



**BRIEF FOR THE PROTECTION AND RECOVERY  
OF THE VAL D'OR CARIBOU POPULATION AND  
THEIR HABITAT IN ANISHINABE AKI**

**Comments submitted to the  
Commission indépendante sur les caribous  
forestiers et montagnards**

**By**

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## Introduction

Long Point First Nation ("LPFN") submits this brief to the Commission indépendante sur les caribous forestiers et montagnards ("the Commission"), focusing on the Val-d'Or population of woodland caribou.

On several occasions, LPFN has spoken publicly and through its exchanges with government authorities, to request concrete measures for the protection of the caribou. This brief reiterates these requests, outlines the efforts that have been made by LPFN and emphasizes the central elements that must be integrated into the Commission's conclusions.

Although the Commission's mandate seems imprecise ("will meet with the general public, Indigenous communities and stakeholders from the regions concerned, to hear their views on the two scenarios, which are designed to foster caribou self-sustainability in the areas to which the Strategy will apply"), LPFN hereby requests that any conclusions or recommendations of the Commission be made with respect to our rights.

We therefore ask, in summary, that the Commission recommend that the government take concrete measures for the protection and recovery of the Val-d'Or caribou and their habitat, that it collaborate with LPFN and other First Nations in the implementation of solutions, and that it ensure the continuity and exercise of the aboriginal rights of our members through any proposed solution.

### 1. Presentation

Long Point First Nation (LPFN) is located on the Anishinabe Aki unceded territory. LPFN has approximately 800 members, about half of whom live in the community of Winneway, located in the Abitibi-Témiscamingue region of western Quebec. Our territory is a place of scenic beauty. Our culture is vibrant, our hospitality is warm and our pride in being Anishinabeg is evident.

The LPFN Council and its members are the holders of their aboriginal rights as recognized and protected by section 35 of the Constitution Act, 1982. These aboriginal rights relate to both the territory and the activities practiced.

## **2. Long Point First Nation and the Woodland Caribou**

The forest industry and more generally the exploitation of natural resources directly affects the Anishinabe way of life, culture, traditions, and identity, not only for the trappers and users of the forest, but for all our members. A healthy and sustainable management of the forest that would respect our rights, our interests and the species that inhabit this territory could however contribute to offer better living conditions for our members. Such a management of the territory would, by the same token, favour the survival of the caribou which at the heart of our identity, our traditions, our language and our culture.

The critical habitat of the Val-d'Or caribou population is located largely on unceded ancestral territories including those of Long Point First Nation, of the Nation Anishnabe du Lac Simon, and of the Anicinapek de Kitcisakik. This situation justifies even more that we participate directly in the decision making concerning the caribou and its habitat.

As early as the 1980s, LPFN members became concerned about the fate of the Val-d'Or caribou, noticing its decline. Through the last decades, LPFN has been involved with the Nation Anishnabe du Lac Simon in several initiatives and discussions with provincial and federal authorities around the protection of the Val-d'Or caribous. Despite some steps forward such as the implementation of a forest management plan in the Val-d'Or caribou range in 1989 and the creation of a protected area covering a portion of the caribou's habitat in 2003, the rate of disturbance in the habitat necessary for the caribou's recovery remains far too high. The enclosure of the remaining individuals has no chance of success if the necessary efforts are not made to conserve and recreate the conditions necessary for their recovery outside the enclosure.

For LPFN, the situation of the Val-d'Or caribou is alarming not only for the survival of the species itself and its individuals, but also because it will have repercussions on the entire forest and its inhabitants. Protecting the caribou's habitat also means protecting all the animal and plant species that depend on it.

### **2.1. Recent actions and requests to government**

In 2019, in partnership with Canada's Department of Environment and Climate Change (ECCC) and the Ministry of Forests, Wildlife and Parks (MFFP), and with the support of the LPFN and Kitcisakik Councils, the Conseil de la Nation Anishinabe de Lac-Simon retained the services of renowned caribou experts, researcher Martin-Hugues Saint-Laurent and Jacinthe Gosselin. This study allowed the characterization of the habitat selection and space use patterns of the Val-d'Or caribou and of the grey wolf, the identification of the habitat development or restoration scenario

to be prioritized in order to contribute to the recovery of the caribou population, and the delineation of a critical habitat to be protected for the benefit of the Val-d'Or caribou.

The scientific report was published in November 2020<sup>1</sup> and communicated to government authorities. We invite the Commission to take note of this report whose conclusions are unequivocal:

"The current critical situation of the Val-d'Or caribou population requires difficult decisions, innovative approaches and concrete efforts of an intensity unequalled to date in the province. With only six individuals still alive, confined for several months in a temporary enclosure that is too small, the status quo is no longer an option. Waiting any longer before taking action could lead one to believe that the recovery of the Val-d'Or caribou is not a priority for the ministry responsible for the protection of threatened and vulnerable wildlife species in Quebec. In full respect of the precautionary principle, scientific knowledge is sufficient to take measures to maintain this population on the Abitibi territory, provided that the necessary leadership and initiative are displayed to achieve this objective" (p. 108, our translation)

The study identifies the areas where good habitats for the Val-d'Or caribou are concentrated according to several criteria related among other things to the caribou's diet, its predators and the traditional observations of the members of the Anishinabeg First Nations. This identification allowed the three First Nations to delimit a restoration zone, called "Zone 2", to be added to the zone already recognized by the governments as a "site faunique" in order to make the survival and recovery of the Val-d'Or caribou population possible.

LPFN, along with the First Nations of Lac Simon and Kitcisakik, has therefore requested the protection of a total area of 4,560 km<sup>2</sup> (site faunique + Zone 2), which is not even as much as the minimum area of 5,000 km<sup>2</sup> recommended by the scientific literature. This request has been detailed in several concrete measures and has been reiterated on several occasions.

Our First Nations are mainly asking, in the area that includes the wildlife site and Zone 2, for the implementation of a moratorium on logging and road construction, an exclusion from the "calcul de possibilité forestière" as well as a restoration program for existing roads. In addition, a caribou reintroduction plan is essential.

All elements of these requests are essential. In particular, it is essential for LPFN that the area covered by the requested moratorium (site faunique + Zone 2) be subject to a proportional

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<sup>1</sup> St-Laurent, M.-H., Gosselin, J. 2020. *Sélection d'habitat, délimitation de l'habitat essentiel et scénarios de restauration d'habitat à prioriser au bénéfice du caribou de Val-d'Or*. Rapport scientifique présenté au Conseil de la Nation Anishnabe du Lac Simon. [https://adikcaribouvd.ca/wp-content/uploads/2020/11/St-Laurent-Gosselin\\_Rapport-final\\_Lac-Simon-2020.pdf](https://adikcaribouvd.ca/wp-content/uploads/2020/11/St-Laurent-Gosselin_Rapport-final_Lac-Simon-2020.pdf)

decrease in the “calcul de possibilité forestière” for the 2023-2028 and subsequent periods for management units 083-51, 082-51 and 081-52. Otherwise, the portions of the territory outside of the conservation zone will be harvested beyond their allowable cut and the regeneration capacity of these forest will be altered.

In addition to formal letters from the Chiefs of the three First Nations in 2021 and 2022, LPFN has taken every opportunity to repeat these requests over the past year, including consultations on any caribou-related or forest/land management matters<sup>2</sup> .

To these requests, the Quebec government has given us the same answer: we must wait for the release of its Woodland and Mountain Caribou Strategy. The release of this Strategy, already postponed once from 2018 to 2021, has been postponed again until 2024. The Quebec government seems to be completely ignoring the emergency surrounding the situation of the Val-d'Or population of woodland caribou, as well as other caribou populations in Quebec. We stress that current knowledge is more than sufficient to act now.

Yet the MFFP continues to plan forestry cuts in critical caribou habitat, directly in contradiction with the precautionary principle that must guide government decisions. These forest management decisions are then submitted to us for "harmonization", without LPFN having the opportunity to participate in the decisions further upstream, at the planning stage.

## **2.2. Pressure from the forest industry**

LPFN fully understands that the forest industry plays an important role in the Quebec economy. However, it is unacceptable that the Quebec government, which is under pressure from the industry who wishes to secure its harvest volumes, should put this pressure on LPFN. Repeated calls from forestry companies, who occasionally threaten our community with imminent closures, add tangible pressure.

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<sup>2</sup> The government and its ministries can refer in particular to the comments submitted by LPFN on various consultations:

- on the PAFIO (March 2021)
- on the expansion of the Val-d'Or caribou population enclosure (May 2021)
- on the development of the *Stratégie nationale d'Urbanisme et d'Aménagement du territoire* (September 2021)
- on MFFP's *Politique ministérielle en matière de relations avec les nations et communautés autochtones* (September 2021), on the development of the *First Nations Consultation and Accommodation Manual in forest planning* (October 2021) and on the *Strategy for the Adaptation of Forest Management and Development to Climate Change* (January 2022).

The Natural Resources Department of LPFN is repeatedly asked to "harmonize" cutting areas in critical caribou habitat and in other areas that are critical to our members and the exercise of our aboriginal rights. Furthermore, in cases where the MFFP is open to delaying or reducing a planned logging operation in Zone 2, the pressure only shifts to other areas of our territory, as if protecting caribou habitat is a favour that the MFFP would grant to First Nations.

We remind the MFFP that its mission includes the conservation of wildlife and its habitat, not just its "development" ("mise en valeur")<sup>3</sup>. Furthermore, the economic benefits of a healthy standing forest must be considered at the same level as those of harvested wood (e.g. carbon storage, PFNL market, jobs in restoration, resilience to climate change, preservation of several species...)

In short, the solutions that the Commission will recommend and those that the Government will implement must reduce, not increase, the pressure on the Council, the community, and the ancestral territory of LPFN.

### **3. Requests to the Independent Commission**

The two scenarios proposed by the Commission, the "revised advisory scenario" and the "no additional forest impact scenario", are not acceptable in their current form. However, it is possible for the Commission to adjust the revised advisory scenario to take into account the demands of First Nations and science.

The scenario with no additional forestry impact is unacceptable because it proposes the abandonment of the Val-d'Or caribou population and the unilateral extinction of First Nations' rights. This scenario risks causing irreversible impacts to the constitutionally protected rights of First Nations. This scenario should not even be considered by the Commission.

The revised advisory scenario, on the other hand, proposes a habitat restoration zone that excludes the best habitats identified by the report of researcher Martin-Hugues Saint-Laurent and our three First Nations. The MFFP has therefore chosen to ignore the requests of the First Nations and the results of an in-depth scientific study. In order to ensure the recovery of the Val-d'Or caribou population and its habitat, it is imperative to revise the delimitation of the restoration zone in collaboration with First Nations.

Furthermore, the favoured scenario must benefit the access of our members to the territory and the practice of traditional activities. While the deterioration of the situation of the Val-d'Or caribou was done to the detriment of the Anishinabe rights and way of life, it would be unacceptable that

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<sup>3</sup> *Act respecting the Ministère des Ressources naturelles et de la Faune*, RLRQ, c. m-25.2, s. 11.1

our community lose out again in the repair of public management errors. For example, should a protected area be created, it is essential that our LPFN participate directly in its management.

In witness whereof, LPFN asks the Commission:

- To completely rule out the no additional forest impact scenario;
- To recommend that the government work with First Nations in any decision related to caribou and their habitat;
- To urge the government to immediately fulfill its role as protector of species at risk, wildlife and their habitat;
- To take into account, in any recommendations it makes to the government :
  - Scientific and traditional knowledge, and the recommendations, requests and concerns expressed by First Nations
  - the cumulative impacts that natural resource exploitation and colonization have had on Anishinabeg rights and territory,
  - the pressure that may result on the rest of LPFN's ancestral territory, including adjusting the "calcul de possibilité forestière" outside the areas to be protected
  - the positive, long-term economic impacts that conservation and restoration measures can have;
- To prioritize, in all recommendations it will make to the government, in addition to the protection of the caribou and its habitat, access to the territory and the exercise of ancestral rights by the members of our First Nations.

The inaction of the Quebec government over the past few years is now forcing extreme measures, including large-scale logging moratoriums, enclosure of caribou and active predator management. This catastrophic situation should not be an excuse to abandon the last caribous to their fate, first because this decision would represent the unilateral extinction of ancestral rights of the Anishinabeg communities, and because recent studies show that the recovery of the Val-d'Or caribou is still possible with the implementation of a reintroduction plan.

The measures we are asking for are far from being excessive; they are hardly proportional to the extent of the damage caused by a management of the territory made to the detriment of the forests and the living beings that inhabit it.