3-5 <ul style="list-style-type: none"> • Ongoing implementation of monitoring program as identified through Range prioritization. 	<ul style="list-style-type: none"> • An ongoing Boreal Caribou Range-scale monitoring program is established and is being implemented in prioritized Ranges. • Monitoring results, including Local Population and current and projected habitat states are reported and used to inform implementation of other Conservation Measures and the need to adjust existing policies, where appropriate (e.g., prioritization of species or habitat management efforts; refining Range boundaries).

<p>1. Monitoring and Science</p>	<p>Ranges are defined in a manner that supports Boreal Caribou conservation.</p>	<p>1.2 Boreal Caribou Range Boundary Review and Updating - Review and, as appropriate, adjust Range boundaries informed by existing and new science, including Indigenous traditional and community knowledge, and consideration of relevant factors including climate change.</p>	<p>Ontario will:</p> <p>Years 1-2</p> <ul style="list-style-type: none"> • Prepare foundational information - review and summarize existing relevant information (e.g., delineation criteria, cross-jurisdictional methodologies, science, Indigenous traditional and community knowledge) and information obtained through Boreal Caribou population surveys and monitoring program under 1.1. • Develop an approach to reviewing boundaries informed by independent experts, stakeholders and Indigenous communities and organizations, that includes consideration of risk to the species <p>Years 3-5</p> <ul style="list-style-type: none"> • Apply the Range boundary review approach. • Ongoing review and analysis of existing information and incorporation of new monitoring data and science/research. • Apply results to refining federal and provincial Range boundaries if results warrant, with Canada. 	<ul style="list-style-type: none"> • Existing relevant information summarized. • Approach to reviewing Range boundaries developed and applied, with incorporation of new Range-scale monitoring data, science/research and Indigenous traditional and community knowledge. • Federal and provincial Range boundaries refined, if deemed appropriate.
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<p>1. Monitoring and Science</p>	<p>Improved habitat through implementation of effective and efficient Habitat Restoration approaches at a Range-scale.</p>	<p>1.3 Habitat Restoration Assessment Initiative – Assessment of the effectiveness and efficiency of Habitat Restoration approaches in contributing to Self-sustaining Local Populations and managing cumulative disturbance at a Range-scale and application of the recommendations of the assessment.</p>	<p>Ontario will:</p> <p>Years 1-2</p> <ul style="list-style-type: none"> • Design the assessment approach informed by independent experts, stakeholders and Indigenous communities and organizations. <p>Years 3-4</p> <ul style="list-style-type: none"> • Implement the assessment approach and report on results as they become available. <p>Year 5</p> <ul style="list-style-type: none"> • Assess the effectiveness of the assessment approach, determine next steps, and apply results to inform policies and approaches. 	<ul style="list-style-type: none"> • Approach to assessing effectiveness and efficiency of Habitat Restoration approaches established and implemented, including engagement with stakeholders and Indigenous communities and organizations. • Information on the effectiveness and efficiency of Habitat Restoration approaches reported, guiding the implementation of legislation and policies, and being applied on the ground.
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<p>1. Monitoring and Science</p>	<p>Further enhance the evidenced-based foundation of Boreal Caribou conservation decision-making at a provincial and Range-scale.</p>	<p>1.4 Boreal Caribou Science Plan for Ontario – Develop a Boreal Caribou science plan that identifies current state of provincial knowledge, gaps, priorities from a provincial and Range-scale perspective, including in regard to the relationship between climate change, other natural processes such as predation and disease, and Boreal Caribou habitat, working with stakeholders and Indigenous communities and organizations, and implement the plan working with these partners.</p>	<p>Ontario and Canada will:</p> <p>Years 1-2</p> <ul style="list-style-type: none"> • Assess the current status of federal and provincial science related to Boreal Caribou and identify gaps. • Design the approach for developing a Boreal Caribou science plan informed by independent experts, stakeholders and Indigenous communities and organizations. <p>Years 3-4</p> <ul style="list-style-type: none"> • Work with partners to implement the priorities of the Boreal Caribou science plan. <p>Year 5</p> <ul style="list-style-type: none"> • Report on progress and identify next steps. 	<ul style="list-style-type: none"> • Assessment of current status completed, gaps and priorities identified at provincial and Range-scales. • Boreal Caribou science plan developed and implementation underway on priorities working with stakeholders and Indigenous communities.
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<p>1. Monitoring and Science</p>	<p>Available data and information is shared between Ontario and Canada at no charge to support Boreal Caribou conservation decision-making.</p>	<p>1.5 Data sharing – Develop a bilateral Canada-Ontario data sharing agreement for the Boreal Caribou.</p>	<p>Ontario and Canada will:</p> <p>Year 1</p> <ul style="list-style-type: none"> • Develop a bilateral data sharing agreement including information on the status, conservation, and recovery of Boreal Caribou in Ontario, including population state, habitat protection, Habitat Restoration and other Conservation Measures; and information pertaining to mapping of general habitat under the ESA and Critical Habitat under SARA. <p>Ongoing</p> <ul style="list-style-type: none"> • Continue to share available data and information as it becomes available. 	<ul style="list-style-type: none"> • Ontario and Canada provide each other at no charge with available data and information relevant to the implementation of the Agreement, as appropriate and subject to any applicable data sharing agreements, confidentiality considerations (section 9.2) and their respective legislation that would prevent them from doing so.
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<p>2. Habitat protection and restoration</p>	<p>Improve Boreal Caribou habitat by decreasing fragmentation and cumulative disturbance.</p>	<p>2.1 Habitat Restoration Initiative – Develop a prioritized list of public land locations for all Ranges and implement Habitat Restoration activities in select locations, including through support of existing and new stewardship approaches.</p> <p>Ensure legislative and policy mechanisms exist to secure locations of Habitat Restoration.</p>	<p>Ontario will:</p> <p>Years 1-2</p> <ul style="list-style-type: none"> • Develop a prioritized list of public land locations for Habitat Restoration: including consideration of risk to Boreal Caribou, appropriate scale, priority ranges and prioritized types of restoration, as well as social and economic considerations; and informed by independent experts, stakeholders and Indigenous communities and organizations <p>Years 2-4</p> <ul style="list-style-type: none"> • Communicate prioritized list to those able/required to take action. • Implementation of Habitat Restoration activities, including through Stewardship identified in Conservation Measure 5. <p>Year 5</p> <ul style="list-style-type: none"> • Continued implementation and evaluation of next steps. 	<ul style="list-style-type: none"> • Prioritized list of locations developed, made publicly available, and used to inform the implementation of Habitat Restoration activities. • Legislative or policy mechanisms confirmed or established to secure Habitat Restoration sites. • Priority projects undertaken to decrease fragmentation and cumulative disturbance of habitat within Ranges in priority areas.
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<p>2. Habitat Protection and Restoration</p>	<p>Enhance protection of Boreal Caribou habitat through protected areas using a Range-scale approach.</p>	<p>2.2 Protected Areas Initiative – Applying a Range-scale approach, enhanced consideration of Boreal Caribou within existing protected areas and on other public lands; and exploration and implementation of opportunities to increase protection of Boreal Caribou habitat through expanded and new protected areas, effective area-based measures, and in addition supporting private endeavors to accomplish similar goals.</p>	<p>Ontario will:</p> <p>Years 1-2</p> <ul style="list-style-type: none"> • Apply a Range-scale approach, and explore opportunities to increase protection of Boreal Caribou habitat through the expansion of existing, and the establishment of new, protected areas, such as through the regulation of remaining Ontario Living Legacy sites (i.e., public land areas that were identified in 1999 as part of Ontario's Living Legacy Land Use Plan to expand the province's protected areas system.) intersecting with the distribution of Boreal Caribou or through other effective area-based measures or other approaches or tools. • Applying a Range-scale approach, with Canada, will explore opportunities to enhance consideration of Boreal Caribou within existing protected areas (e.g., through management planning and wildland fire management) and on other public lands. • Consider social and economic considerations and advice from independent experts in undertaking this exploration. <p>Years 3-5</p> <ul style="list-style-type: none"> • If/where opportunities are identified, initiate action to implement them. 	<ul style="list-style-type: none"> • Opportunities to increase protection of Boreal Caribou habitat through protected areas explored considering a Range-scale. • Initiate implementation of action based on identified opportunities.
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<p>3. Planning and Management</p>	<p>Forest operations conducted in Crown Forests are undertaken in accordance with an approved forest management plan under the CFSA in a manner that supports the maintenance or recovery of Self-sustaining Local Populations</p>	<p>3.1 Forest Management Planning - Continue to integrate the direction in the Forest Management Guide for Boreal Landscapes (BLG) into forest management plans (FMPs) that intersect with Ranges and review forest management guide direction to assess the effectiveness of existing direction in supporting the shared outcome of Self-sustaining Local Populations.</p>	<p>Ontario will:</p> <p>Year 1</p> <ul style="list-style-type: none"> Depending on individual plan renewal dates, initiate, continue, or complete forest management planning to incorporate the BLG into FMPs. <p>Years 2-5</p> <ul style="list-style-type: none"> Describe and communicate the plans to assess the effectiveness of existing direction in supporting the maintenance or recovery of Self-sustaining Local Populations. Ongoing planning, approval, and implementation of FMPs to incorporate the BLG. Implement the plan to assess the effectiveness of existing direction and evaluation of next steps. 	<ul style="list-style-type: none"> BLG integrated into all 20 Forest Management Plans that intersect with Ranges by 2027. To date, BLG direction has been fully incorporated into 18 of the 20 Forest Management Plans that intersect caribou ranges. Methodology to assess the effectiveness of existing BLG direction developed and assessment being undertaken. Results are reported and used to inform the need to adjust existing policies where appropriate.
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<p>3. Planning and Management</p>	<p>Mineral exploration and mining development activities are undertaken in a manner that supports the maintenance or recovery of Self-sustaining Local Populations.</p>	<p>3.2 Mineral Exploration and Development Initiative - Continue to implement existing best management practices when undertaking mineral exploration and development activities, while also examining the effectiveness of current practices in supporting the maintenance or recovery of the shared outcome of Self-sustaining Local Populations, and adjusting as appropriate.</p>	<p>Ontario will:</p> <p>Year 1</p> <ul style="list-style-type: none"> • Develop a plan to assess the effectiveness of current best management practices for site recovery and review of historic sites for natural recovery working with stakeholders. <p>Year 2</p> <ul style="list-style-type: none"> • Assess the effectiveness of current best management practices, identify gaps and priorities. <p>Years 3-5</p> <ul style="list-style-type: none"> • Take action to update and implement best management practices. 	<ul style="list-style-type: none"> • Methodology to assess the effectiveness of existing best practices developed and being applied. • Best management practices updated and being applied.
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<p>3. Planning and Management</p>	<p>Clarity on the management approach for Boreal Caribou in the Lake Superior Coast Range.</p>	<p>3.3 Lake Superior Coast Range Management Plan - Develop and implement a management approach for the Lake Superior Coast Range and Discontinuous Distribution (Management Approach).</p>	<p>Ontario will:</p> <p>Years 1-2</p> <ul style="list-style-type: none"> • Consult on the draft Management Approach; and • Finalize the Management Approach. <p>Year 3</p> <ul style="list-style-type: none"> • Implementation of the Management Approach. <p>Years 3-5</p> <ul style="list-style-type: none"> • Ongoing implementation of the Management Approach 	<ul style="list-style-type: none"> • Finalization and implementation of a Management Approach for the Lake Superior Coast Range and Discontinuous Distribution.
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<p>4. Updates to Boreal Caribou Conservation Frameworks</p>	<p>Refined evidence-based approaches to managing for Self-sustaining Local Populations.</p>	<p>4.1 Evidence-based approaches - Refine existing evidence-based approaches to manage for Self-sustaining Local Populations in Ranges and integrate them into provincial and federal Boreal Caribou Conservation Frameworks, where appropriate.</p>	<p>Ontario and Canada will:</p> <p>Years 1-2</p> <ul style="list-style-type: none"> • Collaborate to review and refine existing and alternative evidence-based approaches to maintain or move towards Self-sustaining Local Populations within Ranges • Validate, including through review by recognized experts, and integrate accepted evidence-based approaches, into provincial and federal Boreal Caribou Conservation Frameworks, that achieve equivalent outcomes (i.e., self-sustaining local populations) where appropriate. <p>Years 3-5</p> <ul style="list-style-type: none"> • Ongoing collaboration to further refine existing evidence-based approaches. 	<ul style="list-style-type: none"> • Refined evidence-based management approach for Ontario recommended and opportunities identified for integration into the provincial and federal Boreal Caribou Conservation Frameworks to guide implementation of legislation, policies, etc. with respect to managing Boreal Caribou and its habitat.
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<p>4. Updates to Boreal Caribou Conservation Frameworks</p>	<p>Up-to-date and aligned policy frameworks in Ontario and Canada.</p>	<p>4.2 Updating federal and provincial policy frameworks – Ontario and Canada to review updated relevant information (e.g., monitoring, science/research) as it is generated under the Agreement and consider adoption into federal and provincial Boreal Caribou conservation policies and approaches.</p>	<p>Ontario and Canada will:</p> <p>All Years</p> <ul style="list-style-type: none"> Consider the adoption or incorporation of relevant information as it becomes available, including as a result of Conservation Measures under this Agreement. <p>Year 3</p> <ul style="list-style-type: none"> Canada to review final Management Approach for the Lake Superior Coast Range and Discontinuous Distribution, and consider incorporating or adopting outcomes into the federal framework. 	<ul style="list-style-type: none"> Relevant federal and provincial Boreal Caribou Conservation Frameworks are up-to-date, incorporating best available information, as appropriate, including to support alignment between provincial and national approaches.
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<p>5. Stewardship Collaborations and Funding</p>	<p>Support implementation of projects that contribute to maintenance or recovery of Self-sustaining Local Populations.</p>	<p>5.1 Stewardship Collaborations and Funding - Support implementation of projects that contribute to adaptive management in Boreal Caribou conservation.</p>	<p>Ontario and Canada will:</p> <p>Year 1</p> <ul style="list-style-type: none"> • Identify opportunities to support Boreal Caribou conservation initiatives including the priorities for Habitat Restoration identified in Conservation Measure 2.1. • Implement identified strategic projects to further Boreal Caribou conservation • Develop a catalogue of stewardship projects underway/proposed to support better collaboration and avoid duplication of effort. <p>Years 2-5</p> <ul style="list-style-type: none"> • Ongoing identification and implementation of strategic projects to further Boreal Caribou conservation. 	<ul style="list-style-type: none"> • The Parties have collaborated to identify and fund projects, to further Boreal Caribou conservation in Ontario.
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