



Canada



Sustainable Biomass Program (SBP)

Regional Risk Assessment for New Brunswick Forest Canada

SBP-RRA-CA-NB-FOR v1.0

Interim RRA

Version v1.0

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In the case of inconsistency between translations, the official English language version shall always take precedence.

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Abbreviations

AAC	Annual Allowable Cut
ACCDC	Atlantic Canada Conservation Data Centre
AOP	Annual Operating Plan
ARPFNB	Association of Registered Professional Foresters of New Brunswick
BMP	Best management practices
CFS	Canadian Forest Service
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
CLFA	Crown Lands and Forests Act
CoC	Chain of custody
COSEWIC	Committee of the Status of Endangered Wildlife in Canada
CSA	Canadian Standards Association
CWA	Clean Water Act
CWS	Canadian Wildlife Service
DELG	Department of Environment and Local Government
DFO	Fisheries and Oceans Canada
DNRED	Department of Natural Resources and Energy Development
ECCC	Environment and Climate Change Canada
ECELAW	East Coast Environmental Law
ESDC	Employment and Social Development Canada
EU	European Union
EUTR	European Union Timber Regulation
FMA	Forest Management Agreement
FMM	Forest Management Manual for New Brunswick Crown Land
FMP	Forest Management Plan
FMU	Forest Management Unit
FPIC	Free, prior and informed consent
FSC	Forest Stewardship Council
GDP	Gross domestic product
GFW	Global Forest Watch
GHG	Greenhouse gas
GMO	Genetically modified organism
HCV	High conservation value
ILO	International Labour Organization
IPCC	Intergovernmental Panel on Climate Change
ITUC	International Trade Union Confederation
IUCN	International Union for Conservation of Nature
KPI	Key performance indicator
LULUCF	Land Use, Land Use Change, and Forestry
NB	New Brunswick

NB SARA	New Brunswick Species at Risk Act
NBFSA	New Brunswick Forest Safety Association
NDC	Nationally Determined Contribution
NRCAN	Natural Resources Canada
OHS	Occupational health and safety
PEFC	Programme for the Endorsement of Forest Certification
RCMP	Royal Canadian Mounted Police
REDII	Renewable Energy Directive 2018/2001
REF	Risk Evaluation Framework
RPF	Registered Professional Forester
RRA	Regional Risk Assessment
RRA-NB	Regional Risk Assessment, New Brunswick
RTE	Rare, threatened or endangered
SAFE	Safety and Forestry Excellence
SAR	Species at risk
SARA	Federal Species at Risk Act
SBP	Sustainable Biomass Program
SFI	Sustainable Forestry Initiative
UN	United Nations
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
UNDRIP Act	United Nations Declaration on the Rights of Indigenous Peoples Act
UNFCCC	United Nations Framework Convention on Climate Change
UNICEF	United Nations Children's Fund
VOITs	Values, objectives, indicators and targets
WAPPRIITA	Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act
WAWAR	Watercourse and Wetland Alteration Regulation
WHMIS	Workplace Hazardous Materials Information System
WPAC	Wood Pellet Association of Canada
WWF	World Wildlife Fund

Foreword

The Sustainable Biomass Program (SBP) interim Regional Risk Assessments (RRAs) are a key component of SBP's focus on identifying and mitigating risks associated with sustainably and legally sourcing feedstock for biomass pellet and wood chip production. The SBP Framework is designed to provide assurance that feedstock is sourced legally and sustainably. The purpose of an SBP interim RRA is to evaluate an entire geographic region and determine the risks associated with sourcing feedstock for biomass pellet or wood chip production from that region. The SBP Regional Risk Assessment (RRA) Procedure Version 2.0 specifies the requirements and processes that must be followed to develop and endorse SBP risk assessments of regions or countries. The SBP RRA procedure requires active engagement with a diverse range of stakeholders in the region.

The RRA-NB scope is the harvestable forest land base of New Brunswick.

The Wood Pellet Association of Canada (WPAC) initiated the RRA for the province of New Brunswick (NB) in 2019 to verify the legality and sustainability of feedstock. In 2023, the SBP engaged Hopkin Forest Management Consulting Ltd. and a team of independent natural resource and certification professionals to form the Working Body and complete the RRA.

The Working Body facilitated the risk assessment to ensure that relevant NB laws, policies and practices, as well as practical knowledge of forestry, were accurately captured in the RRA. Information was compiled from the experience and knowledge of consultants, interviews with experts, applicable legislation, reports from provincial authorities and other stakeholders, various databases, and statistical data sources.

Information was obtained from provincial authorities, such as the NB Department of Natural Resources and Energy Development (DNRED) and federal authorities, such as the Canadian Forest Service (CFS) of Natural Resources Canada (NRCAN), and Environment and Climate Change Canada (ECCC). Many stakeholders were consulted in the process, and information was obtained verbally and from written public and private sources.

Regional Risk Assessments (RRAs) are a key part of SBP's focus on identifying and managing risks associated with sustainably sourcing feedstock for biomass production. With an RRA covering an entire geographic region, and determining the risks associated with sourcing feedstock from that region, the need for individual Biomass Producers to conduct risk assessments is avoided, leading to an efficient and consistent risk assessment process. RRAs also ensure active engagement with a diverse range of stakeholders in the region.

Hopkin Forest Management Consulting, acted as the Working Body responsible for drafting the earlier version of the Draft Regional Risk Assessment (RRA) that was released for public consultation in November 2024. The responsibility for the further iterations of the Draft RRA was then transitioned to SBP. As such, Hopkin Forest Management Consulting was not responsible for responding to stakeholders' comments, completing or finalising the RRA.

1 Introduction

A Regional Risk Assessment (RRA) is a way to identify and confirm the risks associated with sourcing uncertified feedstock. The scope of this RRA is fibre sourced from harvestable forested land bases in the province of New Brunswick (NB). The RRA-NB was completed in accordance with the following:

- SBP Standard 1: Feedstock Compliance, v2.0, May 2023
- SBP Standard 2: Feedstock Verification, v2.0, May 2023
- SBP Regional Risk Assessment Procedure, v1.2, May 2021
- SBP Regional Risk Assessment Procedure, v2.0, February 2025
- Guidance for SBP Standard 1, v1.0, May 2023
- Guidance for SBP Standard 2, v1.0, May 2023
- Glossary of Terms and Definitions, SBP, v2.0, May 2023

Sustainable Biomass Program (SBP) Standard 1 states the globally applicable legality and sustainability Indicators that must be evaluated. The 42 Indicators cover a range of ecological, social, and economic requirements that must be evaluated within the scope of the Supply Base Area. The Supply Base Area for this RRA is the province of New Brunswick. The SBP RRA Procedures outline the requirements to complete an RRA.

Section 2 of this report provides the Statement of Scope.

The Methodology for the RRA-NB as implemented by the NB Working Body (Working Body) is described in Section 3. SBP Standard 2 describes the requirements. The Working Body has developed a rigorous and objective process to simplify the evaluation process and the comprehension of the conclusions for each of the 42 Indicators. Prior to reviewing the Indicators, the Working Body requests the reader reviews the Methodology (Section 3) to understand the logic for information collection, evaluation, and the rationale for the final risk designation (Table 10: Proposed Risk Designation Summary).

As required by the SBP RRA Procedures, the draft RRA-NB will be made available for Stakeholder Consultation. The SBP approach to Stakeholder Consultation is discussed in Section 3.2. In addition, Annex 5: Stakeholder Consultation Report, as required by the RRA Procedures is provided. The Stakeholder Consultation Report provides the stakeholder comments, as well as the SBP's response, including the applicable changes to the Indicator finding and/or the risk designation.

Section 4 of this report provides the Regional Background for the Supply Base Area for RRA-NB. This section helps set the context of the bio-physical, social, and economic values in the province of New Brunswick.

The requirement documents listed above require each Indicator to be evaluated as a single Indicator. Often some of these Indicators are inter-related and/or complex. The Working Body has provided details for this section to (1) provide clarity of interconnection and (2) reduce repetition of evidence. This section is provided to assist with evaluating of the individual 42 Indicators (Annex 1: Detailed Findings for Indicators).

Section 4.8 of this report provides the Overview of the Biomass Sector.

Annex 1: Detailed Findings for Indicators provides the conclusion to the risk assessment process for the RRA-NB.

Once the RRA-NB is endorsed by SBP, each Biomass Producer must use the results of the RRA-NB to complete a Supply Base Evaluation. The Supply Base Evaluation is to demonstrate the Biomass Producer's compliance with its findings and implement mitigation measures to manage any specified risks such that the risks can be reduced to low. It is the role of an independent, accredited third-party Certification Body, to verify that the Supply Base Evaluation has been correctly undertaken and that any mitigation measures are being effectively implemented.

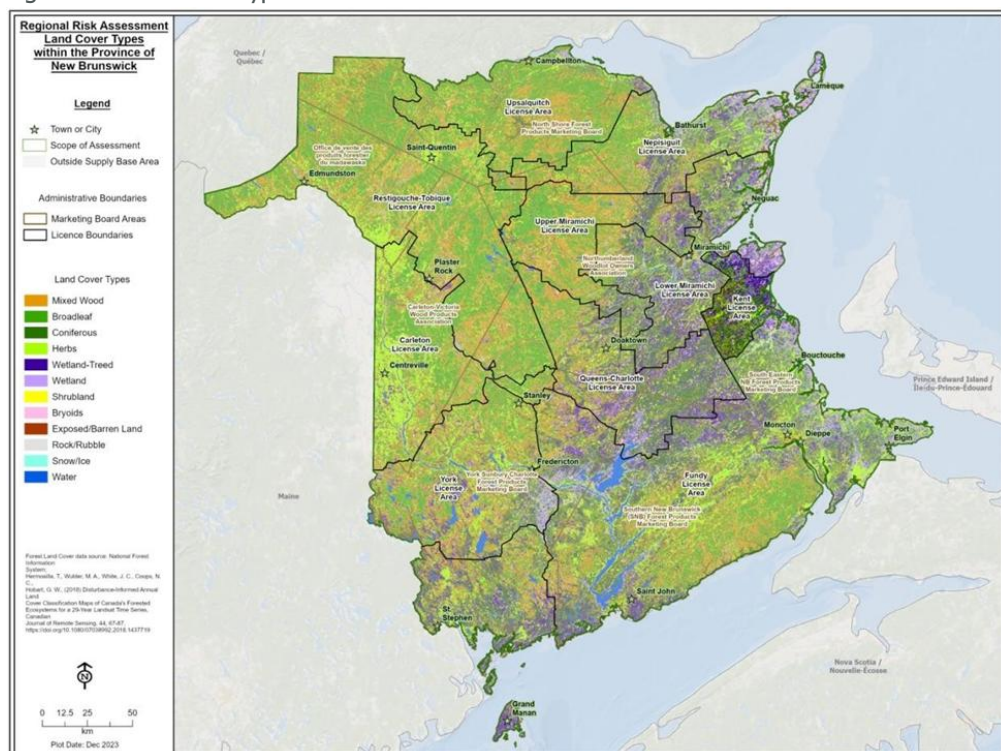
2 Regional background and statement of scope

2.1 Regional background

2.1.1 Overview Description

New Brunswick (NB) has 6.1 million ha of forest, which represents 83% of the province's 7.3 million ha of area. Another 7% of the province is composed of naturally occurring non-treed ecosystems such as shrublands and grasslands. Wetlands and water cover 4% (280,000 ha) of the province. Cropland covers about 4%, while urban use and the built-up environment account for approximately 2% of the land use.³ Figure 3 shows the distribution of land cover across NB.

Figure 3: Land Cover Types



³ [2020 Land Cover of Canada](https://open.canada.ca/), open.canada.ca, Government of Canada.

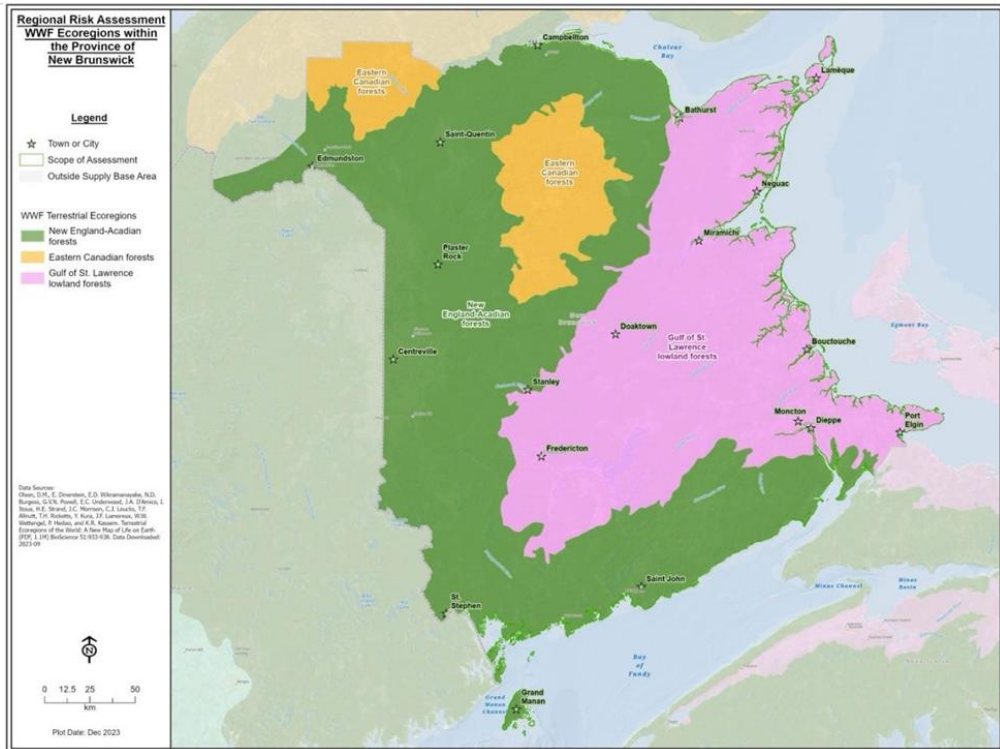
2.1.2 Ecological Overview

Ecological Classification

Global-Level Ecological Classification

New Brunswick (NB) forests overlap three of the ecoregions identified by the World Wildlife Fund (WWF). The locations and names of these ecoregions within NB are shown in Figure 4. The New England – Acadian Forest in an undisturbed condition is one of the rarest forest ecotypes in North America, which led the WWF to designate this forest type as an endangered forest.

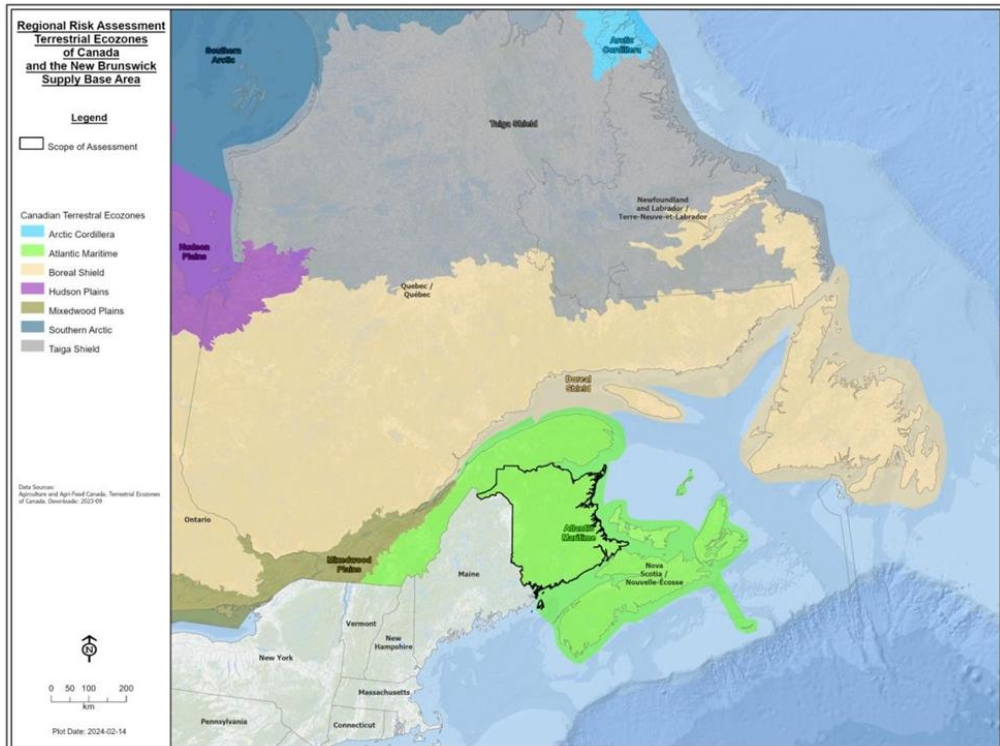
Figure 4: WWF Forest Ecoregions of New Brunswick



National-Level Ecological Classification

Terrestrial ecoregions developed by Environment and Climate Change Canada (ECCC) place New Brunswick in the Atlantic Maritime Ecoregion (Figure 5).

Figure 5: Environment and Climate Change Canada Terrestrial Ecoregions

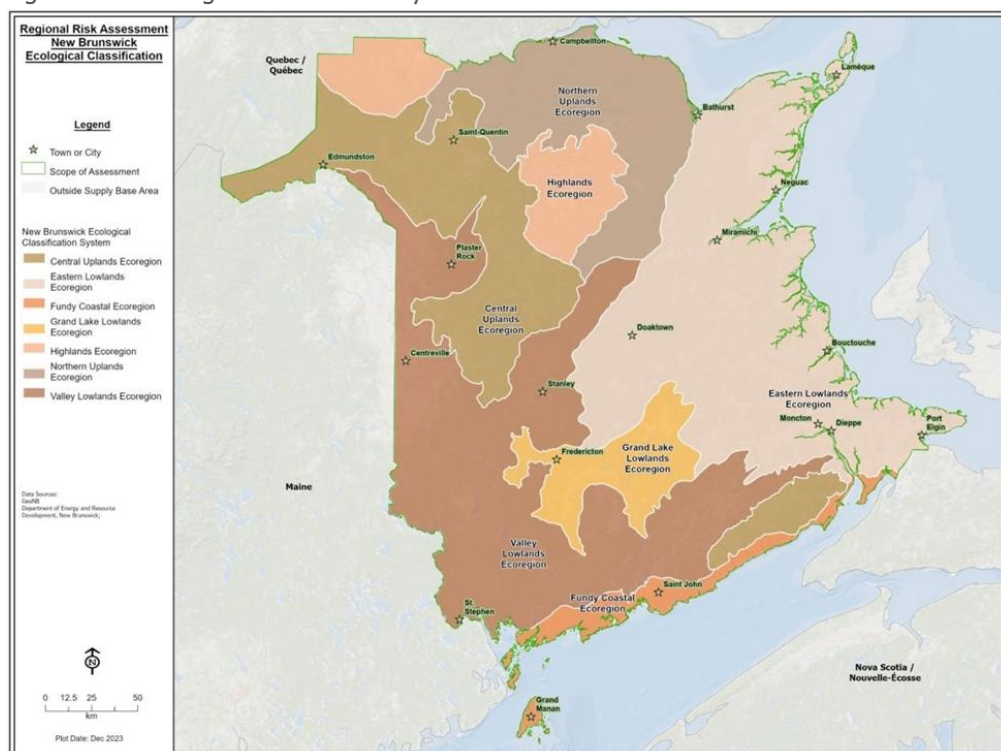


Provincial-Level Ecological Classification

The NB ecological classification system identifies seven ecoregions (Figure 6). Ecoregions are defined primarily by climatic differences as shaped by major landforms, elevation, latitude, marine influences, and broad aspect.

The distribution of forest tree species is a function of the climate and soils of the seven ecoregions of NB. For example, balsam fir (*Abies balsamea*), a boreal species, is present everywhere in the province but most abundant in the north and north-west; whereas red spruce, also widely distributed, is near the northern limit of its North American range and is most abundant in the east and southwest. The Highlands ecoregion is characterised by balsam fir, white birch (*Betula papyrifera*), black spruce (*Picea mariana*) and white spruce (*Picea glauca*). The Grand Lake Lowlands ecoregion has bur oak (*Quercus macrocarpa*), red oak (*Quercus rubra*), butternut (*Juglans cinerea*) and ironwood (*Ostrya virginiana*).

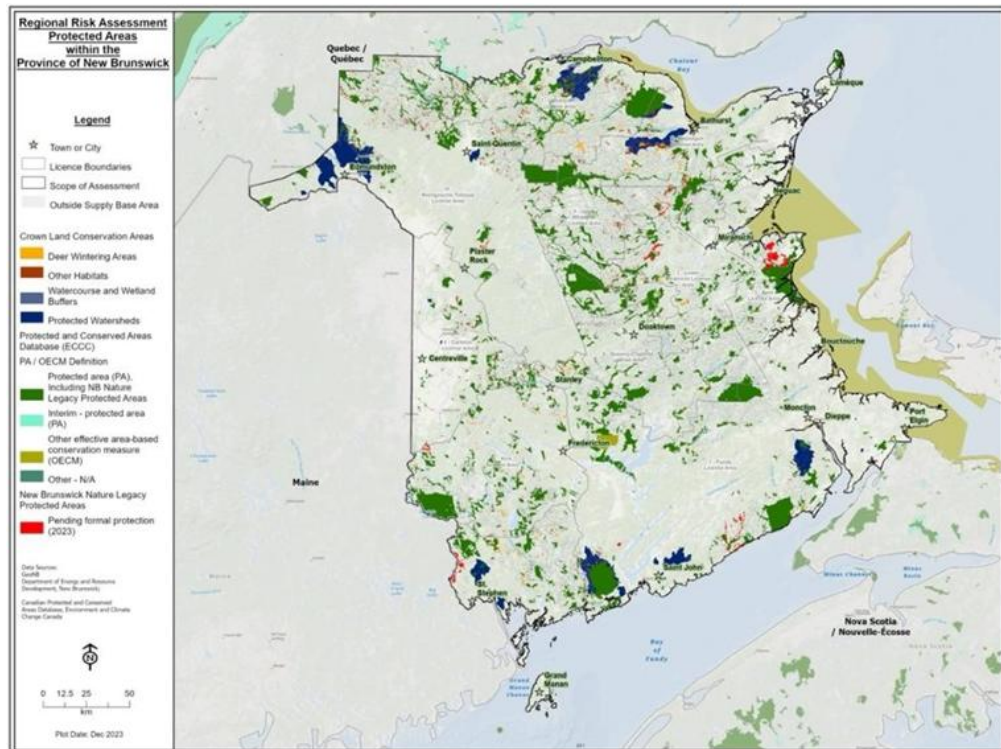
Figure 6: NB Ecological Classification System



Protected Areas and Parks

As of December 2023, 822,000 ha (10%) of NB land area (Figure 7) is protected in parks and other types of protected areas (Protected Natural Areas and Natural Legacy protected areas), provincial parks, and national parks and wildlife areas. The Department of Tourism, Culture and Heritage and the Department of Natural Resources and Energy Development (DNRED) are responsible for the effective protection, management and conservation of NB's water, land, air, and living resources. The Department of Tourism, Culture and Heritage oversees the province's provincial parks as authorised under the Parks Act. DNRED oversees the province's protected areas network, as authorised under the Protected Natural Areas Act. Together these protected area designations afford legal protection to many of the significant natural, recreational and cultural features in NB. The term 'protected area' can indicate varying levels of protection: from complete restriction of human access to identifying allowable resource use activities that are compatible with conservation and recreation objectives.

Figure 7: Protected Areas



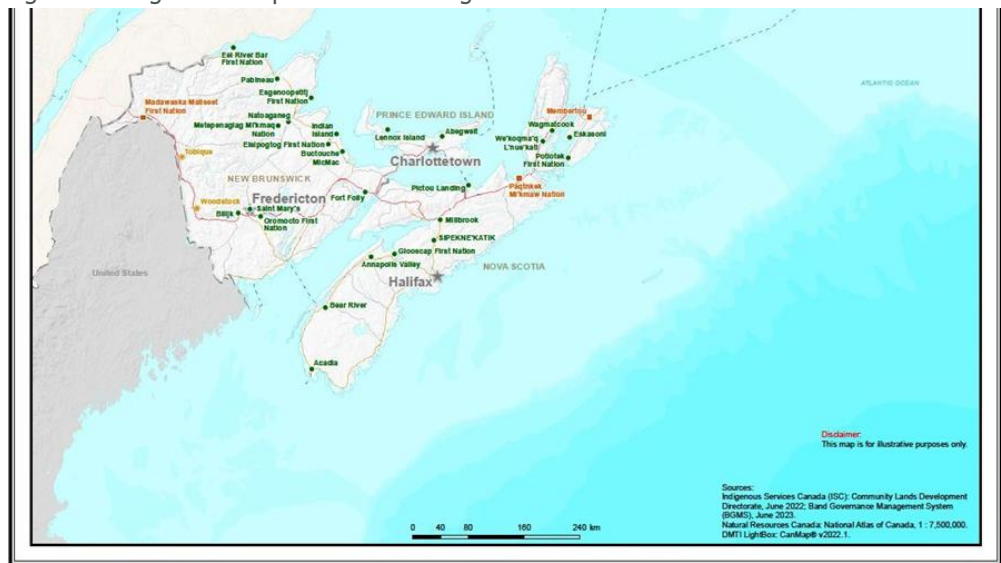
2.1.3 Indigenous Peoples

There are more than 15 Indigenous Peoples—nine Mi’kmaq and six Wolastoqey First Nations—in New Brunswick (NB).⁴ As of March 2024, the Peskotomuhkati Nation is in the process of being officially recognised by Canada under the Indian Act. The two most populous First Nations in NB are the Mi’kmaq Nation and the Wolastoqey (also spelled Wolastoqiyik; formerly known as the Maliseet) Nation. In the most current 2021 census, Statistics Canada reported 33,300 Indigenous people in NB, representing 4.3% of the population. Of these, 20,955 (62.9%) identified as First Nation, 10,170 (30.5%) as Métis, 685 (2.1%) as Inuit, and 1,490 (4.5%) identified under multiple Indigenous categories or included responses not included elsewhere.⁵ A map of Indigenous Peoples in the Atlantic region is shown in Figure 8.

⁴ [Map of Indigenous Peoples in Atlantic Region](https://www.sac-isc.gc.ca), sac-isc.gc.ca, Government of Canada, Indigenous Services Canada.

⁵ [Indigenous Population Profile, 2021 Census of Population](https://www.statscan.gc.ca), statscan.gc.ca, Statistics Canada.

Figure 8: Indigenous Peoples in Atlantic Region



Indigenous Services Canada, Geomatics Services, June 2023.

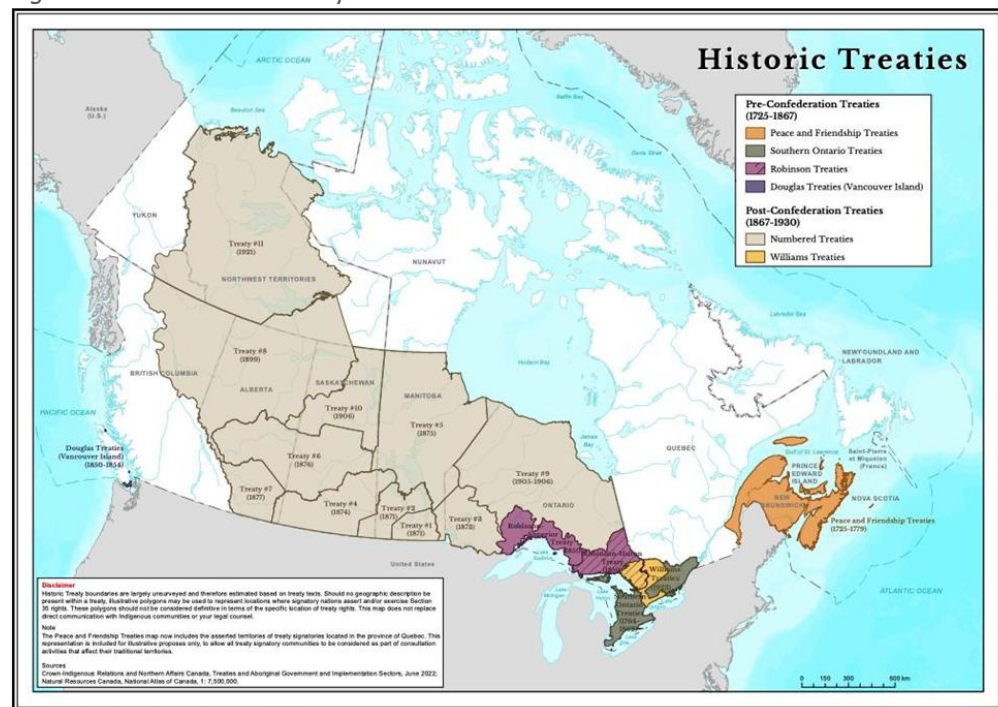
First Nations and the British Crown signed a series of Peace and Friendship treaties between 1725 and 1779, intended to encourage peaceful relations between Indigenous Peoples and the British colonists. Those early pre-Confederation treaties covered present-day NB and Nova Scotia, as well as parts of Maine and Quebec. The treaties do not involve First Nations surrendering rights over land or resources, which they had traditionally used and occupied.⁶

None of the federal Indian Acts explicitly recognised or implemented the early treaties or the unsundered rights and titles of the First Nations peoples.

A map of the territories covered by Historic treaties is shown in Figure 9.

⁶ [Peace and Friendship Treaties](https://www.rcaanc-cirnac.gc.ca), rcaanc-cirnac.gc.ca, Government of Canada.

Figure 9: Territories Covered by Historic Treaties



Indigenous Services Canada, Geomatics Services, June 2022.

Canada

In 1982, the Canadian government passed a revised Constitution Act, in which section 35 recognised and affirmed the Aboriginal and treaty rights of Indigenous Peoples.

In NB, First Nations are represented through individual band councils, four (4) consultation organizations, and three (3) tribal councils:

- The Mi'gma'we'l Tplu'taqnn Inc. represents a group of eight Mi'kmaq communities in New Brunswick in consultation and in negotiations.
- The Wolastoqey Nation in New Brunswick (WNNB) is the technical advisory body for the six Wolastoqey communities in New Brunswick.
- Kopit Lodge has been recognized by Elsipogtog Chief & Council to participate in consultation activities on behalf of Elsipogtog First Nation.
- The Passamaquoddy Recognition Group Inc (PRGI) represents the rights and interests of the Peskotomuhkati Nation in Skutik Community.
- The Wolastoqey Tribal Council Inc (WTCI) represents five Wolastoqey communities: Matawaskiye (Madawaska) First Nation, Pilick (Kingsclear) First Nation, Sitansisk (Saint Mary's) First Nation, Welamukotuk (Oromocto) First Nation, and Wotstak (Woodstock) First Nation.
- MAWIW Tribal Council (MTC) represents Negotkuk (Tobique) First Nation, Elsipogtog First Nation, and Esgenoôpetitj (Burnt Church) First Nation.
- North Shore Mikmaq Tribal Council (NSMTC) represents seven Mi'kmaq communities: Ugpig'ganjig (Eel River Bar) First Nation, Oinpegitjoig (Pabineau) First Nation, Natoaganeg (Eel Ground) First Nation, Metepenagiag (Red Bank) Mi'kmaq Nation, L'nui Menikuk, (Indian Island) First Nation, Tjipôgtôitj (Bouctouche) First Nation, and Amlamgog (Fort Folly) First Nation.

Reconciliation Process

In 1998, a Task Force on Aboriginal Issues was created. In 1999, 25 recommendations were made, including urging the forest industry to act speedily to take steps to increase Indigenous participation in the forest sector. 7 The Department of Natural Resources and Energy Development (DNRED) has

allocated 5% of the Annual Allowable Cut (AAC) on provincial Crown lands to First Nations communities, with the allocations being distributed amongst communities on a per capita basis. This has resulted in Commercial Harvesting Agreements between DNRED and all 15 First Nations communities in NB that specify the volumes of softwood and hardwood allocated to each. Royalties from these volumes of Crown timber are directed to each community by DNRED. Each First Nations community, through its Chief and Council, manages its access to Crown timber in a manner that most effectively meets its goals. This has been an interim measure since 1998.

As an accommodation commitment resulting from the 2022 Forest Strategy consultation, work is being done to modernize these agreements.

In August 2023, following consultation with all First Nations in New Brunswick, DNRED released an updated Forest Management Strategy "Our Forests are For Everyone: A Long-Term Strategy for Healthy and Sustainable Forests" aimed at achieving a balanced approach and mutually beneficial outcomes for Indigenous peoples, the environment, society, and the economy through a focus on conservation, sustainable forest management principles, and economic development.

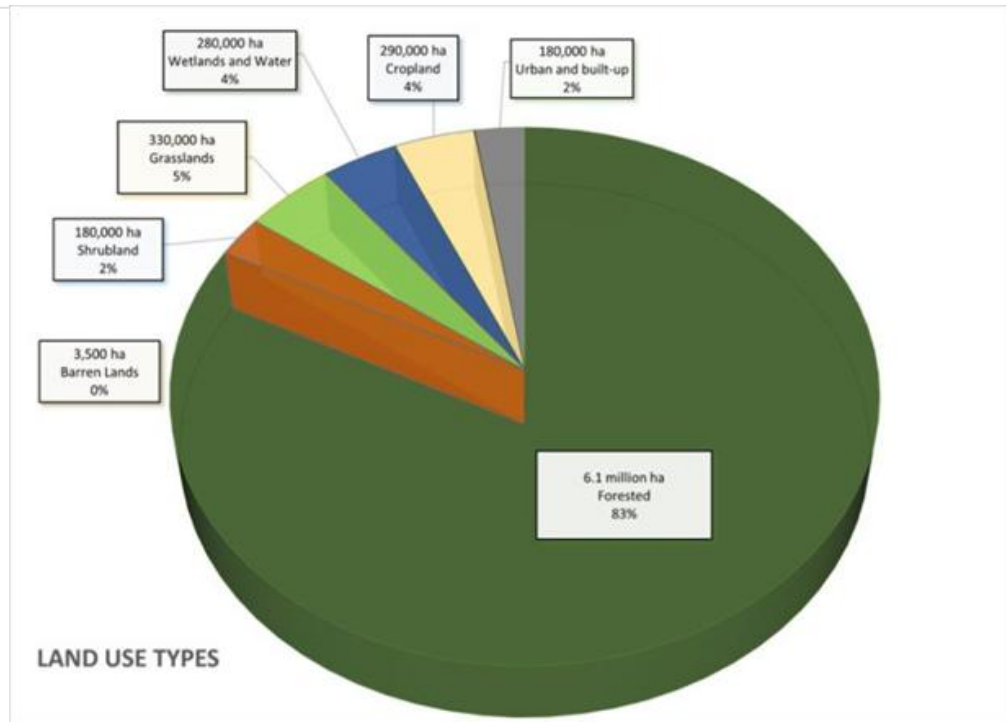
DNRED dedicated one of the four themes within the Strategy as 'Commitments to First Nation Communities'. In achieving the objectives of this theme, DNRED also committed to additional accommodations to First Nation communities, adhering to their commitment and accountability on consultation and respect of First Nations' established and asserted s.35 rights. The accommodation objectives are aimed at:

- Building capacity within First Nation communities and increasing Indigenous participation in forest management planning,
- Reviewing existing initiatives and regulatory frameworks to remove potential barriers to the exercise of Aboriginal and treaty rights and improving access to Crown Forests for the practice of Aboriginal and treaty rights.
- Achieving results on accommodation commitments through the establishment of a working group of technical experts and a leadership table of the Ministers and the Chiefs.
- Developing and strengthening a meaningful relationship with the First Nation communities in New Brunswick.
- Creating a dedicated accommodation compliance position to support the department in monitoring and tracking advancements on accommodation commitments made to First Nations.

2.1.4 Land Use

Figure 10 identifies various land cover types and uses such as forested, cropland/agriculture use and built- up areas provides the proportion of land cover/use types.⁸

Figure 10: Proportion of Land Cover/Use Types of NB



2.1.5 Land Ownership

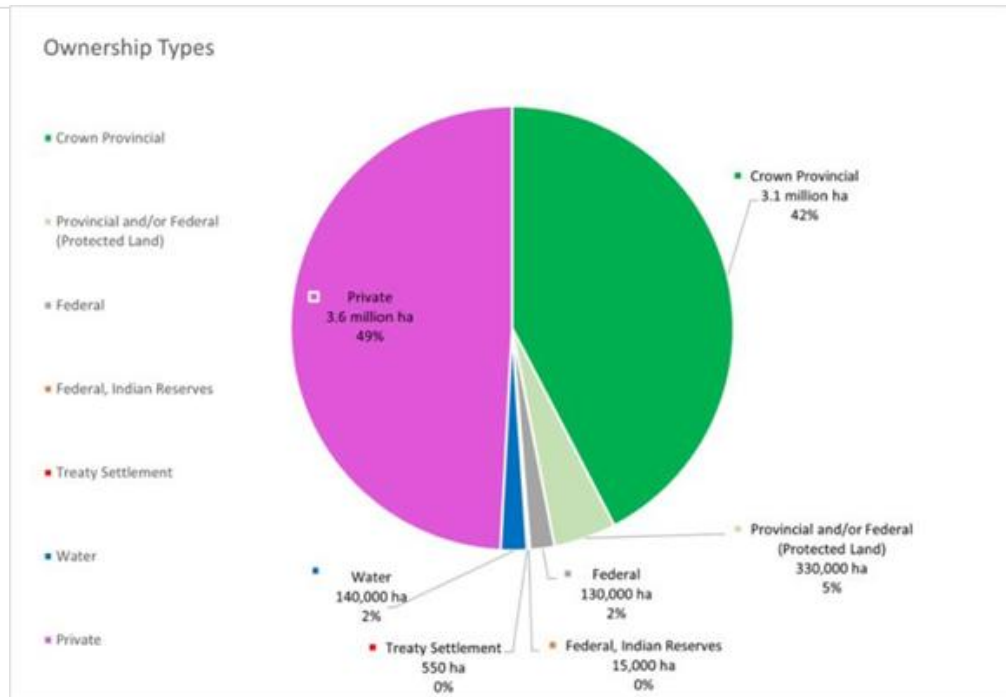
There are three principal types of land ownership in NB: federal land (which includes reserves), provincial Crown land and privately owned land. Figure 11 shows the proportion of provincial land in each ownership type.⁹

The province has a province-wide parcel fabric dataset. Crown land information is publicly available via the GeoNB data catalogue. Information on the other land ownership types is not publicly available. Specific information on these ownership types related to the forested land base is discussed below in Section 4.6 Forest Sector by Land Ownership.

⁸ [2020 Land Cover of Canada](https://open.canada.ca/data/publication/2020-land-cover-of-canada), open.canada.ca, Government of Canada.

⁹ [Map of Forest Management in Canada](https://open.canada.ca/data/publication/map-of-forest-management-in-canada), Land Management Types: National Forest Inventory Map of Forest Management in Canada, open.canada.ca, Government of Canada, 2017.

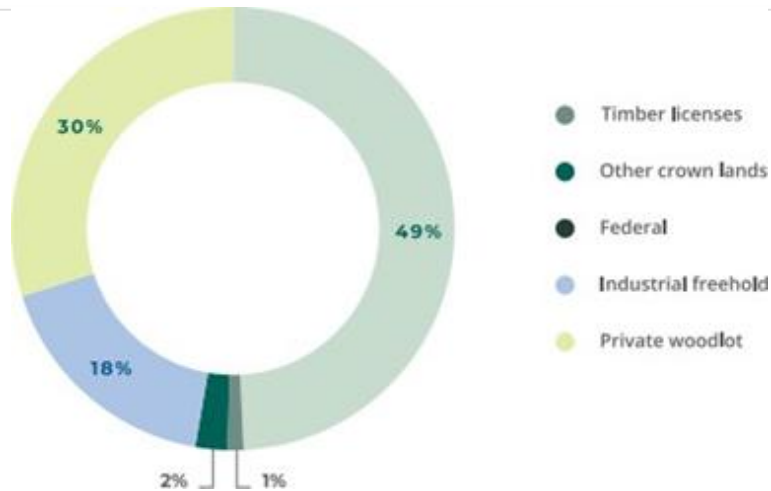
Figure 11: Distribution of Land by Ownership Type in NB



2.1.6 Forest Sector by Land Ownership Overview

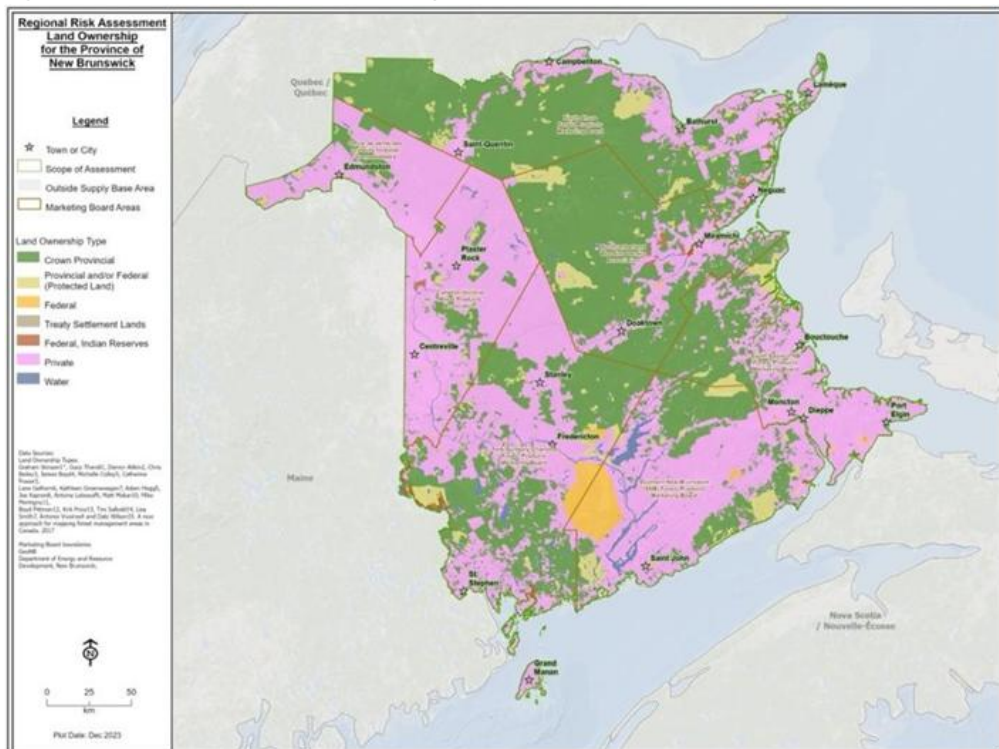
New Brunswick's (NB) forested land base is 6.1 million ha. As shown in Figure 12, almost 50% of NB's forests are owned by the public as Crown land (3.1 million ha). Approximately 48% of the total forest area is privately owned. Privately owned forest land falls under two main ownership types: industrial private land and private woodlots. Industrial private land is owned by industrial forest products companies and accounts for 1.1 million ha (18%) of forest land. Private woodlots are smaller tracts of land owned by individuals or small, non-industrial companies. There are more than 40,000 private woodlots in NB, constituting roughly 1.8 million ha (30%). The remaining 2% is federal land (mainly the Gagetown military training area and includes Indian Reserves).¹⁰ Figure 13 shows the distribution of land ownership within NB.

Figure 12: Forest Area by Ownership Type



¹⁰ Province of New Brunswick, [Excellence in Forest Management – Understanding our System – State of the Forests Report – 2023](#).

Figure 13: Distribution of Land Ownership in NB



Regulatory Framework

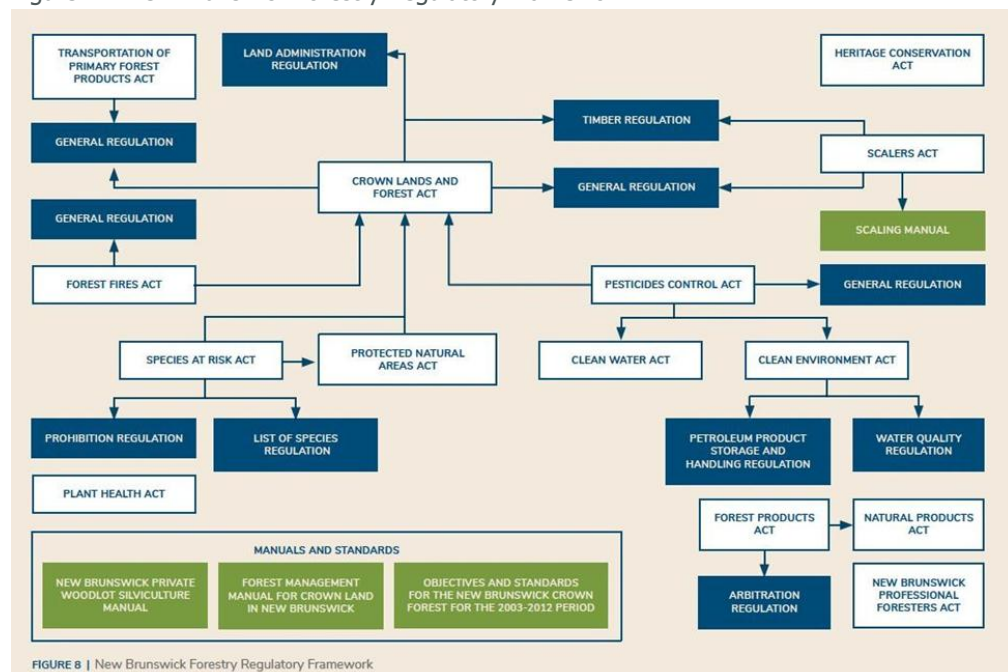
Forests with different ownership types are managed under different regulatory frameworks. The following sections describe the legislative framework, forest management implementation, and conformance monitoring for each ownership type: Crown license, industrial private land, and private woodlots. Federal legislation includes the Fisheries Act, Migratory Birds Convention Act, and Species at Risk Act and applies to all three ownerships. See Annex 3: List of Publications Used for a comprehensive list of federal legislation. New Brunswick has a comprehensive regulatory framework (Figure 14).¹¹ The most significant legislation governing forestry is the Crown Lands and Forests Act (CLFA). The CFLA

provides the basis for harvesting and renewing timber on Crown license, with provisions on forest tenure, forest protection, and roads.

The provincial legislation that provides forest management direction in the province includes: the New Brunswick Foresters Act, Natural Products Act, Protected Natural Areas Act, provincial Species at Risk Act, Clean Water Act, and the Clean Environment Act. As outlined in [Figure 14](#), there are many other Acts and Regulations which govern forestry in NB. All timber harvested and transported for processing must have a Transportation Certificate, which allows for the tracking of the movement of timber. Transportation Certificates are a requirement for transport from Crown license, industrial private land, and private woodlots. Harvesting firewood or other wood for personal use that is not transported offsite for processing does not require certificates.

¹¹ NCASI18. Canadian Forestry Regulations and Standards, 2021

Figure 14: New Brunswick Forestry Regulatory Framework



Harvest Levels

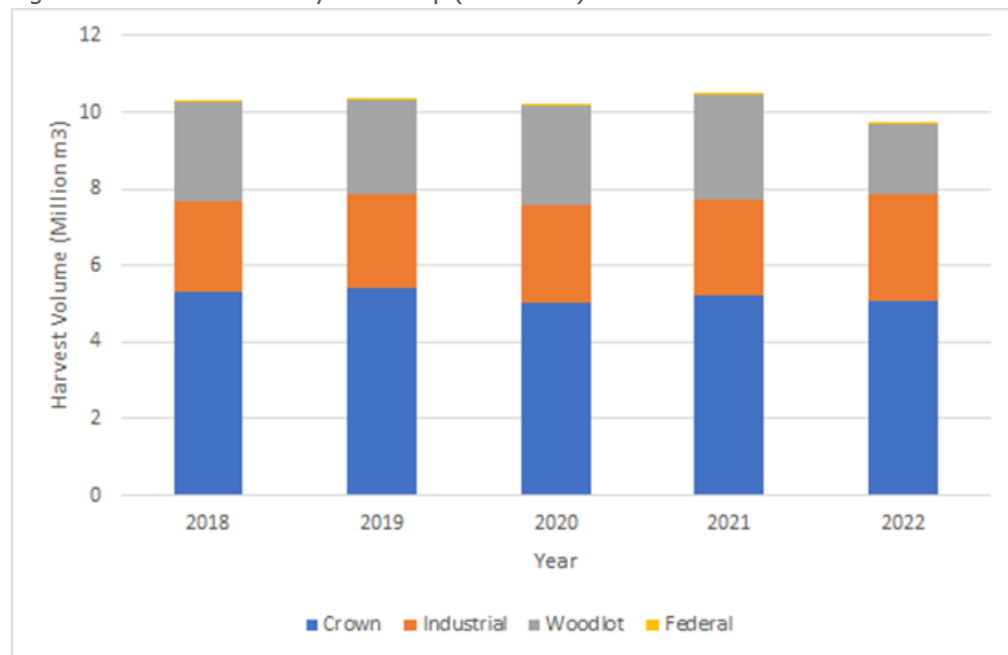
Crown license, industrial private land, and private woodlots contribute to the provincial wood supply. The New Brunswick Forest Products Commission Annual Report 2022-2023 provided harvest volume by ownership type (Table 4).¹² Figure 15 shows the harvest volume for Crown license, industrial private land and private woodlots.

Table 4: Harvest Volume by Ownership (2022-2023)

	Hardwood (m ³)	Softwood (m ³)
Crown License	1,447,374	3,607,506
Industrial Private Land	919,597	1,865,042
Private woodlots	586,512	1,172,429

¹² New Brunswick Forest Products Commission, [New Brunswick Forest Products Commission, Annual Report 2022-2023](#).

Figure 15: Harvest Volume by Ownership (2018-2022)



2.1.6.1 Crown Land

General

Roughly 3.1 million hectares (50%) of NB's total forest area (Figure 13) is owned by the province and is classified as public forest on Crown land.

Governance & Legislation

The NB Department of Natural Resources and Energy Development (DNRED) manages the Crown license. Through the CFLA and its associated regulations, DNRED regulates the harvesting, transporting, and scaling of all timber harvested from the Crown license. All harvested timber is traced to ensure there is no illegal harvesting, and that royalties owing to the government for harvested timber (stumpage) are completely and accurately invoiced.

The NB Department of Environment and Local Government (DELG) regulates environmental legislation, including the Clean Water Act, the Wetland and Watercourse Alteration Regulation, Pest Control Act and the Clean Environment Act. See Annex 3: List of Publications Used for a comprehensive list of applicable legislation.

The 2008 Forest Biomass Harvesting Policy for New Brunswick applies to Crown lands only. Biomass removal is limited to current harvest blocks included in the approved Forest Management Plan (FMP). The Policy restricts biomass harvested for energy purposes to treetops, branches, foliage, non-merchantable woody stems of trees and shrubs, dead woody material, and residue from tree chipping.¹³

Forest Management Tenure System

DNRED, under the CLFA, is the authority that allocates forest tenures. Tenures are used by the government to allocate specific rights for using Crown forest and resources to other users. The CLFA stipulates that Crown timber licenses, sub-licenses, and permits may only be issued to entities that own a timber processing facility. DNRED issues Crown licenses, sub-licenses, and permits. Under a tenure agreement, private forest companies and Indigenous communities are granted the right to harvest Crown timber as a specified cutting area, a maximum volume within an area, or an Annual Allowable Cut (AAC). In exchange, each agreement-holder has specified obligations to meet that are outlined in

the agreement or license. There are ten Crown licenses in NB. The following table shows the area of the licenses and the holding organisation.¹⁴

¹³ Government of New Brunswick, [Forest Biomass Harvesting](#), 2008.

Table 5: Crown Licenses

Licensee	License #	Land Area (ha)
AV Cell Inc.	1	421,350
Interfor, (formally Fornebu Lumber Company Ltd)	2, 3, 4	948,916
Kent Management Team	5	70,815
JD Irving Ltd.	6, 7	1,046,640
AV Nackawic Inc	8	257,605
Twin Rivers Paper Company	9, 10	527,179
Total		3,272,505

Crown Licence 5 (also known as the Kent License Area) is managed by a team of foresters under the direction of DNRED. The former licensee returned Crown License 5 to the Crown after it closed its Miramichi mill.

The Crown also issues sub-licenses, which are permitted to conduct forestry operations in the same areas as Forest Management Agreement (FMA) holders. An FMA holder may be a sublicensee in another area managed by another FMA holder. Permits are issued to companies to harvest specific wood in a particular area. In addition, specific volumes are allocated to Indigenous communities.

Annual Allowable Cut & Harvest Levels

In NB, AAC is determined by Crown licensees through an analysis of the available timber harvest over an 80-year period in the FMP. The FMP considers the current inventory, forest change, and land allocation for different forest values, and defines a sustainable AAC. FMPs are reviewed and updated every five years with new inventory data, science, and consideration of forest values.

All harvested timber on Crown land is measured, tracked and reported to DNRED so harvest levels do not exceed the AAC. Over the past ten years, the harvest levels in the province have remained at or below the AAC for all species groups.¹⁵ In 2022/2023, a total of 5.4 million m³ was harvested on Crown land (Figure 16).¹⁶

¹⁴ [Timber Licensees](#), gnb.ca, Government of New Brunswick.

¹⁵ Province of New Brunswick, [Excellence in Forest Management – Understanding our System – State of the Forests Report – 2023](#).

¹⁶ Province of New Brunswick, Department of Natural Resources and Energy Development, [Natural Resources and Energy Development. Annual Report. 2022-2023](#).

Figure 16: Crown Land Harvesting in New Brunswick

YEAR	SPECIES GROUP	LICENSEES AND SUB-LICENSEES	FIRST NATIONS	SPECIAL PERMITS	TOTAL
2022 - 2023	Softwood	3,487,460	209,457	2,139	5,382,624
	Hardwood	1,596,181	62,725	24,662	
2021 - 2022	Softwood	3,470,559*	202,093	6,715	5,490,015*
	Hardwood	1,722,968*	59,886	27,794	
2020 - 2021	Softwood	3,185,203*	199,595	7,033	5,211,325*
	Hardwood	1,729,872*	57,137	32,485	

*updated from the 2021 - 2022 report

Forest Management Planning & Practices Implementation

There are two essential components of Crown land forest management in NB—the requirements for management planning, and the evaluation of forest management performance. Crown license FMA holders are responsible for implementing FMAs. FMAs contain seven compulsory schedules:

1. Timber berth (boundaries of the area);
2. Industrial plan (10-year period);
3. Forest Management Plan (25-year plan period, with 80-year growth projection);
4. Annual Operating Plan (1-year period, renewed annually);
5. Forest Management Manual;
6. Timber allocations;
7. Key Performance Indicators to measure licensee performance.

The 2014 Forest Management Manual For New Brunswick Crown Land (FMM) provides direction for forest management planning on Crown land through the Forest Management Agreement (FMA) which outlines the specific responsibilities of Crown licensees in the management and use of Crown land. The FMM is part of the FMA. The FMM sets out a series of ecological, economic, and social goals and objectives known as Key Performance Indicators (KPIs), which Crown license holders must incorporate in Schedule G of the FMA.

Sub-licensees and permit holders are required to prepare and submit ten-year industrial plans and cooperate with the main licensee in the allocation of timber. Forest Management Plans (FMPs) are implemented through Annual Operating Plans (AOPs), which are prepared annually and submitted to DNRED for review and approval. DNRED is required to review and approve all plans prior to operations commencing.

Monitoring Forest Practices

Monitoring is the act of assessing activities and/or outcomes. Monitoring forest practices focuses on compliance, effectiveness, or how the actual outcomes compare with the anticipated outcomes. Crown licensees inspect operations to ensure compliance with legislative requirements and regularly assess the effectiveness of harvesting, road construction, and silviculture operations. Crown licensees are responsible for self-reporting non-conformances.

DNRED staff monitor and track operational conditions and manage progress toward meeting the desired outcomes in accordance with the FMM. Designated DNRED staff conduct field checks to ensure the results-based system is functioning properly and issues are identified and corrected in a timely manner. Field checks ensure preventative, and compliance action plans are implemented, and continuous improvement occurs on Crown land. DNRED collects inspection information and updates an internal database with results. Independent third-party forest certification audits, by organisations such as the Sustainable Forestry Initiative (SFI), are conducted annually and are a requirement from DNRED. Results are captured in audit summaries and are publicly available on the certification website. DNRED analyses monitoring data to identify trends or recurring issues, and processes are put in place to ensure the system is continuously improving. The results of the third-party forest certification audit are combined with data collected by DNRED staff to prepare the 5-year license performance evaluations.

Government Reviews & Initiatives

In 2024, DNRED is establishing a Crown Lands and Forests Advisory Board to provide input to the Minister of Natural Resources and Development.¹⁷ The board will be composed of people who have an interest in the management of Crown lands in NB. The intention is to bring a balanced view of different cultural and regional interests from across the province to provide a balanced view of how Crown lands are used. Since 2019, DNRED has led a provincial initiative to double the amount of protected land in the province. The NB government is committed to responsible resource management and the safeguarding of biodiversity, climate-resilient landscapes, and spaces that connect people with nature.

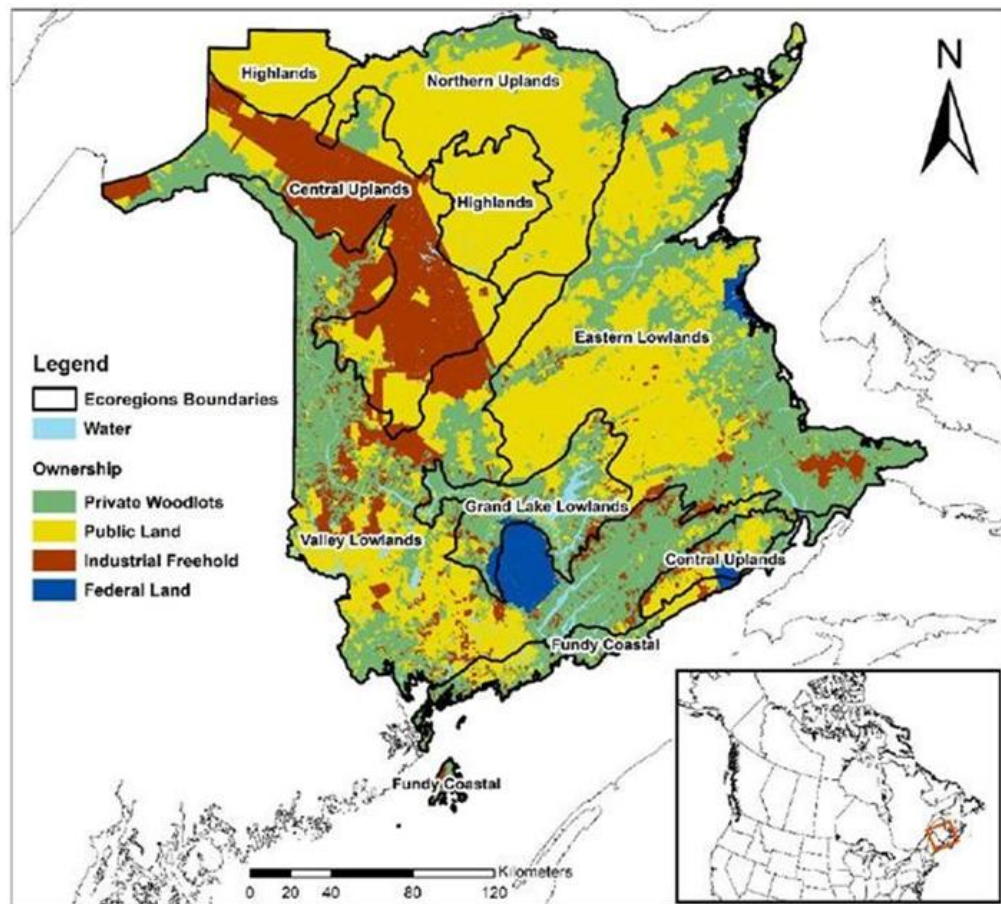
The province is continuing to build a network of protected land, considering future conservation targets to ease the impacts of climate change.

The New Brunswick government published *Our Forests are for Everyone – A Long-Term Management Strategy for Healthy & Sustainable Forests* in August 2023. The Strategy outlines the government’s adaptive management vision for the Crown forest, expressed through a series of long-term goals and objectives that fall into four strategic themes: Commitments to First Nation communities, Stewardship of the Environment, Supporting a Vibrant Forest Sector, and Commitments to Society. DNRED is developing a new Forest Management Manual for Crown Land in New Brunswick based on the new forest management strategy, scheduled for release in 2024, that will provide licensees with revised direction. A joint Committee of the Association of Registered Professional Foresters of New Brunswick and the New Brunswick Forest Technicians Association have been engaged in discussions to regulate the practice legislation for forest professionals in New Brunswick. There is a draft Act to Incorporate the Association of New Brunswick Forestry Professionals, proposed in February 2024, which will reserve the right to practice forestry to Registered Professional Foresters and Registered Professional Forest Technicians. The Association of Registered Professional Foresters of New Brunswick is currently in the stakeholder outreach process and aims to lobby the government to adopt legislation in the fall of 2024. ¹⁷ [Crown Lands and Forests Advisory Board to be Established](#), gnb.ca, Province of New Brunswick, DNRED, 2023

2.1.6.2 Private Forest Land

There is 2.9 million ha of privately owned forest land in NB. Private forest land has been divided into two groups—industrial private land and private woodlots. Figure 17 shows the distribution of private woodlots, industrial freehold land, crown and federal land (public). ¹⁸ Forested ownership types are relatively stable and do not change significantly over time.

Figure 17: Industrial Freehold, Private Woodlots and Crown (Public) Land



Industrial Private Land

Industrial private land is owned by forest products companies and accounts for 18% of the productive forest land in the province.¹⁹ Industrial private land is held by industrial forest product companies who have a Crown land allocation and also own company timber lands. Industrial private land is managed on a commercial scale.

¹⁸ Centric Albert, Anthony R. Taylor, Travis Logan, Loic D'Orangeville, *The Acadian Forest of New Brunswick in the 21st Century: What Shifting Heat and Water Balance Imply for Future Stand Dynamics and Management*, Research Gate, 2023.

¹⁹ Province of New Brunswick, [Excellence in Forest Management – Understanding our System – State of the Forests Report – 2023](#).

Legislative Framework

Management and activities related to the harvesting of trees on industrial private lands are modestly constrained via limited federal and provincial legislation and local government bylaws.

Federal

Federal legislation includes the Fisheries Act, Migratory Birds Convention Act, and Species at Risk Act. See Annex 3: List of Publications Used for a comprehensive list of applicable federal legislation.

Provincial

Industrial private land is subject to the Clean Water Act and Watercourse and Wetland Alteration Regulation, Forest Products Act, Natural Products Act, Clean Air Act, Clean Environment Act, Forest Fires Act, Pesticides Control Act, and Municipal Government Act.

The primary piece of legislation applicable to industrial private land is the Clean Water Act and Watercourse and Wetland Alteration (WAWA) Regulation, regulated by DELG, which mandates buffers along watercourses. Additional protection is provided for designated watersheds through the Watershed Protected Area Designation Order. Legislation regarding pesticide use, waste disposal, heritage conservation and species at risk is also applicable. The Forest Biomass Harvesting Policy for New Brunswick (2008) does not apply to biomass harvesting on industrial private land.²⁰

Local Government

DELG monitors industrial private land through multiple pieces of legislation (see above provincial legislation).

Annual Allowable Cut & Harvest Levels

There is no provincial AAC for industrial private land. There is no legal mechanism to regulate the level of harvesting.

Forest Management Planning & Practices Implementation

Forest managers of industrial private land develop results-based forest management plans. The majority of industrial private landowners also have a Crown license.

Monitoring / Compliance & Enforcement of Forest Practices

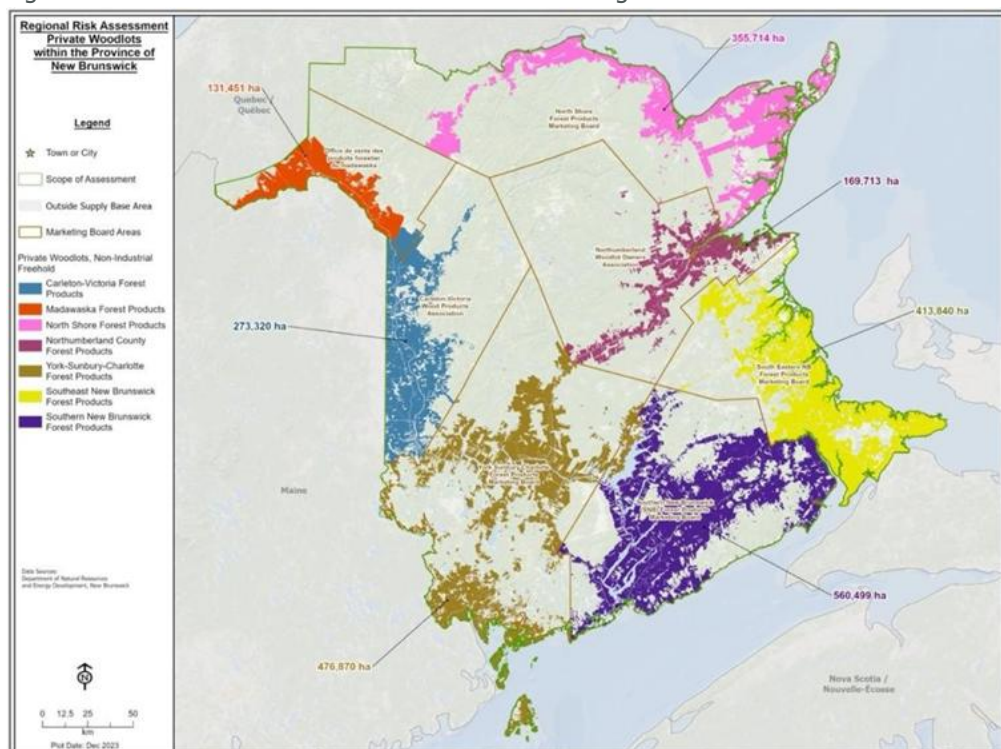
Industrial private landowners inspect operations to ensure compliance with requirements and regularly assess the effectiveness of harvesting, road construction, and silviculture operations. DELG primarily conducts compliance and enforcement of forest practices on industrial private land in NB. Its Compliance and Enforcement Policy outlines the process for administering its regulatory responsibilities and sets out the framework for enforcement activities by DELG and other agencies.

²⁰ Government of New Brunswick, [Forest Biomass Harvesting](#), 2008.

Private Woodlots

Non-industrial private woodlots account for 30% of the forested land base (Figure 18). Private woodlots are owned by individuals, families, and a variety of organisations, concentrated along major river valleys, shorelines, and main travel corridors throughout NB.

Figure 18: Private Woodlots and Forest Products Marketing Board Delineation in New Brunswick



The last publicly available report describing the number of private woodlots in NB is in *New Approaches from Private Woodlots: Reframing the Forest Policy Debate*, a 2011 Province of NB report.²¹ The Report states in 2011 there were 41,900 private woodlot owners in NB. Table 6 provides the number of woodlots and woodlot area by size.

Table 6: Private Woodlots – Number of Owners & Area

		Size of Woodlot		
		Small 5.0 – 29.9 ha	Medium 30.0 – 99.9 ha	Large >100 ha
Owners (#)	#	25,478	13,855	2,576
	%	33	61	6
Area (ha)	#	370,059	685,659	643,801
	%	22	40	38

²¹ Donald W. Floyd, Robert Ritchie, Tony Rotherham, [New Approaches for Private Woodlots: Reframing the Forest Policy Debate](#), Province of New Brunswick, 2011

Legislative Framework

Management and activities related to the harvesting of trees on private woodlots are modestly constrained via federal and provincial legislation and local government bylaws. See Annex 3: List of Publications Used for a comprehensive list of applicable requirements.

Federal

Federal legislation includes the Fisheries Act, Migratory Birds Convention Act, and Species at Risk Act. See Annex 3: List of Publications Used for a comprehensive list of applicable federal legislation.

Provincial

Private woodlots are subject to the Clean Water Act and Watercourse and Wetland Alteration Regulation, Forest Products Act, Natural Products Act, Clean Air Act, Clean Environment Act, Forest Fires Act, Pesticides Control Act, the Municipal Government Act and Private Woodlot Sustainability Act. The Forest Biomass Harvesting Policy for New Brunswick (2008) does not apply to biomass harvesting on private woodlots.²²

Local Government

DELG monitors private woodlots through multiple pieces of provincial legislation. The Municipal Government Act provides the DLEC the authority to develop bylaws unique to the local government and applicable to private woodlots. Municipalities can adopt bylaws that place regulations on forest management activities on private woodlots within jurisdictional boundaries. Local government bylaws vary across the province and within regions. Rural and remote areas have fewer bylaws and less enforcement capacity. Differences in implementation, verification of compliance, priority, and enforcement capacity within local governments vary greatly across the province. No uniform set of bylaws is adopted by local governments in relation to forest management practices.

Forest Products Marketing Boards

The NB Forest Products Commission is an independent commission overseeing the marketing relationships involving forest industries, forest products marketing boards (private woodlot owners and producers) and DNRED. It was established in 1971 under the Forest Products Act, but derives some of its authority from the Natural Products Act. The NB Forest Products Commission comprises seven members who report directly to the Minister of Natural Resources and Energy Development. The commission's primary role is general supervision over the operations of the seven Marketing Boards in NB that are established under the Natural Products

Act. The Commission reports on its activities as well as on harvest levels, revenue, and expenditures of the Marketing Boards through annual reports, stumpage study results, production reporting and timber utilization reports.²³ The Commission’s reports are publicly available and provided annually.

NB has seven Forest Products Market Boards, each responsible for a province region that provides services to private woodlot owners and negotiates contracts to supply timber to mills at agreed-upon prices on behalf of private woodlot owners. Marketing Boards receive a levy for every cubic metre (with the exclusion of firewood) of private woodlot timber sold in the Board’s region, including timber from private woodlots sold directly to mills. Marketing Boards also offer advice and cost-share silvicultural programs for interested private woodlot owners through the Private Woodlot Silviculture Program.

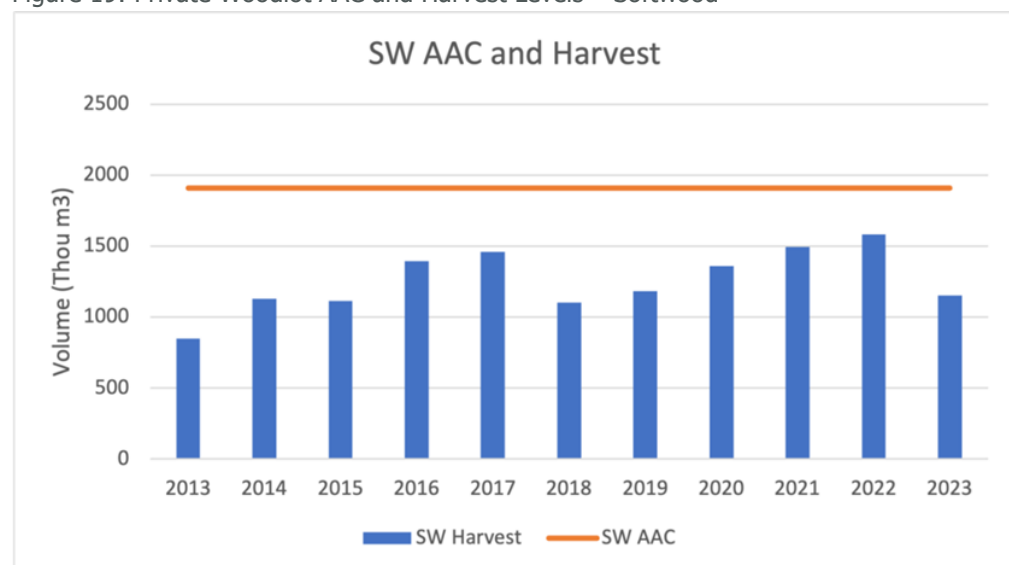
²² Government of New Brunswick, [Forest Biomass Harvesting](#), 2008.

²³ [Forest Products Commission Publications](#), nbfpcc-cpfnb.ca, New Brunswick Forest Products Commission.

Annual Allowable Cut & Harvest Levels

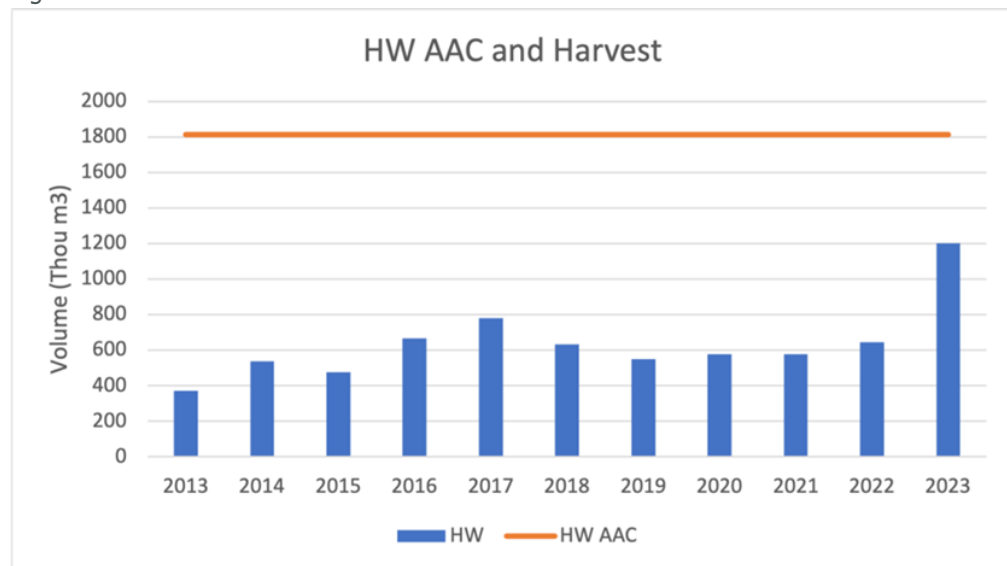
There is no formal AAC for private woodlots in NB, however, DNRED estimates an AAC for private woodlots approximately every ten years. The AAC for woodlots is only an estimate of the sustainable harvest if the private woodlots were managed as a single entity. In 2017, the softwood harvest was 1.46 million m³, equivalent to 77% of the softwood AAC for private woodlots. The hardwood harvest was 780,000 m³ in 2017, roughly 43% of the hardwood AAC. In 2021/22, the softwood harvest was 1.58 million m³, and the hardwood harvest was 647,000 m³. In 2022/23, the most recent year for which data are available, the softwood harvest declined by roughly 1/3 to 1.15 million m³, while the hardwood harvest almost doubled to 1.20 million m³. Figure 19 shows the softwood AAC and harvest from 2013 to 2023. Figure 20 shows the hardwood AAC and harvest from 2013 to 2023.²⁴

Figure 19: Private Woodlot AAC and Harvest Levels – Softwood



²⁴ New Brunswick Forest Products Commission, [New Brunswick Forest Products Commission, Annual Report 2022-2023](#).

Figure 20: Private Woodlot AAC and Harvest – Hardwood



Forest Management Planning & Practices Implementation

Forest management is undertaken according to the woodlot owners' goals. There is a wide variation in owner goals as well as owner knowledge. The Marketing Boards are available to provide information and guidance in forest management on private woodlots.

The New Brunswick Federation of Woodlot Owners Inc. has traditionally acted as the liaison between the provincial government and the seven regional Marketing Boards, however, since December 2021, an order from the New Brunswick Forest Products Commission prohibited Marketing Boards from being members of the New Brunswick Federation of Woodlot Owners.

Wood producers are subject to Marketing Board levies on the sale of forest products and woodlot owners may choose to belong to woodlot owner co-operatives, if available. DNRED and the New Brunswick Federation of Woodlot Owners periodically cooperate to update the provincial private wood supply to help manage long term sustainability. Forest Management Plans are not a legislated requirement for private woodlots in NB, however, the Private Woodlot Silviculture Program is a voluntary process for private woodlot owners. Marketing Boards assist landowners with the development of forest management plans for those private woodlot owners who participate in the Private Woodlot Silviculture Program. The amount of forest management plans developed for private woodlots through the Private Woodlot Silviculture Program are identified in the annual private woodlot silviculture activities reporting on the DNRED Private Woodlot Silviculture Program website. From 2017 to 2021, it was reported that the Marketing Boards assisted in the development of 5,778 private woodlot forest management plans. Private woodlot owners are encouraged to utilise the Best Management Practices: A Practical Guide to New Brunswick's Private Woodlots. As the Private Woodlot Silviculture Program is voluntary rather than mandatory, the total amount of private woodlots that participate in the Program is unknown.

Monitoring / Compliance & Enforcement of Forest Practices

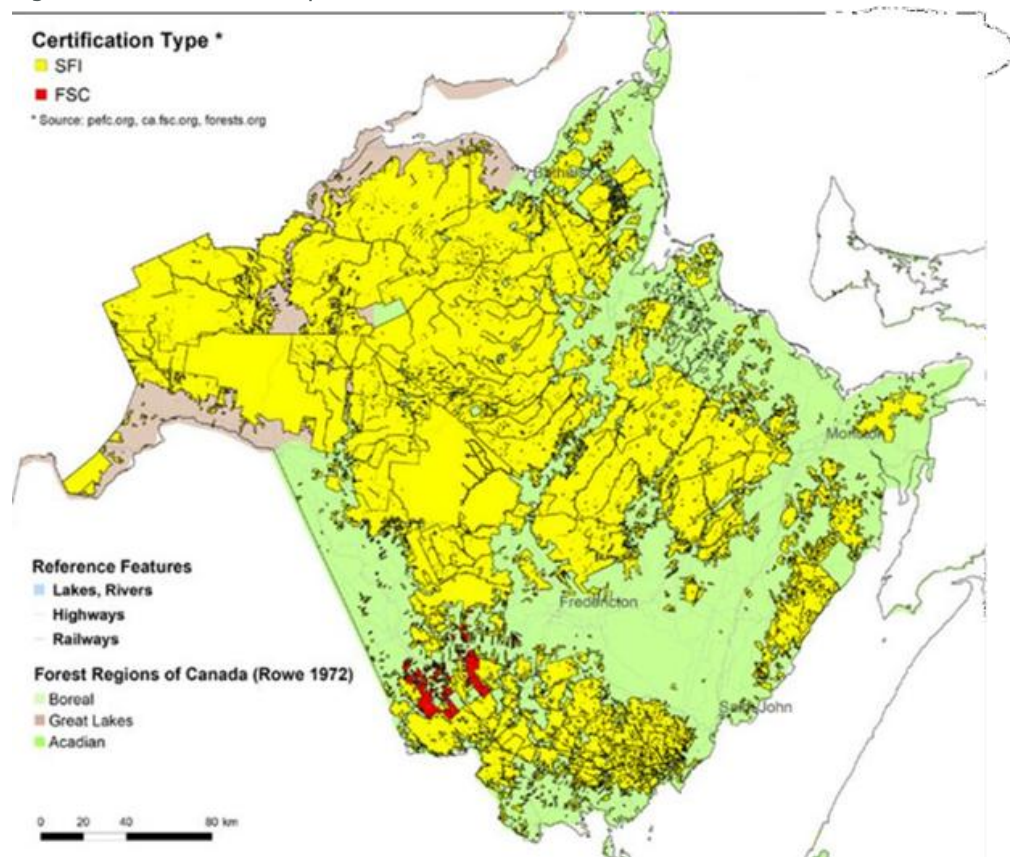
The Marketing Boards and DNRED monitor forest practices applicable to the Private Woodlot Silviculture Program. Private woodlot owners are audited to ensure that the proposed work was implemented as planned to ensure appropriate payments were made based on the activities conducted. Only private woodlot owners in the Private Woodlot Silviculture Program are subject to monitoring by the Marketing Boards or DNRED. For non-Private Woodlot Silviculture Program owners, monitoring is at the discretion of the landowner. Enforcement of applicable legislation on private woodlots is the responsibility of designated authorities, including DELG, DNRED, and the

federal Environment and Climate Change Canada and Fisheries and Oceans Canada. The level of enforcement varies depending on each local government's capacity, resources, and priority. In most cases, compliance and enforcement are initiated by public complaints.

2.1.7 Forest Certification

Third-party certification supplements existing laws and is undertaken voluntarily by a forestry company or forest owner. Certification provides additional independent assurance that forest products are legally sourced from sustainably managed forests. Forest Management certification verifies the practices on the land, whereas Chain of Custody (CoC) verifies the sourcing of fibre (certified and uncertified) along the supply chain. There are three Forest Management Certification systems within Canada: Canadian Standards Association (CSA®), Sustainable Forestry Initiative (SFI®) and Forest Stewardship Council (FSC®). The CSA and SFI programs are both endorsed internationally by the Programme for the Endorsement of Forest Certification (PEFC). Within the province of NB, SFI and FSC Certification apply (Figure 21).

Figure 21: Certification Map of New Brunswick



Certification Canada annually reports the organisations, hectares certified, and certification system for all provinces in Canada. Table 7 provides the hectares and percentages of each system within NB as reported by Certification Canada for 2023 Year-End Status Report.²⁵

Table 8 provides the proportion of each certification system. All industrial private land and Crown license areas except Crown License 5 are certified to the SFI standard. A small number of private woodlots are certified to either FSC or SFI, representing a small percentage of the total area of private woodlots in the province.

Table 7: Certification by Ownership Type

Ownership Type	Area (ha)	Certified Area (ha)	% Certified
Crown Land (avail. for tenure)	3,409,488	3,091,398	91%
Private Land	3,572,069	1,139,103	32%
Total	6,981,557	4,230,501	61%

Table 8: Certification Scheme Proportion by Ownership Type

Ownership Type	SFI		FSC	
	Area Certified	% Certified	Area Certified	% Certified
Crown Land Certification	3,091,398	73%	0	0%
Private Land Certification	1,098,056	26%	41,047	1%
Total Certified	4,230,501			

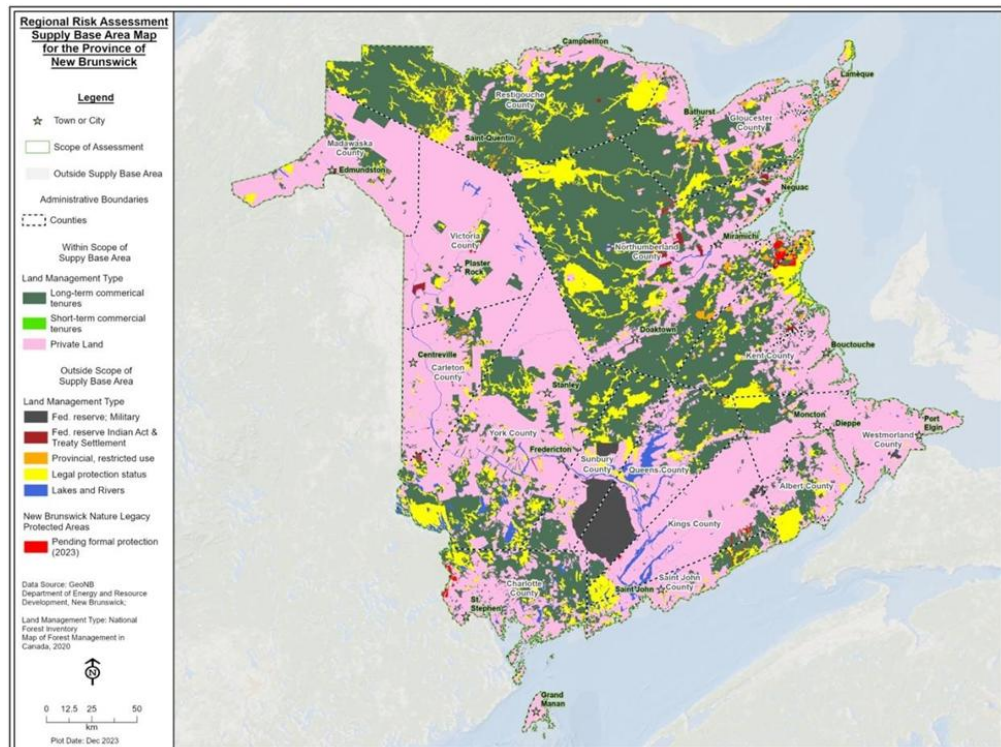
2.2

Statement of scope and sub-scopes

Figure 1 provides a map of the Supply Base Area and the land management types (both forested and unforested) within the province of New Brunswick (NB).¹

NB's land base is 7.3 million ha. NB's forested land base is 6.1 million ha (83%). Of this forested area, approximately 50% are public Crown land (3.1 million ha) managed through long-term licenses and short-term permits. Approximately 48% of the total forest area is privately owned.² The remaining 2% is federal land including Canadian Forces Base Gagetown and Indigenous reserves.

Figure 1: Scope of the RRA



The RRA-NB scope is the harvestable forest land base of New Brunswick.

¹ [Map of Forest Management in Canada](https://open.canada.ca), open.canada.ca, Government of Canada, 2017.

² Province of New Brunswick, [Excellence in Forest Management – Understanding our System – State of the Forests Report – 2023](#).

2.2.1 Sub-scopes

Following the requirements in SBP Standard 2 and SBP RRA Procedure, the Working Body evaluated the homogeneity of risk for the region under assessment—New Brunswick—when determining the scope for gathering information and assessing risk. Establishing sub-scopes will allow for a clear designation of risk and the provision of clear and meaningful mitigation measures.

For most Indicators, the Working Body assessed homogeneous risk based on the ownership types defined in Section 4.6 – Forest Sector by Land Ownership. Based on the different levels of risk across the ownership types, the following three Sub-scopes were defined as

- Crown License on Crown Land (Section 4.6.1)
- Industrial Private Land (Section 4.6.2.1)
- Private Woodlots (Section 4.6.2.2)

The majority of feedstock is sourced from these above listed ownership types.

For some Indicators, the legislative requirements by ownership type did not delineate the homogenous risk for the area under assessment. In these situations, the scope of assessment was identified as provincial.

Sourcing feedstock from any other ownership type (i.e., federal land, First Nation Settlements, etc.) would be specified risk. As described under the legislative framework in Section 4.6.2.2, bylaws vary greatly in the province. The Working Body did not create further Sub-scopes as this level of detail is best verified at the local level (i.e., Supply Base Evaluation). The Working Body specifically did not delineate Ecoregions as a Sub-scope. Ecoregions are large and often cross more than one jurisdictional boundary, and there are no differences in the regulatory environment based on ecoregions. Ecoregions are assessed as an ecological component of the feedstock source area (i.e., tenure).

The Scale of Assessment (i.e., Sub-scope) is defined at the beginning of each Indicator finding. The risk designation at the end of each Indicator finding is based on that Scale of Assessment (See Annex 1: Detailed Findings for Indicators). The Working Body evaluated Sub-scope risk independently. Due to the different types and levels of regulatory oversight for the Sub-scopes, scale, and intensity comparisons amongst the Sub-scopes were not used in determining risk in the RRA for NB.

2.3

Overview of the local biomass sector

New Brunswick's (NB) forest products industry is mainly softwood lumber and pulp and paper production and is highly integrated.

In 2021, the total production of wood products in NB was valued at \$5.7 billion.²⁶

In 2022, the total value of forest product export sales was \$2.8 billion. Sawntwood exports were valued at \$904.3 million, with 99.6% of sales to the US. Paper and paper product exports were \$793.3 million, \$717.5 million of which was pulp.²⁷

\$2.3 billion of all forest product exports (82% of total export value) was shipped to the US. India was the second destination, receiving \$150.2 million in forest products.

In 2022, export revenue from wood pellets and other wood agglomerates was \$62.7 million. The majority of pellet exports went to the UK.

²⁵ Certification Canada, [Forest Management Certification in Canada. 2023 Year-End Status Report. New Brunswick](#), May 2024.

²⁶ DNRED supplied data. 2024.

²⁷ Province of New Brunswick, [New Brunswick Energy and Natural Resources Export Highlights 2021, 2023](#).

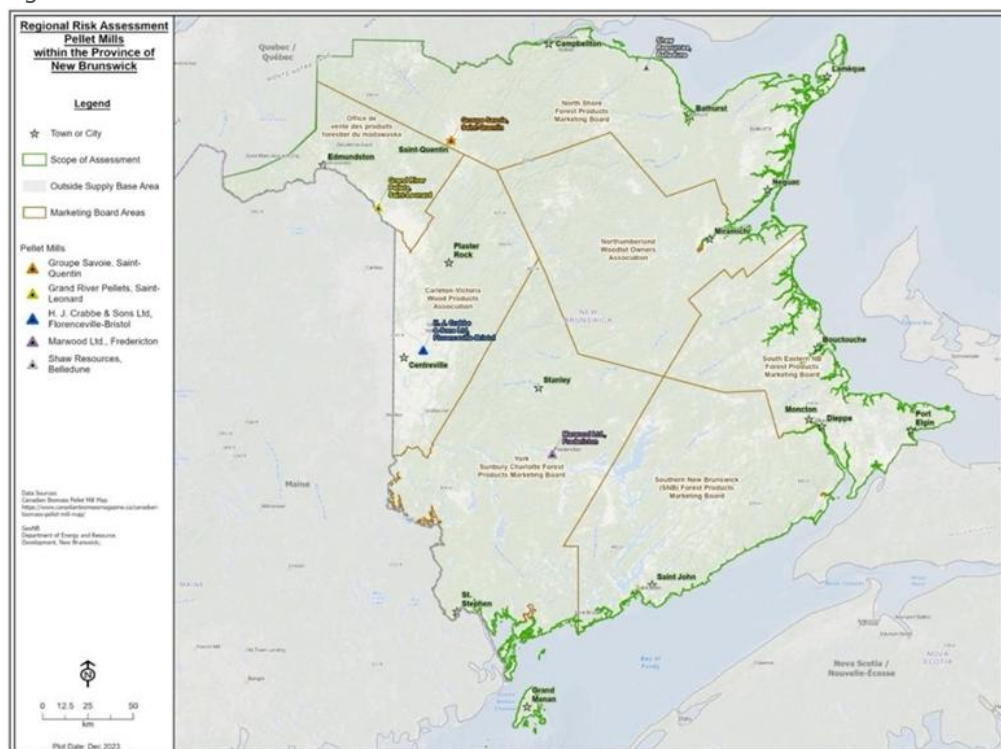
[NB's Pellet Industry](#)

As of March 2024, there are five pellet mills in NB (Figure 22). Table 9 lists the names, locations, Sustainable Biomass Program (SBP) certification and capacity of pellet facilities on NB.²⁸ The three larger mills are located near export facilities. In 2024, NB facilities accounted for 9.7% of Canadian production capacity.²⁹

Table 9: 2024 Capacity of Pellet Mills in New Brunswick

Biomass Producer	Mill Location	SBP Certified	2024 Capacity (tonnes/year)
Grand River Pellets	Leonardville	Yes	225,000
Shaw Renewables	Belledune	Yes	100,000
Groupe Savoie	St. Quentin	Yes	90,000
Marwood	Tracyville	Yes	14,400
H.J. Crabbe & Son	Bristol	No	40,000
Total			469,400

Figure 22: Location of Pellet Mills in New Brunswick

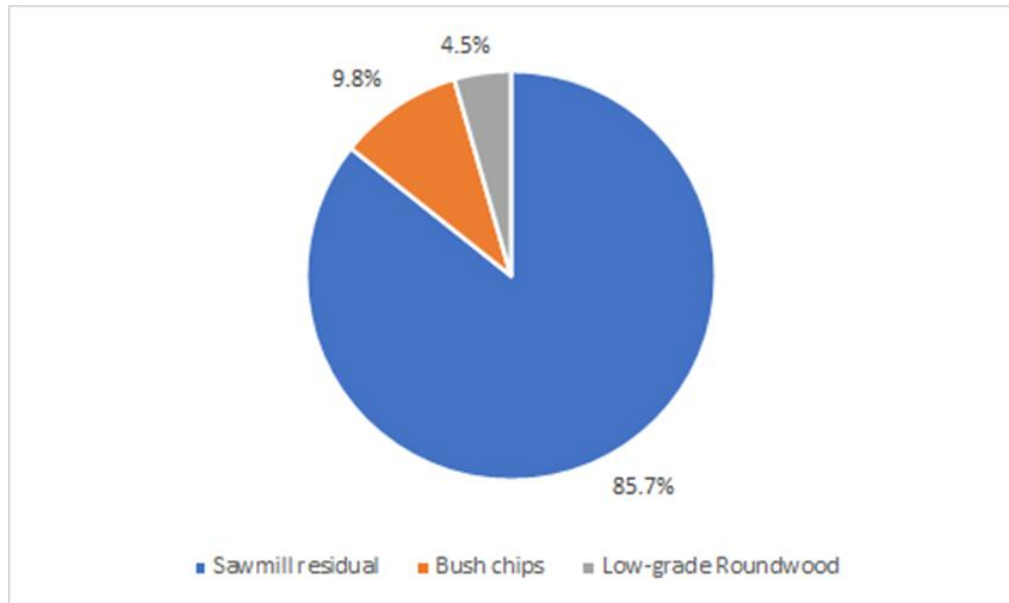


Fibre sourcing was reported by the three largest NB mills in the most recent SBP Audit Reports (2022 and 2023). The Marwood facility recently became certified under SBP; however, a recent Audit Report was unavailable. The Audit Reports show that approximately 85.7% of the feedstock used to make pellets in these three NB pellet mills comes from sawmill or planer residuals. The residuals include chips, shavings, sawdust, and bark, as well as trim ends and other miscellaneous pieces that the pellet mill grinds. Approximately 14.3% of the feedstock comes from a mixture of chips produced by in-forest chipping or low-grade roundwood, which is brought to the pellet mills and ground. Feedstock comes from residuals of sawmilling and harvest activities and wood that cannot be used for other purposes.

²⁸ [Canadian Wood Pellet Producer Map](https://www.pellet.org), pellet.org, Wood Pellet Association of Canada, 2024.

²⁹ SBP Audit Reports 2021 – 2023

Figure 23: Pellet Input Fibre by Feedstock



3 Methodology

Working Body for the Draft RRA

Brenda Hopkin, RPF of Hopkin Forest Management Consulting Ltd. was selected by the Wood Pellet Association of Canada (WPAC) and approved by the Sustainable Biomass Program (SBP) Secretariat as the Coordinator for the Working Body for the Draft RRA. The Working Body Coordinator was supported by a team of independent natural resource and certification professionals who collectively formed the Working Body. This team satisfied the mandatory qualification requirements of the SBP Regional Risk Assessment (RRA) Procedure (See Annex 2: List of Experts Consulted and Contact of Working Body).

Applicable Standard

The Working Body methodology addressed the following requirements:

- SBP Standard 1: Feedstock Compliance, v2.0, May 2023
- SBP Standard 2: Feedstock Verification, v2.0, May 2023
- SBP Regional Risk Assessment Procedure, v1.2, May 2021
- Guidance for SBP Standard 1, v1.0, May 2023
- Guidance for SBP Standard 2, v1.0, May 2023
- Glossary of Terms and Definitions, SBP, v2.0, May 2023

Geographic Scope

The region under assessment (i.e., geographic scope) is the forested land base of the province of New Brunswick, as discussed in Section 2 Statement of Scope.

3.1 Data collection

The RRA approach is based on a due diligence system that includes Information Gathering and Risk Assessment.

In addition to the guidance provided in SBP documents, the Working Body completed extensive research on risk-based assessments, including but not limited to SBP-endorsed RRAs, FSC-PRO-60-002 v3-0, FSC-PRO-60-006b v2-0, FSC-NRA-CA v2.0, and FSC-NRA-USA v1-0. This analysis was incorporated into the Working Body Risk Evaluation Framework (REF) enabling a consistent, rigorous, and objective process for evaluation leading to a comprehensive risk conclusion for each of the 42 Indicators.

The RRA-NB aims to provide an effective and verifiable process that will assure end users that feedstock is legally and sustainably sourced from any forested land base in NB. The scope of the RRA-NB covers the first two elements: Information Gathering (Section 3.1.1) and Risk Assessment (Section 3.1.2).

3.1.1 Information Gathering

The first element of a due diligence system is collecting documented, relevant, and current information from credible sources to assess each Indicator and justify the risk designation. The internet provides access to a variety of sources of publicly available information. Information was obtained from Provincial authorities, such as the NB Department of Natural Resources and Energy Development (DNRED) and the Department of Environment and Local Government (DELG) and federal authorities such as the Canadian Forest Service of Natural Resources Canada (NRCAN) and Environment and Climate Change Canada (ECCC). Publicly available information was also obtained from many non-government organisations' websites and reports. Information included applicable legislation, reports from provincial authorities and other stakeholders, various databases, and statistical data sources. Information at the management unit level was not collected for the RRA; this information is more relevant at the local level (i.e., Supply Base Evaluation).

In addition to publicly available information or in situations where there was a lack of publicly available information, the Working Body identified key organisations and/or individuals with knowledge (i.e., experts) to provide information in relation to one of many of the Indicators. Key organisations and individuals were consulted, and information was obtained verbally and in written format from public and

private sources. During the information-gathering phase, the Working Body considered this outreach as a key component of consultation, resulting in the drafting of many of the Indicators within the RRA. Annex 2: List of Experts Consulted and Contact of Working Body provides a listing of organisations and/or individuals that provided information. Following the REF as described in the Guidance for SBP Standard 2, Table 1 describes the requirements of information gathered for each of the 42 indicators with respect to each of the relevant Sub-scopes:

Table 1: Information Gathering Requirements

	Information Gathered – by Sub-scope
Regulatory Framework	Acts, Regulations, policy, and/or required best management practices specific to the threat/impact to the Indicator.
Implementation Mechanisms	Mechanisms by which the organisation completing the forest management activity can demonstrate implementation and compliance with the regulatory requirement &/or best management practices that address the threat/impact.
Oversight Framework	Enforcement and/or monitoring framework of Acts, Regulations, policy, and/or required best management practices specific to the threat/impact to the Indicator.
Results	Verification of a compliance/enforcement and/or monitoring framework. Quantifiable or qualifiable results of current condition, including but not limited to: <ul style="list-style-type: none"> • Monitoring results • Inventory &/or analysis • Compliance & enforcement results • Assessment reports • External agency reports • Publicly available data and/or websites • Expert &/or Stakeholder information/results

In some cases, the publicly available information was older (> ten years). Where this information was used the Working Body provided a rationale supporting the relevance and reliability of this information. Spatial data was collected and analysed for many of the land base Indicators. Credible spatial data was obtained from GeoNB, DNRED (provincial) and NRCAN (federal).

3.2 Selection of indicators to be updated

As this is the first version of the RRA, this section does not apply.

3.3 Risk classification

Risk Assessment

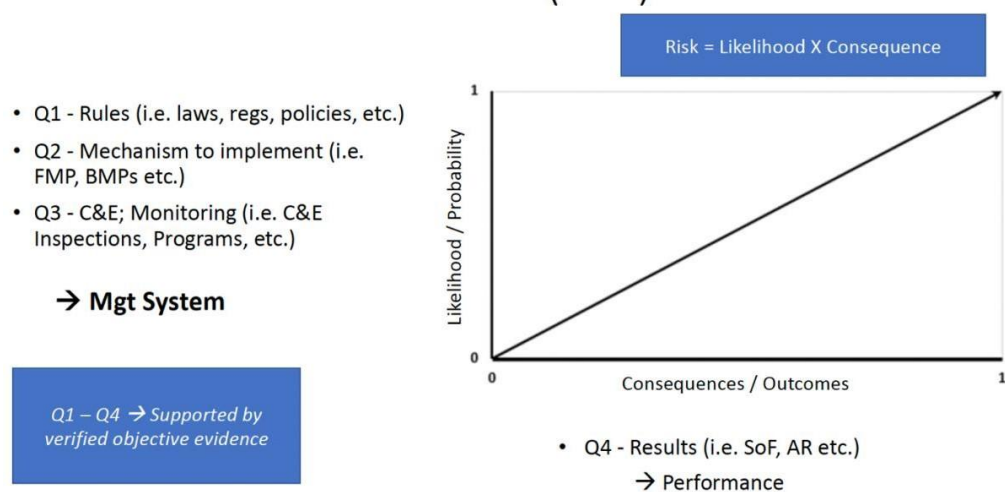
The Working Body followed the risk designation requirements described in SBP Standard 2 and SBP RRA Procedure (v1.2), as well as Guidance for SBP Standard 2. The SBP Guidance describes the REF. The Working Body has incorporated the REF and provides the following methodology.

The following key definitions are paramount in the REF:

- Threat: Anything that can exploit a vulnerability, intentionally or accidentally, and obtain, damage, or destroy an asset (in this case Indicator value). A threat is what needs to be managed to protect the value.

- Risk: Potential for loss, damage, or destruction of an Indicator value because of a threat exploiting a vulnerability.
 - Risk assessment: Defines the level of risk by considering the probability/likelihood against the consequence/severity.
- The REF provides a hierarchical set of questions to evaluate risk. The Working Body interprets the probability/likelihood as the management system and the consequence/severity as the performance measure as shown in the figure below.

Figure 2: Risk Evaluation Framework (REF)



Using the REF, the Working Body evaluated relevant information for each Indicator by Sub-scope at the provincial/regional scale (vs. individual forest management unit level). Table 2 describes evaluation criteria and logic that were considered for all Indicators and Sub-scopes to designate risk when evaluating the information (i.e., means of verification) gathered in the previous step relative to the identified threat. Assessing the probability/likelihood was verified through the evaluation criteria described in Table 2.

Table 2: Risk Evaluation Criteria

Evaluation Criteria	Examples by sub-scopes		
	Crown Land	Industrial Private Land & Private Woodlots	Province
Context	Describe the context or interpretation of the Indicator as it relates to the scale of assessment &/or forest management. Define what is considered in scope or out of scope by the Working Body. This section may indicate related Indicators.		
Potential Threat/Impact	Prior to assessing risk, describe the threat/impact (potential or perceived) to legality or sustainability Indicator because of forest management activities or sourcing. <i>This is key to the REF as subsequent evaluation of the Indicator is focused on addressing the threat/impact.</i>		
Regulatory Framework	Documentation of regulatory framework (as a whole) relative to the threat/impact: reviews applicable legislation. This could include widely accepted best management practices. Different types & levels of governance across the identified Sub-scopes.		
Means of Verification (MoV)	Regulatory framework	Limited & program specific regulatory framework	Regulatory framework

Implementation Mechanisms	Describe the mechanisms to support the regulatory requirements by which the organisation completing the forest management activity can demonstrate implementation, conformance, mitigation that address the threat/impact. (i.e., management plans, best management practices (BMP), environmental management systems, industry initiatives, etc.).		
MoV	Legislative & BMP mechanisms	Limited & program-specific legislative & BMP mechanisms	Regulatory framework
Oversight Framework	Describe the oversight framework of the Indicator relative to the threat/impact reviews applicable compliance/enforcement or monitoring frameworks.		
MoV	DNRED Inspections, DNRED compliance & enforcement, government &/or NGO analysis/assessments	Marketing Board audits bylaw enforcement	Oversight framework
Results	Describe the current state/condition &/or results of the Indicator relative to the threat/impact. This includes publicly available, current & relevant results &/or reports of monitoring, compliance & enforcement, audits, assessments, etc. This could include information generated from interviews with experts &/or stakeholders.		
MoV	Government &/or NGO analysis/assessments	Marketing Board reports bylaw enforcement reports	Government &/or NGO analysis/assessments
Rationale of Risk Designation	<p>Designated risk is based on evidence gathered in each of the sections listed above and how the evidence manages/mitigates the identified threat/impact. Risk is assessed based on the evaluation of evidence (i.e., means of verification (MoV)) and calibration of likelihood and impact for each of the Indicators. Where there is a high probability that an Indicator has met all the evaluation criteria listed above for a Sub-scope, it is assessed as low risk. Where there is a reasonable likelihood that an Indicator is not being met for any or all the evaluation criteria listed above for a Sub-scope, the Indicator is assessed as specified risk.</p> <p><i>Where there is insufficient evidence (i.e., MoV) available to assess the risk for any or all the evaluation criteria listed above for a Sub-scope, then the Indicator is assessed as specified risk under the precautionary approach.</i></p>		

The Rationale for Risk Designation logic is summarised in Table 3. The best case scenario to rationalise low risk is that all four components of the REF verify evidence that the threat/impact is managed. As illustrated below, specified risk occurs when there is a gap in verifiable evidence for one or any of the components. If, however, there is verifiable evidence that only the current condition is met then low risk may be designated. The Working Body acknowledges this latter situation could occur, but it does not support a rigorous REF. This latter situation would require continuous verification, which is not appropriate for the RRA, but might be verifiable for a Supply Base Evaluation.

Table 3: Risk Designation Logic Matrix

Threat due to forest mgt	Yes	Yes	Yes	Yes	Yes
Legislation Framework	Met	Met	Met	Gap	Gap
Mechanism of Implementation	Met	Met	Gap	Gap	Gap
C&E &/or Monitoring Framework	Met	Gap	Gap	Gap	Gap
Current Condition / Situation	Met	Gap	Gap	Gap	Met
Risk Designation	Low	Specified	Specified	Specified	Low

Although spatial data was collected and analysed, it was not used to designate risk. It was used to provide context, as well as information regarding location, scale, and intensity. The Working Body did not identify any new or additional risk factors beyond those identified in SBP Standard 1: Feedstock Compliance. The Working Body utilised the SBP Risk Reporting Template as provided in the RRA Procedures; however, it provided sub-headings to match the evaluation criteria and logic. As required by SBP Standard 2, a single risk rating is provided for each Sub-scope, resulting in each Indicator having more than one risk rating (see Table 10: Proposed Risk Designation Summary).

4 Stakeholder consultation

Stakeholder Consultation Approach

Following the guidance of SBP RRA Procedures (v1.2) Section 5, the following is the approach to Stakeholder Consultation.

Phase 1: Development of draft RRA

During the development of the draft RRA, the Working Body reached out to key stakeholders via email, phone, and in-person to obtain and confirm publicly available information regarding Indicators. Key experts included in government, First Nations, biomass producers and ENGOs. Workshops were conducted with government and biomass producers. These contacts became part of the comprehensive stakeholder list.

Phase 2: Public Stakeholder Consultation

SBP implemented a 30-day public consultation beginning in November 2024 and ending in December 2024. The SBP Secretariat analysed all the information gathered during the consultation and documented it in the stakeholder consultation report. Modifications to the draft RRA report were completed as appropriate in response to relevant stakeholder feedback.

5 Conclusions

Indicator	Sub-scope			
	Provincial	Crown License	Industrial Private	Private Woodlots
1.1.1	Low risk	-	-	-
1.1.2	-	Low risk	Low risk	Low risk
1.1.3	Low risk	-	-	-
1.1.4	-	Low risk	Low risk	Low risk
1.1.5	-	Low risk	Low risk	Low risk
2.1.1	-	Low risk	Low risk	Low risk
2.1.2	-	Low risk	Low risk	Low risk
2.1.3	-	Specified risk	Specified risk	Specified risk
2.2.1	-	Specified risk	Specified risk	Specified risk
2.2.2	-	Low risk	Specified risk	Specified risk
2.2.3	-	Low risk	Specified risk	Specified risk
2.2.4	-	Low risk	Specified risk	Specified risk
2.2.5	-	Low risk	Low risk	Low risk
2.2.6	-	Low risk	Low risk	Low risk
2.2.7	-	Low risk	Low risk	Low risk
2.2.8	-	Low risk	Low risk	Specified risk
2.2.9	-	Low risk	Specified risk	Low risk
2.2.10	-	Low risk	Specified risk	Specified risk
2.2.11	-	Low risk	Low risk	Low risk
2.2.12	Low risk	-	-	-
3.1.1	Low risk	-	-	-
3.2.1	Low risk	-	-	-
3.2.2	-	Low risk	Specified risk	Specified risk
3.2.3	-	Specified risk	Specified risk	Specified risk
3.3.1	Low risk	-	-	-
4.1.1	Low risk	-	-	-
4.1.2	Low risk	-	-	-
4.1.3	Low risk	-	-	-
4.1.4	Low risk	-	-	-
4.1.5	Low risk	-	-	-
4.1.6	Low risk	-	-	-
4.1.7	Low risk	-	-	-
4.1.8	-	Low risk	Specified risk	Specified risk
4.1.9	Low risk	-	-	-
4.1.10	-	Low risk	Low risk	Specified risk
4.2.1	-	Low risk	Specified risk	Specified risk
4.2.2	Low risk	-	-	-
4.2.3	-	Low risk	Low risk	Low risk
4.2.4	-	Specified risk	Specified risk	Low risk
4.2.5	-	Low risk	Low risk	Low risk
4.2.6	-	Specified risk	Specified risk	Low risk
4.2.7	-	Low risk	Low risk	Low risk

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Principle 1 – Feedstock is legally sourced

Criterion 1.1 – Operators and operations are legal

1.1.1	Operations related to feedstock sourcing and biomass production shall comply with all existing applicable laws and regulations.
<i>Findings</i>	<p>Scale of assessment Provincial</p> <p>Analysis The intent of this Indicator is to ensure that applicable laws and regulations comply throughout forest planning and operations. There are several factors which are involved in evaluating the extent to which organisations comply with legislation: In politically stable countries two critical factors are a relative lack of corruption and the rule of law. In regions where there is a high degree of corruption and a lack of rule of law there is a higher degree of risk that feedstock sourcing and biomass productions do not comply with applicable and existing laws and regulations. There is a complex network of legislation governing forestry in Canada. Additional information on compliance with specific legislation is included in each specific Indicator of this Regional Risk Assessment. For the assessment of this Indicator, the confirmation/verification of legally harvested timber and origin is paramount and interconnected with Indicators 1.1.2 Legal Ownership & Land Use, 1.1.3 Trade Requirements and 1.1.5 Protection from Illegal & Unauthorised Activities.</p> <p>In regions where there is a high risk of organisations not complying with law there is a higher potential of illegally sourced timber entering the supply chain, environmental damage, and human and labour rights violations.</p> <p>The Criminal Code of Canada is the principal anti-corruption legislation, prohibiting corruption, bribery, influence peddling, extortion and abuse of office. The New Brunswick (NB) Ombud Act establishes the NB Ombud’s Office. The NB Public Interest Disclosure Act provides provincial government employees with a reporting process to disclose allegations of government wrongdoing.</p> <p>Enforcement and monitoring The Criminal Code of Canada is administered by the Attorney General of Canada. The Royal Canadian Mounted Police (RCMP) receive complaints and concerns of corruption. The Code is nationally applicable and is implemented in NB through the Department of Justice and Public Safety. The Department prosecutes crimes and shares information relative to legal issues. The NB Ombud Act is implemented by the NB Ombud’s Office.</p> <p>Many international organisations monitor and report on corruption levels around the globe. The Criminal Code is enforced throughout Canada by the RCMP, local police, and the judicial system. The NB Ombud receives complaints of corruption in public systems and conducts independent investigations. It does not hear complaints regarding professional associations or between private individuals and/or corporations.</p> <p>Transparency International maintains a Corruption Perception Index which monitors country level corruption globally. In 2022 (the last available report as of September 2023). Transparency International rated Canada 14/180 countries (with one being the least corrupt) and gave it a score of 74/100 (with 100 being the best). GAN Integrity</p>

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	<p>rates country level corruption and in November 2020 (the last available report as of September 2023) stated that “[Canada] possesses clear- cut regulations and transparent, reliable courts.” Forestry was not identified as an industry at risk of corruption. In 2022 (the last available report available as of September 2023), the World Bank rated Canada at the 93rd percentile (with 100 being best) for both rule of law and control of corruption. A 2016 news release from Interpol states that global corruption in forestry accounts for USD 29 billion in global trade. The Organization for Economic Co- operation and Development finds that one in five cases of transnational bribery are in extractive industries and Transparency International has a focus on corruption in the extractive industries. However, both organisations focus on oil and gas and mining without mentioning forestry. The NB Ombud’s Office Annual Reports (the latest available report as of February 2024) stated that the Office heard 2,237 in 2022/2023, 2,051 in 2021/2022, 1,542 in 2020/2021, and 1,666 complaints in 2019/2020. The report only lists types of complaints for Departments where ten or more complaints were received. The Department of Natural Resources and Energy Development had five files open in 2021/2022 and two open in the 2022/2023. An internet review conducted in September 2023 does not indicate there are any concerns with rule of law in forestry in NB.</p> <p>Risk conclusion and justification</p> <p>There is comprehensive federal and provincial legislation governing forestry. Canada is a low corruption country with a high degree of rule of law. Forestry is not identified as a high risk of corruption industry and there is no indication of systemic non-compliance with law in forestry in New Brunswick. Based on evidence reviewed, this Indicator is designated as low risk at the provincial level for New Brunswick.</p>
<p><i>Supply Base Verifiers</i></p>	<ul style="list-style-type: none"> • Regulatory framework • Regulatory agency websites • Company human resources policies/procedures, including anti-briberypolicies and codes of conducts • Chain of custody procedures, including fibre tracking • Fibre procurement policy & procedures • Company regulatory registry • Forest management plans • Best management practices • Regulatory compliance and enforcement data/reports • Oversight agency database records and/or reports • Supplier verification program • Publicly available information (reports, news & websites) • Interviews with regulatory/oversight agency • Interviews with trade unions • Interviews with workers
<p><i>Evidence reviewed</i></p>	<p><u>Federal</u></p> <ul style="list-style-type: none"> • Criminal Code of Canada. • NCASI. Canadian Forestry Regulations and Standards. 2021.

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	<ul style="list-style-type: none"> • Royal Canadian Mounted Police. Report Corruption. <u>Provincial</u> • Ombud Act • Public Interest Disclosure Act • NB Ombud’s Office. Annual Reports. <u>Other</u> • GAN Integrity. Country Profiles – Canada. 05 November 2023. • Interpol. Global corruption in forestry sector worth USD 29 billion a year. 09 December 2016. • Organization for Economic Co-operation and Development. Corruption in the Extractive Value Chain. 2016. • Sustainable Biomass Program. Guidance for SBP Standard 1: Feedstock Compliance. 28 April 2023. • Transparency International. Country Data – Canada. 2022. • Transparency International. Corruption in the Extractive Industries. • World Bank. Interactive Data Access – Canada. 05 November 2023. • World Bank. Worldwide Governance Indicators – Overview.
<i>Risk rating</i>	Provincial Low risk
1.1.2	Legal ownership of land and resource use rights shall be respected.
<i>Findings</i>	<p>Scale of assessment</p> <p>Crown License Industrial Private Land Private Woodlots</p> <p>Analysis</p> <p>For the assessment of this Indicator, the confirmation of legally harvested timber and origin is paramount and interconnected with Indicators 1.1.1 Comply with Laws, 1.1.3 Trade Requirements, and 1.1.5 Protection from Illegal & Unauthorised Activities. See Section 4.6 Forest Sector by Land Ownership for more information. Legality of ownership and land use is important to ensure the management of the forest, including the harvest of timber, can be conducted in an orderly and sustainable manner. The threat, should ownership be contested or poorly established, is the degradation of both the resource and the timber industry. A lack of clarity regarding permitted land use would have similar effects.</p> <p><u>Federal</u></p> <ul style="list-style-type: none"> • Constitution Act of 1867 <p><u>Provincial</u></p>

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	<ul style="list-style-type: none"> • Land Titles Act • Crown Lands and Forests Act (CLFA) <p>Enforcement and monitoring</p> <p>Canada’s Constitution Act of 1867 gave the provinces jurisdiction over the “development, conservation and management of...forestry resources,” and the provinces generally control and manage the non-private land in the province, except for lands under the authority of the federal and municipal jurisdiction. New Brunswick’s (NB’s) Land Titles Act provides the legal basis for the title registration of land (confers ownership) in the province. The Act provides statutory authority for guaranteed land title on Crown land, industrial private land, and private woodlots. The system is administered by Service New Brunswick. The Crown Lands and Forests Act (CLFA) provides the legal authority for the Department of Natural Resources and Energy Development (DNRED) to issue forest management licenses on provincial Crown land. The Crown forest land base is divided into Forest Management Units (FMUs) as stipulated in the CLFA. Each FMU is licensed under a 25-year evergreen Forest Management Agreement (FMA), which is the primary form of tenure instrument in the province. DNRED’s forest management system identifies which Crown lands are available for timber harvesting and which areas are not due to various restrictions for ecological or social reasons. The CLFA ensures that timber be harvested in compliance with associated regulations, license requirements, Forest Management Plans (FMPs), and government approval. On industrial private land and private woodlots, possession of title to the land confers ownership and grants the title holder the rights that come with ownership. Timber resources on private land are the property of the landowner. The Land Titles Act sets out dispute resolution mechanisms and processes. Ownership of industrial private land and private woodlots is verified through the registration of land title. The province is well surveyed.</p> <p>For Crown licenses, should disputes arise regarding various aspects of tenure, including the terms of the tenure agreement, the area covered by the agreement and how special situations are dealt with (i.e., withdrawal of area from a forest license), the legislation and the FMA both have dispute resolution mechanisms within them. The provincial court system is available to handle disputes that cannot be settled otherwise. DNRED has enforcement mechanisms in place to ensure the terms of licenses issued on Crown land are upheld. Permitting requirements ensure forestry does not occur where it is not an allowable land use. This system provides assurance of the legality of land use on Crown land. FMA holders must prepare FMPs, which are reviewed and approved by the province. Every five years the provincial government reviews the performance of FMA holders and if it is satisfactory, the license is extended back to 25 years. For industrial private land and private woodlots, boundary disputes are resolved by surveys and the legal system is the primary means by which disputes or questions over the ownership of land are addressed.</p> <p>The ownership of forest land is surveyed and well-established in NB. The system of property rights functions to maintain the rights and benefits of ownership. Ownership is conferred through title. When Marketing Boards encounter conflicts when woodlots are being harvested, Boards often withhold payment until the dispute is settled. As of March 2024, there is no publicly available information indicating widespread or systemic non-compliance regarding legal ownership and use rights being respected.</p> <p>Risk conclusion and justification</p> <p>The legal basis for the ownership of land and resource use rights is established. The system of property rights functions to maintain the rights and benefits of ownership and there is no indication of systemic non-compliance. Based on evidence reviewed, this Indicator is designated at low risk for Crown license, industrial private land, and private woodlots in New Brunswick.</p>
<p><i>Means of verification</i></p>	<ul style="list-style-type: none"> • Regulatory framework • Regulatory agency websites • Strategic land use planning (i.e. landscape-level) • Forest management plans

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	<ul style="list-style-type: none"> • Chain of custody procedures, including fibre tracking • Fibre procurement policy & procedures • Regulatory compliance and enforcement data/reports • Oversight agency database records and/or reports • Supplier verification program • Publicly available information (reports, news & websites) • Tenure/licence agreements • Ownership titles & land surveys • Supplier transportation documentation (origin) • Interviews with regulatory/oversight agency • Interviews with tenure agreement holders 						
<i>Evidence reviewed</i>	<p><u>Federal</u></p> <ul style="list-style-type: none"> • Constitution Act of 1867 <p><u>Provincial</u></p> <ul style="list-style-type: none"> • Crown Lands and Forests Act • Land Titles Act 						
<i>Risk rating</i>	<table> <tr> <td>Crown License</td> <td>Low risk</td> </tr> <tr> <td>Industrial Private Land</td> <td>Low risk</td> </tr> <tr> <td>Private Woodlots</td> <td>Low risk</td> </tr> </table>	Crown License	Low risk	Industrial Private Land	Low risk	Private Woodlots	Low risk
Crown License	Low risk						
Industrial Private Land	Low risk						
Private Woodlots	Low risk						
1.1.3	Feedstock shall be legally harvested, supplied and produced, including in compliance with CITES, EUTR and other applicable legal trade requirements.						
<i>Findings</i>	<p>Scale of assessment Provincial</p> <p>Analysis There are five applicable legal trade requirements relevant to this Indicator based on the potential areas of export of biomass from Canada:</p> <ol style="list-style-type: none"> 1. Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES); 2. European Union Timber Regulation (EUTR); 3. UK Timber Regulation; 4. Japan Clean Wood Act; and 5. Korea Act on the Sustainable Use of Timbers. CITES 						

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The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) is a safeguard against exploitation of endangered species caused by (often illicit) demand in international markets. CITES sets controls on three levels of allowable trade. Appendices I, II and III provide distinct trade restrictions and requirements that must be observed. Any type of wild plant or animal may be included in the list of species protected by CITES, and new species can be listed at any time depending on the degree of endangerment. The additional legality safeguard with this Indicator is covered off under the European Union's Timber Regulation (EUTR), the UK Timber Regulation, Japan Clean Wood Act, and Korea Act on the Sustainable Use of Timbers.

EUTR

The EUTR prohibits the placement of timber and timber products on the EU market if harvested illegally under the laws of the country of origin. It requires those who place timber on the EU market to employ a due diligence system to ensure timber was harvested legally. EUTR due diligence means businesses along the supply chain must keep records to facilitate the traceability of the products (i.e., they must maintain chain-of-custody data for the feedstock used).

UK Timber Regulation

The UK Timber Regulation mirrors the EUTR and pertains to wood products imported to the UK.

Japan Clean Wood Act

The Japanese Clean Wood Act is a voluntary registration system for organisations which procure domestic or foreign wood products in Japan. Registered organisations are required to keep documentation of origin for a period of five years.

Korea Act on the Sustainable Use of Timbers

The Korea Act on the Sustainable Use of Timbers requires imports of wood products to have appropriate documentation on origin. Assessment of this Indicator focuses on the compliance of producers to CITES. It also focuses on compliance to the EUTR, UK Timber Regulation, the Japan Clean Wood Act and the Korea Act on the Sustainable Use of Timbers (collectively referred to as the Illegal Harvesting Initiatives) as all of these deal with supply chain due diligence to minimise the risk of the trade of illegally harvested wood. The potential for illegal harvest of wood is further discussed in Indicators 1.1.1 Comply with Laws, 1.1.2 Legal Ownership & Land Use, and 1.1.5 Protection from Illegal & Unauthorised Activities.

CITES

Trade in endangered forest species elevates the threats of extirpation and extinction of commercially valuable species at risk.

Illegal Harvesting Initiatives

Illegal timber harvesting threatens the integrity of sustainable forest management and may lead to the damage of sites or values, deprives the timber owner of revenue and is often associated with the activities of larger illegal networks.

CITES

In Canada, CITES is implemented by the federal government through the Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act (WAPPRIITA) and the Wild Animal and Plant Trade Regulations. WAPPRIITA regulates the export/import of CITES listed species, including tree species. The Wild Animal and Plant Trade Regulation – Schedule 1 provides a listing of CITES flora and fauna. CITES-listed species may not be imported into Canada without a CITES permit.

Illegal Harvesting Initiatives

Legal mechanisms, as defined in the New Brunswick (NB) Crown Lands and Forest Act (CLFA); Transportation of Primary Forest Products Act; and associated regulations ensure that primary forest products are accompanied by a transportation certificate when being transported on public roads from both Crown and

private land. This transportation certificate must identify the origin of the primary forest product.

Enforcement and monitoring

CITES

In Canada, Environment and Climate Change Canada (ECCC) is the lead agency responsible for implementing and administering CITES under WAPPRIITA and the Wild Animal and Plant Trade Regulations. Within ECCC, the Canadian Wildlife Service administers WAPPRIITA and interacts with provincial, territorial and other federal agencies. ECCC has the licencing responsibility for wildlife harvesting. ECCC works with a broad range of partners, including the Canada Border Services Agency, to ensure imports comply with CITES and with relevant legislation and regulations in foreign countries for non-CITES species.

Illegal Harvesting Initiatives

The New Brunswick Crown Lands and Forest Act, Transportation of Primary Forest Products Act, and associated regulations are implemented by the NB Department of Natural Resources and Energy Development, Forestry and Conservation Branch, who provide information on the website.

CITES

ECCC oversees and reports publicly on the implementation of WAPPRIITA in Canada.

Illegal Harvesting Initiatives

Department of Natural Resources and Energy Development's Forestry and Conservation Branch oversees the implementation of the Crown Lands and Forest Act, Transportation of Primary Forest Products Act, and associated regulations, compliance, and reporting.

CITES

ECCC reports annually regarding the enforcement of WAPPRIITA. In the 2021 Wild Animal and Plant Trade and Protection Act Annual Report (the last available as of September 2023), 1,269 inspections were conducted, and 194 violations were identified. Three convictions were filed, none related to flora.

An internet search conducted in September 2023 did not identify any concerns with the import or export of CITES listed species into or from NB.

Illegal Harvesting Initiatives

See Indicator 1.1.5 Protection from Illegal & Unauthorised Activities for results on legality of harvest in NB.

An internet search conducted in September 2023 did not find any concerns with non-compliance of the NB legislation for transportation nor any concerns with forest products exported from NB meeting international trade regulations.

Risk conclusion and justification

CITES

There is a comprehensive federal legislative framework governing CITES. There is ongoing monitoring and public reporting. There are no tree species on the CITES export list from Canada. Based on evidence reviewed, this Indicator is designated as low risk at the provincial level for New Brunswick.

Illegal Harvesting Initiatives

There is a high level of compliance with law in Canada (see Indicator 1.1.1 Comply with Laws); a low risk of illegal harvesting (see Indicator 1.1.5 Protection from Illegal & Unauthorised Activities); and a well-regulated system of forest product transportation under legislation in NB. Based on evidence reviewed, this Indicator is designated as low risk at the provincial level for New Brunswick.

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<p><i>Means of verification</i></p>	<ul style="list-style-type: none"> • Regulatory framework • Regulatory agency websites • Chain of custody procedures, including fibre tracking • Fibre procurement policy & procedures • Regulatory compliance and enforcement data/reports • Oversight agency database records and/or reports • Supplier verification program • Publicly available information (reports, news & websites) • Supplier transportation documentation (origin & species) • Interviews with regulatory/oversight agency • Interview with experts
<p><i>Evidence reviewed</i></p>	<p><u>CITES</u></p> <p><u>International</u></p> <ul style="list-style-type: none"> • Convention on International Trade in Endangered Species of Wild Fauna and Flora <p><u>Federal</u></p> <ul style="list-style-type: none"> • Government of Canada. Trade in Protected species: Canadian act and regulation for wild animal and plant protection: report. • Government of Canada. Trade in protected species: Canadian act and regulation for wild animal and plant protection. • Government of Canada. Trade in protected species: relevant authorities. <p><u>Illegal Harvesting Initiatives</u></p> <p><u>International</u></p> <ul style="list-style-type: none"> • Forest Legality Initiative. Laws & Policies. • Korea Forest Service. Korea's regulation to promote legal timber trade. • NepCon. Basic EUTR: How to Get Started. • Timber Trade Portal. Japan Clean Wood Act. <p><u>Provincial</u></p> <ul style="list-style-type: none"> • Crown Lands and Forests Act • New Brunswick Department of Natural Resources and Energy Development. Forestry & Conservation. • Transportation of Primary Forest Products Act
<p><i>Risk rating</i></p>	<p>Provincial Low risk</p>

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1.1.4	Payments for harvest rights and feedstock, including duties, relevant royalties and taxes related to timber harvesting shall be complete and up-to-date.
<i>Findings</i>	<p>Scale of assessment Crown License Industrial Private Land Private Woodlots</p> <p>Analysis Timber harvesting on Crown land, industrial private land, and private woodlots is typically completed by contractors, who pay for the right to harvest the timber subject to any requirements in the contract or license. The price of standing timber is known as stumpage and is often charged as a rate per cubic metre of timber. Stumpage rates vary by species, grade/quality, and potential end- product. Revenue from the sale of Crown timber is frequently described as a royalty, and the revenue from royalties contributes to overall government revenues. Private woodlot owners who receive payments from the sale of standing timber as income, and industrial private landowners treat the proceeds as revenue. On industrial private land and private woodlots, harvest contractors may be paid to harvest the timber and deliver it to a specified location. Often for industrial private land, the timber is delivered to a mill owned by the industrial private land owner. Timber harvested from industrial private land may never be put on the open market for sale. Duties are paid on timber that is sold from New Brunswick (NB) sawmills to the United States. Duties are not required when wood is moved between NB and other Canadian provinces. See Section 4.6 Forest Sector by Ownership for more information.</p> <p>One of the rights of ownership is the right to sell or exchange the owned property, which is done under contract or agreement. If payments are not made or cannot be collected for property that is sold, this undermines the principle of ownership. The specific threat for timber, in the absence of the rule of law, is a loss of revenue and a degradation of both the resource and the timber industry.</p> <p><u>Provincial</u></p> <ul style="list-style-type: none">• Crown Lands and Forests Act• Timber Regulation 86-160• Transportation of Primary Forest Products Act• Natural Products Act• Forest Products Act• Forest Products Marketing Boards Levies Regulation, NB Reg 2005-104• Assessment Act <p>Transactions involving timber harvested from industrial private land and private woodlots are governed by contract law.</p> <p>Enforcement and monitoring The New Brunswick (NB) Department of Natural Resources and Energy Development (DNRED) is authorised through the Crown Lands and Forests Act (CLFA) to set and collect royalties for Crown timber that is harvested under license or permit. CLFA prescribes that royalties will be set for each species group and product class (i.e., veneer logs, sawlogs, etc.) and that the rate will be “based on the fair market value of standing timber in that class.” The Timber Regulation under the CLFA sets out the provincial</p>

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royalty rates. The CLFA states that the royalty is to be reviewed annually. For Crown licenses, the requirement for fair market value, determined by the Lieutenant-Governor in Council, has been interpreted as the value of equivalent timber in the private stumpage market. The NB Forest Products Commission regularly surveys stumpage prices obtained by private woodlot owners. DNRED uses these prices as the base rate for setting Crown timber royalty rates. In 2023, the DNRED introduced market indexed adjustments for all Crown royalty rates. The adjustments are added to the base rate monthly. Crown timber is tracked from the forest to the receiving mill through the issuance of Transportation Certificates. Scale data is used to calculate the amount of royalties owed to the government. Transactions involving timber harvested from industrial private land and private woodlots are governed and enforced by contract law. Generally, there is a written contract between the landowner and the timber purchaser that includes a purchase price or a formula for determining the purchase price of the timber. The conditions of sale/purchase of timber from industrial private land and private woodlots, including the payment for the timber, are part of the timber sale contract. Most contracts pay the timber owner a price per cubic metre that depends on the species and quality of timber cut. Some contracts are lump-sum arrangements where the landowner receives an agreed upon total amount for the timber harvested. Harvested timber is either scaled at roadside or more commonly it is measured by weight at the receiving mill. Transportation Certificates must be completed for timber harvested from industrial private land and private woodlots. Industrial private landowners organise and administer business relationships.

Timber harvested and sold from private woodlots is subject to a levy paid to the local Marketing Board, as prescribed under Forest Products Marketing Boards Levies Regulation. Marketing Boards offer contract management services for private woodlot owners when administering a sale on behalf of a woodlot owner. Service New Brunswick administers the Assessment Act, which stipulates owners of industrial private land and private woodlots are required to pay property taxes to the municipal government. Property taxes must be up to date when a property is sold. the New Brunswick Assessment Act states that freehold timberland is to be assessed at a value of \$100/ha for taxation purposes.

DNRED compliance and enforcement mechanisms to ensure royalties will be paid for Crown timber include but are not limited to:

- Severe penalties for missing, unmarked or incorrectly marked Transportation Certificates;
- Penalties associated with non-compliance of CLFA;
- Inspection and audit of records by government;
- Extensive remedies to recover delinquent payments.

Licensees harvesting timber from Crown land are required to pay royalties, at rates set by DNRED, to the provincial government. The Marketing Boards ensure that the actions and payments agreed to in the contracts are undertaken and paid. The Marketing Boards receive confirmatory documentation such as receipts and copies of the Transportation Certificates. In the event of a dispute related to private woodlot timber sales, the NB Forest Products Commission has the authority to review the situation.

Private woodlot owners may choose to deal directly with a timber contractor or mill and if there is a dispute that cannot be resolved between the parties, it would be settled through the courts. Industrial private timber owners would use the court system. Private woodlot timber sales disputes may be mediated by the Marketing Board if the sale was being administered by the Marketing Board; failing that, disputes would be addressed through the legal system. Industrial private landowners would seek to resolve a dispute through the provincial legal system. The Department of Finance and Treasury Board have mechanisms to ensure property taxes are paid, including seizure of property. All transport activities, scaling, and processing of scale data is subject to check-scaling, scale site inspections, data review, and audit.

The provincial legal system is in place for resolving disputes for Crown licenses, industrial private land, and private woodlots regarding payments and contracts. As of March 2024, DNRED does not publicly release information whether licensees are up to date with payments of Crown royalties. The 2017/ 18 Annual Report of the Forest Products Commission noted it was investigating one harvest contractor for failure to pay levies to the Marketing Board. The Annual Report for the following year indicated the matter

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	<p>concluded with the Marketing Board invoicing the contractor for the missing levy payments. As of March 2024, there is no publicly available information indicating non-payment for harvested timber is widespread or systemic from industrial private land or private woodlots.</p> <p>Risk conclusion and justification</p> <p>There is a comprehensive legal framework with appropriate controls to ensure the payments for Crown timber and harvest rights, including relevant royalties related to timber harvesting. Timber sales from industrial private land and private woodlots are conducted under contract law, which is enforced in NB. The Department of Finance and Treasury Board has mechanisms in place to ensure that property taxes are paid. There is no indication of widespread or systemic non-compliance with regards to non-payment. Based on evidence reviewed, this Indicator is designated at low risk for Crown licenses, industrial private land, and private woodlots in New Brunswick.</p>
<p><i>Means of verification</i></p>	<ul style="list-style-type: none"> • Regulatory framework • Regulatory agency websites • Chain of custody procedures, including fibre tracking • Fibre procurement policy & procedures • Regulatory compliance and enforcement data/reports • Oversight agency database records and/or reports • Stumpage payment records • Supplier transportation documentation (origin & species) • Supplier invoices (origin & species) • Interviews with regulatory/oversight agency • Interview with suppliers
<p><i>Evidence reviewed</i></p>	<p><u>Provincial</u></p> <ul style="list-style-type: none"> • Assessment Act • Crown Lands and Forests Act • DNRED, Incidence of payment issues, 2023 • Forest Products Act • Forest Products Commission • Forest Products Commission: Private Woodlot Stumpage Value Report 2018/19 • Forest Products Commission: Private Woodlot Stumpage Value Report January 2020 to December 2020 • Forest Products Marketing Boards Levies Regulation, NB Reg 2005-104 • Natural Products Act • Northshore Marketing Board, Incidence of payment issues, 2024 • Timber Regulation 86-160 • Transportation of Primary Forest Products Act • York-Charlotte-Sunbury Marketing Board, incidence of payment issues, 2024

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<i>Risk rating</i>	<table> <tr> <td>Crown License</td> <td>Low risk</td> </tr> <tr> <td>Industrial Private Land</td> <td>Low risk</td> </tr> <tr> <td>Private Woodlots</td> <td>Low risk</td> </tr> </table>	Crown License	Low risk	Industrial Private Land	Low risk	Private Woodlots	Low risk
Crown License	Low risk						
Industrial Private Land	Low risk						
Private Woodlots	Low risk						
1.1.5	There shall be adequate protection of the Supply Base from unauthorised and illegal activities, such as illegal logging, mining, and encroachment.						
<i>Findings</i>	<p>Scale of assessment Crown License Industrial Private Land Private Woodlots</p> <p>Analysis For the assessment of this Indicator, the confirmation/verification of legally harvested timber and origin is paramount and interconnected with Indicators 1.1.1 Comply with Laws, 1.1.2 Legal Ownership & Land Use, and 1.1.3 Trade Requirements. Illegal timber harvesting threatens the integrity of sustainable forest management and may lead to the damage of sites or values, and may deprive the timber owner of revenue.</p> <p><u>Provincial</u></p> <ul style="list-style-type: none"> • Land Titles Act • Crown Lands and Forests Act • Crown Lands and Forests Act Timber Management Regulation • Transportation of Primary Forest Products Act • Scaling Act <p>Enforcement and monitoring <u>Crown License, Private Industrial Land, & Private Woodlots</u> All primary forest products transported in New Brunswick (NB) must have a supporting Transportation Certificate indicating the source information. All Transportation Certificates used for Crown license are identified by the licensee to the Department of Natural Resources and Energy Development (DNRED) twice a year. All trucks which operate on a Crown license have compartments on the outside of the truck cab where a copy of the Transportation Certificate must be placed prior to the truck leaving a harvest block. Timber is scaled to determine volume of wood by species and product. Only individuals that hold a NB Scaling License, issued by DNRED, are permitted to scale timber in the province.</p> <p><u>Crown License</u> In NB, the issuance of licenses on Crown land is regulated by DNRED. The Crown Lands and Forest Act ensures timber must be harvested in compliance with license requirements and various Forest Management Plans (FMPs). A Crown licensee must harvest timber subject to an FMP, associated regulations, and government approval.</p>						

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Reporting of encroachment or trespass is enforced by government agencies, municipalities, or police through general civic or commercial law for Crown license, industrial private land, and private woodlots.

Crown License

DNRED oversee the implementation of forest operations and is responsible for investigating any reported illegal activities. DNRED and the Department of Justice and Public Safety inspect trucks carrying timber from Crown license areas to ensure properly completed Transportation Certificates.

Industrial Private Land

Department of Justice and Public Safety inspect trucks carrying timber from industrial private land to ensure properly completed Transportation Certificates.

Private Woodlots

Department of Justice and Public Safety inspect trucks carrying timber from private woodlots to ensure properly completed Transportation Certificates. The Forest Products Commission conducts procedural audits of the Transportation Certificates. Certificates are audited in each region for the level of completion of information required by the Regulation and accuracy of the information recorded on the Transportation Certificate.

Crown License, Private Industrial Land, & Private Woodlots

The Department of Justice and Public Safety annual reports indicate the number of illegal harvesting apprehension on an annual basis:

- 206 for 2019/2020
- 177 for 2020/2021
- 110 for 2021/2022
- 104 for 2022/2023 Crown License

DNRED data showed Transportation Certificates are compliant with legislation, varying from 98.8% in 2019 to 99.5% in 2022.

Industrial Private Land

DNRED confirmed that Transportation Certificates are inspected by Department of Justice and Public Safety and compliant with legislation.

Private Woodlots

The Forest Products Commission publicly reports compliance with the Transportation of Primary Forest Products Act. The results of the 2022/23 Transportation Certificate audit showed a compliance issue with information reported on Transportation Certificates as reported in the 2021/2022 and 2022/2023 Annual Reports. These findings were further investigated through the end of the fiscal year. The report stated “the results of the 2022-2023 TC [Transportation Certificates] showed a significant compliance issue with information reported.”

Risk conclusion and justification

Crown License and Industrial Private Land

There is a comprehensive legal framework with appropriate controls to protect from unauthorised and illegal activities related to timber harvesting. Government compliance programs monitor and track infractions. There is no indication of widespread or systemic non-compliance with regards unauthorised and illegal activities. Based on evidence reviewed, this Indicator is designated at low risk for Crown license and industrial private land in New Brunswick.

Private Woodlots

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	<p>The Commission has reported a "data" issue for two consecutive years. When the non-conformance with TC data collection was discovered, the Commission reviewed internal procedures and ended up developing, ratifying and implementing a TC Management System to help address issues at the marketing board level, and this new system is now included in the scope of the 3rd party annual audits. The "data issue, often times, can be linked back to either 1) the wrong or poorly legible Property Identification Number (PID) being written down (handwritten on the TC by a truck driver), or 2) when two harvesting sites are close together, the driver fails to differentiate the between the two PIDs. This is mis-documentation of information on the TC - a paperwork non-conformance rather than evidence of illegal activity.</p> <p>The commission has a process in place to handle the issue. There is no evidence of gross negligence, but instead a paperwork oversight, and there is adequate protection of the supply base from unauthorised and illegal activities. Therefore, the indicator is assessed as Low risk.</p>						
<i>Means of verification</i>	<ul style="list-style-type: none"> • Regulatory framework • Regulatory agency websites • Forest management plans • Best management practices and/or operational procedures, including assessment of impacts and implementation of mitigation measures • Chain of custody procedures, including fibre tracking • Fibre procurement policy & procedures • Regulatory compliance and enforcement data/reports • Oversight agency database records and/or reports • Site plans and/or post-activity inspections demonstrate negative impacts mitigated • Supplier verification program • Supplier transportation documentation (origin & species) • Supplier invoices (origin & species) • Interviews with regulatory/oversight agency • Interview with suppliers 						
<i>Evidence reviewed</i>	<p><u>Provincial</u></p> <ul style="list-style-type: none"> • Crown Lands and Forest Act • DNRED Transportation Certificate Inspection Data 2019 – 2022 • New Brunswick Federation of Woodlot Owners • Lands Titles Act • New Brunswick Forest Products Commission Annual Report 2022/23 • Scalers Act • Transportation of Primary Forest Products Act 						
<i>Risk rating</i>	<table border="0"> <tr> <td>Crown License</td> <td>Low risk</td> </tr> <tr> <td>Industrial Private Land</td> <td>Low risk</td> </tr> <tr> <td>Private Woodlots</td> <td>Low risk</td> </tr> </table>	Crown License	Low risk	Industrial Private Land	Low risk	Private Woodlots	Low risk
Crown License	Low risk						
Industrial Private Land	Low risk						
Private Woodlots	Low risk						

Principle 2 – Feedstock sourcing does not harm the environment

Criterion 2.1 – Biodiversity is maintained or enhanced

<p>2.1.1</p>	<p>Key species, habitats, ecosystems, and areas of high conservation value (HCV) pertaining to biodiversity in the Supply Base shall be identified.</p>
<p><i>Findings</i></p>	<p>Scale of assessment Provincial</p> <p>Analysis Biodiversity is defined as the variety of natural processes that maintain ecosystems, genes, and species on earth. Biodiversity is not measurable. Due to its complexity, the most effective way to assess biodiversity maintenance or enhancement is through proxies. In Criterion 2.1, the associated Indicators—2.1.1 Key Eco/HCV Identified, 2.1.2 Key Eco/HCV Threats ID & eval, 2.1.3 Key Eco/HCV Maintained or Enhanced—use key species, habitats, ecosystems, and areas of high conservation value (HCV) as proxies for sustaining biological richness. Criterion 2.1 is a nested hierarchy that evaluate sustenance at two scales.</p> <p><u>Landscape-level Biodiversity Values (Coarse scale)</u> Key components of landscape-level biodiversity values include forests that contain concentrations of biological diversity and critical habitat for wide-ranging species. As well as large landscape-level ecosystems (>5,000 ha) and/or Intact Forest Landscapes (> 50,000 ha).</p> <p><u>Stand-level Biodiversity Values (Medium/Fine Scale)</u> Key components of stand-level biodiversity values include forests that contain concentrations of critical habitat for species with relatively small home ranges, rare, threatened and endangered (RTE) ecosystems and key habitat attributes. Key habitat attributes provide structures that sustain forest dwelling species such as large live and dead trees, large coarse woody debris, and complex stand structure. The scope of Indicator 2.1.1 Key Eco/HCV Identified—assesses whether the biodiversity values are identified. Indicator 2.1.1 is assessed at the provincial level. Indicator 2.1.2 Key Eco/HCV Threats ID & Eval—assesses whether, once identified, appropriate actions are being taken to identify and evaluate threats/impacts that may compromise biodiversity values. Indicator 2.1.2 is assessed at the provincial level. Indicator 2.1.3 Key Eco/HCV Maintained or Enhanced—assesses whether identified threats/impacts are mitigated, and biodiversity values are maintained or enhanced. Indicator 2.1.3 is assessed at the sub-scope level: Crown license, industrial private land and private woodlot.</p> <p>Resource-based activities can have a negative impact on functioning ecosystems, species and genetic diversity, and habitat protection. Harvesting disturbance, the direct and indirect effects associated with access, and the loss, fragmentation or degradation of ecosystems and/or habitats can influence the abundance and distribution of biodiversity values.</p> <p><u>Landscape-level Biodiversity Values (Coarse scale)</u> <u>Federal</u></p> <ul style="list-style-type: none"> • Species at Risk Act (SARA) • Migratory Birds Convention Act (MCBA) • Fisheries Act

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- Canada National Parks Act

Provincial

- Parks Act
- Protected Natural Areas Act
- Conservation Easement Act

Stand-level Biodiversity Values (Medium/Fine Scale)

Federal

- Species at Risk Act
- Migratory Birds Convention Act
- Fisheries Act

Provincial

- Species at Risk Act (NB SARA)
- Crown Lands and Forests Act (CLFA)
- Fish and Wildlife Act
- Protected Natural Areas Act
- Parks Act
- Conservation Easement Act

Enforcement and monitoring

Landscape-level Biodiversity Values (Coarse scale)

At the federal level, the Species at Risk Act (SARA) enables the federal government to identify species at risk (SAR). The federal SARA is jointly implemented through:

- Environment and Climate Change Canada (ECCC) for overall coordination of SARA as well as Migratory Birds Convention Act (MBCA) for migratory bird SAR;
- Fisheries and Oceans Canada (DFO) for aquatic SAR;
- Parks Canada for SAR in national parks and historic sites.

Species assessments are made by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC), a committee of wildlife experts. COSEWIC makes its list public and forwards it to Canadian Endangered Species Conservation Council along with a rationale for each designation. The Council determines and coordinates the most effective response actions. The MBCA includes a Schedule 1 to identify and list key species which overlaps with the SAR list. ECCC officially identifies and maintains the SAR Public Registry for identified species that fall under SARA.

At the provincial level, for wide ranging species at risk, New Brunswick (NB) Species at Risk Act (NB SARA), enables the Department of Natural Resources and Energy Development (DNRED) to identify and maintain the NB Species at Risk Registry. The Registry is updated twice annually. The Atlantic Canada Conservation Data Centre (ACDC) provides DNRED with all known georeferenced locations for SARA species and the ACDC data are used for conservation planning by DNRED. National parks, provincial parks, and protected areas identified in NB provide for conservation of biological diversity and ecosystem services for large landscapes. These parks and protected areas vary in size and conservation values.

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At the federal level, national parks, under the Canada National Parks Act, are the conservation tool used to conserve large landscapes and habitat of species at risk. The federal government under SARA uses multi-species recovery planning to protect species at risk and associated ecosystems within the national parks. The protected areas on provincial and federal Crown lands in NB include Protected Natural Areas (PNAs), Nature Legacy protected areas, parks and National Wildlife Areas. DNRED is responsible for the selection of protected natural areas under the Protected Natural Areas Act. The purpose of the Act is “to protect the biological diversity of fauna and flora within the province.” Under the NB Nature Legacy Initiative additional protected areas have been established since 2019. Global Forest Watch completes analysis and produces publicly available maps that spatially identify Intact Forest Landscapes globally, including the province of NB.

Stand-level Biodiversity Values (Medium/Fine Scale)

Much of the legislation and implementation mechanisms described in landscape-level biodiversity values above are applicable to stand-level biodiversity values identification. At the provincial level, for species at risk with small home ranges, DNRED identifies and maintains the NB Species at Risk Registry, enabled by the NB SARA. The Registry is updated twice annually.

The ACCDC lists and ranks ecosystems that occur in the Atlantic Provinces and assess status rank according to risk level and threats and map known occurrences. ACCDC use NatureServe ranking protocols to rank rare, threatened and endangered (RTE) ecosystems globally and provincially. Key habitat attributes provide structures that are needed to sustain forest dwelling species and biodiversity at the stand level. Key habitat attributes can include large live and dead trees and large coarse woody debris. These attributes accumulate as forests age such that the full suite of attributes and complex forest structure are present in old forests. DNRED’s Old Forest Community and Old Forest Wildlife Habitat Definitions document defines the key habitat attributes and old forests to be retained at the stand level in the target stands. DNRED identifies old forest stand types (communities) and stand structural attributes for old forests. DNRED spatially identifies target stands meeting these definitions that are to be retained.

Much of the listed federal and provincial oversight is applicable for both landscape- level and stand-level biodiversity values. At the federal level, COSEWIC oversees SARA species, critical habitats and updates SARA listings annually. DFO oversees the Fisheries Act, ECCC oversees the MBCA, and Parks Canada oversees the Canada National Parks Act. At the provincial level, DNRED oversees the species at risk including the Federal SARA, and NB Species at Risk Act. ACCDC oversees the RTE ecosystems. ACCDC is a jointly funded registry for all Atlantic provinces. DNRED oversees the protected natural areas and nature legacy areas under the Protected Natural Areas Act. DNRED under the Crown Lands and Forests Act oversees forest planning and practices related to conservation of identified biodiversity values. Global Forest Watch is responsible for oversight of Intact Forest Landscapes identification process.

Landscape-level Biodiversity Values (Coarse scale)

ECCC SAR Registry identifies most current species at risk for each province. ECCC publishes the SAR Public Registry annually. COSEWIC produces species assessment reports and candidacy evaluations for inclusion in SARA. The Canadian Endangered Species Conservation Council publishes the General Status of Species of Canada report every five years. ECCC MBCA Schedule 1 identifies migratory bird species at risk requiring protection under the MBCA. ACCDC identifies provincially listed species at risk, including SARA federally listed species. Lists are updated annually and publicly available on-line with a mapping tool. NB SAR are also listed in the NB Registry. There are no wide-ranging species at risk identified in the NB Species at Risk registry. The Canada Lynx is identified as a species of special concern.

With regards to large landscapes, the protected area in federal and provincial land includes national and provincial parks, Protected Natural Areas and Nature Legacy Areas. DNRED Protected Areas website indicates 822,000 hectares (10%) of land and fresh water are protected. The spatial delineation and actual hectares for each of the protected areas is available on DNRED’s website. Global Forest Watch’s most current report (2022) indicates there are no areas that meet the 50,000 ha threshold for Intact Forest Landscapes in NB.

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	<p><u>Stand-level Biodiversity Values (Medium/Fine Scale)</u></p> <p>Some of the above discussed results in landscape-level biodiversity values are applicable to stand-level biodiversity values identification. ACCDC identifies provincially listed <u>species at risk</u> and hosts records of observations. The data are georeferenced and contain records describing the sightings. The NB Registry maintains the list of <u>species at risk</u>, as well as species of special concern. ACCDC and NatureServe rank globally and provincially threatened ecosystems in NB. The current list of provincially identified <u>RTE ecosystems</u> for listing with the ACCDC, is posted on the ACCDC website. <u>RTE ecosystems</u> are not georeferenced. Old Forest Community and Old Forest Wildlife Habitat Definitions documents define the <u>key habitat attributes</u> and old forests requirements to be retained at the stand level in the target stands. DNRED identifies old forest stand types (communities) and stand structural attributes for old growth forests. DNRED spatially identifies target stands meeting these definitions and retains them from harvest.</p> <p>Risk conclusion and justification</p> <p>There is a comprehensive federal and provincial regulatory framework with appropriate protocols and experts to identify landscape-level and stand-level biodiversity values. Government agencies, both at the federal and provincial level, are responsible for the process of identification, including the determination of the presence of relevant biodiversity values at the landscape-level or the stand-level. Government agencies provide oversight for the identification determination, as well as appropriate monitoring and/or adaptive management to adjust protocols, listings and/or presence. Government websites and resources include listing, reports, analysis, and spatial information (subject to confidentiality) demonstrating that landscape-level and stand-level biodiversity values such as key species, habitats, ecosystems, and areas of high conservation value are identified. Based on evidence reviewed, this Indicator is designated as low risk at the provincial level in New Brunswick.</p>
<p><i>Means of verification</i></p>	<ul style="list-style-type: none"> • SAR Public Registry – SARA listed species, critical habitat & recovery plans • ACCDC Species at Risk and ecosystem lists • National and Provincial Parks boundary maps • Protected areas boundary maps and protection measures • Global Forest Watch Intact Forest Landscape statistics and mapping • NB Ecological classification system • GeoNB map viewer – GIS data, shapefiles and/or maps (static and interactive)
<p><i>Evidence reviewed</i></p>	<p><u>International</u></p> <ul style="list-style-type: none"> • Global Forest Watch • HCV Resource Network • HCV Resource Network Common Guidance for the Identification of High Conservation Values. • Intact Forest Landscapes, map • IUCN Globally Threatened Ecosystems • Nature Serve Canada • NatureServe Conservation Status categories • Shape of Nature Globally threatened ecosystems <p><u>Federal</u></p> <ul style="list-style-type: none"> • 2020 Wild Species Report

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	<ul style="list-style-type: none"> • Canada National Parks Act • Environment and Climate Change Canada • Fisheries Act • Migratory Birds Convention Act • Species at Risk Act • Species at Risk Public Registry <p>Provincial</p> <ul style="list-style-type: none"> • Conservation Easement Act • Crown Lands and Forests Act • DNRED. Licensee Performance Evaluation 2007-2012. • Department of Natural Resources and Energy Development Old Forest Communities and Old Forest Wildlife Habitat Definitions. 2013. • Fish and Wildlife Act • Forest Management Manual for New Brunswick Crown Lands Results-Based Forestry Option • NB Species at Risk Act • NB Species at Risk Public Registry • New Brunswick achieves protected area target • Parks Act • Protected Natural Areas Act • Old-forest Thresholds for New Brunswick’s Crown Forest 2012 • Licensee Performance Evaluation. Forest Management Agreement Schedule G • – Performance Evaluation Criteria <p>Other</p> <ul style="list-style-type: none"> • Atlantic Canada Conservation Data Centre • East Coast Environmental Law
<i>Risk rating</i>	Provincial Low risk
2.1.2	Threats to and impacts on the identified key species, habitats, ecosystems, and areas of high conservation value (HCV) pertaining to biodiversity in the Supply Base shall be identified and evaluated.
<i>Findings</i>	<p>Scale of assessment</p> <p>Provincial</p> <p>Analysis</p>

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See Indicator 2.1.1 Key Eco/HCV Identified context for the description of Criterion 2.1 and the two scales of biodiversity values. Indicator 2.1.1 Key Eco/HCV Identified—assesses whether the biodiversity values are identified. Indicator 2.1.1 is assessed at the provincial level. The scope of Indicator 2.1.2 Key Eco/HCV Threats ID & Eval—assesses whether, once identified, appropriate actions are being taken to identify and evaluate threats/impacts that may compromise biodiversity values. Indicator 2.1.2 is assessed at the provincial level. Indicator 2.1.3 – Key Eco/HCV Maintained or Enhanced—assesses whether identified threats/impacts are mitigated, and biodiversity values are maintained or enhanced. Indicator 2.1.3 is assessed at the sub-scope level: Crown license, industrial private land and private woodlot.

Resource-based activities can have a negative impact on functioning ecosystems, species and genetic diversity, and habitat protection. Harvesting disturbance, the direct and indirect effects associated with access, and the loss, fragmentation or degradation of ecosystems and/or habitats can influence the abundance and distribution of biodiversity values.

Landscape-level Biodiversity Values (Coarse Scale)

Federal

- Species at Risk Act (SARA)
- Migratory Birds Convention Act
- Fisheries Act
- Canada National Parks Act

Provincial

- Parks Act
- Protected Natural Areas Act
- Conservation Easement Act

Stand-level Biodiversity Values (Medium/Fine Scale)

Federal

- Species at Risk Act (SARA)
- Migratory Birds Convention Act
- Fisheries Act

Provincial

- Species at Risk Act (NB SARA)
- Crown Lands and Forests Act (CLFA)
- Fish and Wildlife Act
- Protected Natural Areas Act
- Parks Act
- Conservation Easement Act

Enforcement and monitoring

Landscape-level Biodiversity Values (Coarse Scale)

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At the federal level, the Species at Risk Act (SARA) enables the federal government to identify threats to and impacts on species at risk (SAR) persistence and develop recovery/conservation plans to mitigate threats to species habitat and associated ecosystems.

The federal SARA is jointly implemented through:

- Environment and Climate Change Canada (ECCC) for overall coordination of SARA as well as Migratory Birds Convention Act (MBCA) for migratory bird SAR;
- Fisheries and Oceans Canada (DFO) for aquatic SAR;
- Parks Canada for SAR in national parks and historic sites.

The Committee of the Status of Endangered Wildlife in Canada (COSEWIC), under ECCC, identifies threats and impact evaluations for federal SAR Registry. The processes include threat evaluations for populations and habitats including forest management threats. The MBCA provides legislation that enables assessment and protection of threats to and impacts on the persistence of migratory birds and the bird habitats. The MBCA includes a Schedule 1 list of key species which overlaps with the SAR list. ECCC and Department of Natural Resources and Energy Development (DNRED) collaborate under an agreed framework, National Accord for the Protection of Species at Risk (1996), to ensure a coordinated and focused approach to the delivery of species at risk recovery in the province. This framework supports the development and implementation of recovery plans, strategies, and management plans to maintain and enhance federal and provincial listed species and ecosystems. Recovery planning includes threat assessment and identification of critical habitat.

At the provincial level, the New Brunswick (NB) Species at Risk Act (SARA) enables DNRED to conduct threat and impact evaluation for wide ranging species at risk. The process includes threat evaluations for populations and habitats and to prepare and implement recovery plans. The Atlantic Canada Conservation Data Centre (ACCDC) provides DNRED with all known georeferenced locations for SARA species and the ACCDC data are used for conservation planning by DNRED. National parks, provincial parks and protected areas in NB are selected to conserve large landscapes. This process evaluates landscapes for concentrations of unique ecological features and rare/charismatic ecosystems that may be threatened by urban and resource development. Global Forest Watch provides evaluation of change detection over time and an assessment of fragmentation threats of Intact Forest Landscapes.

Stand-level Biodiversity Values (Medium/Fine Scale)

Much of the federal and provincial legislation and implementation mechanisms described in landscape-level biodiversity values above are applicable for the evaluation of threats and impacts of stand-level biodiversity values. The ACCDC, with assistance from DNRED, assesses threats to RTE ecosystems as part of the threatened ecosystems listing process.

At the provincial level, DNRED evaluates threats to species at risk with small home range under the NB Species at Risk Act. Threats to key habitat attributes and old forests have been evaluated by DNRED. Requirements to mitigate the threats are provided in the following two documents: Old Forest Community and Old Forest Wildlife Habitat Definitions.

Much of the listed federal and provincial oversight is applicable for both landscape-level and stand-level biodiversity values. At the federal level, COSEWIC oversees SARA species, critical habitats and updates SARA listings annually. DFO oversees the Fisheries Act, ECCC oversees the MBCA, and Parks Canada oversees the Canada National Parks Act. At the provincial level, DNRED oversees the species at risk including the Federal SARA, and NB Species at Risk Act. ACCDC oversees the RTE ecosystems. ACCDC is a jointly funded registry for all Atlantic provinces. DNRED oversees the protected natural areas and nature legacy areas under the Protected Natural Areas Act. DNRED under the Crown Lands and Forests Act oversees forest planning and practices related to threats to biodiversity values. Global Forest Watch is responsible for oversight on the evaluation of threats and impacts to Intact Forest Landscapes.

Threats to and impact on biodiversity values include the loss, fragmentation or degradation of ecosystems and/or habitats.

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	<p><u>Landscape-level Biodiversity Values (Coarse Scale)</u></p> <p>ECCC SAR Registry provide listed species descriptions that include threat evaluations along with species distribution, biology, population size, and protection requirements for <u>species at risk</u>. COSEWIC produces species assessments with evaluations of threats to persistence for consideration in SAR ranking decisions. ECCC MBCA Schedule 1 identifies migratory birds with threats to species persistence. The threats for listed birds, eggs, and nests and avoidance are detailed in the MBCA. The Canadian Wildlife Service, a branch of ECCC, provides guidelines, best management practices, and enforcement to address identified threats to nesting birds and eggs.</p> <p>Federal SAR and provincial ACCDC listed species recovery plans identify critical habitat for inclusion in threat evaluations. The NB Registry lists both endangered species requiring recovery strategies and species of special concern requiring management plans. Recovery plan development progress for all listed species is available in the NB Registry. Recovery plans with critical habitat identification have not been completed for all species. There are no <u>wide-ranging species at risk</u> identified in the NB Species at Risk registry. In 2023, the Canada Lynx was removed from the endangered list and is now considered a species of special concern with concern about population size. National parks, provincial parks and protected areas in NB are selected to conserve <u>large landscapes</u> that include unique ecosystems that may be threatened by urban and resource development. Global Forest Watch’s current report (2022) indicates there are no areas that meet the 50,000 ha threshold for <u>Intact Forest Landscapes</u> in NB.</p> <p><u>Stand-level Biodiversity Values (Medium/Fine Scale)</u></p> <p>Some of the above discussed results in landscape-level biodiversity values are applicable to stand-level biodiversity values threats evaluation. The NB Registry lists <u>species at risk</u> and the status of the threat/impact evaluations for those species. Not all species listed are forest related, some are aquatic and oceanic. The forest species listed are small home range species at risk. All listed species progress is available in the NB Registry. The ACCDC lists <u>RTE ecosystems</u> and threat evaluations for NB. ACCDC website includes over one million georeferenced records of observations of SAR in the Atlantic provinces. SAR location submissions are voluntary. Threats to <u>key habitat attributes</u> and old forests have been evaluated by DNRED. Requirements to mitigate the threats are provided in the following two documents: Old Forest Community and Old Forest Wildlife Habitat Definitions.</p> <p>Risk conclusion and justification</p> <p>There is a comprehensive federal and provincial regulatory framework with appropriate protocols and experts to identify and evaluate threats to and impacts on landscape-level and stand-level biodiversity values. Government agencies, both at the federal and provincial level, are responsible for the process of threats/impact evaluation and subsequent reporting for identified biodiversity values. Government agencies provide oversight for the threats/impact evaluation process, as well as appropriate monitoring and/or adaptive management to adjust threats/impact evaluations or resulting mitigation measures. Government websites and resources include listing, reports, analysis, recovery plans and spatial information (subject to confidentiality) demonstrating that landscape-level and stand-level biodiversity values such as key species, habitats, ecosystems, and areas of high conservation value have been evaluated or are in the process of being evaluated for threats to and impacts on identified biodiversity values. Based on evidence reviewed, this Indicator is designated as low risk at the provincial level in New Brunswick.</p>
<p><i>Means of verification</i></p>	<ul style="list-style-type: none"> • SAR Public Registry – SARA listed species, critical habitat & recovery plans • ACCDC Species at Risk and ecosystem lists • National and Provincial Parks boundary maps • Protected areas boundary maps and protection measures • Global Forest Watch Intact Forest Landscape statistics and mapping • NB Ecological classification system

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	<ul style="list-style-type: none">• GeoNB map viewer – GIS data, shapefiles and/or maps (static and interactive)
<i>Evidence reviewed</i>	<p><u>International</u></p> <ul style="list-style-type: none">• Global Forest Watch• HCV Resource Network• HCV Resource Network Common Guidance for the Identification of High Conservation Values.• Intact Forest Landscapes, map• IUCN Globally Threatened Ecosystems• Nature Serve Canada• NatureServe Conservation Status categories• Shape of Nature Globally threatened ecosystems <p><u>Federal</u></p> <ul style="list-style-type: none">• 2020 Wild Species Report• Canada National Parks Act• Environment and Climate Change Canada• Fisheries Act• Migratory Birds Convention Act• Species at Risk Act• Species at Risk Public Registry <p><u>Provincial</u></p> <ul style="list-style-type: none">• Conservation Easement Act• Crown Lands and Forests Act• DNRED. Licensee Performance Evaluation 2007-2012.• Department of Natural Resources and Energy Development Old Forest Communities and Old Forest Wildlife Habitat Definitions. 2013.• Fish and Wildlife Act• Forest Management Manual for New Brunswick Crown Lands Results-Based Forestry Option• NB Species at Risk Act• NB Species at Risk Public Registry• New Brunswick achieves protected area target• Parks Act• Protected Natural Areas Act• Old-forest Thresholds for New Brunswick's Crown Forest 2012• Licensee Performance Evaluation. Forest Management Agreement Schedule G – Performance Evaluation Criteria

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	<p><u>Other</u></p> <ul style="list-style-type: none"> • Atlantic Canada Conservation Data Centre • East Coast Environmental Law
<i>Risk rating</i>	Provincial Low risk
2.1.3	Key species, habitats, ecosystems, and areas of high conservation value (HCV) pertaining to biodiversity in the Supply Base shall be maintained or enhanced.
<i>Findings</i>	<p>Scale of assessment</p> <p>Crown License Industrial Private Land Private Woodlots</p> <p>Analysis</p> <p>See Indicator 2.1.1 context for the description of Criterion 2.1 and the two scales of biodiversity values. Indicator 2.1.1 Key Eco/HCV Identified—assesses whether the biodiversity values are identified. Indicator 2.1.1 is assessed at the provincial level. The scope of Indicator 2.1.2 Key Eco/HCV Threats ID & Eval—assesses whether, once identified, appropriate actions are being taken to identify and evaluate threats/impacts that may compromise biodiversity values. Indicator 2.1.2 is assessed at the provincial level. Indicator 2.1.3 – Key Eco/HCV Maintained or Enhanced—assesses whether identified threats/impacts are mitigated, and biodiversity values are maintained or enhanced. Applying the results of Indicator 2.1.1 and 2.1.2, this Indicator is assessed at the operational (i.e. sub-scope) level: Crown license, industrial private land and private woodlot.</p> <p>Resource-based activities can have a negative impact on functioning ecosystems, species and genetic diversity, and habitat protection. Harvesting disturbance, the direct and indirect effects associated with access, and the loss, fragmentation or degradation of ecosystems and/or habitats can influence the abundance and distribution of biodiversity values.</p> <p><u>Federal</u></p> <ul style="list-style-type: none"> • Species at Risk Act (SARA) • Migratory Birds Convention Act • Fisheries Act • Canada National Parks Act <p><u>Provincial</u></p> <ul style="list-style-type: none"> • Species at Risk Act (NB SARA) • Crown Lands and Forests Act (CLFA) • Fish and Wildlife Act • Protected Natural Areas Act

- Parks Act
- Conservation Easement Act

Enforcement and monitoring

Provincial

Protection of large landscapes at the provincial level by the government of New Brunswick (NB) allow for the maintenance and enhancement of both landscape- level and stand-level biodiversity values within those protected areas. Protected areas, that include large landscapes, are spatially defined and excluded from Crown license, industrial private land and private woodlots management units. Intact Forest Landscapes, as per Global Forest Watch's 50,000 ha threshold do not exist in New Brunswick. This requirement is not applicable and not further evaluated.

Crown License

The Department of Natural Resources and Energy Development (DNRED) has authority to administer the Crown Lands and Forests Act (CLFA) which provides the regulatory framework for the development, utilisation, protection and integrated management of the resources of Crown lands, including terrestrial biodiversity values.

The CLFA requires a Forest Management Agreement (FMA) to have an approved Forest Management Plan (FMP) and an Annual Operating Plan (AOP). The Forest Management Manual for New Brunswick Crown Land (FMM) guides the goals and objectives that are to be included in the FMP and AOP. The FMM states that FMPs timber supply is the main objective of the forest area, with the remainder is described as conservation forest. FMM identifies habitat values for inclusion in the conservation forest and includes protected natural areas, old forest communities, old forest wildlife habitats, deer wintering areas site specific habitats (dens, nests, vernal pools), as well as wetland and watercourse buffers that are included in the FMP. The FMM sets area thresholds for 18 old forest communities and the distribution across seven ecoregions. DNRED provides mapping for conservation forest components that meet FMM thresholds.

The FMPs components related to maintenance and enhancement of identified terrestrial biodiversity values in conservation forests include:

- Where wide- ranging and local range species at risk with recovery plans exist on the licenced area, critical habitat is identified and recovery plan action requirements implemented against threats;
- Where Migratory Birds Convention Act (MBCA) Schedule 1 species exist on the licenced area, ensure no harvest practices harm birds, habitat, or eggs and nests;
- Include practices that maintain native vertebrate species defined by concentrations of key habitat attributes;
- Provide patches of old forest to maintain old forest dependent species with functional patches of key habitat attributes of old forest retained across each ecoregion using the 18 identifiable community types;
- Contribution to the provincial ecoregion targets to sustain at least 6-8% in old age classes (1980 inventory) of each forest community's total area;
- The full diversity of mature forest ecosystems will be represented in protected natural areas with minimum size patches of >10 ha;
- Forestry operations will ensure the associated functions of site-specific habitats (including rare species, bear dens, raptor nest sites, etc.) are maintained.

Some of the areas identified in the FMM, such as old forest communities, wildlife habitats and site-specific habitats, as well as deer winter yards can be harvested or partially harvested under specified conditions. The FMM specifies that Old Forest Communities and Old Forest Wildlife Habitats stands are allowed harvest conditional on the pre-harvest required structure remaining unaltered spatially or temporally.

The FMM does not specify rare, threatened and endangered (RTE) ecosystems as site-specific habitats. The Atlantic Canada Conservation Data Centre (ACCDC) lists RTE ecosystems for New Brunswick with rarity and conservation status rankings. DNRED uses the conservation forest protection elements as a proxy for RTE ecosystem maintenance and enhancement.

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The FMM has three terrestrial biodiversity value goals with five sub-objectives—old forest communities, protected natural areas, old forest wildlife habitats, deer wintering areas and site-specific habitats. The FMM states that these goals are key performance indicators (KPIs) aspects of forest management. KPIs are included in the FMA Schedule G and assessed in the five-year performance review. The Old Forest Community and Old-forest Wildlife Habitats Definitions for New Brunswick 2012 and Old-forest Thresholds for New Brunswick’s Crown Forests (2017) are supporting documents to the FMM. These documents define key habitat attributes to be retained at the stand level in the target stands. DNRED spatially identifies target stands meeting these definitions and retains them from harvest.

Conservation Forests are areas set aside to meet threats to terrestrial biodiversity, water quality, aquatic ecosystem and recreational objectives in the FMM. Old Forests selected for inclusion in the Conservation Forest are negotiated between licensee and government in FMP process.

Industrial Private Land and Private Woodlots

As of March 2024, there is no publicly available information describing the implementation mechanisms for managing the suite of landscape-level and stand-level biodiversity values applicable on industrial private land and private woodlots.

Federal

The Committee of the Status of Endangered Wildlife in Canada (COSEWIC) oversees Species at Risk Act (SARA) species, critical habitats and updates SARA listings annually. Fisheries and Oceans Canada (DFO) oversees the Fisheries Act, Environment and Climate Change Canada (ECCC) oversees the MBCA, and Parks Canada oversees the National Parks Act. The ACCDC has oversight on identification, ranking, and listing of ecosystems in Atlantic provinces.

Provincial

DNRED maintains the NB Species at Risk Registry and provides oversight for the NB Species at Risk Act.

Crown License

DNRED reviews and approves Crown licensees’ FMPs and AOPs. DNRED assesses Crown licensees’ performance and compliance. Licensee performance is assessed using measurable indicators, and if non-compliance is found during field checks, a Compliance Action Plan can be required. Crown license thresholds are developed and agreed upon through a consultative process between industry and DNRED and are found in the License Performance Criteria, Schedule G of the FMA. There are five KPIs in Schedule G associated with terrestrial biodiversity— old forest communities, protected natural areas, old forest wildlife habitats, deer wintering areas and site-specific habitats. DNRED checks compliance with criteria, rules and regulations outlined in the FMM, which includes compliance with BMPs.

Industrial Private Land and Private Woodlots

Owners of industrial private land and private woodlots are responsible for the oversight of operations. As of March 2024, there is no publicly available information describing an oversight and/or monitoring framework for landscape-level and stand-level biodiversity values on industrial private land and private woodlots.

Other

Global Forest Watch is responsible for the oversight of Intact Forest Landscapes.

Provincial

As described in Indicator 2.1.2 Key Eco/HCV Threats ID & Eval, although the NB Species at Risk Registry lists species at risk, recovery plans with critical habitat identification have not been completed or fully implemented. Protection of large landscapes at the provincial level by the government of New Brunswick allow for the maintenance and enhancement of biodiversity values at both landscape-level and stand-level. Protected areas, that include large landscapes, are spatially defined and excluded from Crown license, industrial private land and private woodlots management units. Intact Forest Landscapes, as per Global Forest Watch’s 50,000 ha threshold do not exist in New Brunswick.

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Crown License

There are no wide-ranging species at risk identified in the NB Species at Risk registry. RTE ecosystems are listed with ACCDC but not specifically recognised in stand level planning. Crown License Schedule G audit key performance biodiversity indicators do not mention threats to RTE ecosystems. FMPs state total area and percentage of conservation forest with no breakdown of components or itemisation of RTE ecosystem area protected. DNRED define the key habitat attributes and old forests requirements to be retained at the stand level in the target stands. DNRED identifies six old forest stand types (communities) and 22 stand structural attributes for old forests that are threatened by forest management and are to be included as stand level components of the Conservation Forests. DNRED spatially identifies target stands meeting these definitions and retains them from harvest.

A review of a sample of the Crown license FMPs available identified old forest types in the conservation forest. The intent of the conservation forest is to represent the full range of old forest conditions (14 identifiable communities) distributed across all seven NB Ecoregions. The FMPs provided the total area and percentage of conservation forest with no breakdown of components or itemisation of old forest area protected. Protected natural areas contributes to the rare old forest habitat. In consultation with DNRED, the Crown licensee determines license level threats to old forests and determines what proportion of the Provincial ecoregion targets are to be met by the licensee. The negotiated old forests areas are included in the conservation forest and identified in the FMP. Old forests designations are approved by DNRED and reviewed every five years. DNRED's assessment of Crown licensee FMP performance summary from 2019 to 2024 evaluates percentage conformity with FMM key performance indicators. Between 2019 – 2024 over 36,000 inspections for all KPIs have been completed.

The following KPIs were included in the inspections: old forest community, protected natural areas, old forest wildlife habitat, deer wintering area, and site- specific habitat. The results for the terrestrial biodiversity KPIs ranged from 83- 100% conformity with targets.

Industrial Private Land and Private Woodlots

As of March 2024, there are no publicly available results to verify the current condition of the maintenance of landscape-level and stand-level biodiversity values on industrial private land and private woodlots.

Risk conclusion and justification

Provincial

Biodiversity is a complex issue; it contains elements both at the landscape-level and stand-level, and sufficiency of maintenance or enhancement is difficult to evaluate within a risk assessment process. Indicator 2.1.3 Key Eco/HCV Maintained or Enhanced is focused on how effectively threats to key species, habitats, ecosystems and areas of high conservation value are mitigated to maintain or enhance biodiversity values. In most cases, mitigation results from some level of protection or permanence of sustenance. The federal and provincial regulatory framework governing the management and maintenance of biodiversity values is extensive. Legislative requirements, controls and guidance are in place to provide protection and/or allow the implementation of practices that maintain or enhance both landscape-level and stand-level biodiversity values. It should be noted that this risk assessment does not evaluate the sufficiency of the regulatory framework but evaluates its implementation for the elements of biodiversity values that are in place (See Indicator 2.1.1 Key Eco/HCV Identified Context section for details.)

Crown License

The Crown licensees' FMP, and subsequent operational plans are the primary implementation mechanism of legislation related the management and maintenance of biodiversity values. In evaluating implementation mechanisms there are sections where FMP guidance is to "retain" or "maintain" or "recruit" specific elements without specific targets set in legislation or strategic level guidance. Without legislative direction or government guidance (i.e., target area, percent target or minimum requirements), there is uncertainty about the sufficiency/uniformity of implementation vis-a-vis maintenance and enhancement of biodiversity values across diverse Crown licenses. Government

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programs provide oversight and monitor regulatory planning and practices for biodiversity values. There is no indication of widespread or systemic legal non-compliance. However, government oversight is focused on legal compliance with legislation for biodiversity values but not on sufficiency relative to the maintenance and enhancement of biodiversity values. This reinforces uncertainty with respect to sufficiency/uniformity of implementation across diverse Crown licenses. The New Brunswick government and other organisations have, and continue to, assess the maintenance and enhancement of landscape-level and stand-level biodiversity values. There are many assessments and reports covering different spatial and temporal scales. The results of this data, assessments, and reports are wide and varied, making it difficult to provide a definitive conclusion. Based on the extensive results, this risk assessment is unable to draw a sufficiency conclusion on the maintenance or enhancement of specific biodiversity values.

This risk assessment does identify areas of uncertainty. In the evaluation of Crown land, the most evident areas of uncertainty for the maintenance of biodiversity values are related the following:

- SAR recovery plans and critical habitat for identified species-at-risk are at various stages of completion;
- RTE ecosystems are not recognised at the stand level; and
- Derivation of FMP/license-level old forest targets, no guidance on minimum protection levels or expected contribution to provincial ecoregion targets, decision negotiated with tenure holder, only total area reported not by ecoregion or proportion of available old forest.

Based on evidence reviewed and applying the precautionary approach, this Indicator is designated as specified risk for Crown license in New Brunswick.

Industrial Private Land and Private Woodlots

There is an extensive federal and provincial regulatory framework governing biodiversity values. On industrial private land and private woodlots, due to a lack of evidence to support implementation mechanisms, a monitoring framework and/or results of current condition of the maintenance of landscape-level and stand-level biodiversity values, and a precautionary approach is applied. As such, this Indicator is designated as specified risk for industrial private land and private woodlots in New Brunswick.

Biodiversity Values – Maintained / Enhanced		Crown License	Industrial Private Land	Private Woodlots
Landscape Level	SAR – wide-ranging / regionally significant	S	S	S
	Large landscape	L	L	L
	Intact Forest Landscapes	N/A	N/A	N/A
Stand Level	SAR – local / endemic	S	S	S
	RTE Ecosystems	S	S	S
	Key Habitat Attributes & Old Forests	S	S	S

Means of verification

- SAR Public Registry – SARA listed species, critical habitat & recovery plans
- ACCDC Species at Risk and ecosystem lists
- National and Provincial Parks boundary maps
- Protected areas boundary maps and protection measures
- Global Forest Watch Intact Forest Landscape statistics and mapping

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	<ul style="list-style-type: none"> • NB Ecological classification system • GeoNB map viewer – GIS data, shapefiles and/or maps (static and interactive) 						
<i>Evidence reviewed</i>	<p><u>International</u></p> <ul style="list-style-type: none"> • Global Forest Watch • HCV Resource Network • HCV Resource Network Common Guidance for the Identification of High Conservation Values. • Intact Forest Landscapes, map • IUCN Globally Threatened Ecosystems • Nature Serve Canada • NatureServe Conservation Status categories • Shape of Nature Globally threatened ecosystems <p><u>Federal</u></p> <ul style="list-style-type: none"> • 2020 Wild Species Report • Canada National Parks Act • Environment and Climate Change Canada • Fisheries Act • Migratory Birds Convention Act • Species at Risk Act • Species at Risk Public Registry <p><u>Provincial</u></p> <ul style="list-style-type: none"> • Conservation Easement Act • Crown Lands and Forests Act • DNRED. Licensee Performance Evaluation 2007-2012. • Department of Natural Resources and Energy Development Old Forest Communities and Old Forest Wildlife Habitat Definitions. 2013. • Fish and Wildlife Act 						
<i>Risk rating</i>	<table> <tr> <td>Crown License</td> <td>Specified risk</td> </tr> <tr> <td>Industrial Private Land</td> <td>Specified risk</td> </tr> <tr> <td>Private Woodlots</td> <td>Specified risk</td> </tr> </table>	Crown License	Specified risk	Industrial Private Land	Specified risk	Private Woodlots	Specified risk
Crown License	Specified risk						
Industrial Private Land	Specified risk						
Private Woodlots	Specified risk						

Criterion 2.2 – Ecosystem productivity, functions, and services are maintained or enhanced

<p>2.2.1</p>	<p>Feedstock shall not be sourced from land that had one of the following statuses in January 2008 and no longer has that status due to land conversion: a. Forests; b. Wetlands; c. Peatlands; d. Highly biodiverse grasslands</p>
<p><i>Findings</i></p>	<p>Scale of assessment Crown License Industrial Private Land Private Woodlots</p> <p>Analysis The Sustainable Biomass Program (SBP) glossary defines:</p> <ul style="list-style-type: none"> • Conversion as “the process of changing or causing something to change from one form to another form.” • Deforestation as “the conversion of forest to another land use or the long- term reduction of tree canopy cover below the 10% threshold.” • Afforestation as “the conversion from other land uses into forest, or the increase of the canopy cover to above the 10% threshold.” <p>The focus of evaluation for this Indicator is on land classified as forest. The SBP glossary defines forest as “land spanning more than 0.5 hectares with trees higher than 5 meters and a canopy cover of more than 10 percent, or trees able to reach these thresholds in situ. It does not include land that is predominantly under agricultural or urban land use.” Deforestation encompasses permanent conversion of forest to non-forest as a result of any anthropogenic-caused change in land use. Therefore, timber harvesting followed by re-establishment of forest tree cover is not deforestation. In Canada, the industrial groups contributing to deforestation include agriculture, built-up, forestry roads, hydro & hydro lines, mines, oil & gas, and transportation. The forestry industrial group has forest management type tenures. The other industry sectors (i.e., agriculture, built-up, hydro & hydro lines, mines, oil & gas, and transportation), do not have forest management tenures.</p> <p>Wetlands, peatlands, and grasslands ecosystems are not included in the evaluation of this Indicator because:</p> <ul style="list-style-type: none"> • Wetlands, peatlands, and grasslands within forested ecosystems are excluded from the timber harvesting land base and subsequently not harvested. • Afforestation of wetlands, peatlands, and grasslands does not occur. • Wetlands, peatlands, and grasslands ecosystems are unique habitats that have been identified as having relatively high carbon stocks. The carbon and climate impacts of land use change are described in the Indicators in Principle 3 – Feedstock is Only Sourced From Supply Basis Where the Forest Carbon Stock is Stable or Increasing Long Term. <p>Details on the management of wetlands and peatlands ecosystems are provided in Indicator 2.2.5 Water Quality/Quantify Maintained or Enhanced. Negative impacts of conversion include deforestation, fragmentation, altered or degraded habitat and ecosystems, reduced productive forest areas, and increased carbon emissions.</p> <p><u>Crown License</u></p> <ul style="list-style-type: none"> • Crown Lands and Forests Act <p><u>Industrial Private Land and Private Woodlots</u></p> <p>There is no regulatory framework to prevent the conversion of forests on industrial private land and private woodlots.</p> <p>Enforcement and monitoring</p>

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Federal

The National Deforestation Monitoring System report areas affected by deforestation annually. The System was developed to fulfil Canada’s obligation under the United Nations Framework Convention on Climate Change. The System monitors deforestation activities using a sample of spatial cells to estimate areas of deforestation and then scale to national level. Satellite-based monitoring systems distinguish deforestation from other types of temporary forest cover loss (i.e., forest harvest, wildfires, insect damage). Deforestation estimates are attributed to specific industrial groups including agriculture, built-up, forestry roads, hydro & hydro lines, mines, oil & gas, and transportation. Deforestation in the forestry roads industrial group category is specific to new permanent forestry roads and any other large permanent clearings.

Crown License

The Crown Lands and Forests Act (CLFA) administered by the New Brunswick Department of Natural Resources and Energy Development (DNRED) requires all Crown licensees with forest management tenures to reforest following harvesting. Reforestation obligations are identified in individual Forest Management Plans (FMPs), as per Schedule G, which outlines Forest Management Manual for New Brunswick Crown Land (FMM) requirements. Crown licensees are responsible for developing a harvest and silviculture strategy aligned with FMM objectives. Licensees prepare Annual Operating Plans (AOPs) that are submitted to DNRED each spring, prior to the start of forest operations. Silviculture plans (including tree planting) are submitted as part of the AOP. Under CLFA, Crown licensees are allowed to convert forest to non-forest during the construction of permanent roads, landings, and infrastructure required for operations. The FMM details requirements. FMPs and AOPs detail Crown licensees’ practices.

On Crown land for the industry sectors that do not have forest management type tenures (i.e., agriculture, built-up, hydro & hydro lines, mines, oil & gas, and transportation), there is applicable legislation that does not restrict conversion. There are multiple government departments responsible for reviewing and approving projects, and variable permit-specific revegetation obligations. Land-use altering permits are for agriculture, built-up, hydro & hydro lines, mines, oil & gas, and transportation industry sectors. Once the land-use altering permits have expired, reclamation, remediation, or restoration requirements may be a condition of the permitted area to be released from the permit holder. As of March 2024, there is no publicly available information describing implementation mechanisms that prevents the conversion of forests for sectors operating on Crown land that do not have forest management type tenures.

Industrial Private Land and Private Woodlots

As of March 2024, there is no publicly available information describing implementation mechanisms that prevents the conversion of forests on industrial private land and private woodlots. Conversion is implemented at the landowner’s discretion.

Federal

Deforestation is monitored by the federal government as part of Canada’s national reporting on greenhouse gas (GHG) emissions. Natural Resources Canada is responsible for monitoring and reporting deforestation. Since 1990, the National Deforestation Monitoring System tracks deforestation area by industrial sector across Canada annually.

Crown License

DNRED is responsible for the oversight of reforestation obligations of Crown licensees. Performance of licensees is assessed with measurable indicators and can require a Compliance Action Plan if non-compliance is found during field checks. As of March 2024, there is no publicly available information describing an oversight framework that prevents the conversion of forests on Crown land utilised by non-forest management industry sectors.

Industrial Private Land and Private Woodlots

As of March 2024, there is no publicly available information describing an oversight or monitoring framework that prevents the conversion of forests on industrial private land and private woodlots. Owners are responsible for the oversight of operations.

Federal

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	<p>The Government of Canada reports deforestation in the State of Canada’s Forests Annual Reports, deforestation statistics to the United Nations Food and Agriculture Organization’s Global Forest Resources Assessments, and provides annual estimates of GHG emissions from deforestation in Canada’s National Inventory Report: Greenhouse Gas Sources and Sinks in Canada. The State of Canada’s Forest Annual Report 2023, states Canada has contributed 0.37% of the total global deforestation that has occurred since 1990. Canada has 9% of global forests. The annual rate of deforestation in Canada is 0.01% of its forest area. Deforestation was responsible for approximately 2% of Canada’s national annual carbon dioxide emissions in 2020. The Annual Report 2023 reports in 2021, 50,518 ha were attributed to deforestation in Canada. Agriculture made up 22,378 ha (44.2%), mining and oil & gas 15,147 ha (30.0%), built-up 9,629 ha (19.1%), hydroelectric 2,273 ha (4.5%), and forestry (specific to new permanent forestry access roads and any other large permanent clearings) 1,092 ha (2.2%). Forest-area change numbers were not broken down by province.</p> <p><u>Crown Land</u> Crown licensees have reforestation obligations. Results are verified and tracked by DNRED through key performance indicators (see results from Indicator 2.2.10 Regen After Harvest). Crown licensees track forest land converted as a result of the construction of permanent roads, landings, and infrastructure. As of March 2024, there are no publicly available results to verify the current condition of deforestation specific to non-forest management industry sectors.</p> <p><u>Industrial Private Land and Private Woodlots</u> As of March 2024, there are no publicly available results to verify the current condition of deforestation on industrial private land and private woodlots.</p> <p>Risk conclusion and justification Data shows Canada’s annual rate of deforestation is low and Canada has contributed a fraction of a per cent to global deforestation since 1990. National data also shows that non-forest industry sectors (i.e., agriculture, built-up, hydro & hydro lines, mines, oil & gas, and transportation) are the economic drivers of deforestation and ultimately land conversion. Although the deforestation rate is low, this Indicator is to evaluate the risk of land conversion, not the rate.</p> <p><u>Crown License</u> On Crown land for licensees with forest management tenures, there is a comprehensive regulatory framework governing reforestation requirements and limited conversion to non-forest use. Government programs monitor regeneration. Inspection results verify licensees are complying with practice requirements related to regeneration. On Crown land for the industry sectors that do not have forest management type tenures, legislation does not restrict land conversion. Due to a lack of evidence to support implementation mechanisms, a monitoring framework, and/or results of current condition of deforestation, a precautionary approach is applied. As such, this Indicator is designated as specified risk for Crown land in New Brunswick.</p> <p><u>Industrial Private Land and Private Woodlots</u> Due to a lack of a regulatory framework, evidence to support implementation mechanisms, a monitoring framework, and results of current condition of deforestation, a precautionary approach is applied. As such, this Indicator is designated as specified risk on industrial private land and private woodlots in New Brunswick.</p>
<p><i>Means of verification</i></p>	<ul style="list-style-type: none"> ● Regulatory framework ● Regulatory agency websites ● Forest management plans ● Best management practices and/or operational procedures, including assessment of impacts and implementation of mitigation measures ● Chain of custody procedures, including fibre tracking ● Fibre procurement policy & procedures

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	<ul style="list-style-type: none"> ● Regulatory compliance and enforcement data/reports ● Oversight agency database records and/or reports ● Deforestation/conversion assessments, applicable to the supply base area ● Site plans and/or post-activity inspections demonstrate negative impacts mitigated ● Supplier verification program ● Interviews with regulatory/oversight agency ● Interview with suppliers 						
<i>Evidence reviewed</i>	<p><u>International</u></p> <ul style="list-style-type: none"> ● Sustainable Biomass Program Standards Glossary Version 2.0 <p><u>Federal</u></p> <ul style="list-style-type: none"> ● National Deforestation Monitoring System ● Canada's National Deforestation Monitoring System: System Description 2015 ● The State of Canada's Forests Annual Report (2023) <p><u>Provincial</u></p> <ul style="list-style-type: none"> ● Crown Lands and Forests Act 						
<i>Risk rating</i>	<table> <tr> <td>Crown License</td> <td>Specified risk</td> </tr> <tr> <td>Industrial Private Land</td> <td>Specified risk</td> </tr> <tr> <td>Private Woodlots</td> <td>Specified risk</td> </tr> </table>	Crown License	Specified risk	Industrial Private Land	Specified risk	Private Woodlots	Specified risk
Crown License	Specified risk						
Industrial Private Land	Specified risk						
Private Woodlots	Specified risk						
2.2.2	Ecosystems, their health, vitality, functions and services in the Supply Base shall be maintained or enhanced.						
<i>Findings</i>	<p>Scale of assessment</p> <p>Crown License Industrial Private Land Private Woodlots</p> <p>Analysis</p> <p>The assessment of this Indicator focuses on the maintenance of healthy and vital ecosystem functions and services. To maintain health and vital, ecosystems must maintain functions and services. Functions and services have been evaluated more specifically in other Criterion 2.2 Indicators, including:</p> <ul style="list-style-type: none"> ● Maintaining productivity: ● Indicator 2.2.4 – Residue Removal Minimises Neg Impact to Ecosystem ● Indicator 2.2.9 – Long-term Production Capacity 						

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- Indicator 2.2.10 – Regen After Harvest
- Maintaining soil productivity:
- Indicator 2.2.3 – Soil Quality Maintained or Enhanced
- Maintaining water quality and quantity:
- Indicator 2.2.5 – Water Quality/Quantity Maintained or Enhanced
- Managing natural disturbances:
- Indicator 2.2.11 – Natural Processes are Managed

Management that impedes, alters, or disrupts ecological functions reduces the ability of forests to sustain healthy and vital ecological services. Consequently, ecosystems are more susceptible to degradation and irreversible losses or damage.

See Indicators:

- Indicator 2.2.3 – Soil Quality Maintained or Enhanced;
- Indicator 2.2.4 – Residue Removal Minimises Neg Impact to Ecosystem;
- Indicator 2.2.5 – Water Quality/Quantity Maintained or Enhanced;
- Indicator 2.2.9 – Long-term Production Capacity;
- Indicator 2.2.10 – Regen After Harvest;
- Indicator 2.2.11 – Natural Processes are Managed.

Enforcement and monitoring

See Indicators:

- Indicator 2.2.3 – Soil Quality Maintained or Enhanced;
- Indicator 2.2.4 – Residue Removal Minimises Neg Impact to Ecosystem;
- Indicator 2.2.5 – Water Quality/Quantity Maintained or Enhanced;
- Indicator 2.2.9 – Long-term Production Capacity;
- Indicator 2.2.10 – Regen After Harvest;
- Indicator 2.2.11 – Natural Processes are Managed.

Risk conclusion and justification

All six Indicators which detail the functions and services that must be maintained to have a healthy and vital ecosystem (2.2.3, 2.2.4, 2.2.5, 2.2.9, 2.2.10, 2.2.11) have low risk designations for Crown license in New Brunswick. As such, this Indicator also has a low risk designation for Crown license in New Brunswick. Three of the six Indicators which detail the functions and services that must be maintained to have a healthy and vital ecosystem, (2.2.3 – Soil Quality Maintained or Enhanced; 2.2.9 – Long-term Production Capacity and 2.2.10 – Regen After Harvest) have a specified risk designation for industrial private land in New Brunswick. As such, this Indicator also has a specified risk designation for industrial private land in New Brunswick. Two of the six Indicators which detail the functions and services that must be maintained to have a healthy and vital ecosystem, (2.2.3 – Soil Quality Maintained or Enhanced and 2.2.10 – Regen After Harvest) have a specified risk designation for private woodlots in New Brunswick. As such, this Indicator also has a specified risk designation for private woodlots in New Brunswick.

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<p><i>Means of verification</i></p>	<ul style="list-style-type: none"> • Regulatory framework • Regulatory agency websites • Forest management plans • Best management practices and/or operational procedures, including assessment of impacts and implementation of mitigation measures • Chain of custody procedures, including fibre tracking • Fibre procurement policy & procedures • Regulatory compliance and enforcement data/reports • Oversight agency database records and/or reports • Site plans and/or post-activity inspections demonstrate negative impacts mitigated • Supplier verification program • Interviews with regulatory/oversight agency • Interview with experts • Interview with suppliers 						
<p><i>Evidence reviewed</i></p>	<p>See Indicators:</p> <ul style="list-style-type: none"> • Indicator 2.2.3 – Soil Quality Maintained or Enhanced; • Indicator 2.2.4 – Residue Removal Minimises Neg Impact to Ecosystem; • Indicator 2.2.5 – Water Quality/Quantity Maintained or Enhanced; • Indicator 2.2.9 – Long-term Production Capacity; • Indicator 2.2.10 – Regen After Harvest; • Indicator 2.2.11 – Natural Processes are Managed. 						
<p><i>Risk rating</i></p>	<table border="0"> <tr> <td>Crown License</td> <td>Low risk</td> </tr> <tr> <td>Industrial Private Land</td> <td>Specified risk</td> </tr> <tr> <td>Private Woodlots</td> <td>Specified risk</td> </tr> </table>	Crown License	Low risk	Industrial Private Land	Specified risk	Private Woodlots	Specified risk
Crown License	Low risk						
Industrial Private Land	Specified risk						
Private Woodlots	Specified risk						
<p>2.2.3</p>	<p>Soil quality in the Supply Base shall be maintained or enhanced.</p>						
<p><i>Findings</i></p>	<p>Scale of assessment Crown License Industrial Private Land Private Woodlots</p> <p>Analysis</p>						

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In the context of this Indicator, soil quality is equivalent to soil productivity, which is defined as the ability of forest soil to allow forests to grow, produce crops and function with minimal human intervention. This Indicator evaluates soil quality on an individual site level. Cumulative impacts on soil quality on the landscape from harvesting and road construction are beyond the scope of this Indicator. Soil quality as it affects water quality via sedimentation is further discussed in Indicators 2.2.5 Water Quality/Quality Maintained or Enhanced and 4.2.3 Basic Needs of Community Maintained or Enhanced. Forest residue and coarse woody debris retention are discussed in Indicator 2.2.4 Residue Removal Minimises Neg Impact to Ecosystem.

Potential impacts from forest management activities (i.e., harvesting, and road- building) can include on- and off-site negative impacts to soil productivity, hydrology, watersheds, and ecological values. Disturbances such as landslides, erosion and sedimentation can result in public safety and/or infrastructure damage.

Crown License

- Crown Lands and Forests Act (CLFA)
- Clean Water Act

Industrial Private Land and Private Woodlots

There is no regulatory framework for managing or maintaining soil quality on industrial private land and private woodlots.

Enforcement and monitoring

Crown License

The Department of Natural Resources and Energy Development (DNRED) has authority to administer the Crown Lands and Forests Act (CLFA) which provides the regulatory framework for the development, utilisation, protection and integrated management of the resources of Crown lands, including soil quality. The CLFA requires a Forest Management Agreement (FMA) to have an approved Forest Management Plan (FMP) and an Annual Operating Plan (AOP). The Forest Management Manual for New Brunswick Crown Land (FMM) guides the goals and objectives that should be included in the FMP and AOP, including minimising disturbance and contamination of soil function, processes and health preserved in harvest and silviculture operations. DNRED manuals and guidelines, like the Guidelines for Roads and Watercourse Crossings, support managers and operators to comply with regulatory requirements and forest management objectives such as soils. The FMM has a soil health goal with three sub-objectives—minimising rutting, contamination, and loss of forest area. The FMM states that key performance indicators (KPIs) for social, economic, and environmental aspects of forest management, such as soil health, are included in the FMA as Schedule G and assessed in the five-year performance review.

Industrial Private Land

On industrial private land, there are no regulatory requirements to manage or maintain soil quality. As of March 2024, there is no publicly available information describing implementation mechanisms to manage or maintain soil quality.

Private Woodlots

On private woodlots, there are no regulatory requirements to manage or maintain soil quality. Forestry activities are guided by best management practices (BMPs) found in A Practical Guide to BMPs in New Brunswick Woodlots (2010). The Guide recommends practices to minimise soil impacts during road construction and maintenance, how to undertake watercourse crossings, and how to avoid sensitive areas. As of March 2024, there is no publicly available information describing implementation mechanisms to manage or maintain soil quality on private woodlots.

Crown License

DNRED assesses Crown licensees' performance and compliance. Licensee performance is assessed using measurable indicators, and if non-compliance is found during field checks, a Compliance Action Plan can be required. Soil indicators include stabilising exposed mineral soil and reasonable efforts to minimise rutting. Crown license thresholds

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	<p>are developed and agreed upon through a consultative process between industry and DNRED and are found in the License Performance Criteria, Schedule G of the FMA. There are four KPIs in Schedule G associated with soils—identification and conservation of site-specific habitats, minimisation of rutting, absence of contaminants, and minimise loss of productive area. DNRED checks compliance with criteria, rules and regulations outlined in the FMM, which includes compliance with BMPs.</p> <p><u>Industrial Private Land</u> On industrial private land, owners are responsible for the oversight of operations. As of March 2024, there is no publicly available information describing an oversight framework to manage or maintain soil quality on industrial private land.</p> <p><u>Private Woodlots</u> On private woodlot, owners are responsible for the oversight of operations. As of March 2024, there is no publicly available information describing an oversight framework to manage or maintain soil quality on private woodlots.</p> <p><u>Crown License</u> DNRED data verified that in 36,000 inspections conducted on Crown license between 2019 and 2023, Crown licensees had soil quality KPI compliance varying from 95.6% to 98.5%.</p> <p><u>Industrial Private Land</u> As of March 2024, there are no publicly available results to verify the current condition of soil quality on industrial private land.</p> <p><u>Private Woodlots</u> As of March 2024, there are no publicly available results to verify the current condition of soil quality on private woodlots.</p> <p>Risk conclusion and justification</p> <p><u>Crown License</u> There is a comprehensive regulatory framework governing the management and maintenance of soil quality for Crown license. There are well described operational guidelines and government programs which monitor forest management practices. Inspection results verify Crown license holders are complying with practice requirements related to soils. Based on evidence reviewed, this Indicator is designated as low risk for Crown license in New Brunswick.</p> <p><u>Industrial Private Land</u> Due to a lack of a regulatory framework, evidence to support implementation mechanisms, a monitoring framework and/or results of current condition of soil quality, a precautionary approach is applied. As such, this Indicator is designated as specified risk for industrial private land in New Brunswick.</p> <p><u>Private Woodlots</u> Due to a lack of a regulatory framework, evidence to support implementation mechanisms, a monitoring framework and/or results of current condition of soil quality, a precautionary approach is applied. As such, this Indicator is designated as specified risk for private woodlots in in New Brunswick.</p>
<p><i>Means of verification</i></p>	<ul style="list-style-type: none"> ● Regulatory framework ● Regulatory agency websites ● Forest management plans ● Best management practices and/or operational procedures, including assessment of impacts and implementation of mitigation measures ● Chain of custody procedures, including fibre tracking ● Fibre procurement policy & procedures

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	<ul style="list-style-type: none"> ● Regulatory compliance and enforcement data/reports ● Oversight agency database records and/or reports ● Soil assessments, applicable to the supply base area ● Site plans and/or post-activity inspections demonstrate negative impacts mitigated ● Supplier verification program ● Interviews with regulatory/oversight agency ● Interview with experts ● Interview with suppliers 						
<i>Evidence reviewed</i>	<p>Provincial</p> <ul style="list-style-type: none"> ● Clean Environment Act ● Clean Water Act ● Crown Lands and Forests Act ● Department of Environment and Local Government Compliance Enforcement Policy (October 2010) ● Department of Environment and Local Government Source and Surface Water Management – Watercourse and Wetland Permitting Guidelines ● Forest Management Manual for New Brunswick Crown Lands Results-Based Forestry Option (August 2014) ● Best Management Practices: Practical Guide to BMP's in New Brunswick Woodlots (2011) ● Guidelines for Roads and Watercourse Crossings (2004) ● Water Quality Regulation ● Watercourse and Wetland Alteration Regulation ● Watercourse and Wetland Alteration Technical Guidelines (2012) 						
<i>Risk rating</i>	<table> <tr> <td>Crown License</td> <td>Low risk</td> </tr> <tr> <td>Industrial Private Land</td> <td>Specified risk</td> </tr> <tr> <td>Private Woodlots</td> <td>Specified risk</td> </tr> </table>	Crown License	Low risk	Industrial Private Land	Specified risk	Private Woodlots	Specified risk
Crown License	Low risk						
Industrial Private Land	Specified risk						
Private Woodlots	Specified risk						
2.2.4	Where the removal of harvest forest residues and / or stumps occurs, this shall not lead to irreversible negative impacts to the ecosystem.						
<i>Findings</i>	<p>Scale of assessment</p> <p>Crown License Industrial Private Land Private Woodlots</p> <p>Analysis</p>						

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Forest harvest residues refer to the fibre left 'in-block' (in the forest) or at the roadside after primary harvesting operations have been completed. This fibre includes smaller and poor-quality logs, pieces of logs, branches and other woody biomass. It has historically been called waste or harvest residue (See Indicator 2.2.9 Long-term Production Capacity). In New Brunswick (NB) stumps are not removed unless the site is converted to a non-forest use (See Indicator 2.2.1 Conversion – a, b, c, d). In NB, trees are delimbed and cut to length in-block. The NB industry does not pile harvest forest residue to be burned or left to decay (See Indicator 2.2.6 Air Emissions Comply with Laws). Harvest residue remaining in-block contributes to woody debris that provides site nutrients and stand-level biodiversity. The Indicators within Criterion 2.2 and Criterion 2.1 discuss other ecological values that may be impacted.

Forest harvest residue removal, if not properly planned and implemented, can harm the ecosystem productivity by reducing nutrient availability and changing the site's characteristics in terms of species and habitats.

Crown License

- Crown Lands and Forests Act (CLFA)

Industrial Private Land and Private Woodlots

There is no regulatory framework regarding the removal of harvest residues and not negatively impacting the ecosystem on industrial private land and private woodlots.

Enforcement and monitoring

Crown License

On Crown license, the NB Department of Natural Resources and Energy Development (DNRED) has authority to administer the Crown Lands and Forests Act (CLFA) which provides the regulatory framework regarding timber utilisation and harvest residues. DNRED updates the Crown Timber Utilization Standards annually and provides to Crown licensees. The Crown Timber Utilization Standards identify minimum specifications for merchantable timber and maximum allowable waste tolerances. The Forest Management Manual for New Brunswick Crown Land (FMM) provides guidance on the goals and objectives that should be included in the Forest Management Plan (FMP) and Annual Operating Plan (AOP). The FMM states that key performance indicators (KPIs), such as soil health, and optimising the values chain, are included in the Forest Management Agreement (FMA) as Schedule G. In the Crown Land Forest Biomass Harvesting Policy, biomass removal is limited to harvest blocks of the current, approved FMP and sets out criteria for determining whether a stand is eligible for biomass harvesting. The Crown Land Forest Biomass Harvesting Policy defines forest biomass, identifies a procedure to assess the impact of harvesting on sustainability and forest growth, and provides a set of guidelines in selecting eligible areas for biomass harvesting on Crown license. The Crown Land Forest Biomass Harvesting Policy restricts biomass harvest for energy purposes to treetops, branches, foliage, non- merchantable woody stems of trees and shrubs, dead woody material and residue from tree chipping. The soil litter-layer, stumps, and roots are not eligible for biomass harvest.

Industrial Private Land

On industrial private land, there are no utilisation regulatory requirements or defined standards. Utilisation is implemented at the landowner's discretion. As of March 2024, there is no publicly available information describing implementation mechanisms for the removal of harvest residues and not negatively impacting the ecosystem on industrial private land.

Private Woodlots

On private woodlots, forestry activities are guided by best management practices (BMPs) found in A Practical Guide to BMPs in New Brunswick Woodlots (2011). The BMPs propose approaches to utilisation and debris management emphasising waste minimisation and the direction that slash should remain on site, evenly distributed across the block. The BMP emphasises that slash breaks down and returns nutrients to the soil to help maintain productivity. There are no specific requirements on maximum or minimum slash retention on private woodlots. BMPs are available to private woodlot owners but are not a regulatory requirement.

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	<p><u>Crown License</u> On Crown license, DNRED assesses licensee’s performance and compliance of utilisation and harvest residues. The FMM has two utilisation KPIs to maximise the value chain—product utilisation standards and waste standards—that relate to crown timber utilisation. The FMM also has a soil health goal with one sub- objective related to residues—minimising permanent net loss of productive forest area due to heavy harvest debris. KPIs in Schedule G of the FMA are regularly inspected by DNRED and have the potential to be audited on an annual basis by a third-party auditor for Crown license holders.</p> <p><u>Industrial Private Land</u> On industrial private land, landowners are responsible for the oversight of operations. As of March 2024, there is no publicly available information describing an oversight framework for harvest residue removal.</p> <p><u>Private Woodlots</u> On private woodlots, landowners are responsible for the oversight of operations. BMP implementation is not monitored. As of March 2024, there is no publicly available information describing an oversight framework for harvest residue removal.</p> <p><u>Crown License, Industrial Private Land, and Private Woodlots</u> Domestic residue delivery is publicly reported in the annual timber utilisation reports published by the Forest Products Commission. From 2018 to 2023, forest biomass accounted for a 5% average per year for Crown license, a 5% average per year for industrial private land, and a 4% average per year for private woodlots of total feedstock delivered to pellet plant facilities in NB from crown license, industrial private land, and private woodlots.</p> <p><u>Crown License</u> On Crown license, DNRED data showed logging slash dispersal KPI compliance varied between 77.8% to 100% on 36,000 inspections conducted on Crown license between 2019 and 2023. DNRED data showed product utilisation KPI compliance varying between 92.5 - 99.5% from 2019 to 2023. DNRED data showed waste standards KPI compliance varying between 90.9% - 96.9% from 2019 to 2023.</p> <p>Risk conclusion and justification</p> <p><u>Crown License, Industrial Private Land, and Private Woodlots</u> There is a comprehensive regulatory framework, operational guidelines and government programs which monitor forest operation practices to address harvest residue utilisation while minimizing negative impacts to the ecosystems. Trees are delimbed and processed in-block, harvest residues are left in the forests. As such, there is no removal of harvest residues to negatively affect the ecosystem. Findings of inspections confirm Crown license holders comply with practice requirements related to Crown timber utilisation and in-block harvest residues. Controls and procedures in place, and there is no indication of systemic non-compliance. Based on evidence reviewed, this Indicator is designated at low risk for Crown licenses in New Brunswick.</p> <p><u>Industrial Private Land and Private Woodlots</u> There is no regulatory requirements regarding the removal of harvest residues on industrial private land and private woodlots. As such, this Indicator is designated as specified risk for industrial private land and private woodlots in New Brunswick.</p>
<p><i>Means of verification</i></p>	<ul style="list-style-type: none"> • Regulatory framework • Regulatory agency websites • Forest management plans • Best management practices and/or operational procedures, including assessment of impacts and implementation of mitigation measures

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	<ul style="list-style-type: none"> • Chain of custody procedures, including fibre tracking • Fibre procurement policy & procedures • Regulatory compliance and enforcement data/reports • Oversight agency database records and/or reports • Waste & residue assessments, applicable to the supply base area • Site plans and/or post-activity inspections demonstrate negative impacts mitigated • Supplier verification program • Interviews with regulatory/oversight agency • Interview with experts • Interview with suppliers 						
<i>Evidence reviewed</i>	<p>Provincial</p> <ul style="list-style-type: none"> • Best Management Practices: A Practical Guide to BMP's in New Brunswick's Private Woodlots (2011) • Crown Land Forest Biomass Harvesting Policy (2008) • Crown Lands and Forests Act • Forest Management Manual For New Brunswick Crown Lands (FMM)(2014) • Forest Products Commission – Timber Utilization Report – 2022-23 						
<i>Risk rating</i>	<table> <tr> <td>Crown License</td> <td>Low risk</td> </tr> <tr> <td>Industrial Private Land</td> <td>Specified risk</td> </tr> <tr> <td>Private Woodlots</td> <td>Specified risk</td> </tr> </table>	Crown License	Low risk	Industrial Private Land	Specified risk	Private Woodlots	Specified risk
Crown License	Low risk						
Industrial Private Land	Specified risk						
Private Woodlots	Specified risk						
2.2.5	Quality and quantity of ground water, surface water and water downstream shall be maintained or enhanced.						
<i>Findings</i>	<p>Scale of assessment</p> <p>Crown License Industrial Private Land Private Woodlots</p> <p>Analysis</p> <p>The intent of this Indicator is to maintain or enhance water quality and quantity by managing ecosystem functions and services. Maintenance of drinking water is addressed in Indicator 4.2.3 Basic Needs of Community Maintained or Enhanced. Spills and waste requirements are addressed in Indicator 2.2.8 Waste Disposal.</p>						

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Forest management activities may negatively affect water resources directly and indirectly by changing ecosystem functions and services. Impacts include sedimentation, disturbance of site's hydrology above and underground, modification of the site's capacity to control seasonal precipitation fluctuations (i.e., flooding), spawning habitat, hinder fish's capability to move up or downstream, water temperature, water quality (i.e., turbidity) and/or quantity, and loss of riparian habitat and function.

Federal

- Fisheries Act
- Species at Risk Act
- Canadian Navigable Waters Act
- Canadian Environmental Protection Act

Provincial

- Clean Water Act
- Clean Environment Act
- Wetland and Watercourse Alteration Regulation
- Crown Lands and Forests Act

Enforcement and monitoring

Federal

The federal Fisheries Act, administered through Fisheries and Oceans Canada (DFO), makes it mandatory safe passage for fish is provided on all "fish bearing" watercourses. Safe fish passage is the free movement of fish in and about streams, lakes, and rivers. Unless proven otherwise, all watercourses are to be classified as "fish bearing." The federal Canadian Navigable Waters Act, administered through DFO, sets the requirements for watercourse crossings. DFO has an approval process and management requirements for projects near water ensuring there are no deleterious impacts associated with the activity while working within or near water courses or water bodies. Environment and Climate Change Canada (ECCC) is responsible for the Species at Risk Act and the Canadian Environmental Protection Act. ECCC implements water quality protection through the Federal Environmental Quality Guidelines. Federal Acts apply to Crown license, industrial private land, and private woodlots.

Provincial

In New Brunswick (NB), the Department of Environment and Local Government (DELG) administers the Clean Environment Act, the Clean Water Act, and the Watercourse and Wetland Alteration Regulation (WAWAR). The Clean Water Act limits industrial activity in and around watercourses. WAWAR protects provincial streams, rivers lakes and wetlands from work or ground disturbance close to the body of water. Under the Clean Water Act, a Watercourse and Wetland Alteration Permit is required for any person intending to conduct work (construction, demolition, clearing land, etc.) within 30 metres of a watercourse or wetland. DELG provides the permitting process for adherence to the Clean Water Act, WAWAR for water features alterations. WAWAR applies on Crown license, industrial private land and private woodlots.

Crown License

The Department of Natural Resources and Energy Development (DNRED) has authority to administer the Crown Lands and Forests Act (CLFA) which provides the regulatory framework for the development, utilisation, protection and integrated management of the resources of Crown lands, including water quality and aquatic ecosystems. The CLFA requires a Forest Management Agreement (FMA) to have an approved Forest Management Plan (FMP) on Crown license. The Forest Management Manual for New Brunswick Crown Lands (FMM) component of the FMA stipulates the protection of water quality and aquatic ecosystems related to forest management. Harvesting is not permitted in buffers around wetlands. Watercourse alterations are authorised through the Annual Operating Plan (AOP) approval process for Crown licenses. The FMM states

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that key performance indicators (KPIs) for social, economic, and environmental aspects of forest management are included in the FMA as Schedule G and assessed in the five-year performance review. Key performance indicators (KPIs) for water quality and aquatic ecosystems are identified in Schedule G of the FMA. Water quality and quantity KPIs include watercourse and wetland buffers, watercourse crossing installations, watercourse crossing maintenance, designated watershed buffers, and designated watershed harvest. DNRED's Guidelines for Roads and Watercourse Crossings (April 2004) assist in meeting road construction and maintenance objectives, including those for water quality and aquatic ecosystems.

Industrial Private Land

As of March 2024, there is no publicly available information describing implementation mechanisms for water quality/quantity maintenance on industrial private land.

Private Woodlots

The Best Management Practices: A Practical Guide to BMP's in New Brunswick's Private Woodlots is available and has watercourse guidance for private woodlot owners. The Guide is not a requirement. As of March 2024, there is no publicly available information describing implementation mechanisms for water quality/quantity maintenance on private woodlots.

Federal

DFO provides oversight of federal legislation for applicable streams and waterbodies.

Provincial

DELG carries out periodic inspections of WAWAR to ensure that only the work described on the Watercourse and Wetland Alteration Permit is being carried out, and to ensure compliance with the specified conditions. If the terms of the Permit are not followed, or if work is being done without a permit, DELG may issue a stop work order and/or an order to remove or repair work that has been done. DELG's Compliance and Enforcement Policy outlines the process to administer its regulatory responsibilities. The Policy also sets out the framework for enforcement activities by DELG and other agencies. Legal proceedings may be undertaken against anyone who violates the Clean Water Act and WAWAR, or DELG orders. If convicted of an offence, an individual may be fined up to \$50,000, a corporations may be as fined up to \$1,000,000.

Crown License

DNRED assesses Crown licensees' performance and compliance with measurable indicators. Licensee performance is assessed using measurable indicators, and if non-compliance is found during field checks, a Compliance Action Plan can be required. Crown license thresholds are developed and agreed upon through a consultative process between industry and DNRED and are found in the License Performance Criteria, Schedule G of the FMA. DNRED checks compliance with criteria, rules and regulations outlined in the FMM, which includes compliance with BMPs. The focus of the KPIs is to ensure the negative impact of contaminants and sedimentation is limited, and exposed mineral soil is stabilised and does not become a persistent sediment source. Water quality and aquatic ecosystems KPIs in Schedule G of the FMA are regularly inspected by DNRED and have the potential to be audited on an annual basis by a third-party auditor for Crown license holders.

Industrial Private Land

Beyond DELG monitoring, as of March 2024, there is no publicly available information describing an oversight framework for water quality/quantity maintenance on industrial private land. Landowners are responsible for the oversight of operations.

Private Woodlots

Beyond DELG monitoring, as of March 2024, there is no publicly available information describing an oversight framework for water quality/quantity maintenance on private woodlots. Landowners are responsible for the oversight of operations.

Provincial

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DELG publishes an annual report with information about occurrence files, enforcement actions, Watercourse and Wetland Alteration Permits, and the number of certified individuals under the Watercourse Alteration Certification program. DELG occurrences and permits reported include Crown license, industrial private land, and private woodlots, but are not distinguished by land ownership type in the annual reports. In 2021-2022 the Watercourse Alteration Certification Program had 665 certified individuals identified in the annual report. The following information was reported in DELG's annual reports regarding Watercourse and Wetland Alteration Program permits:

Year	Permits Issued	Permits Refused
2021/2022	2,072	4
2020/2021	1,972	8
2019/2020	1,980	0
2018/2019	2,013	0
2017/2018	1,942	0

DELG reporting and data received as per Right to Information and Protection of Privacy Act request provides evidence of conformance for Crown license, industrial private land, and private woodlots.

Crown License

DNRED data from 2018 to 2023 verifies compliance for water quality and quantity on Crown license. Watercourse and wetland buffer KPI compliance varied from 86% to 93%. Watercourse crossing installation KPI compliance varied from 76% to 90.3%. Watercourse maintenance KPI varied from 74% to 83.3%. Designated watershed buffer KPI varied from 81.8% to 100%. Designated watershed harvest KPI varied from 92.9% to 100%.

Industrial Private Land

Beyond the DELG monitoring results, as of March 2024, there is no publicly available results to verify the current condition of water quality/quantity for industrial private land.

Private Woodlots

Beyond the DELG monitoring results, as of March 2024, there is no publicly available results to verify the current condition of water quality/quantity for private woodlots.

Risk conclusion and justification

Crown License

On Crown license, the federal and provincial legislation related to the maintenance of water quality and quantity is comprehensive. There are operational guidelines and government programs monitor forest management practices. Findings of inspections verify FMA license holders comply with practice requirements related to water quality and quantity. Based on the evidence reviewed, this Indicator is designated as low risk for Crown license in New Brunswick.

Industrial Private Land and Private Woodlots

On industrial private land and private woodlots, the federal and provincial legislation related to the maintenance of water quality and quantity is comprehensive. DELG reporting and data received as per Right to Information and Protection of Privacy Act requests provide evidence that industrial private land and private woodlots meet the requirements related to water quality and quantity. Based on the evidence reviewed, this Indicator is designated as low risk for industrial private land and private woodlots in New Brunswick.

Means of verification

- Regulatory framework
- Regulatory agency websites

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	<ul style="list-style-type: none">• Forest management plans• Best management practices and/or operational procedures, including assessment of impacts and implementation of mitigation measures• Chain of custody procedures, including fibre tracking• Fibre procurement policy & procedures• Regulatory compliance and enforcement data/reports• Oversight agency database records and/or reports• Watershed and/or riparian assessments, applicable to the supply base area• Site plans and/or post-activity inspections demonstrate negative impacts mitigated• Supplier verification program• Interviews with regulatory/oversight agency• Interview with experts• Interview with suppliers
<i>Evidence reviewed</i>	<p><u>Federal</u></p> <ul style="list-style-type: none">• Canadian Environmental Protection Act• Canadian Navigable Waters Act• Fisheries Act• Species At Risk Act <p><u>Provincial</u></p> <ul style="list-style-type: none">• Best Management Practices - A Practical Guide to BMP's in New Brunswick's Private Woodlots (2005)• Clean Environment Act• Clean Environment Act, Water Quality Regulation• Clean Water Act• Clean Water Act, Watercourse and Wetland Alteration Regulation• Crown Land Watercourse and Wetland Alteration Guidelines• Crown Lands and Forests Act• DELG Annual Report 2021/2022• DELG Annual Report 2020/2021• DELG Annual Report 2019/2020• DELG Annual Report 2018/2019• DELG Annual Report 2017/2018• DELG Compliance and Enforcement Policy• DELG Watercourse and Wetland Alteration Guidelines• Forest Management Manual for New Brunswick Crown Lands (2014)

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	<ul style="list-style-type: none"> • Guidelines for Roads and Watercourse Crossings (2004) • The State of Water Quality in NB Lakes and Rivers (2019)
<i>Risk rating</i>	<p>Crown License Low risk</p> <p>Industrial Private Land Low risk</p> <p>Private Woodlots Low risk</p>
2.2.6	Air emissions shall comply with national legislation or in the absence of national legislation with industry best practice.
<i>Findings</i>	<p>Scale of assessment</p> <p>Crown License Industrial Private Land Private Woodlots</p> <p>Analysis</p> <p>The scope of this Indicator is specific to open burning and management of smoke due to forest management activities. It does not include emissions from industrial sources such as facilities (i.e., sawmills, including log sort yards) and/or transportation and machinery sources (federal and provincial statutes). Trees are harvested, delimbed and cut to length at the stump in-block. Slash piles are not created and burned in New Brunswick (NB).</p> <p>Burning of wood and vegetation is standard industry practice for abating fire hazard and enhancing wildlife habitat, however, air emissions, particularly fine particulate matter emissions, from slash / prescribed burning can raise air quality above the Canadian Ambient Air Quality Standards at varying scales (i.e., communities, valleys, airsheds). Threats/impacts can include:</p> <ul style="list-style-type: none"> • Emittance of increased levels of air pollutants such as particulate matter, carbon monoxide, nitrogen oxides, and volatile organic compounds into the environment; • Reduced air quality and possible related health impacts, particularly for seniors and breathing compromised patients; • Public complaints related to reduced air quality. <p><u>Federal</u></p> <ul style="list-style-type: none"> • Canadian Environmental Protection Act <p><u>Provincial</u></p> <ul style="list-style-type: none"> • Clean Air Act • Clean Air Act, Air Quality Regulation • Forest Fires Act • Municipal Government Act <p>Enforcement and monitoring</p> <p><u>Federal</u></p> <p>The Canadian Environmental Protection Act provides the regulatory framework for setting air quality standards across the country. Environment and Climate Change</p>

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Canada (ECCC) plays a role in setting standards, monitoring and research on a national level. ECCC provides monitoring equipment and a centralised national database for the air quality information collected. The Canadian Air Quality Management System provides a comprehensive, cross-Canada framework for intergovernmental collaborative action to further protect human health and the environment through continuous improvement of air quality. The Canadian Ambient Air Quality Standards are set for airshed zones in each province and drive air quality management across the country. Federal, provincial and territorial governments have specific roles and responsibilities. The National Air Pollution Surveillance Program assesses the quality of ambient air in populated regions of Canada and is a cooperative agreement between the federal government and provinces. The National Air Pollution Surveillance Program has 286 sites in 203 communities located in every province and territory. These measurements are used by the provinces to report Air Quality Index and by ECCC to report the Air Quality Health Index. Through the Canadian Air Quality Management System, the Canadian Council of Ministers of the Environment Air Quality website provides the most current information on air quality by reporting The Canadian Ambient Air Quality Standards across Canada. New Brunswick is a member of the Canadian Council of Ministers of the Environment. The Canadian Council of Ministers of the Environment has developed federal standards for particulate matter and ground-level ozone.

Provincial

The NB Clean Air Act and Air Quality Regulation, implemented by the Department of Environment and Local Government (DELG), provides the provincial regulatory framework with regards to air emissions. NB has adopted national air quality objectives and standards for a number of contaminants in the atmosphere. NB's air quality objectives are established as maximum permissible ground level concentrations for key air contaminants and are listed in the Air Quality Regulation. Limits are used to gauge current and historical air quality, guide airshed planning efforts, develop regulatory frameworks and management strategies such as air quality advisories. Provincial air quality objectives, National Ambient Air Quality Objectives, and The Canadian Ambient Air Quality Standards are part of the criteria in the management of air contaminants. NB has established three provincial air zones as part of the province's commitments under the Canadian Air Quality Management System. New Brunswick's Policy on Open Burning, published by DELG, proposes alternatives for disposing of wood or wood products. Alternatives recommended are chipping and composting. Under the Forest Fires Act, the Department of Natural Resources and Energy Development (DNRED) is responsible for oversight of fire permits. The Forest Fires Act deals with open fires and stipulates that no person shall burn or permit the burning of any material in an open fire without obtaining a permit, except for the burning of wood if the sole objective of the fire is for recreation purposes. DNRED reviews, and where appropriate, approves burning permits for larger fires (more than one pile of wood or wood products or piles larger than three metres in diameter by two metres high). Under the Forest Fires Act, Crown licensees are required to have a work permit during fire season and is issued annually by DNRED as part of the Annual Operating Plan approval process. Additionally, under the Municipal Government Act, regional and municipal governments may also create bylaws which address the air quality impacts of burning within municipal boundaries and would be implemented by the relevant municipal authorities. Cities and towns do not fall under the Forest Fires Act, but if there are no bylaws within municipal boundaries, the provincial guidelines are in effect.

Air quality monitoring in NB is conducted by DELG in cooperation with ECCC. In 2021 the provincial network included ten air quality monitoring stations and five acid rain monitoring stations. There was a total of 47 instruments collecting data at these stations. An additional 29 stations, with 49 instruments, are run by industry across the province. All stations must follow sampling procedures set by DELG and report data regularly. DELG is responsible to deploy and maintain the equipment, operate the stations, perform necessary calibrations, and otherwise ensure that the data is accurate. ECCC conducts audits of provincial air quality monitoring stations. DELG conducts audits of industry run air quality monitoring stations and publishes annual Air Quality Monitoring Results. As per the Forest Fires Act, DNRED is responsible for ensuring that Crown licensees have appropriate work permits to conduct work during fire season, and issue appropriate burning permits throughout the fire season. Category two or larger fires require a permit issued by DNRED, a written burn plan submission and pre-inspection by DNRED. Depending on the nature of air quality complaints, DELG or DNRED are responsible for the respective legislation and take enforcement actions as necessary,

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	<p>including follow-up on complaints. Under the Clean Air Act, administrative penalties can vary from \$200 to \$500. More serious violations are prosecuted in the court system. If convicted of an offence under the Clean Air Act, an individual can be fined between \$500 and \$50,000 per day. For corporations, the penalty can range from \$1,000 to \$1,000,000. Air quality complaints can be made to the nearest DELG office in NB. Wildfires or open burning violations are reported to 911 or the nearest DNRED office.</p> <p>The most current information on the status of Canada’s air quality is reported on the Canadian Council of Ministers of the Environment Air Quality website. As of March 2024, the the Canadian Council of Ministers of the Environment Canada’s Air Website states that 3,239 tonnes of fine particulate matter, representing 1.57% of all fine particulate matter was emitted from prescribed burning and structural fires across Canada. Prescribed burning and structural fires were not found to emit a significant amount of nitrogen oxides, sulphur oxides and volatile organic compounds, the other three emissions that are tracked nationally.</p> <p>Canada’s State of the Forest Annual Reports reported 180 wildfires burned 423 ha in 2021, 462 wildfires burned 1,388 ha in 2020, and 178 wildfires burned 224 ha in 2019. DELG Air Quality Monitoring Reports for 2019, 2020, and 2021 (the last three reports available as of March 2024) report NB did not exceed set targets for fine particulate matter emissions in any of the established air zones. Air quality monitoring data is available on the DELG Air Quality Data Portal. Up to three years of prior data can be accessed.</p> <p>Risk conclusion and justification</p> <p>There is a federal and provincial regulatory framework governing levels of air emissions. NB has an Open Burning Policy applicable at the provincial level. There is ongoing monitoring and public reporting of air emissions. National and provincial results verify air emission thresholds are being met. Forest industry is operating within industry best practices. Based on evidence reviewed, this Indicator is designated as low risk for Crown license, industrial private land, and private woodlots in New Brunswick.</p>
<p><i>Means of verification</i></p>	<ul style="list-style-type: none"> • Regulatory framework • Regulatory agency websites • Forest management plans • Best management practices and/or operational procedures, including assessment of impacts and implementation of mitigation measures • Chain of custody procedures, including fibre tracking • Fibre procurement policy & procedures • Regulatory compliance and enforcement data/reports • Oversight agency database records and/or reports • Supplier verification program • Interviews with regulatory/oversight agency • Interview with experts • Interview with suppliers
<p><i>Evidence reviewed</i></p>	<p><u>Federal</u></p> <ul style="list-style-type: none"> • Canadian Environmental Protection Act • National Air Pollution Surveillance Program • Federal Air Quality Health Index

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	<ul style="list-style-type: none"> • Canadian Council of Ministers of the Environment Canada's Air Website • The State of Canada's Forests Annual Report (2022) • The State of Canada's Forests Annual Report (2021) • The State of Canada's Forests Annual Report (2020) <p>Provincial</p> <ul style="list-style-type: none"> • Clean Air Act • Clean Air Regulation • Clean Air Act and Regulations: Administrative Penalties, Orders and Convictions • DELG Air Quality Data Portal • DNRED Burning Permits (Fire Season) • An Introduction to Air Quality in New Brunswick (2022) • Forest Fires Act • New Brunswick Policy on Open Burning • 2021 Air Quality Monitoring Results • 2020 Air Quality Monitoring Results • 2019 Air Quality Monitoring Results • 2018 Air Quality Monitoring Results 						
<i>Risk rating</i>	<table border="0"> <tr> <td>Crown License</td> <td>Low risk</td> </tr> <tr> <td>Industrial Private Land</td> <td>Low risk</td> </tr> <tr> <td>Private Woodlots</td> <td>Low risk</td> </tr> </table>	Crown License	Low risk	Industrial Private Land	Low risk	Private Woodlots	Low risk
Crown License	Low risk						
Industrial Private Land	Low risk						
Private Woodlots	Low risk						
2.2.7	<p>Pesticides shall only be used as part of an Integrated Pest Management (IPM) plan in compliance with national legislation, chemical safety data sheets and industry best practice. Banned pesticides shall not be used.</p>						
<i>Findings</i>	<p>Scale of assessment Crown License Industrial Private Land Private Woodlots</p> <p>Analysis This indicator will use the terms 'chemical use' or 'use of chemicals' to address pesticides, herbicides, insecticides, and fungicides collectively. In some instances, a specific term may be used. Integrated Pest Management is a decision-making process for managing pests effectively, economically, and environmentally soundly. Integrated Pest Management techniques range from preventative and cultural measures to the use of biological, physical, behavioural, and chemical controls. This Indicator intends to minimise chemical use and ensure other non-chemical strategies and/or practices are considered and defined in industry best practices. A banned chemical is one that has</p>						

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been prohibited within one or more categories by final regulatory action, with the aim of safeguarding human health or the environment. The classification of chemicals as banned is a result of the processes outlined in International Conventions (Stockholm and Rotterdam) on sustainability and the environment. These processes lead to the compilation of a 'banned' list of chemicals, which individual countries then incorporate into respective national lists. Refer to Indicator 4.1.8 Training to Workers for forestry-related training, Indicator 4.1.10 for Worker H&S Safeguards and Indicator 2.2.8 for Waste Disposal requirements.

The primary threat from the use of chemicals in forest management is the possible adverse effects on the health of humans, wildlife, and fisheries. If misused or inadequately monitored, chemical use can also lead to loss of insect and plant biodiversity.

Federal

- Pest Control Products Act
- Pest Control Products Regulations
- Pest Control Products Incident Reporting Regulations
- Pest Control Products Sales information Reporting Regulations
- Hazardous Products Act

Provincial

- Pesticides Control Act

Crown License

- Crown Lands and Forests Act

Enforcement and monitoring

Crown License, Industrial Private Land, and Private Woodlots

The Pest Control Products Act enables the Pest Management Regulatory Agency federally. Pesticides that fall under the Act include herbicides and insecticides. A federal public registry, based on the lists from International Conventions, identifies pest control products registered for use in Canada. Only chemicals registered by the federal government may be used in New Brunswick (NB). The federal Pest Control Products Act and regulations aim to ensure pesticides are used, stored and disposed of with minimum impact on non-target species, human health, or the environment. In NB, the Department of Environment and Local Government (DELG) has authority to administer pesticide use and Integrated Pest Management as described and regulated under the Pesticides Control Act. DELG administers Pesticide Operators Licenses, Pesticide Use Permits, and Pesticide Applicator Certification. This requirement applies for pesticide use on crown license, industrial private land and private woodlots.

Pesticide use is further regulated under the authority of the provincial Pesticides Control Act, which is administered by the DELG. The aim of the provincial legislation is to ensure pesticides are used, stored, and disposed of so there is minimum impact on non-target species, human health, or the environment. Best management practices include the use of GIS for treatment boundaries to limit off-target drift, buffer areas near private land and water courses, mandatory public notifications, notices in major NB newspapers, and signs outlining treatment details and timelines posted at access points to treatment areas.

Crown License

Additionally, on Crown license the NB Department of Natural Resources and Energy Development (DNRED) has authority to administer pesticide use and Integrated Pest Management under the Crown Lands and Forests Act (CLFA). The CLFA requires a Forest Management Agreement (FMA) to have an approved Forest Management Plan (FMP). The Forest Management Manual for New Brunswick Crown Land (FMM) component of the FMA stipulates annual reporting requirements of silviculture activities to

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DNRED. Key performance indicators for silviculture are identified in Schedule G of the FMA. Herbicide use for vegetation management is a KPI on Crown license. The focus of the KPI is to ensure the herbicide treatment was successful and setback requirements from watercourses or other forest values were followed.

Industrial Private Land

On industrial private land, the owner is responsible to obtain all necessary DELG permits and certificates prior to any pesticide use. As of March 2024, there is no publicly available information describing implementation mechanisms for pesticides use.

Private Woodlots

On private woodlots, owners can choose to participate in the voluntary Private Woodlot Silviculture Program under the Private Woodlot Sustainability Act through DNRED and the seven NB Forest Products Marketing Boards. Funding is provided for silviculture activities, such as pesticide use. For private woodlots not participating in the Private Woodlot Silviculture Program, as of March 2024, there is no publicly available information describing implementation mechanisms for pesticide use.

Crown License, Industrial Private Land and Private Woodlots

Federally, the Pest Management Regulatory Agency has oversight for the registration and approval of chemicals for intended use. DELG is responsible for the oversight of Pesticide Operators Licenses, Pesticide Use Permits, and Pesticide Applicator Certification for Crown license, industrial private land and private woodlots. DELG enforces pesticide regulations in NB. The DELG Compliance and Enforcement Policy outlines the process to administer regulatory responsibilities. The Policy also sets out the framework for enforcement activities by DELG and other agencies. DELG inspects operations to ensure compliance with all regulatory requirements.

Crown License

Additionally, key performance indicators as identified in Schedule G of the FMA are regularly inspected by DNRED and have potential to be audited on an annual basis by a third-party auditor for Crown license holders. On Crown license, DNRED assesses licensee's performance and compliance. Performance of licensees is assessed with measurable indicators and can require a Compliance Action Plan if a non-compliance is found during field checks.

Industrial Private Land

Beyond DELG monitoring, as of March 2024, there is no publicly available information describing an oversight framework for pesticide use on industrial private land. Landowners are responsible for the oversight of operations.

Private Woodlots

Additionally, it is the Marketing Board's responsibility to obtain all necessary DELG permits and certificates prior to pesticide use on private woodlots. DNRED can undertake compliance audits at any time, with advance notice. Where non-compliances are identified, the applicant may be required to prepare a compliance plan to remedy/prevent occurrences and may be required to pay a penalty. The Private Woodlot Silviculture Program funding is administered through the Marketing Boards. For private woodlots that participate in the Private Woodlot Silviculture Program, the Marketing Boards inspect pesticide treatment sites during the spring growing season immediately following treatment for private woodlots. Inspections are submitted to DNRED for review. DNRED checks compliance with criteria, rules and regulations outlined in the Private Woodlot Silviculture Program. Beyond DELG monitoring, as of March 2024, there is no publicly available information describing an oversight framework on private woodlots that do not participate in the Private Woodlot Silviculture Program. Landowners are responsible for the oversight of operations.

Crown License, Industrial Private Land and Private Woodlots

The Stockholm Convention (2019) identifies 16 pesticides, 13 industrial chemicals, three chemicals categorised as both a pesticide and industrial chemical and seven chemicals as unintentional production. The chemicals are organised into three categories: elimination, restriction and unintentional production. In the Rotterdam Convention Annex III dated October 2023, there are 55 chemicals listed which include 36 pesticides, 18 industrial chemicals and one chemical in both the pesticide and industrial chemical categories,

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	<p>which have been banned or severely restricted for health or environmental reasons. The Pesticide Action Network International Consolidated List Of Banned Pesticides identifies banned pesticides by country on an annual basis. The most current was dated May 2022. Canada’s list includes 32 banned pesticides and industrial chemicals. Only chemicals registered by the federal government may be used in NB. DELG Annual Report identifies the number of pesticide licenses, certificates and permits on a yearly basis. Compliance rates are identified in the reports but no breakdown with respect to individual chemicals is provided. DELG Annual Reports results showed compliance for pesticide application on crown license, industrial private land and private woodlots. These reports did not distinguish based on specific ownership type.</p> <p><u>Crown License</u></p> <p>Additionally, and specific to crown license, key performance indicator targets, as monitored by DNRED in Schedule G of the FMA and crown licensee performance verified that pesticide use on crown license is in compliance with regulatory requirements. The NB State of the Forest Report 2023 states that on average over the last ten years, there have been 15,000 ha of regenerated areas with controlled herbicide applications applied annually.</p> <p><u>Industrial Private Land and Private Woodlots</u></p> <p>Beyond the DELG monitoring, as of March 2024, there is no publicly available results of current condition of pesticide use for industrial private land or private woodlots.</p> <p>Risk conclusion and justification</p> <p>Only chemicals registered by the federal government may be used in NB. Provincial legislation on herbicide and pesticide safe use and application is detailed and comprehensive for crown license, industrial private land and private woodlots. There is publicly available information to ensure that DELG and DNRED are monitoring herbicide use for compliance and using enforcement as necessary. Controls and procedures in place, and there is no indication of systemic non- compliance. Based on evidence reviewed, this Indicator is designated as low risk for Crown license, industrial private land and private woodlots.</p>
<p><i>Means of verification</i></p>	<ul style="list-style-type: none"> • Regulatory framework • Regulatory agency websites • Forest management plans • Best management practices and/or operational procedures, including assessment of impacts and implementation of mitigation measures • Chain of custody procedures, including fibre tracking • Fibre procurement policy & procedures • Regulatory compliance and enforcement data/reports • Oversight agency database records and/or reports • Site plans and/or post-activity inspections demonstrate negative impacts mitigated • Supplier verification program • Interviews with regulatory/oversight agency • Interview with experts • Interview with suppliers
<p><i>Evidence reviewed</i></p>	<p><u>International</u></p> <ul style="list-style-type: none"> • All POPs listed in the Stockholm Convention • Rotterdam Convention Annex III Chemicals

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	<ul style="list-style-type: none"> • Pesticide Action Network International Consolidated List Of BannedPesticides <p><u>Federal</u></p> <ul style="list-style-type: none"> • Pest Control Products Act • Pest Control Products Regulations • Pest Control Products Incident Reporting Regulations • Pest Control Products Sales information Reporting Regulations <p><u>Provincial</u></p> <ul style="list-style-type: none"> • Pesticides Control Act • Crown Lands and Forests Act • Forest Management Manual for New Brunswick Crown Lands Results-BasedForestry Option • NB State of the Forest Report 2023 • DELG - Pesticide Applicator Certificate • DELG – Forestry/Industrial Pesticide Safety Manual • New Brunswick Private Woodlot Silviculture Program (2023-2024) • DELG Annual Report 2021-2022 • DELG Annual Report 2020-2021 • DELG Annual Report 2019-2020 • DELG Annual Report 2018-2019 • DELG Annual Report 2017-2018 • DNRED KPI results information 2019 - 2023 						
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2.2.8	Waste shall be disposed of in an environmentally appropriate manner.						
<i>Findings</i>	<p>Scale of assessment</p> <p>Crown License Industrial Private Land Private Woodlots</p> <p>Analysis</p> <p>The European Union defines waste as “any substance or object that the holder discards or intends to discard or is required to be discarded.”</p>						

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According to the European Union Commission's guidance on the Classification of Waste, the following types of hazardous environmental waste apply within the context of forest management activities and are the focus of this Indicator:

- Oil wastes and wastes of liquid fuel;
- Waste organic solvent, refrigerants, and propellants; and
- Waste packaging: absorbents, wiping cloths, filter materials and protective clothing not otherwise specified.

Indicator 2.2.4 Residue Removal Minimises Neg Impact to Ecosystem covers the retention of wood waste and post-harvest residue from forest management activities. Refer to Indicator 4.1.8 Training to Workers for forestry-related training and 4.1.10 Worker H&S Safeguards training requirements related to the respective Indicators. Refer to 2.2.7 Pesticides and Pest Management Comply with Laws for pesticide use.

Leaving waste in the forest causes pollution which enters the ecosystem in numerous ways, depending on the nature of the waste and the site. Waste fluids may enter waterways and/or pose a direct hazard to wildlife. Waste also compromises aesthetic values and recreational use opportunities. Over the longer term, persistent pollution from inadequate waste disposal can negatively impact public health, wildlife, and the ecosystem.

Federal

- Canadian Environmental Protection Act
- Hazardous Products Act and its Regulations Provincial
- Clean Environment Act
- Clean Water Act
- Clean Environment Act, Used Oil Regulation
- Occupational Health and Safety Act
- Occupational Health and Safety Act, Workplace Hazardous Materials Information System Regulation
- Crown Lands and Forests Act
- Financial Administration Act, Fees for the Provision of Environmental Information Regulation
- Local Governance Act

Enforcement and monitoring

Federal

Health Canada is the federal government agency responsible for regulating pollution caused by inadequate waste disposal through the Canadian Environmental Protection Act (1999). The Act provides for codes of practice, requirements to set environmental quality objectives, and the provision of guidelines recommending limits on the release of substances into the environment. Health Canada is responsible for the Workplace Hazardous Materials Information System (WHMIS), which is a federal hazard communication standard under the Hazardous Products Act. WHMIS is implemented through coordinated federal and provincial legislation. Health Canada acts as the secretariat for the federal and provincial government partner system. Each province is responsible for establishing WHMIS requirements for employers. Suppliers, employers, and workers each have requirements under WHMIS. Suppliers who sell or import a hazardous product must identify if the product is a hazardous product, prepare labels and Safety Data Sheets, and provide the labels and Safety Data Sheets to buyers who intend to use the hazardous products for workplace use. Employers must educate and train workers on the hazards and safe use of hazardous products in the workplace, ensure hazardous products are properly labeled and ensure appropriate control measures are

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in place to protect the health and safety of workers. Workers must participate in WHMIS training programs, take necessary steps to protect themselves and coworkers, and participate in identifying and controlling hazards.

Provincial

WorkSafeNB is responsible for the enforcement of the Occupational Health and Safety Act and Regulations. WorkSafeNB has an agreement with Health Canada to enforce the federal Hazardous Products Act and Regulations, as well as enforce the provincial WHMIS Regulation. The New Brunswick (NB) Department of Environment and Local Government (DELG) is responsible for ensuring compliance of the Clean Environment Act, Clean Water Act and Regulations. Under the Clean Environment Act, no person shall release any contaminant or any class of contaminant into or upon the environment or any part of the environment if to do so would or could affect the environment, endanger health or safety, cause damage or interfere with visuals. Any person who discharges or has control of the source is required to take adequate action of a spill and must report to DELG immediately. Spills must be reported within 24 hours of occurrence. The Extended Producer Responsibility is an environmental policy approach that extends industry responsibility for a product beyond production to include the waste management of that product. The program places responsibility for end-of- life product management with industry. Under the Extended Producer Responsibility, the Used Oil and Glycol (coolant) Program has been in effect since 2014 and is funded by industry and overseen by Recycle NB. The Program covers manufacture, storage, collection, transportation, recycling, and disposal of oil and glycol products. Under the Clean Environment Act, any person transporting used oil must apply for and obtain a Carrier Approval permit to transport the used oil. Under the Clean Environment Act, an oil leak is considered a release of contaminant, and spills should be reported within 24 hours of occurrence. DELG is responsible to make scrap tires a "designated material" under the Clean Environment Act. Regulation 2008-54 under the Act allows Recycle NB to establish and administer a scrap tire management program.

Crown License

Additionally, for Crown license, DELG can be contacted to report illegal dumping. An individual who sees illegal activity on Crown license are to report the violation through 1-800-222-TIPS (Crime Stoppers), or by contacting the Department of Natural Resources and Energy Development (DNRED). DNRED is responsible for ensuring waste disposal is properly carried out on Crown License through the Forest Management Manual for New Brunswick Crown Lands (FMM) requirements in Schedule G of the Forest Management Agreement (FMA). The waste disposal key performance indicator (KPI) is identified in Schedule G of the FMA, under soil value. The goal is that harvest and silviculture operations on Crown license will preserve soil function, processes and health through minimising disturbance and contamination. The KPI is focused on minimising environmental contamination due to spillage of hazardous materials (fuels, oils, and pesticide). Any operation is expected to clean and/or mitigate any contaminations that occur.

Crown License and Industrial Private Land

Crown licensee, industrial private land owners and contractors maintain management systems that include procedures for managing waste and spills. Crown licensee and industrial private land owners include requirements, either in contracts or prework documents, that specify appropriate waste management practices. Crown licensee and industrial private landowners commonly have a company response plan for spills that directly address and meet the regulatory requirements as per the Clean Environment Act and Clean Water Act. These plans frequently contain best management practices and procedures, as well as company-specific forms for recording spill response.

Private Woodlots

For private woodlots, forestry activities are guided by best management practices (BMPs) found in A Practical Guide to Best Management Practices in New Brunswick Woodlots (2010). The BMPs for operational planning detail petroleum transportation, removal of all containers, contaminated materials and garbage from site, and

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spills and cleanup. The Guide to BMPs is available to private woodlot owners; however, it is not a requirement, as well, it is dated. The Local Governance Act provides local governments the ability to approve bylaws in a local municipality. For private woodlots, if waste is on municipal property, local municipalities must be contacted. It is common for municipalities to have litter bylaws, but each municipality bylaw is unique. Litter bylaws may include a complaints process. The Property-Based Environmental Information program is administered by DELG. The general public can request property-based information on parcel identifier numbers of private property, through application for basic property-based environmental information, or application for property-based detailed scientific reports. DELG responds to basic property-based applications within three to five days. The application for property-based detailed scientific reports takes longer, depending on the scope of the application.

Provincial

WorkSafeNB has oversight of the provincial WHMIS Regulation. WorkSafeNB officers conduct inspections of worksites and can take enforcement measures if necessary. DELG is responsible for compliance and enforcement of the Clean Environment Act, Clean Water Act and Regulations. The DELG Compliance and Enforcement Policy outlines the process to administer its regulatory responsibilities. The Policy also sets out the framework for enforcement activities by DELG and other agencies. DELG inspects operations to ensure compliance. DELG can enforce penalties ranging from \$500 to \$1,000,000 for illegal dumping. Under the Clean Environment Act, any spill must be reported to DELG within 24 hours and be picked-up and properly disposed. The damage of a spill, as well as the context surrounding the situation, are evaluated by DELG which determines whether additional measures of restoration are required, or a fine is warranted.

Crown License

Additionally, under the FMM, oversight of harvest operations where spills and waste disposal may occur is the responsibility of the operator. DNRED is responsible for ensuring operations are in conformance with KPI targets.

Industrial Private Woodlots

DELG and WorkSafe NB monitoring occurs on industrial private land. Additionally, landowners are responsible for the oversight of operations.

Private Woodlots

Additionally, information from the DELG Property-Based Environmental Information program can be used as an indicator to determine the likelihood of potential contamination on a parcel identifier number. Based on the application results, DELG can conduct an investigation on the property. Municipalities can take actions of enforcement through municipal bylaws. Enforcement actions are fines to the offender of littering.

WorkSafeNB publishes annual reports detailing the number of workplace inspections conducted and enforcement actions taken; however, there are not distinguished WHMIS related inspections or contraventions identified in the report. DELG publishes annual reports with information about compliance inspections and enforcement actions taken; however, results are not distinguished by Crown license, industrial private land or private woodlots, or by industry type.

Crown License

Additionally, waste disposal on crown license is compliant with regulatory requirements, based on KPI targets in Schedule G of the FMA and Crown licensee performance.

Private Woodlots

As of March 2024, there is no publicly available information results to verify the current condition of waste disposal for private woodlots.

Risk conclusion and justification

Crown License

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	<p>There is a comprehensive regulatory framework, compliance, and enforcement systems, including reporting to address the handling and disposal of waste to minimize negative impacts. Crown licensees have practices in place to minimise spills and garbage left on site after operations. The forest industry also has a duty to self-report and to implement remediation procedures. The controls and procedures in place, and there is no indication of systemic non-compliance. Based on evidence reviewed, this Indicator is designated at low risk for Crown license in New Brunswick.</p> <p><u>Industrial Private Land</u> Industrial private landowners are subject to reporting systems, WorkSafe NB and DELG monitoring, and compliance and enforcement to address the handling and disposal of waste to minimise negative impacts. The controls and procedures in place, and there is no indication of systemic non-compliance. Based on evidence reviewed, this Indicator is designated as low risk for industrial private land in New Brunswick.</p> <p><u>Private Woodlots</u> On private woodlots, the provincial legislation related to the waste management is comprehensive. Due to a lack of evidence to implementation mechanisms and/or results to verify current condition of waste management, a precautionary approach is applied. As such, this Indicator is designated as specified risk for private woodlots in New Brunswick.</p>
<p><i>Means of verification</i></p>	<ul style="list-style-type: none"> • Regulatory framework • Regulatory agency websites • Forest management plans • Best management practices and/or operational procedures, including assessment of impacts and implementation of mitigation measures • Chain of custody procedures, including fibre tracking • Fibre procurement policy & procedures • Regulatory compliance and enforcement data/reports • Oversight agency database records and/or reports • Watershed and/or riparian assessments, applicable to the supply base area • Site plans and/or post-activity inspections demonstrate negative impacts mitigated • Supplier verification program • Interviews with regulatory/oversight agency • Interview with experts • Interview with suppliers
<p><i>Evidence reviewed</i></p>	<p><u>International</u></p> <ul style="list-style-type: none"> • European Commission – Commission notice on technical guidance on the classification of waste <p><u>Federal</u></p> <ul style="list-style-type: none"> • Canadian Environmental Protection Act • Hazardous Products Act and its Regulations • Workplace Hazardous Materials Information System 2015 <p><u>Provincial</u></p>

Annex 1 Detailed findings for Supply Base Evaluation

	<ul style="list-style-type: none"> • Clean Environment Act • Clean Environment Act, Used Oil Regulation • Clean Water Act • Crown Lands and Forests Act • DELG Annual Reports 2018 - 2022 • DNRED KPI results information 2019-2023 • Forest Management Manual for New Brunswick Crown Lands Results-Based Forestry Option • Oil and Glycol Recycling Program • Occupational Health and Safety Act • Occupational Health and Safety Act, Workplace Hazardous Materials Information System Regulation • Property-Based Environmental Information • Solid Waste Management Plan • Tire Recycling Program • Spill Reporting in New Brunswick • WorkSafe NB Annual Reports 						
<i>Risk rating</i>	<table> <tr> <td>Crown License</td> <td>Low risk</td> </tr> <tr> <td>Industrial Private Land</td> <td>Low risk</td> </tr> <tr> <td>Private Woodlots</td> <td>Specified risk</td> </tr> </table>	Crown License	Low risk	Industrial Private Land	Low risk	Private Woodlots	Specified risk
Crown License	Low risk						
Industrial Private Land	Low risk						
Private Woodlots	Specified risk						
2.2.9	Harvesting levels shall be justified as to how they can be sustained with reference to inventory and growth data for the Supply Base.						
<i>Findings</i>	<p>Scale of assessment</p> <p>Crown License Industrial Private Land Private Woodlots</p> <p>Analysis</p> <p>The assessment of this Indicator considers whether long-term sustainable harvest levels have been determined using appropriate information and assumptions and whether actual harvests are below these levels. Forest inventory and yield curves are key determinants of the long-term sustainable harvest levels used in forest estate modelling. Long-term sustainable harvest levels cannot exceed the annual net growth rate of the forest, with losses due to natural disturbances taken into account. An annual allowable cut (AAC) is determined from this long-term sustainable harvest level. The AAC represents the upper annual harvest limit during the management plan term. The New Brunswick Crown Land Forest Biomass Harvesting Policy (2008) limits biomass removal to stands within harvest blocks of the approved Forest Management Plan (FMP) and sets out criteria for determining whether a stand is eligible for biomass harvesting. Biomass Producers in New Brunswick (NB) source the majority of fibre from mill residues.</p>						

Annex 1 Detailed findings for Supply Base Evaluation

The balance is obtained by grinding harvesting slash or chipping low- grade roundwood. Fibre from these sources is not volume that counts against the AAC. See Section 4.8 Overview of the Biomass Sector as well as Indicator 2.2.4 Residue Removal Minimises Neg Impact to Ecosystem.

Timber harvesting that exceeds the long-term sustainable harvest level of the forest is unsustainable and will erode the productivity of the forest, ecosystem services and the timber supply it produces.

Crown License

- Crown Lands and Forests Act (CLFA) Industrial Private Land and Private Woodlots

There is no regulatory framework that requires the determination and maintenance of long-term sustainable harvest levels on industrial private land and private woodlots.

Enforcement and monitoring

Crown License

The Department of Natural Resources and Energy Development (DNRED) has authority to administer the Crown Lands and Forests Act (CLFA) which provides the regulatory framework to enable the determination of long-term sustainable harvest levels for Crown licenses. In 2014, the DNRED released a strategy titled A Strategy for Crown Lands Forest Management. The 2014 Strategy increased the softwood sustainable harvest by 20% and reduced the amount of conservation forest applicable to Crown land. In August 2023, the DNRED released a strategy titled Our Forests are for Everyone: A Long-Term Management Strategy for Healthy & Sustainable Forests. The 2023 Strategy reduced the emphasis on commercial timber production and increased the amount of Crown land managed for biodiversity maintenance from 23% to 30%, addressing watercourse buffers, deer wintering yards, and other areas that are not formally identified as parks and conservation reserves. The provincial Crown softwood long-term sustainable harvest level was unchanged in the 2023 Strategy, with the focus of harvesting stands that have had significant silvicultural investments. The 2023 Strategy states the Crown hardwood harvest was above the long-term sustainable level. This was done to reduce the amount of hardwood on the land base. Going forward, the hardwood harvest will be incrementally reduced to a long-term sustainable level. On Crown license, the CLFA requires the holder of a Forest Management Agreement (FMA) to prepare a 25-year Forest Management Plan (FMP) which "describes the manner in which the licensee will manage the Crown lands under his licence with respect to ... timber harvesting." The CLFA states that FMPs are to be revised every five years. The Forest Management Manual for New Brunswick Crown Lands (FMM) (2014) provides direction for forest management planning on Crown license consistent with the principles of sustainable forest management. One of the goals of Crown license management set out in the FMM is to "sustainably supply timber to NB's forest sector." One objective under this goal is "Crown forests will be primarily managed to maximize the Sp.bf/jP [spruce/balsam fir/jack pine] saw timber harvest in the short-term and grow it in the long-term." A second objective is to reduce the overall hardwood supply "to a sustainable level through a reduction in the inventory of lower value species and products." On Crown license, the long-term sustainable harvest level is determined during the preparation of the FMP. The FMM provides direction for the preparation of the FMP. The FMM does not describe the methodology that is to be used to determine the long-term sustainable harvest level or AAC. The FMM gives the licensee the discretion on how to determine the AAC. The AAC is set for the term of the FMP. Crown licensees have differing levels of capacity to undertake the modelling required to prepare an FMP. Where the licensee cannot undertake the modelling work, DNRED assists, which can range from providing datasets for modelling to setting up the model input files and running the various management scenarios.

Industrial Private Land

On industrial private land, as of March 2024 there is no publicly available information describing whether or how long-term sustainable harvest levels are determined.

Private Woodlots

Private woodlots are individually too small to support a long-term sustainable harvest level. In 2012, DNRED conducted modelling to establish biological AACs applicable to each individual Marketing Board area (i.e., management unit). During consultation, DNRED and the Marketing Boards agreed to set the AAC at 70% of the of the Maximum

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Theoretical Rate to account for assumptions made on the timing of harvesting across private woodlots. Separate AACs were determined for softwood and hardwood species groups. DNRED is in the process of updating the AACs, however the analysis is not yet complete. As of March 2024, the methodology and assumptions used to determine the AAC are not publicly available. Actual harvest level from private woodlots is the result of the decisions of each individual woodlot owner. Historically, actual harvest levels are variable, usually rising as the market price for timber increases and declining when it falls.

Crown License

DNRED is responsible for reviewing and approving FMPs on Crown license and ensuring the FMM is being followed. When DNRED reviews Crown license FMPs, the AACs are examined to ensure consistency with government direction. As per the CLFA, DNRED is required to assess the performance of each licensee every five years, after an FMP term has concluded. The ratio of the actual harvest to the allowable volume for both softwood and hardwood during the five-year term of the FMA is assessed. DNRED conducts audits of operations on Crown license and compiles GIS information on treated parcels for inclusion in the forest inventory. Audit scheduling occurs based on a combination of DNRED's assessment of risk and opportunity to inspect an operation. These audits include assessments of whether the licensee is following the FMP and ensuring future wood supply based on current practices.

Industrial Private Land

On industrial private land, oversight of forest management and actual harvest is managed by the landowner. As of March 2024, there is no publicly available information describing an oversight framework for long-term sustainable harvest levels.

Private Woodlots

On private woodlots, the AAC is estimated but it is not used in management planning nor is it enforceable. The New Brunswick Forest Products Commission Annual Reports include activities and key performance indicators Reporting is provided for each Marketing Board area. AAC, harvest levels and silviculture completed to support harvest levels is one such measure.

Crown License

In the 2014 Strategy, DNRED increased the softwood sustainable harvest by 20% and reduced the amount of area managed for conservation purposes. The 2023 Strategy increased the amount of conservation area while maintaining the softwood sustainable harvest. Over the last 20 years, the allowable hardwood harvest on Crown land has been set above the long-term sustainable supply to reduce the proportion of hardwood in the forest. This shift has been completed, and the 2023 Strategy states future hardwood harvest levels will be brought into line with long-term sustainable levels. A sample of three 2014 FMPs provided by DNRED were examined. One of the FMPs had minimal content and it was not evident how the AAC was determined. The other two FMPs provided more description of the forest modelling and AAC determination and were consistent with the direction in the FMM. DNRED was involved with the planning team for one of these latter two FMPs. DNRED provides assistance if requested to supplement the licensee's analytical capacity. All three FMPs, including AAC determination have been approved by DNRED. The most current publicly available data on crown license harvest is found in The Public Forest, 2008 State of the Forest Report. The report states that the Crown harvest ranged between 5.0 million m³ and 4.4 million m³ between 2003 and 2007. The actual harvest from Crown licenses has been steady since 2003, the earliest year for which records are available. The last publicly available comparison between allowable volumes and actual harvest was for the 2007-2012 FMP term. The actual softwood harvest as a percentage of the allowable softwood volume ranged from 80% on License 8 to 98% on Licenses 5, 6, and 7. For hardwood, the percentages ranged from 58% on Licenses 2, 3, and 4 to 98% on Licenses 5, 6, and 7 during the same FMP term. The New Brunswick Forest Products Commission's Timber Utilization Report 2022/23 states the actual annual Crown harvest ranged between 4.5 million m³ and 5.5 million m³ between 2009 and 2022, with the average being 5.1 million m³/yr. DNRED is in the process of revising the 2014 FMM to ensure consistent direction in the 2023 Strategy; as of March 2024 the revised FMM has not yet been released.

Industrial Private Land

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	<p>As of March 2024, there is no publicly available information on the long-term sustainable harvest levels or AACs for industrial private land. The actual annual harvest level on industrial private land ranged between 1.7 million m3 and 2.1 million m3 between 2018 and 2022, with an average of 1.97 million m3 harvested each year.</p> <p><u>Private Woodlots</u></p> <p>The 2015 Auditor General's Report - Volume I, II, III & IV stated that the AAC calculation for private woodlots "is not based on complete and accurate forest inventory data and can be as much as ten years out of date." The Auditor- General reported the approach used by DNRED to determine the private woodlot AAC (the level at which yield is sustainable) was to set it at 70% of the maximum yield under a fibre-only strategy. The 2015 Auditor General's Report is the most current publicly available information on long-term sustainable harvest levels of private woodlots. The AACs for Marketing Boards were last established in 2012. DNRED is in the process of updating the AACs. As of March 2024, the updated Marketing Board area AACs are not publicly available. The New Brunswick Forest Products Commission 2022/203 Annual Report provides the AAC and harvest levels for each Marketing Board for softwood and hardwood volumes from 2013/14 to 2022/23. The combined AAC 70% volume is 2.585 million m3 as compared to the maximum AAC volume of 3.725 million m3. Although there are some years where harvest softwood and hardwood volumes exceed the 70% AAC for specific Marketing Boards, the aggregate actual harvest for all private woodlots is below the aggregate maximum AAC for the past decade.</p> <p>Risk conclusion and justification</p> <p><u>Crown License</u></p> <p>FMP development entails a rigorous modelling and testing of various forest management scenarios, consistent with the FMM. The FMP produced is based on a scenario that incorporates a long-term sustainable harvest level, which becomes the AAC. DNRED provides oversight of the process, the AAC and the actual harvest throughout the term of the FMP. The most recent planning term (2007-2012) for which data were publicly available verified that actual harvest levels were below the AACs. It is primarily the level of DNRED oversight in plan development and the steady harvest level between 2003 and 2022 that leads to the conclusion that this Indicator is low risk on Crown license in New Brunswick.</p> <p><u>Industrial Private Land</u></p> <p>Due to a lack of a regulatory framework, evidence to support implementation mechanisms, a monitoring framework and/or results of current condition of harvest levels, a precautionary approach is applied. As such, this Indicator is designated as specified risk for industrial private land in New Brunswick.</p> <p><u>Private Woodlots</u></p> <p>On private woodlots, the AACs were last established in 2012, with the methodology questioned by the Auditor General. The pending update to AAC is not completed or available. However, the actual harvest levels have been less than either the combined 70% or maximum AACs for the past decade. Based on the evidence reviewed, this Indicator is designated as low risk for private woodlots in New Brunswick.</p>
<p><i>Means of verification</i></p>	<ul style="list-style-type: none"> • Regulatory framework • Regulatory agency websites • Forest management plans • Best management practices and/or operational procedures, including assessment of impacts and implementation of mitigation measures • Chain of custody procedures, including fibre tracking • Fibre procurement policy & procedures • Regulatory compliance and enforcement data/reports

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	<ul style="list-style-type: none"> • Oversight agency database records and/or reports • Timber supply analysis, applicable to the supply base area • AAC vs actual harvest analysis, applicable to the supply base area • Site plans and/or post-activity inspections demonstrate negative impacts mitigated • Supplier verification program • Interviews with regulatory/oversight agency • Interview with experts • Interview with suppliers 						
<i>Evidence reviewed</i>	<p>Provincial</p> <ul style="list-style-type: none"> • 2012-2021 Forest Management Plan for License 5 (Kent). Submitted November 3, 2014. • 2012-2021 Forest Management Plan for License 9, Submitted November 2014. • 2012-2021 Forest Management Plan for License 9, Submitted November 2014. • A Strategy for Crown Lands Forest Management, 2014. • Auditor General of New Brunswick. 2015 Auditor General's Report -Volume I, II, III & IV • Crown Land Forest Biomass Harvesting Policy (2008) • Crown Lands and Forests Act • Department of Natural Resources and Energy Development Annual Reports • Forest Management Manual for New Brunswick Crown Lands Results-Based Forestry Option • New Brunswick Forest Products Commission Annual Reports • New Brunswick Forest Products Commission Timber Utilization Reports, 2021/22, 2022/23 • New Brunswick Task Force on Forest Diversity and Wood Supply • Our Forests are for Everyone: A Long-Term Management Strategy for Healthy & Sustainable Forests. 2023 • The Public Forest, 2008 State of the Forest Report 						
<i>Risk rating</i>	<table> <tr> <td>Crown License</td> <td>Low risk</td> </tr> <tr> <td>Industrial Private Land</td> <td>Specified risk</td> </tr> <tr> <td>Private Woodlots</td> <td>Low risk</td> </tr> </table>	Crown License	Low risk	Industrial Private Land	Specified risk	Private Woodlots	Low risk
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Industrial Private Land	Specified risk						
Private Woodlots	Low risk						
2.2.10	Harvested areas shall be regenerated.						
<i>Findings</i>	<p>Scale of assessment</p> <p>Crown License Industrial Private Land</p>						

Private Woodlots

Analysis

To ensure future forests, regeneration with natural or planted seedlings following harvest must be prompt and adequate. Sufficiency is a measure of species selection, seedling distribution, and time of establishment. Species selection needs to be consistent with site ecology (i.e., original stand composition, ecosite, and natural disturbance) and considerate of future climate change risks. Distribution must be sufficient to allow future crop trees to occupy the site in a free-growing state, and timing needs to be prompt enough to allow early establishment unhindered from competing vegetation. See Indicator 2.2.1 Conversion – a, b, c, d. The terms regeneration and reforestation are interchangeable for this Indicator. See Indicator 2.2.12 Genetically Modified Trees not Used.

Inadequate regeneration can result in a considerable time delay following harvest, unacceptable species, inadequate control of competing vegetation, and significantly uneven density. These will compromise future forest fibre harvest volume and value, as well as ecosystem functions and related productivity.

Crown License

- Crown Lands and Forests Act
- Timber Regulation Industrial Private Land

There is no regulatory framework that requires regeneration after timber harvest on industrial private land.

Private Woodlots

- Private Woodlot Sustainability Act

Enforcement and monitoring

Crown License

The Department of Natural Resources and Energy Development (DNRED) is responsible for ensuring regeneration occurs in NB through the Crown Lands and Forests Act. Licensees are required to have a Forest Management Agreement (FMA) which requires a Forest Management Plan (FMP). Licensees are required to implement silviculture according to individual FMPs, as per Schedule G, which outlines Forest Management Manual for New Brunswick Crown Land (FMM) requirements. Licensees are responsible for developing a harvest and silviculture strategy aligned with FMM objectives. Silviculture operations on Crown license are outlined by the FMM and are controlled using site-level prescriptions that consider forest type, environmental features, neighbouring land uses, related policy, and the regulatory framework in the context of forest management objectives. Licensees prepare Annual Operating Plans (AOPs) that are submitted to DNRED each spring, prior to the start of forest operations. Silviculture plans (including tree planting) are submitted as part of the AOP. Silviculture plans must be consistent with the objectives of the silviculture strategy identified in the FMP.

Industrial Private Land

As of March 2024, there is no publicly available information describing implementation mechanisms for regeneration on industrial private land.

Private Woodlots

Private woodlot owners are provided the Best Management Practices: A Practical Guide to BMPs in New Brunswick's Private Woodlots that includes guidance for regeneration. Most private woodlots harvested are naturally regenerated, not planted. Additionally, private woodlots owners can choose to participate in the voluntary Private Woodlot Silviculture Program under the Private Woodlot Sustainability Act through DNRED and the seven Forest Products Marketing Boards in NB. Funding is provided for silviculture activities, such as planting and regeneration performance reports. Private Woodlot Sustainability Act funds additional silviculture on private woodlots, engages and supports private woodlot owners in the development and completion of management plans by providing training, educational materials, and other support on forest management to owners of private woodlots.

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Crown License

On Crown license, DNRED assesses licensee’s performance and compliance, including regeneration. Performance of licensees is assessed with measurable indicators and can require a Compliance Action Plan if non-compliance is found during field checks. There are three key performance indicators in Schedule G of the FMP associated with regeneration—silviculture area, which reviews reimbursed area compared to actual area; best management practices, which evaluates the Crown licensee internal silviculture best management practices; and reimbursement which evaluates the licensees against DNRED reimbursement criteria.

Industrial Private Land

On industrial private land, owners are responsible for the oversight of operations. As of March 2024, there is no publicly available information describing an oversight framework for regeneration on industrial private land.

Private Woodlots

The Private Woodlot Silviculture Program funding is administered through the Marketing Boards. For private woodlots that participate in the Private Woodlot Silviculture Program, the Marketing Boards are responsible for ensuring that planting has been conducted in year one and required to provide performance monitoring reports for regeneration performance in year three, and year ten after regeneration for private woodlots. Regeneration monitoring reports are submitted to the Marketing Boards and DNRED for review. DNRED checks compliance with criteria, rules and regulations outlined in the Private Woodlot Silviculture Program, which includes compliance to BMPs. On private woodlots that do not participate in the Private Woodlot Silviculture Program there is no publicly available information describing an oversight framework for regeneration. Owners are responsible for the oversight of operations.

Crown License

The NB Excellence in Forest Management–Understanding our System State of Forest Report – 2023 states that 80% of harvested areas are left to naturally regenerate. Over the last 10 years, an average of 10,300 ha have been planted each year on Crown license. DNRED data verified that results from 36,000 inspections conducted from 2019 to 2023, showed Crown licensees had silviculture key performance indicator compliance varying from 75.6% to 99.1%.

Crown licensees provide DNRED with silviculture treatment information annually, but it is not publicly available.

Industrial Private Land

As of March 2024, there are no publicly available results to verify the current condition of regeneration on industrial private land.

Private Woodlots

On private woodlots that participate in the Private Woodlot Silviculture Program, the Marketing Boards confirmed regeneration reports are compiled by the Marketing Boards annually and submitted to DNRED. DNRED reports the performance monitoring of silviculture activities on private woodlots in the DNRED Annual Reports. Participation in the program is voluntary and the number of private woodlot owners that participate could not be verified with publicly available information. For private woodlots not participating in the Private Woodlots Silviculture Program, there is no publicly available results to verify the current condition of regeneration.

Risk conclusion and justification

Crown License

There is a comprehensive regulatory framework governing regeneration on Crown license. Government programs monitor regeneration. Inspection results verify Crown licensees comply with practice requirements related to regeneration. Based on evidence reviewed, this Indicator is designated as low risk for Crown license in New Brunswick.

Industrial Private Land

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	<p>Due to a lack of a regulatory framework, evidence to support implementation mechanisms, a monitoring framework and/or results of current condition of regeneration following timber harvesting, a precautionary approach is applied. As such, this Indicator is designated as specified risk for industrial private land in New Brunswick.</p> <p><u>Private Woodlots</u></p> <p>There is evidence that regeneration activities are completed on private woodlots that participate in the Private Woodlots Silviculture Program, however, the level of participation is not being applied consistently across private woodlots in NB. Most private woodlot areas harvested are naturally regenerated, and there is no systematic survey of regeneration that would attest to the adequacy of stocking. Due to a lack of results, a precautionary approach is applied and this Indicator has been designated as specified risk for private woodlots in New Brunswick.</p>
<p><i>Means of verification</i></p>	<ul style="list-style-type: none"> • Regulatory framework • Regulatory agency websites • Forest management plans • Best management practices and/or operational procedures, including assessment of impacts and implementation of mitigation measures • Chain of custody procedures, including fibre tracking • Fibre procurement policy & procedures • Regulatory compliance and enforcement data/reports • Oversight agency database records and/or reports • Regeneration assessments, applicable to the supply base area • Site plans and/or post-activity inspections demonstrate negative impacts mitigated • Supplier verification program • Interviews with regulatory/oversight agency • Interview with experts • Interview with suppliers
<p><i>Evidence reviewed</i></p>	<p><u>Provincial</u></p> <ul style="list-style-type: none"> • Best Management Practices: A Practical Guide to BMP's in New Brunswick Woodlots. 2011. • Crown Lands and Forests Act • Forest Management Manual for New Brunswick Crown Lands Results-Based Forestry Option (August 2014) • New Brunswick Private Woodlot Silviculture Program (2023/2024) • Private Woodlot Sustainability Act • Silviculture Activities on Private Woodlots in New Brunswick. 2021-22. • Timber Regulation 86-160 • DNRED KPI results 2019-2023 • Excellence in Forest Management–Understanding our System State of Forest Report – 2023 • Government of New Brunswick. Natural Resources and Energy Development. Annual Report. 2022-2023.

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Crown License	Low risk						
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Private Woodlots	Specified risk						
2.2.11	The impacts of natural processes such as fires, pests and diseases shall be managed.						
<i>Findings</i>	<p>Scale of assessment Crown License Industrial Private Land Private Woodlots</p> <p>Analysis Wildfires, pests, diseases, and windthrow are natural disturbance events that shape the ecological attributes of all forests. These events can be small events such as single tree deaths but most often are stand modifying or replacing events and work to create a persistent landscape pattern related to the dominant disturbance type. Disturbance is essential to forest health and regeneration, although it can pose challenges to tenure holders and communities. Insect damage and windthrow are the primary sources of natural disturbance and cause more temporary forest loss than timber harvesting. Aspects of healthy and vital ecosystem services are addressed in Indicator 2.2.2 Health, Vitality & Other Services. Localised timber diseases are left untreated as they tend to be small, are difficult to control, and generate a variety of key ecological attributes for sustaining biodiversity. Similarly, for wildfires, not all fires need to or should be suppressed. Extensive fire suppression can lead to the build-up of fine fuels, increasing the risk of large-scale fires.</p> <p>Inappropriate management of impact from natural disturbances can lead to:</p> <ul style="list-style-type: none"> • Loss or long-term alteration of forest ecosystems; • Reduction of productive forest area; • Reduction in forest growth rate; • Loss of socio-economic benefits from forests; • Property losses; and • Danger to human lives. <p><u>Federal</u></p> <ul style="list-style-type: none"> • Pest Control Products Act • Pest Control Products Regulations • Plant Protection Act <p><u>Provincial</u></p> <ul style="list-style-type: none"> • Forest Fires Act • Pesticides Control Act <p><u>Crown Land</u></p>						

- Crown Lands and Forests Act (CLFA)

Enforcement and monitoring

The Federal Acts are implemented through provincial forest departments and forest legislation. In New Brunswick (NB), the Crown Lands and Forests Act (CLFA) allows the Department of Natural Resource and Energy Development (DNRED) to intervene on Crown license, industrial private land, and private woodlots to manage natural disturbance events in forests. The Forest Fires Act allows DNRED to issue fire permits and control wildfires and fire hazards.

Pests and Diseases

The federal Pest Control Products Act and its Pest Control Product Regulations and the provincial Pesticides Control Act apply to Crown license, industrial private land, and private woodlots. DNREDs Pest Management Unit, and the Forest Pest Management Group have the mandate to protect NB forests from native insect and disease pests on Crown license, industrial private land, and private woodlots. Annual monitoring and forecast surveys are conducted for a defined number of targeted pests. The FMPG monitors and forecasts pest conditions, assesses potential impacts, evaluates available control measures, treats as required, and assesses treatment results. DNRED under the CLFA, regulates assessment of potential impacts, treatment options, controls/treatments, and assessment of treatments results. Crown licensees are required to provide a 25-year Forest Management Plan (FMP) that includes implementation of treatments for pests and disease.

On industrial private land and private woodlots, actions for significant pests or disease are guided by DNRED direction.

Wildfire

DNRED implements the Forest Fires Act on forest land outside the boundaries of a city or town and not cultivated for agricultural purposes on which trees, shrubs, plants, or grass are growing, regardless of ownership.

On Crown licenses, fire protection planning is included in 25-year FMPs.

On industrial private land and private woodlots, fire protection actions are guided by DNRED direction.

Fire season as defined in the Forest Fires Act. If DNRED considers it advisable and in the public interest, DNRED may vary the date the fire season commences or ends for the whole or any part of the province. DNRED issues burning permits during the fire season for industrial operations on forest land (including Crown licenses, industrial private and private woodlots). The permits specify the required fire equipment and the location of the operation. Permits can be obtained at any of DNRED's district offices at no cost to the applicant. Inspections are conducted by DNRED throughout the season to ensure compliance with industrial operations. DNRED implements Forest Fire Watch, an Internet-based fire incidence reporting system. Citizens and businesses are encouraged to report through Forest Fire Watch. When a fire starts from any cause on forest land, the owner or operator should call DNRED or 911, take immediate action to combat the fire, and inform the nearest conservation officer or forest service officer. On Crown license, industrial private land, and private woodlots, a conservation officer may assume direct control of combatting the fire, or delegate control to the owner or operator. The fire will be mapped, and progress updated on the Forest Fire Watch website daily.

Windthrow

On Crown license, industrial private land and private woodlots, provincial annual aerial surveys identify significant windthrow events. On Crown license, windthrow effects are assessed and implemented at the landscape and stand level by DNRED under the CLFA and the Forest Management Manual (FMM). Windthrow treatments are described in the FMPs.

On industrial private land and private woodlots, there are no regulatory requirements for windthrow management.

The Forest Disturbance Reporting System is an important monitoring tool used to identify emerging and potential threats to NB's forest resources. It consists of two components - a public reporting website and an internal web-based Departmental reporting system. Summary statistics of reports by region, date, land type,

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and disturbance types reported are presented.

Pests and Diseases

DNRED's Forest Pest Management Group monitors provincial insect pest populations with aerial survey and ground plots and regular annual reporting. Provincial treatment options are developed from this data. There are also collaborative monitoring and treatment programs to help minimise pests and disease. Pest and disease treatment is handled in collaboration with Forest Protection Limited, a Crown entity, majority owned by the NB government, with the remaining owned by forest industry stakeholders. Forest Protection Limited conducts aerial insect control, and herbicide programs on Crown land, industrial private land and private woodlots.

Wildfire

DNRED is responsible for fire detection and protection. The Forest Fires Act defines the DNRED mandate to fight forest fires on all forest lands, including Crown license and industrial private land, and private woodlots. Forest Protection Limited conducts aerial fire protection on Crown land, industrial private land and private woodlots.

Windthrow

Windthrow is treated in the annual Summary of Forest Pest Conditions reports as an abiotic agent for Crown license and industrial private land, and private woodlots. DNRED's forest pest management group is currently using satellite imagery to monitor large scale blowdown events. On Crown license, DNRED's forest pest management group's reports of windthrow are sent to DNRED's forest inventory group for impact evaluation. Industrial private land and private woodlots complete oversight with regard to windthrow impacts.

As stated in NB's Summary of Forest Pest Conditions (2022), 905 reports were submitted (2022) – the majority generated by regional officers with most reports logged between May and September. Phone calls and e-mail inquiries were not logged through this system. The majority of reports submitted were from Crown license (73%) followed by private (17%) and industrial private land (10%). Most reports were from softwood stands (51%), followed by mixed- wood (33%), hardwood (15%) and "other" (1%).

Pests and Diseases

On Crown license, industrial private land and private woodlots, spruce budworm is the dominant forest pest which tends to have severe outbreaks every 20-30 years. Additional potential pests of concern include hemlock looper, spruce beetle, brown tail moth, emerald ash borer, tent caterpillar, Gypsy moth, white pine weevil, beech bark disease, and balsam woolly adelgid. In 2017, the forest industry, Kouchibouguac National Park and DNRED collaborated to sample 1,851 plots for spruce budworm. The survey resulted in a low detection rate. In 2018 overall counts were down from 2017, a trend also observed by industry and other government agencies monitoring within the province. As part of the federal Early Intervention Strategy Small Scale Research program, approximately 200,000 ha of spruce and balsam fir forest were treated for spruce budworm in 2018. Based on the decrease in threshold plots in the fall of 2018, the total treatment area for 2019 was greatly reduced. In 2022, about 15,000 ha of spruce/fir forest were treated for spruce budworm. The treatment block sizes and locations were determined using the results of the 2021 sampling. Since 2019, province-wide moth counts have dropped annually. In 2022, moth counts were the lowest on record since the start of the EIS program.

Wildfire

Large fires are rare in NB and 97.6% are human caused. As reported in the SoF 2023 Report, from 2012 – 2022, on average NB has seen approximately 200 fires with 340 forested hectares burned annually. In 2020, with the extremely dry weather and low rainfall, that number increased to 462 fires and 1,389 hectares burned. Data is at the provincial level and does not break down between Crown license, industrial private land and private woodlot occurrences.

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	<p><u>Windthrow</u> Prior to Hurricane Fiona (September 2022) and major wind events in 2023, large scale windthrow events were infrequent as reported in the Summary of Forest Pest Conditions 2022. The 2022 Report recorded wind/weather events as abiotic and stated, “none of these (windthrow) reports were exceptional in volume or in area and there are not concerns for significant issues resulting from any Forest Disturbance Reporting System reports logged in 2022.” On Crown land, large scale events detected remotely are assessed for inventory impacts and salvage requirements. Available statistics are at the provincial level and do not break down between Crown license, industrial private land and private woodlot occurrences.</p> <p>Risk conclusion and justification There is a comprehensive regulatory framework to assess, respond, and manage natural disturbances such as pests, disease, wildfire, and windthrow. A framework for prevention and planning of natural processes in place and being followed. Provincial monitoring programs are active for pests, disease, wildfire, and windthrow. Provincial results verify active response and preventative management of the natural processes. Based on evidence reviewed, this Indicator is designated as low risk for Crown license, industrial private land, and private woodlots in New Brunswick.</p>
<p><i>Means of verification</i></p>	<ul style="list-style-type: none"> • Regulatory framework • Regulatory agency websites • Forest management plans • Best management practices and/or operational procedures, including assessment of impacts and implementation of mitigation measures • Chain of custody procedures, including fibre tracking • Fibre procurement policy & procedures • Regulatory compliance and enforcement data/reports • Oversight agency database records and/or reports • Site plans and/or post-activity inspections demonstrate negative impacts mitigated • Supplier verification program • Interviews with regulatory/oversight agency • Interview with experts • Interview with suppliers
<p><i>Evidence reviewed</i></p>	<p><u>Federal</u></p> <ul style="list-style-type: none"> • Pest Control Products Act • Pest Control Products Regulations • Plant Protection Act <p><u>Provincial</u></p> <ul style="list-style-type: none"> • Canadian Early Intervention Strategy Small Scale Research program • Crown Lands and Forests Act

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	<ul style="list-style-type: none"> • Department of Natural Resources and Energy Development • Department of Natural Resources and Energy Development, ForestPests • Excellence in Forest Mangement - Understanding Our System. Stateof the Forest Report 2023. • Forest Fires Act • Forest Protection Limited • Healthy Forest Partnership • New Brunswick Forest Fire Watch • New Brunswick Summary of Forest Pest Conditions 2022. 						
<i>Risk rating</i>	<table> <tr> <td>Crown License</td> <td>Low risk</td> </tr> <tr> <td>Industrial Private Land</td> <td>Low risk</td> </tr> <tr> <td>Private Woodlots</td> <td>Low risk</td> </tr> </table>	Crown License	Low risk	Industrial Private Land	Low risk	Private Woodlots	Low risk
Crown License	Low risk						
Industrial Private Land	Low risk						
Private Woodlots	Low risk						
2.2.12	Genetically modified trees shall not be used.						
<i>Findings</i>	<p>Scale of assessment Provincial</p> <p>Analysis Diaz and Fridovich-Keil (2020) define a genetically modified organism (GMO) as an organism whose genome have been engineered in a laboratory to favour the expression of desired physiological traits or the generation of desired biological products. In conventional livestock production, crop farming, and even pet breeding, it has long been the practice to breed select individuals of a species to produce offspring that have desirable traits. Genetic modification, however, involves the use of recombinant genetic technologies to produce organisms whose genomes have been precisely altered at the molecular level, usually by the inclusion of genes from unrelated species that code for traits not easily obtained through conventional selective breeding.</p> <p>GMOs have the potential to mix with the native gene pool leading to the creation and establishment of trees in forests and other natural landscapes that include modified genes in genotypes. This would potentially disrupt the native gene pool.</p> <p>The relevant federal and provincial legislation concerning the use of GMOs in forestry includes the following Acts and associated regulations.</p> <p><u>Federal</u></p> <ul style="list-style-type: none"> • Plant Protection Act • Seeds Act <p><u>Provincial</u></p> <ul style="list-style-type: none"> • Forests Act • Crown Lands and Forests Act 						

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	<p>Enforcement and monitoring</p> <p>The Canadian Food Inspection Agency regulates the environmental release of a plant with a novel trait. This mandate is provided by the federal Plant Protection Act and associated regulations and the Seeds Act and associated regulations. The Seeds Act Directive 94-08—Assessment Criteria for Determining the Environmental Safety of Plants with Novel Traits requires a stewardship plan be submitted as part of the application plan for plants with novel traits in unconfined locations. The Canadian Food Inspection Agency initiates enforcement measures when an unauthorised release occurs. Federally, there is strict scientific protocol set out in Directive 94-08 that needs to be followed before a permit for commercialisation can be issued. This protocol requires confined field trials to demonstrate safety. New Brunswick’s (NB’s) Crown Lands and Forests Act (CLFA) and Timber Regulation do not reference the use of genetically modified seedlings in forest regeneration. The 2014 Forest Management Manual for New Brunswick Crown Land (FMM) commits to respecting the principles of conservation and biodiversity. This guidance does not prohibit the use of GMOs but does not encourage it either. NB has a history of tree improvement since 1983. The province and JD Irving operate a 247 ha seed orchard site providing improved seed for crown and Private land. Department of Natural Resources and Energy Development (DNRED) is a member of the Atlantic Tree Improvement Council and a contributor to Genome Atlantic. The tree-breeding programs run by the provincial and federal governments do not involve any genetic engineering, gene insertion, gene splicing or biotechnology that results in genetically modified organisms. There is no forest tree seed registry or guidelines related to the use and movement of tree seed in NB.</p> <p>The Canadian Food Inspection Agency’s oversight of plants with novel traits covers both the unconfined environmental release of such plants and enforcement of unauthorised release. The Canadian Food Inspection Agency conducts a risk assessment of the use of the novel plant and if the novel traits include resistance to pests, herbicides or diseases, a stewardship plan is required. In NB, DNRED reviews and approves all Forest Management Plans (FMPs), which include planned silviculture. The planting of genetically modified plants needs to be assessed as part of the FMP review.</p> <p>As of 2022, genetically modified tree research trials are being conducted in Alberta, NB, Ontario, and Quebec; these are typically small (i.e. approximately 2 ha). Spruce (<i>Picea</i> sp.) is the only species identified as a candidate for genetic modification (Genome Canada). The tree-breeding programs run by the provincial and federal governments do not involve any genetic engineering, gene insertion, gene splicing or biotechnology that results in GMOs. NB has an extensive seed inventory and contribute to the National Tree Seed Registry. Commercially available GMO forest tree stock is not available in NB. There have been no reports of any use of GMO’s seedlings in reforestation operations.</p> <p>Risk conclusion and justification</p> <p>There is a comprehensive federal and provincial regulatory framework, protocol requirements for implementation and government monitor programs controlling production and subsequent use of GMO. Results verified there is no production capacity for GMO seedlings and no commercial use of genetically modified tree species in NB. Based on evidence reviewed, this Indicator is designated as low risk at the provincial level in New Brunswick.</p>
<p><i>Means of verification</i></p>	<ul style="list-style-type: none"> • Regulatory framework • Regulatory agency websites • Forest management plans • Best management practices and/or operational procedures, including assessment of impacts and implementation of mitigation measures • Chain of custody procedures, including fibre tracking • Fibre procurement policy & procedures • Regulatory compliance and enforcement data/reports • Oversight agency database records and/or reports

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	<ul style="list-style-type: none"> • GMO protocols & trial data • Regeneration assessments, applicable to the supply base area • Site plans and/or post-activity inspections demonstrate negative impacts mitigated
<i>Evidence reviewed</i>	<p><u>Federal</u></p> <ul style="list-style-type: none"> • Canadian Food Inspection Agency – FIA - Division 28 (Novel Foods) section of the Food and Drug Regulations C.R.C., c. 870 • Genome Canada • Natural Resources Canada – Research on the potential environmental impact of genetically modified trees • Plant Protection Act • Questions and Answers: Revisions to Directive 94-08 – Assessment Criteria for Determining Environmental Safety of Plants with Novel Traits • Seed Act <p><u>Provincial</u></p> <ul style="list-style-type: none"> • Crown Lands and Forests Act • Forest Management Manual for New Brunswick Crown Lands Results-Based Forestry Option • Marketing Boards <p><u>Other</u></p> <ul style="list-style-type: none"> • Diaz, Julia M and Judith L. Fridovich-Keil. 2020. Genetically modified organism.
<i>Risk rating</i>	Provincial Low risk

Principle 3 – Feedstock is only sourced from Supply Bases where the forest carbon stock is stable or increasing in the long term

Criterion 3.1 – Feedstock sourcing is consistent with international requirements for land use, land-use change and forestry (LULUCF) emissions

<p>3.1.1</p>	<p>LULUCF emissions shall be accounted for through one of the following routes:</p> <p>Route A</p> <p>Feedstock may be sourced from a country of origin which is party to the Paris Agreement, and which has submitted a Nationally Determined Contribution to the United Nations Framework Convention on Climate Change (UNFCCC) covering carbon emissions and removals from agriculture, forestry and land use which ensure the changes in carbon stock associated with biomass harvest are counted towards the country’s commitment to reduce or limit greenhouse gas emissions, or</p> <p>Route B</p> <p>Feedstock may be sourced from a country of origin which is party to the Paris Agreement and has national or sub-national laws in place (developed in accordance with Article 5 of the Paris Agreement and applicable in the area of harvest), to conserve and enhance carbon stocks and sinks, and provided there is evidence that reported LULUCF-sector emissions do not exceed removals, or</p> <p>Route C</p> <p>Feedstock may be sourced from a Supply Base where an assessment demonstrates that both the carbon stock is stable, and the forests’ capacity to act as a carbon sink is stable or increasing over the long term.</p>
<p><i>Findings</i></p>	<p>Scale of assessment</p> <p>Provincial</p> <p>Analysis</p> <p>Land Use, Land Use Change, and Forestry (LULUCF) is one of the sectors countries are required to report on in annual national greenhouse gas (GHG) accounts to the United Nations Intergovernmental Panel on Climate Change (IPCC). Land use change driven by deforestation is a key source of global GHG emissions. Afforestation and restoration projects are being undertaken in many countries at scale, which will increase carbon stocks in the LULUCF sector. There are treaties and agreements at the international, national, regional and local levels, designed to reduce GHG emissions. The European Union’s Renewable Energy Directive 2018/2001 (REDII) of 11 December 2018 is applicable to biomass entering the European Union (EU) and requires tracking GHG emissions impacts associated with renewable energy. LULUCF is part of the REDII calculation. This Indicator is intended to ensure feedstock sourcing complies with REDII requirements for LULUCF emissions. In REDII, the overall EU target for renewable energy sources consumption by 2030 is 32%. REDII also includes a set of sustainability criteria that apply to biofuels, which include provisions with respect to land use change.</p> <p>Countries that do not track the GHG balance associated with the LULUCF sector do not know how much the sector is contributing to climate change, nor do these countries have the information required to determine an appropriate course of action to reduce emissions.</p>

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	<p>Presently, the principal international treaty is the Paris Agreement, which is legally-binding. The agreement came into force in November 2016 and by 2020, signatories were required to provide Nationally Determined Contributions (NDCs) to reducing GHG emissions. NDCs include the GHG reduction levels the signatory intends to meet by 2030 and communicates the actions planned to meet the commitment.</p> <p>Enforcement and monitoring</p> <p>Countries have the choice of determining how to meet targets under the Paris Agreement and REDII. Countries have set targets in the NDC for 2030 and are required to report progress towards targets every two years. The NDCs are legally binding. Canada has outlined a variety of approaches as to how it will achieve its goal in its NDC. Canada's NDC specifies the expected impacts of actions taken in the LULUCF sector, plus the proposed contributions from nature-based solutions and reductions in emissions. Countries meet regularly and report on progress against each country's NDC. The biofuel sourcing criteria are enforced by customs agencies.</p> <p>This indicator provides three routes for compliance. Route A is applicable to Canada and, by extension, to New Brunswick. Canada is a signatory to the Paris Agreement and provided its NDC in July 2021. The NDC sets out Canada's GHG emission reduction goals, which incorporate the contribution of the LULUCF sector in national accounting systems and estimates future carbon stocks and emissions. Canada's NDC sets a goal of reducing its 2030 emissions to 40-45% below the 2005 emissions level and reaching net zero by 2050. Because the NDC includes the impacts of changes in the LULUCF sector, Canada (and New Brunswick) meets the requirements of Route A in this Indicator.</p> <p>Risk conclusion and justification</p> <p>LULUCF emissions are accounted for through Route A and have been met at the national level by Canada. Based on evidence reviewed, this Indicator is designated as low risk for New Brunswick.</p>
<i>Means of verification</i>	<ul style="list-style-type: none"> • Paris Agreement signatory • Nationally Determined Contributions for reduced GHG emissions targets and progress reports
<i>Evidence reviewed</i>	<p><u>International</u></p> <ul style="list-style-type: none"> • European Union's Renewable Energy Directive 2018/2001 (REDII) • The Paris Agreement <p><u>Federal</u></p> <ul style="list-style-type: none"> • Canada's Nationally Determined Contribution
<i>Risk rating</i>	Provincial Low risk

Criterion 3.2 – Carbon stocks in the forest area of the Supply Base are stable or increasing in the long term

<p>3.2.1</p>	<p>All feedstock sourcing shall be consistent with either of these two options:</p> <p>Option A Feedstock may be sourced from Supply Bases where an assessment of the Supply Base shows that the forest carbon stocks are stable or increasing, or</p> <p>Option B Feedstock may be sourced, if the assessment shows that the forest carbon stocks are declining in the Supply Base, provided that the decline is due to natural processes (fire, pests etc.), and sourcing of feedstock has the aim to recover feedstock that would otherwise be lost or to assist regeneration.</p>
<p><i>Findings</i></p>	<p>Scale of assessment Provincial</p> <p>Analysis This Indicator requires an assessment of the trend in total forest carbon in the supply base. Forests store and sequester significant quantities of carbon above and below ground. Forest carbon is present in live forest biomass, dead biomass (dead twigs, branches, logs, and trees), leaf litter, and forest soil. These carbon pools are included in the assessment of carbon stock quantities. Models are able to simulate carbon stocks and flows between the various pools, as well as emissions into the atmosphere and sequestration of carbon. When losses of biomass exceed growth, there will be a decline in forest carbon stocks. Large scale and/or long-term natural disturbances such as wildfire and/or insect outbreaks may cause significant losses of forest carbon stocks. Forests experiencing declining forest carbon stocks are net emitters of greenhouse gases (GHG) and are contributing to climate change. In New Brunswick (NB), there are no specific regulatory requirements that forests must be managed to maintain or increase carbon stocks.</p> <p>Enforcement and monitoring The federal Environment and Climate Change Canada is required to prepare an annual GHG inventory report, National Inventory Report: Greenhouse Gas Sources and Sinks in Canada, to meet its international obligations under the United Nations Framework Convention on Climate Change. Natural Resources Canada (NRCAN) uses the Carbon Budget Model to prepare the forest-related components of the National Inventory Report providing estimates of carbon emissions, removals, and other fluxes for the Canadian forest sector. NRCAN’s Carbon Budget Model simulates changes in forest carbon stocks in Canadian forests. The Carbon Budget Model uses provincial forest inventory data and provincial growth and yield data. Data for disturbances such as wildfire, major insect infestations, harvest, and deforestation are sourced from both federal (e.g., wildfire) and provincial (e.g., insect) mapping initiatives. The Carbon Budget Model provides data on the carbon stocks in live and dead biomass (above and below ground), litter layer, and soil, collectively termed total ecosystem carbon. Total forest ecosystem carbon is the result of growth, natural disturbances, harvesting, deforestation, and afforestation, as well as impacts due to changes within the carbon pools (e.g., emissions from decay of the dead wood). NRCAN’s methodology is supported by more than 100 peer reviewed scientific papers that describe aspects of the methodology, data used, parameterization, and use of model outputs. The NB Department of Natural Resources and Energy Development (DNRED) also calculates carbon for live biomass using its provincial inventory.</p>

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	<p>NRCAN, in partnership with DNRED, provides oversight and monitors forest carbon stocks, emissions, and other fluxes. NRCAN's Carbon Budget Model results showed NB's total forest ecosystem carbon stocks declined 0.2% between 2017 and 2021. The Carbon Budget Model results are incorporated into The National Inventory Report 1990-2021: Greenhouse Gas Sources and Sinks in Canada 2023 produced by Environment and Climate Change Canada. As of March 2024, carbon stock change associated with 2022 and 2023 disturbances is not yet been published in the National Inventory Report. DNRED draft summary results from permanent sample plot data showed a stable level of carbon in live biomass between 2016 and 2023. As of March 2024, the DNRED final report is not publicly available.</p> <p>Risk conclusion and justification</p> <p>Both the NRCAN and DNRED data showed the provincial forest carbon stocks have remained stable between 2016 and 2023. Based on evidence reviewed, New Brunswick meets the criteria in Option A of the Indicator and is designated as low risk at the provincial level.</p>
<i>Means of verification</i>	<ul style="list-style-type: none"> • Carbon stock analysis, accounting for natural disturbance, applicable to the supply base • Permanent sample plot data, applicable to the supply base • Chain of custody procedures, including fibre tracking • Fibre procurement policy & procedures • Supplier verification program • Supplier transportation documentation (origin & species) • Interview with suppliers
<i>Evidence reviewed</i>	<p><u>Federal</u></p> <ul style="list-style-type: none"> • Natural Resources Canada (NRCAN). 2024. Forest carbon stocks calculated by the Carbon Budget Model of the Canadian Forest Sector. <p><u>Provincial</u></p> <ul style="list-style-type: none"> • DNRED. 2023. Forest inventory data • Forest carbon stock analysis results at the provincial level Internal draft results provided by DNRED.
<i>Risk rating</i>	<p>Provincial Low risk</p>
3.2.2	<p>Primary feedstock shall not be sourced from forest areas where site productivity is low and, according to local definitions or norms, the areas are classified as low-productive or difficult to regenerate.</p>
<i>Findings</i>	<p>Scale of assessment</p> <p>Crown License Industrial Private Land Private Woodlots</p> <p>Analysis</p>

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Primary feedstock is fibre delivered directly from the forest to a wood pellet facility. Typically, this includes low-grade roundwood, logging slash, and ground or chipped material. This Indicator only pertains to the sourcing of primary feedstock. Processing residue feedstock (mill residuals) and post-consumer feedstock are excluded from the requirements of this Indicator. The Indicator is intended to ensure primary feedstock is not sourced from the least productive forest sites, which usually support slow-growing forests. In New Brunswick (NB), such sites could include rocky maritime coasts, forests with thin, wet or poor soils, or with other site characteristics that inhibit tree growth. Many such forests would be considered inoperable and would not be part of the forest that contributes to the long-term sustainable harvest levels. See Indicator 2.2.9 – Long-Term Production Capacity, for more details on long-term production capacity. The Indicator also stipulates that primary feedstock will not be sourced from sites that are difficult to regenerate. See Indicator 2.2.10 – Regen After Harvest, for more details on regeneration.

Harvesting from slow-growing forests result in an extended time before the renewed stand accumulates sufficient carbon stocks to replace those removed. Similarly, harvesting from forests that are difficult to regenerate results in uncertain renewal prospects and therefore uncertain future carbon stocks.

Crown License

- Crown Lands and Forests Act (CLFA)

Industrial Private Land

There is no regulatory framework to prevent harvesting sites with low productivity or difficult to regenerate on industrial private land.

Private Woodlots

There is no regulatory framework to prevent harvesting sites with low productivity or difficult to regenerate on private woodlots.

Enforcement and monitoring

Crown License

The New Brunswick (NB) Department of Natural Resources and Energy Development (DNRED) has authority to administer the Crown Lands and Forests Act (CLFA). The CLFA provides the regulatory framework for long-term sustainable harvest levels, which includes identification of low productive sites and requirements for post-harvest regeneration on Crown License. The New Brunswick Forest Inventory, which is maintained and administered by DNRED, identifies low productivity sites. Low-productive sites (i.e., sites which cannot yield 50 m³ by age 50) are excluded from the calculation of long-term sustainable harvest levels (i.e., Annual Allowable Cut (AAC)). Sites of low productivity are correlated with sites that have renewal challenges. Licensees prepare Forest Management Plans (FMPs) and site plans accounting for sites of low productivity and difficult to regenerate.

Industrial Private Land

As of March 2024, there is no publicly available information describing implementation mechanisms that restricts timber harvesting from low productivity or difficult to regenerate sites on industrial private land.

Private Woodlots

As of March 2024, there is no publicly available information describing implementation mechanisms that restricts timber harvesting from low productivity or difficult to regenerate sites on private woodlots.

Crown License

DNRED is responsible for reviewing and approving FMPs on Crown license and ensuring the Forest Management Manual for New Brunswick Crown Land (FMM) is being followed. When DNRED reviews Crown license FMPs, the AACs are examined to ensure consistency with accounting for renewal and low productive sites.

DNRED inspections examine renewal performance. Poor renewal results can be followed up with an assessment to determine whether the issue is systemic or was

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	<p>an isolated occurrence. DNRED may order corrective action and environmental remediation, depending on the circumstances.</p> <p><u>Industrial Private Land</u> Owners are responsible for the oversight of operations. As of March 2024, there is no publicly available information describing an oversight framework that confirms timber harvesting avoids low productivity or difficult to regenerate sites on industrial private land.</p> <p><u>Private Woodlots</u> Owners are responsible for the oversight of operations. As of March 2024, there is no publicly available information describing an oversight framework that confirms timber harvesting avoids low productivity or difficult to regenerate sites on private woodlots.</p> <p><u>Crown License</u> A sample of three Crown license FMPs did not identify the basis on which areas were excluded from the AAC base, however DNRED’s review of FMPs ensures sites that do not meet the 50 m3 in 50 years threshold will be excluded from the harvesting land base. Low-productivity sites are removed from the harvesting land base on Crown license area. Sites of low productivity are correlated with sites that have renewal challenges. The FMPs do not discuss sites that are difficult to renew. DNRED data verified that results from 36,000 inspections conducted from 2019 to 2023, showed Crown licensees had silviculture (including regeneration) key performance indicator compliance varying from 75.6% to 99.1%.</p> <p><u>Industrial Private Land</u> As of March 2024, there are no publicly available results to verify that timber harvesting avoids sites of low productivity or difficult to regenerate on industrial private land.</p> <p><u>Private Woodlots</u> As of March 2024, there are no publicly available results to verify that timber harvesting avoids sites of low productivity or difficult to regenerate on private woodlots.</p> <p>Risk conclusion and justification</p> <p><u>Crown License</u> There is a comprehensive regulatory framework governing the determination of long-term sustainable harvest levels. Government legislation and guidance demonstrates long-term sustainable harvest levels are calculated based on applicable inventory and growth data, excluding low-productivity sites. DNRED inspection of renewal verify compliance. Based on evidence reviewed, this Indicator is designated as low risk for Crown land in New Brunswick.</p> <p><u>Industrial Private Land</u> Due to a lack of a regulatory framework, evidence to support implementation mechanisms, a monitoring framework and/or results to verify the identification and avoidance of timber harvesting from low-productive or difficult to regenerate sites, a precautionary approach is applied. As such, this Indicator is designated as specified risk for industrial private land in New Brunswick.</p> <p><u>Private Woodlots</u> Due to a lack of a regulatory framework, evidence to support implementation mechanisms, a monitoring framework and/or results to verify the identification and avoidance of timber harvesting from low-productive or difficult to regenerate sites, a precautionary approach is applied. As such, this Indicator is designated as specified risk for private woodlots in New Brunswick.</p>
<p><i>Means of verification</i></p>	<ul style="list-style-type: none"> • Regulatory framework • Forest management plans

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	<ul style="list-style-type: none"> • Best management practices and/or operational procedures, including assessment of impacts and implementation of mitigation measures • Chain of custody procedures, including fibre tracking • Fibre procurement policy & procedures • Regulatory compliance and enforcement data/reports • Oversight agency database records and/or reports • Maps/data of low productive sites, applicable to the supply base • Records of regeneration failures, applicable to the supply base • Site plans and/or post-activity inspections demonstrate negative impacts mitigated • Supplier verification program • Supplier transportation documentation (origin & species) • Interviews with regulatory/oversight agency • Interview with experts 						
<i>Evidence reviewed</i>	<p>Provincial</p> <ul style="list-style-type: none"> • 2012-2021 Forest Management Plan for License 5 (Kent). Submitted November 3, 2014. • 2012-2021 Forest Management Plan for Licenses 6 & 7, Submitted July 31, 2014. • 2012-2021 Forest Management Plan for License 9, Submitted November 2014. • Forest Management Manual for New Brunswick Crown Lands Results-Based Forestry Option 						
<i>Risk rating</i>	<table> <tr> <td>Crown License</td> <td>Low risk</td> </tr> <tr> <td>Industrial Private Land</td> <td>Specified risk</td> </tr> <tr> <td>Private Woodlots</td> <td>Specified risk</td> </tr> </table>	Crown License	Low risk	Industrial Private Land	Specified risk	Private Woodlots	Specified risk
Crown License	Low risk						
Industrial Private Land	Specified risk						
Private Woodlots	Specified risk						
3.2.3	Primary feedstock shall not be sourced from forest areas in the Supply Base which, according to local definitions or norms, are classified as having combined attributes of high carbon stocks and high conservation value (HCV).						
<i>Findings</i>	<p>Scale of assessment</p> <p>Crown License Industrial Private Land Private Woodlots</p> <p>Analysis</p> <p>Primary feedstock is fibre delivered directly from the forest to a wood pellet facility. Typically, this includes low-grade roundwood, logging slash, and ground, or chipped material. This Indicator only pertains to the sourcing of primary feedstock. Processing residues feedstock (mill residuals) and post-consumer feedstock are excluded from the requirements of this Indicator. SBP's Standard 1 Guidance document indicates "high carbon stock forests as forests that have significant amounts of carbon stored in their</p>						

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above-ground biomass, belowground biomass, and soil. The exact threshold for what constitutes a high carbon stock forest will vary depending on the context. Forests that stand at the top 10% of the volume per ha in the region, with adjustment to reflect normal range for species or mix, would normally be considered 'high carbon' and warrant further examination and justification." The European Union (EU) indicates "high carbon stocks to be in wetlands, peatlands and forests (EU RED II, EU Glossary Item: "Land with high carbon stock"). In the context of forest ecosystems, mature and old-growth forests have the highest carbon stocks, and are also important for biodiversity, especially those with a higher degree of naturalness" (e.g. Molina-Valero et al. 2021, Kēniņa et al. 2019, Nord-Larsen et al. 2019, Seedre et al. 2015, Luyssaert et al. 2008). SBP's Standard 1 Guidance document indicates "high conservation value forests are forests that are considered to be of exceptional ecological, social, or cultural value. These forests may contain rare or threatened species, provide critical ecosystem services, or support the livelihoods and cultural practices of indigenous or local communities. The definition of high conservation value forests is often context-specific and may vary depending on the location and the stakeholders involved." High conservation value forests were evaluated thoroughly in Indicators 2,1,1 Key Eco/HCV Identified, 2.1.2 Key Eco/HCV Threats ID and Eval, and 2.1.3 Key Eco/HCV Maintained or Enhanced. For those Indicators, the HCV proxies used were:

- Landscape-level: wide ranging species-at-risk, large landscape, and Intact Forest Landscapes.
- Stand-level: small home range species-at-risk, rare, threatened and endangered ecosystems, and key habitat attributes, including old forests.

Indicator 3.2.1 Forest Carbon Stocks Stable or Increasing assessed carbon stock a trend of the total forest carbon in the supply base, but did not delineate and/or classify or identify specific high carbon stocks. A proxy for high carbon stocks in the forests of Canada are forests at the maximum of carbon sequestration in standing fibre (e.g., top 10% of inventoried volume per hectare). In the absence of inventoried volume per hectare these would in most cases be the oldest and densest forests (top 10% as a target). In addition, these forests typically have a high concentration of biodiversity values. This Indicator is intended to ensure primary feedstock is not sourced from forests that have combined attributes of high levels of carbon stocks and high conservation values. The areas where these proxies (high carbon and HCV) overlap are focus of Indicator 3.2.3 No Primary Feedstock from HCS & HCV.

Sourcing primary feedstock from forests with the combined attributes of high carbon stocks and high conservation values (as defined above) will reduce the carbon stocks and conservation values present. As well, the forest that regrows is unlikely to reach the same levels of carbon stocks, leading to a net emission of carbon into the atmosphere when these stands are harvested.

Crown License, Industrial Private Land & Private Woodlots

There is no regulatory framework, provincial policy or planning direction specific to high carbon stock forests. The regulatory framework regarding high conservation values was described in the assessment of Indicator 2.1.3 Key Eco/HCV Maintained or Enhanced. There is no regulatory framework to prevent harvesting forests with the combined attributes of high carbon stocks and high conservation values on Crown license, industrial private land and private woodlots.

Enforcement and monitoring

Crown License, Industrial Private Land & Private Woodlots

As there is no regulatory framework, provincial policy or planning direction specific to high carbon stock forests, there is no publicly available information describing the implementation mechanisms for the management of high carbon stocks on Crown license, industrial private land and private woodlots. The implementation mechanisms for high conservation values were described in the assessment of Indicator 2.1.3 Key Eco/HCV Maintained or Enhanced for Crown license, industrial private land and private woodlots. As of March 2024, there is no publicly available information describing an oversight and/or monitoring framework to prevent harvesting forests with the combined attributes of high carbon stocks and high conservation values on Crown license, industrial private land and private woodlots.

Crown License, Industrial Private Land & Private Woodlots

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	<p>As there is no regulatory framework, provincial policy or planning direction specific to high carbon stock forests, there is no publicly available information describing the implementation mechanisms for the management of high carbon stocks on Crown license, industrial private land and private woodlots. The implementation mechanisms for high conservation values were described in the assessment of Indicator 2.1.3 Key Eco/HCV Maintained or Enhanced for Crown license, industrial private land and private woodlots. As of March 2024, there is no publicly available information describing an oversight and/or monitoring framework to prevent harvesting forests with the combined attributes of high carbon stocks and high conservation values on Crown license, industrial private land and private woodlots.</p> <p><u>Crown License, Industrial Private Land & Private Woodlots</u></p> <p>As of March 2024, there is no publicly available results to verify that harvesting of primary feedstock is not sourced from forests that have combined attributes of high levels of carbon stocks and high conservation values on Crown license, industrial private land and private woodlots. The assessment of Indicator 2.1.3 Key Eco/HCV Maintained or Enhanced concluded that for biodiversity values specific to high conservation value forests (i.e., key habitat attributes and species at risk, including old forests) are a focal point and that uncertainty as to the maintenance of some biodiversity values was determined, resulting in specified risk for that Indicator on Crown license, industrial private land and private woodlots.</p> <p>Risk conclusion and justification</p> <p><u>Crown License, Industrial Private Land & Private Woodlots</u></p> <p>The federal and provincial regulatory framework governing the management and maintenance of biodiversity values is extensive (Details provided in Indicator 2.1.3 Key Eco/HCV Maintained or Enhanced). There is no regulatory framework specific to the management of high carbon stocks. A specified risk designation was applied to Indicator 2.1.3 Key Eco/HCV Maintained or Enhanced for Crown license, industrial private land and private woodlots. Additionally, there is a lack of evidence to support implementation mechanisms, an oversight/monitoring framework, and/or results to verify the identification and the subsequent avoidance of harvesting of primary feedstock from forests that have combined attributes of high carbon stocks and high conservation values on Crown license, industrial private land and private woodlots. Given the lack of evidence, a precautionary approach is applied. As such, this Indicator is designated as specified risk for Crown license, industrial private land and private woodlots in New Brunswick.</p>
<p><i>Means of verification</i></p>	<ul style="list-style-type: none"> • Carbon stock analysis, applicable to the supply base and specific to high carbon stocks • High carbon stocks and high conservation values intersect analysis • Forest management plans • Best management practices and/or operational procedures, including assessment of impacts and implementation of mitigation measures • Chain of custody procedures, including fibre tracking • Fibre procurement policy & procedures • Regulatory compliance and enforcement data/reports • Oversight agency database records and/or reports • Maps/data of high carbon stocks, applicable to the supply base • Maps/data of high conservation value, applicable to the supply base • Site plans and/or post-activity inspections demonstrate negative impacts mitigated • Supplier verification program • Interviews with regulatory/oversight agency • Interview with experts

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<i>Evidence reviewed</i>	See: <ul style="list-style-type: none"> Indicator 2.1.3 Key Eco/HCV Maintained or Enhanced 						
<i>Risk rating</i>	<table> <tr> <td>Crown License</td> <td>Specified risk</td> </tr> <tr> <td>Industrial Private Land</td> <td>Specified risk</td> </tr> <tr> <td>Private Woodlots</td> <td>Specified risk</td> </tr> </table>	Crown License	Specified risk	Industrial Private Land	Specified risk	Private Woodlots	Specified risk
Crown License	Specified risk						
Industrial Private Land	Specified risk						
Private Woodlots	Specified risk						

Criterion 3.3 – Feedstock sourcing shall not compete with wood sourcing for long-lived wood products

3.3.1	Feedstock sourcing shall be in compliance with the principles of cascading use, high quality stem wood shall not be used as feedstock if it is in substantial demand for long-lived products in the Supply Base.
<i>Findings</i>	<p>Scale of assessment Provincial</p> <p>Analysis Under the European Union Renewable Energy Directive 2018/2001 (REDII), considers long-term to be at least 30 years (Navigant Netherlands et al 2021). The Intergovernmental Panel on Climate Change (IPCC) Good Practice Guidance for Land Use Land Use Change and Forests (2003) provides default half-lives for forest products: sawnwood (i.e., lumber) is 35 years, and for veneer, plywood and structural panels it is 30 years. Non-structural panels have a half-life of 20 years. Using these data as a basis for describing how to assess this Indicator suggests that long-lived forest products include veneer, lumber, plywood and other structural panels. Long-lived forest products store carbon and can keep it out of the atmosphere for extended periods of time. In this context, high-quality stem wood includes sawlogs, studwood, veneer bolts, and logs that are suitable for oriented strand board production. When processing natural resources, the highest quality raw material is typically used to produce the highest quality products, which are usually a higher value. High-quality raw material could also be used to produce lower-valued products whereas a low-valued raw material cannot produce a high-valued product. The principle of cascading use is that the highest quality raw material is used to produce the highest valued product. As the raw material descends the quality scale, the quality of the product it can be made into also diminishes. The circular bioeconomy publication of the World Business Council of Sustainable Development defines the principle of cascading use as maximising "resource effectiveness by using biomass in products that create the most economic value over multiple lifetimes." This Indicator is intended to ensure that feedstock procurement is not contributing to greenhouse gas (GHG) emissions by diverting high-quality stem wood away from the production of long-lived forest products.</p> <p>If feedstock procurement is diverting high-quality stem wood away from the production of long-lived forest products, it will be contributing to GHG emissions. It may also negatively affect the viability of the mills that produce long-lived forest products.</p> <p>In New Brunswick, there are no specific regulatory requirements that stem wood, or timber in general, must go to its highest and best end-use, or preferentially towards the production of long-lived forest products.</p> <p>Enforcement and monitoring</p>

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	<p>New Brunswick's forest products industry is highly integrated. Under all licence types, the license holders have rights to harvest timber. Primary licensee will typically use part of the timber allocation for its mills and then sell or trade the remaining components of the harvest to other forest products companies. Producers of long-lived forest products, mainly sawlogs, are codependent on pulp mills and pellet mills. Many pulp mills and all pellet mills depend on chips and other by-products from sawmills for a substantial part of feedstock supply. Pulp mills usually have agreements with sawmills to supply roundwood to the sawmills in exchange for the residual chips. These arrangements are underpinned by the nature and importance of the codependent relationship as well as pricing for different timber products. In practice, this means other than the allocations of timber rights in provincial licenses, flows of timber are governed by business-to-business agreements and market pricing. Integrated forest products companies are highly incentivised by the profit motive to use sawlogs (i.e., high-quality stem wood) for lumber/stud production. Similarly, harvest contractors have incentive to maximise the revenue received for the timber harvested and are highly motivated to ensure that sawlogs go to sawmills, which pay the highest price for wood and have quality specifications that preclude the use of pulpwood and other low-grade stem wood.</p> <p>There is no oversight framework in place specific to the principles of cascading as there are no relevant requirements or policies.</p> <p>The New Brunswick Forest Products Commission regularly surveys private woodlot sales results to determine average stumpage prices, which may be used as a basis for setting Crown stumpage prices. The price data are reported by species group and product group. The most recent survey was for 2022. The survey showed the stumpage rates for sawlogs and studwood (i.e., high-value stem wood) were well in excess of the prices for pulpwood and other low-quality stem wood. For example, average prices of spruce-pine-fir (SPF) sawlogs and studwood were \$21.83/m³ and \$18.40/m³, respectively, while SPF pulpwood and biomass prices averaged \$3.37/m³. For hardwood species, the price gap between sawlogs and pulpwood was similar. In New Brunswick, almost all of the annual allowable cut (AAC) on Crown land is harvested. During the 2016-2020 period, 96% of the softwood AAC and 97% of the hardwood AAC was harvested. The 2022/23 Timber Utilization Report, produced by the Forest Products Commission (FPC), showed the private woodlot harvest volumes are well below the level of growth. In 2022/23, the private woodlot harvest was approximately 1.5 million m³, and it ranged between 1.8 million m³ and 2.2 million m³ between 2016 and 2021. The FPC's 2021/22 Annual Report stated in 2020/21, the private woodlot conifer harvest was 83% of the AAC while the hardwood harvest was only 36% of the AAC.</p> <p>Risk conclusion and justification</p> <p>Stumpage rate data indicate high-value stem wood is worth much more than low-value stem wood, and this price differential drives forest product cascading. abundance of low-quality stem wood, indicated by the under-cut on private woodlots compared to AAC, further supports the economic conditions that give rise to product cascading. The evidence indicates that market drivers are in place to induce high-quality stem wood to be sent to its highest valued use, which is associated with long-lived forest products. The pellet facilities in New Brunswick are largely dependent on residues produced by sawmills as all are twinned with large sawmills. This sourcing pattern, as well as the harvest data presented above, is consistent with the principles of product cascading. Based on the evidence reviewed, this Indicator is designated as low risk at the provincial level for New Brunswick.</p>
<p><i>Means of verification</i></p>	<ul style="list-style-type: none"> • Chain of custody procedures, including fibre tracking • Fibre procurement policy & procedures • Supplier transportation documentation (origin & species) • SBP supply base reports & SBP audit reports
<p><i>Evidence reviewed</i></p>	<p><u>International</u></p>

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	<ul style="list-style-type: none"> • International Panel on Climate Change (IPCC). 2003. Good Practice guidance for Land Use Land Use Change and Forests. Appendix 3a.1. Harvested wood products: basis for future methodological development. • Navigant Netherlands B.V., The European Forest Institute, The Institute for European Environmental Policy, and Oeko-Institut. 2021. Technical assistance for the preparation of guidance for the implementation of the new bioenergy sustainability criteria set out in the revised Renewable Energy Directive. REDIIBIO final report, February 2021. • World Business Council on Sustainable Development Circular bioeconomy: The Business Opportunity Contributing to a Sustainable World. <p>Provincial</p> <ul style="list-style-type: none"> ▪ New Brunswick Forest Products Commission. Annual Reports ▪ New Brunswick Forest Products Commission – Timber Utilization Report – 2022-23 ▪ New Brunswick Forest Products Commission, New Brunswick Private Woodlot Stumpage Values report. Stumpage Study Report January 2022 to December 2022.
<i>Risk rating</i>	Provincial Low risk

Principle 4 – Feedstock sourcing benefits people and communities

Criterion 4.1 – Decent working conditions are provided, and labour rights are safeguarded

4.1.1	Freedom of association and the right to collective bargaining shall be respected in the workplace.
<i>Findings</i>	<p>Scale of assessment Provincial</p> <p>Analysis Freedom of association refers to the right to join others for a legal common cause without interference. It is an individual’s right to join with other individuals and collectively express, promote, pursue, and defend common interests. The International Labour Organization (ILO) places freedom of association “at the core of the organization ILO’s values” and considers it to be a fundamental human right. The ILO continues by saying that “the right of workers and employers to form and join organizations of their own choosing is an integral part of a free and open society. Independent employers’ and workers’ organizations provide clear partners for collective bargaining and social dialogue and in many cases, they have played a significant role in their countries’ democratic transformation.” The ILO defines the term collective bargaining as “all negotiations which take place between an employer, a group of employers or one or more employers’ organisations, on the one hand, and one or more workers’ organisations, on the other, for: (a) determining working conditions and terms of employment; and/or (b) regulating relations between employers and workers; and/or (c) regulating relations between employers or their organisations and a workers’ organisation or workers’ organisations.” Issues of dispute resolution related to freedom of association and the right to collective bargaining are discussed in Indicator 4.1.9 Grievance & Dispute Mechanisms – Workplace.</p>

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Where freedom of association and the right to collective bargaining are restricted or absent, the potential exists for employers to force workers to work in unfair or unsafe situations. A restricted or absent freedom of association and/or right to collective bargaining results in a power imbalance between employees and employers, which reduces the likelihood of a fair wage, reasonable working conditions, and fair treatment. For companies, there is also an increased potential for work stoppages.

The United Nations Universal Declaration on Human Rights, of which Canada is a signatory, recognises the right to freedom of association in Article 20. Canada is signatory to the two ILO conventions that concern freedom of association and collective bargaining. Convention C087–Freedom of Association and Protection of the Right to Organize Convention (1948, ratified 1972) is in force. Convention C098–Right to Organize and Collective Bargaining Convention (1949), was ratified by Canada on 14 June 2017, and came in force one year later.

The Canadian Charter of Rights and Freedoms explicitly states that everyone has the freedom of association. The Charter applies throughout Canada and overrides any inconsistent provincial legislation. The Charter’s Freedom of association protects three classes of activities:

- (1) The constitutive right to join with others and form associations;
- (2) The derivative right to join with others in the pursuit of other constitutional rights; and
- (3) The purposive right to join with others to meet on more equal terms the power and strength of other groups or entities.

The Supreme Court of Canada has recognised the right to collective bargaining as a component of freedom of association.

Freedom of association is protected provincially in New Brunswick (NB) under the NB Industrial Relations Act. The Act governs rights, duties, and unfair labour practices; collective bargaining; and strikes, lockouts, and picketing. The NB Labour and Employment Board Act describes the NB Labour and Employment Board, its members and powers to conduct what the Board deems necessary to fully investigate any matter within its jurisdiction.

Enforcement and monitoring

The United Nations (UN) Universal Declaration of Human Rights, Article 20 on Freedom of Association is implemented by the Human Rights Council. The UN provides technical advice, tools and guidance to all stakeholders on measures needed to facilitate and protect freedom of association. Additionally, the UN’s work involves advising on the enabling environment and legal framework needed for the operation of associations. The ILO regularly promotes freedom of association and the right to collective bargaining—from advising governments on labour legislation to providing education and training for trade unions and employer groups. The ILO Committee on Freedom of Association hears complaints regarding freedom of association. Freedom of association is protected under the Canadian Charter of Rights and Freedoms but is implemented at the provincial level. The Industrial Relations Act and Labour and Employment Board Act is implemented by the NB Department of Post-Secondary Education, Training and Labour, Industrial Relations Branch. The NB Labour and Employment Board Act establishes the NB Labour and Employment Board which acts as an independent and impartial tribunal on issues related to labour in the province. Several components of the freedom of association and the right to collective bargaining are implemented by the NB Labour and Employment Board. In private industry, the Board actively oversees certification, revocation, strike or lockout applications, and supervises the various votes authorised by the Act. Additionally, the Board actively encourages dispute resolution, employs officers in investigations, and makes major policy decisions. The Board is available to support all parties (trade unions, employers, and employees). Trade unions are active in pursuing collective agreements within the province.

The UN has appointed a Special Rapporteur on the rights to freedom of peaceful assembly and of association and monitors discrimination globally through the Special Procedures of the Human Rights Council. The UN conducts investigations regarding alleged violations of human rights, including the freedom of association and the right to collective bargaining. The ILO has a procedure that allows a complaint to be filed against a member state for not complying with a ratified convention. Complaints are investigated with the action dependent upon the particulars of the case. Several international organisations, including the ILO, track labour statistics and conditions, and publish country assessments and rankings. These could be used as a basis for the ILO to sanction Canada for non-conformance with ILO requirements. The ILO regularly

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	<p>examines the application of standards in member states and points out areas where standards could be better applied. The International Trade Union Confederation (ITUC) Global Rights Index assess and report publicly on the status of the freedom of association and the right to collective bargaining in countries around the world. Statistics Canada reports the number of unionised versus non-unionised workers by industry and province. The Canadian Foundation for Labour Rights reports on legislation which restricts freedom of association. The NB Labour and Employment Board oversees all matters involving the NB Industrial Relations Act. Complaints can be brought forward to the Board by unions, employers or employees. Contact information for the Board and a description of the process are made publicly available through the Board’s website. There are several mechanisms in place to resolve grievances and disputes. Collective agreements are publicly available on the Board’s website. The NB Labour and Employment Board self-reports on outcomes publicly and publishes all decisions on the Board’s website and the Canadian Legal Information Institute website.</p> <p>As of September 2023 the UN has initiated 37 investigative inquiries globally; none were in Canada. ILO Commission of Inquires are taken against countries, not regions or companies. Commissions are only initiated when a country has persistent and serious violations. As of September 2023, only 14 Commissions have been convened, none of which were against Canada. Outcomes of Commissions are publicly available. The ILO Committee on Freedom of Association investigates complaints regarding freedom of association. None of the cases investigated by the ILO in the decade previous to September 2023 are related to either NB or forestry. The ITUC Global Rights Index ranks countries against 97 internationally recognised indicators to assess where workers’ rights are best protected, in law and in practice. The 2023 ITUC Global Rights Index assigned Canada a rating of three, where a score of one is exemplary and a score of five indicates poor conditions for labour. The report specifically notes “In Canada, trade unions registered significant numbers of cases of employers engaging in bad faith collective bargaining.” Statistics Canada reports, as of September 2023, that NB has a rate of unionisation within the natural resource sector (forestry, fishing, mining, quarrying, oil & gas) of 24.6% of workers unionised. A review of the Canadian Foundation for Labour Rights’ website indicates that there have not been any concerns raised with legislation restricting freedom of association in NB in the last decade (Sept 2013 - Sept 2023). An internet review conducted in September 2023 indicates unionisation of facilities is ongoing in NB and does not indicate any specific concerns with regards to freedom of association and the right to collective bargaining in the forest industry in NB.</p> <p>Risk conclusion and justification</p> <p>There is a strong regulatory framework to protect freedom of association and the right to collective bargaining; there is a culture of awareness of the freedom to associate and the right to collective bargaining; and there is no evidence of recent efforts to curtail either freedom of association or collective bargaining in the forest sector. Based on evidence reviewed, this Indicator is designated as low risk at the provincial level in New Brunswick.</p>
<p><i>Means of verification</i></p>	<ul style="list-style-type: none"> • Regulatory framework • Regulatory agency websites • Company human resources policies/procedures • Collective bargaining agreements • Regulatory compliance and enforcement data/reports • Oversight agency database records and/or reports • Publicly available information (reports, news & websites) • Interviews with regulatory/oversight agency • Interviews with trade unions • Interviews with workers

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<p><i>Evidence reviewed</i></p>	<p><u>International</u></p> <ul style="list-style-type: none"> • International Labour Organization. Canada Freedom of association cases. • International Labour Organization. Committee on Freedom of Association. • International Labour Organization. Complaints. • International Labour Organization. Freedom of Association. • International Labour Organization. How the ILO Works. • International Labour Organization. International Labour Standards on Collective Bargaining. • International Labour Organization. International Labour Standards on Freedom of Association. • International Labour Organization. Ratifications for Canada. • International Labour Organization. What is collective bargaining. • International Trade Union Confederation. 2023 Global Rights Index. 2023 • United Nations. Freedom of assembly and association. • United Nations. Human Rights Council-mandated Investigative Bodies. • United Nations. Special Rapporteur on freedom of peaceful assembly. • United Nations. Universal Declaration of Human Rights. <p><u>Federal</u></p> <ul style="list-style-type: none"> • Canadian Foundation of Labour Rights. Restrictive Laws. • Canadian Legal Information Institute. Homepage. • Government of Canada. Section 2(d) Freedom of Association • Statistics Canada. Union coverage by industry, monthly, unadjusted for seasonality. <p><u>Provincial</u></p> <ul style="list-style-type: none"> • Industrial Relations Act • Labour and Employment Board Act • New Brunswick Labour and Employment Board Annual Reports • New Brunswick Labour and Employment Board. Homepage. • New Brunswick Post-Secondary Education, Training and Labour. Collective Agreement Retrieval System.
<p><i>Risk rating</i></p>	<p>Provincial Low risk</p>
<p>4.1.2</p>	<p>Forced or compulsory labour shall not be used.</p>
<p><i>Findings</i></p>	<p>Scale of assessment</p>

Provincial

Analysis

Compulsory labour, also referred to as forced labour, was defined by the International Labour Organization (ILO) in the 1930 Forced Labour Convention as “all work or service which is exacted from any person under the threat of a penalty and for which the person has not offered himself or herself voluntarily.” It refers to situations in which persons are coerced to work using violence or intimidation or by more subtle means such as manipulated debt, retention of identity papers, or threats of denunciation to immigration authorities.

The ability of an individual to choose where he or she is willing to work and to decline unsafe work is an important right in a just society and is also important for the well-being of the individual. In a compulsory labour situation, salary, benefits, property, or documents may be withheld to force workers to continue working. Workers may also be forced to pay fees for employment, equipment, food and/or lodging.

The United Nations Universal Declaration on Human Rights, of which Canada is a signatory, states the “No one shall be held in slavery or servitude” in Article 4. Canada is signatory to two relevant ILO Convention: C029–Forced Labour Convention (1930, ratified 2011) and C105–Abolition of Forced Labour Convention (1957, ratified 1959).

There are six offences that address human trafficking in the Canadian Criminal Code. The Code is administered by the Attorney General of Canada. Additionally, human trafficking is an offense under section 118 of the Immigration and Refugee Protection Act, overseen by Immigration, Refugee and Citizenship Canada. The New Brunswick (NB) Department of Post-Secondary Education, Training and Labour regulates employment in the province, including the forest industry. The NB Employment Standards Act sets minimum standards for wages, hours, time off including vacations and other aspects of working conditions in most workplaces. The Act applies to all non-union employees who fall under provincial jurisdiction, including temporary foreign workers. The Employment Standards Act does not mention compulsory labour however it contains other provisions intended to ensure that employees are not overworked.

Enforcement and monitoring

The UN Universal Declaration of Human Rights, Article 4 on the prohibition of slavery and servitude is implemented by the Human Rights Council. The UN requests, receives and exchanges information on forced labour and recommends action and measures applicable at the nation, regional and international levels to eliminate forced labour practices. The ILO has launched a global Fair Recruitment Initiative to: (i) help prevent human trafficking; (ii) protect the rights of workers, including migrant workers, from abusive and fraudulent practices during the recruitment and placement process. The ILO also engages in education and implementation of country-based initiatives. There is a national Human Traffic Coordination Centre to support the provincial agencies in combatting human trafficking through activities such as training and establishing a national database of traffickers. The Criminal Code of Canada is nationally applicable and is implemented in NB through the Department of Justice and Public Safety. The Department prosecutes crimes and shares information relative to legal issues. The NB Department of Post-Secondary Education, Training and Labour implements the Employment Standards Act by maintaining a publicly available website of employment standards and deals with problems which arise with the application of the Employment Standards Act. Where a collective agreement exists, trade unions would work closely with employers and employees to ensure the requirements of the Act or collective agreement is fully implemented.

The UN has appointed a Special Rapporteur on contemporary forms of slavery which monitors forced labour globally. The United Nations conducts investigations regarding alleged violations of human rights, including forced labour. The ILO has a procedure that allows a complaint to be filed against a member state for not complying with a ratified convention. Complaints are investigated with the action dependent upon the particulars of the case. Several international organisations, including the ILO, track labour statistics and conditions and publish country assessments and rankings. These could be used as a basis for the ILO to sanction Canada for non-conformance with ILO requirements. The ILO regularly examines the application of standards in member states and points out areas where standards could be better applied. The Criminal Code

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	<p>is enforced throughout Canada by police and the judicial system. The federal government has taken measures to suppress forced labour, including setting up a special team within the Royal Canadian Mounted Police (RCMP) to combat trafficking and sexual exploitation. There is a federal human trafficking hotline available. No publicly available oversight of RCMP relative to forced labour was found. The Employment Standards Branch of the Department of Post-Secondary Education, Training and Labour is the first responder of complaints. If the Employment Standards Branch's decision is unsatisfactory, the matter is referred to the NB Labour and Employment Board. The Board adjudicates labour and employment matters, including those under the scope of the Employment Standards Act and its regulations. No publicly available oversight of trade unions relative to forced labour was found.</p> <p>As of September 2023 the UN has initiated 37 investigative inquiries globally; none were in Canada. ILO Commissions of Inquiry are taken against countries, not regions or companies. Commissions are initiated only when a country has persistent and serious violations. As of September 2023, only 14 Commissions have been convened, none of which were against Canada. Outcomes of Commissions are publicly available. Although forced labour is a significant global problem, it is relatively uncommon in Canada. According to the Global Slavery Index, in 2018, Canada ranked 26 out of 181 evaluated countries in the World (1 being the best) with an estimated 0.018% population in modern slavery. Canada has one of the lowest estimated prevalence of modern slavery by population proportion. The top ranked countries generally have more economic wealth, score higher on government response, have low levels of conflict, and are politically stable with a willingness to combat modern slavery. Between 2010 and 2020, police services in Canada reported nearly 3,000 instances of human trafficking. Nearly all of those instances (86%) were in metropolitan areas and not related to the forest industry. The NB Labour and Employment Board publishes annual reports which describe a sample of matters considered and summarises the year's activities. A review of recent annual reports found no investigations of forced labour had been recorded. An internet review conducted in September 2023 did not indicate there were any specific concerns with compulsory labour within the NB forest industry.</p> <p>Risk conclusion and justification</p> <p>While human trafficking is a risk in all industries globally, Canada's combined legislative regime, high level of economic wealth, low level of conflict and high level of political stability results in a lower risk of human trafficking occurring. Forestry in Canada occurs outside metropolitan areas and is not an industry with high instances of forced labour. Based on the evidence reviewed, this Indicator is designated as low risk at the provincial level in New Brunswick.</p>
<p><i>Means of verification</i></p>	<ul style="list-style-type: none"> • Regulatory framework • Regulatory agency websites • Company human resources policies/procedures • Regulatory compliance and enforcement data/reports • Oversight agency database records and/or reports • Publicly available information (reports, news & websites) • Workforce/employment records • Interviews with regulatory/oversight agency • Interviews with trade unions • Interviews with workers
<p><i>Evidence reviewed</i></p>	<p><u>International</u></p> <ul style="list-style-type: none"> • United Nations. Universal Declaration of Human Rights. 10 December 1948.

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	<ul style="list-style-type: none"> • United Nations. Special Rapporteur on contemporary forms of slavery. • United Nations. Human Rights Council-mandated Investigative Bodies. • International Labour Organization. What are forced labour, modern slavery and human trafficking?. • International Labour Organization. Ratifications for Canada. • International Labour Organization. How the ILO Works. • International Labour Organization. Complaints. • International Labour Organization. Fair Recruitment Initiative. • International Labour Organization. Q & A on Business and Forced Labour. • Walkfree. Global Slavery Index. 2018. <p><u>Federal</u></p> <ul style="list-style-type: none"> • Criminal Code of Canada. • Public Safety Canada. Human Trafficking. • Criminal Justice. Human Trafficking. • Public Safety Canada. Human Trafficking National Coordination Centre • Statistics Canada. Trafficking in Persons in Canada. 2020. <p><u>Provincial</u></p> <ul style="list-style-type: none"> • Government of New Brunswick. Employment Standards Act. 16 June 2023. • New Brunswick Department of Post-Secondary Education, Training and Labour. Employment Standards. • New Brunswick Department of Post-Secondary Education, Training and Labour. Employment Standards Online Complaint Form. • New Brunswick Labour and Employment Board. Homepage.
<i>Risk rating</i>	Provincial Low risk
4.1.3	Child labour shall not be used.
<i>Findings</i>	<p>Scale of assessment Provincial</p> <p>Analysis The International Labour Organization (ILO) does not provide a standardised definition of child labour but notes that the term child labour is often defined as work that deprives children of their childhood, their potential, and their dignity, and is harmful to physical and mental development. It refers to work that:</p> <ul style="list-style-type: none"> • Is mentally, physically, socially, or morally dangerous and harmful to children; and • Interferes with their schooling by:

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- o Depriving them of the opportunity to attend school;
- o Obliging them to leave school prematurely; or
- o Requiring them to attempt to combine school attendance with excessively long and heavy work.

According to ILO Convention C138, employment at the age of 15 (or the age of completing compulsory schooling) is allowed if it does not jeopardise the health, safety, or morals of young persons. Light work for children between the ages of 13-15 is allowed.

Absence of child labour is an important right and where this right is restricted or absent, the potential exists for employers to force children to miss school and work in unfair or unsafe situations. Children may have higher levels of workplace injury, be unable to perform some tasks properly, and may lack the judgment to make critical decisions.

The United Nations (UN) Declaration on the Rights of the Canada was signed by Canada in 1990 and ratified in 1991. Principle 9 of the Declaration addresses child labour. Canada is signatory to the two relevant ILO Conventions: C138–Minimum Age Convention (1973, ratified 2016) and C182–Worst Forms of Child Labour Convention (1999, ratified 2000). Through provincial labour laws, the New Brunswick (NB) Department of Post- Secondary Education, Training and Labour, Employment Services regulates employment in the province, including the forest industry. Sections 39 and 40 of the provincial Employment Standards Act define minimum age thresholds for employment. Fourteen is the minimum age of employment for workers in the forest industry. Children aged 14 and 15 may not work for more than six hours a day, or more than three hours on a school day, and cannot be employed in work that will cause them harm. The Act also requires permission from a guardian and a permit issued by the Employment Standards Branch where certain criteria are not met.

Enforcement and monitoring

The UN has a Committee on the Rights of the Child. Each member state which has ratified the Convention reports on a five year period to the Committee. The ILO's International Programme on the Elimination of Child Labour was created in 1992 with the overall goal of the progressive elimination of child labour, which was to be achieved through strengthening the capacity of countries to deal with the problem and promoting a worldwide movement to combat child labour. The NB Department of Post-Secondary Education, Training and Labour, Employment Standards Branch implements the Employment Standards Act. The Department maintain a website specifying the requirements of the Act with specific plain language guidance on the regulatory framework around hiring young people. Trade unions support the prevention and elimination of child labour through ensuring collective bargaining agreements are honoured. Typically, within the NB forestry sector, company hiring policies require an education requirement of Grade 12, which would require people meeting that standard to be older than the minimum 15 years of age.

The UN Committee on the Rights of the Child reviews the reports from states parties and provides implementation and improvement recommendations. The ILO has a procedure that allows a complaint to be filed against a member state for not complying with a ratified convention. Complaints are investigated with the action dependent upon the particulars of the case. Several international organisations, including the ILO, track labour statistics and conditions and publish country assessments and rankings. These could be used as a basis for the ILO to sanction Canada for non-conformance with ILO requirements. The ILO regularly examines the application of standards in member states and points out areas where standards could be better applied. International organisations such as the United Nations Children's Fund (UNICEF) and Maplecroft conduct country-level monitoring programs that consider employment conditions, treatment of employees and other labour- related conditions. The Employment Standards Act is overseen by the NB Department of Post- Secondary Education, Training and Labour, Employment Standards Branch which screens complaints under the Act to see whether a violation of the Act has occurred. If a violation is identified, the Branch will look to find a resolution. Any issues which cannot be resolved by the Employment Standards Branch are forwarded to the NB Labour and Employment Board which will render a final and binding decision on the matter. There was no consistent framework found for oversight of child labour by trade unions and companies.

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	<p>As of September 2023, the UN has initiated 37 investigative inquiries globally; none were in Canada. ILO Commissions of Inquiry are taken against countries, not regions or companies. Commissions are initiated only when a country has persistent and serious violations. As of September 2023, only 14 Commissions have been convened, none of which were against Canada. Outcomes of Commissions are publicly available. In September 2023, the ILO does not list North America as a region at risk of child labour.</p> <p>. While child labour is a global concern and all countries have some instances of child labour, UNICEF reports a negligible amount of child labour in Canada in 2022 (the last reporting period available at the time of writing in September 2023). In 2014, (the last reporting period available at the time of writing in September 2023) the Child Labour Index does not list Canada as a country at- risk of child labour. The number of child workers is not reported by province in Canada. An internet review conducted in September 2023 does not indicate that child labour is an issue of concern in NB.</p> <p>Risk conclusion and justification</p> <p>The legal requirements for minimum age for employment align with ILO requirements and there is no indication of child labour as an issue of concern within the BC forest industry. Based on evidence reviewed, this Indicator is designated as low risk at the provincial level in New Brunswick.</p>
<p><i>Means of verification</i></p>	<ul style="list-style-type: none"> • Regulatory framework • Regulatory agency websites • Company human resources policies/procedures • Regulatory compliance and enforcement data/reports • Oversight agency database records and/or reports • Publicly available information (reports, news & websites) • Workforce/employment records • Interviews with regulatory/oversight agency • Interviews with trade unions • Interviews with workers
<p><i>Evidence reviewed</i></p>	<p><u>International</u></p> <ul style="list-style-type: none"> • International Labour Organization. Child Labour. • International Labour Organization. Ratifications for Canada • International Labour Organization. How the ILO Works. • International Labour Organization. Complaints. • International Labour Organization. Child Labour Country Dashboard. • Maplecroft. Child Labour Index. 2014. • United Nations. Ratifications for Canada. • United Nations. Convention on the Rights of the Child. 20 November 1989. • United Nations. Committee on the Rights of the Child.

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	<ul style="list-style-type: none"> • United Nations. Human Rights Council-mandated Investigative Bodies. • International Labour Organization. About the International Programme on the Elimination of Child Labour. • United Nations Children’s Fund. Implementing and monitoring the Convention on the Rights of the Child. • United Nations Children’s Fund. Child Labour. 2022. <p><u>Provincial</u></p> <ul style="list-style-type: none"> • Employment Standards Act • Department of Post-Secondary Education, Training and Labour. Employment of Children. • New Brunswick Labour and Employment Board.
<i>Risk rating</i>	Provincial Low risk
4.1.4	Workers shall not be discriminated in hiring, remuneration, access to training, promotion, termination or retirement.
<i>Findings</i>	<p>Scale of assessment Provincial</p> <p>Analysis The International Labour Organization (ILO) Convention 111 describes discrimination as: (a) Any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation. (b) Such other distinction, exclusion or preference which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation as may be determined by the member concerned after consultation with representative employers' and workers' organisations, where such exist, and with other appropriate bodies. The Convention continues by noting that any distinction, exclusion, or preference in respect of a particular job based on the inherent requirements thereof shall not be deemed to be discrimination.</p> <p>Absence of discrimination in the labour force is an important right in a just society and where it is restricted or absent, the potential exists for employers to limit workers with certain characteristics or ethnicities from fully accessing employment and related opportunities, and/or receiving an unfair level of remuneration for their work. Potential threats/impacts include a dissatisfied work force, divisions within the work force due to discrimination against some of it, higher levels of employee turnover and absenteeism, lawsuits, and legal action against the company.</p> <p>Principles of equity and non-discrimination are foundational to the United Nations (UN) Universal Declaration on Human Rights, of which Canada is a signatory. Canada is a signatory to the two ILO Conventions relevant to this Indicator:</p> <ul style="list-style-type: none"> • C100–Equal Remuneration Convention (1951, ratified 1972); and • C111–Discrimination in Respect of Employment and Occupation Convention (1958, ratified 1964). <p>The primary piece of anti-discrimination legislation in Canada is the Canadian Charter of Rights and Freedoms. Section 28 of the Charter states that the rights and</p>

freedoms in the Charter “are guaranteed equally to male and female persons.”

The New Brunswick (NB) Human Rights Act prohibits discrimination and harassment based on age, marital status, family status, creed or religion, physical disability, mental disability, race, colour, ancestry, place of origin, national origin, social condition, political belief or activity, sexual orientation, gender identity or expression, and sex (including pregnancy) in specified activities that fall under provincial jurisdiction, of which employment is one.

Enforcement and monitoring

The UN Universal Declaration of Human Rights is implemented by the Committee on the Elimination of Discrimination. Two conferences on anti-discrimination have been held and several days of observance have been declared. The UN has published several documents to support organisations in identifying and eliminating discrimination. Issues of discrimination are core throughout the ILO’s work. For instance, programmes to fight forced labour help provide greater rights to women as this is an issue that primarily affects women. As a result, the other Indicators within this Criterion provide insight to implementation of anti-discrimination programmes by the ILO. In addition, the ILO specifically provides guidelines on labour law regarding discrimination and may provide advice on legislative changes. The Canadian Human Rights Commission implements the Canadian Charter of Rights and Freedoms. It is responsible for representing the public interest and holding the Government of Canada to account on matters related to human rights. The Commission operates independently from government and acts to implement the Charter through research, raising awareness, and speaking out on any matter related to human rights in Canada. Provincially, the NB Human Rights Commission implements the NB Human Rights Act through promotion of the Human Rights Act; designing and conducting educational programs; and administering the mechanism for complaints and dispute resolution. According to the Commission’s website, the Commission has powers to determine, based on the staff’s recommendations, if a complaint should be dismissed or should be referred for a formal hearing before the Labour and Employment Board, an independent tribunal with powers to award monetary and other damages.

The UN has appointed a Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and monitors discrimination globally through the Special Procedures of the Human Rights Council. The UN conducts investigations regarding alleged violations of human rights. The ILO regularly examines the application of standards in member states and points out areas where standards could be better applied. The ILO has a procedure that allows a complaint to be filed against a member state for not complying with a ratified Convention. Complaints are investigated with the action dependent upon the particulars of the case. Several international organisations, including the ILO, track labour statistics and conditions and publish country assessments and rankings. These could be used as a basis for the ILO to sanction Canada for non-conformance with ILO requirements. The Canadian Human Rights Commission receives discrimination complaints and works with both the complainant and respondent to resolve issues through mediation. When a complaint cannot be settled, or when the Commission determines that further examination is warranted, it may refer the complaint to the Canadian Human Rights Tribunal. Similarly, the NB Human Rights Commission and the NB Labour and Employment Board oversee the NB Human Rights Act through resolution and settlement of complaints of discrimination, and through human rights tribunal and court hearings. Individuals can make complaints directly to Commission.

As of September 2023, the UN has initiated 37 investigative inquiries globally; none were in Canada. ILO Commissions of Inquiry are taken against countries, not regions or companies. Commissions are initiated only when a country has persistent and serious violations. As of September 2023, only 14 Commissions have been convened. Outcomes of Commissions are publicly available. Human Rights Watch reports on human rights issues globally. A review of Human Rights Watch reports in September 2023 reveals several issues are noted in Canada, none of which are directly related to employment practices. In September 2023, the World Economic Forum rates Canada 30 out of 146 countries on the Global Gender Gap Index. There is some level of discrimination in Canadian society, and this may occur in the forest sector. Statistics Canada report a pay gap of 11.1% between men and women in Canada in 2021. Pay gaps are also reported for most visible minorities.

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	<p>Statistics Canada also reports that 38.2% of all Canadians experienced discrimination at some point before or since the pandemic. An internet review conducted in September 2023 did not find any instances of cases of discrimination being brought forward within the NB forest industry. There is no indication that there are serious issues of systemic discrimination in the forest industry in NB.</p> <p>Risk conclusion and justification</p> <p>The legal requirements for discriminations are comprehensive and align with ILO requirements. Active measures continue to be taken against discrimination by the federal and provincial governments. There is no indication of discrimination as an issue of concern within the forest industry. Based on evidence reviewed, this Indicator is designated as low risk at the provincial level in New Brunswick.</p>
<p><i>Means of verification</i></p>	<ul style="list-style-type: none"> • Regulatory framework • Regulatory agency websites • Company human resources policies/procedures • Regulatory compliance and enforcement data/reports • Oversight agency database records and/or reports • Publicly available information (reports, news & websites) • Workforce/employment records • Interviews with regulatory/oversight agency • Interviews with trade unions • Interviews with workers
<p><i>Evidence reviewed</i></p>	<p><u>International</u></p> <ul style="list-style-type: none"> • International Labour Organization. C111 - Discrimination (Employment and Occupation Convention). 1958 • International Labour Organization. Ratifications for Canada. • International Labour Organization. C100 - Equal Remuneration Convention. 1951. • International Labour Organization. How the ILO Works. • International Labour Organization. Complaints. • United Nations. Universal Declaration of Human Rights. 10 December 1948. • United Nations. Committee on the Elimination of Racial Discrimination. • United Nations. Human Rights Council-mandated Investigative Bodies. • Human Rights Watch. Canada: Events of 2019. • World Economic Forum. Global Gender Gap Report 2021: Insight Report. <p><u>Federal</u></p> <ul style="list-style-type: none"> • Canadian Justice Laws. The Constitution Acts, 1867 – 1982. • Canadian Human Rights Commission. Homepage. • Canadian Human Rights Tribunal. Homepage.

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	<ul style="list-style-type: none"> • Statistics Canada. Pay Gap 1998-2021. Provincial • Human Rights Act • New Brunswick Human Rights Commission. Homepage. • New Brunswick Human Rights Commission. Boards of Inquiry. • New Brunswick Labour and Employment Board. Homepage.
<i>Risk rating</i>	Provincial Low risk
4.1.5	Wages paid to workers shall meet or exceed the legal minimum wage or where there is no statutory minimum wage industry norms shall be met or exceeded.
<i>Findings</i>	<p>Scale of assessment Provincial</p> <p>Analysis The International Monetary Fund defines minimum wage as “the minimum amount of remuneration that an employer is required to pay wage earners for the work performed during a given period, which cannot be reduced by collective agreement or an individual contract.” Minimum wages are typically expressed in dollars per hour, are often regionally based, and tied to a consumer price index. Paying less than minimum wage can often be an issue when employees are paid informally or under the table. Some aspects of pay and employment conditions have been addressed in the following Indicators:</p> <ul style="list-style-type: none"> • 4.1.1 Freedom of Association • 4.1.2 No Forced or Compulsory Labour • 4.1.3 No Child Labour • 4.1.4 No Workers Discrimination <p>As legal minimum wages are regionally based and tied to consumer price indices, minimum wages establish a level of payment for a base standard of living. When minimum wages are not paid, the level of poverty increases, people are not incentivised to join the workforce, and income inequality increases. Poor working conditions also lead to high rates of employee turnover and absenteeism, job dissatisfaction, and poor health of workers and their families.</p> <p>Under the Constitution of Canada, the responsibility for setting minimum wages for labour rests with the provinces. The New Brunswick (NB) Employment Standards Act and Employment Standards Regulation set out standards for minimum wage levels, hours of work, holidays, and vacation, leaves of absence, and notice periods for termination. The Act also authorises the setting of a minimum wage and requires the Department of Post-Secondary Education, Training and Labour to review the minimum wage at least every two years.</p> <p>Enforcement and monitoring The NB Department of Post-Secondary Education, Training and Labour, Employment Standards Branch regulates most of the employment in NB, including employment in the forest industry. The Department provides information on the website about working hours. The website provides several mechanisms for individuals to file a complaint.</p>

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	<p>Trade unions negotiate wages collectively on behalf of employees. Collective agreements are made public. The union can monitor salaries to ensure salaries are as agreed, and workers can report to the unions if they believe they are not being paid according to the agreement. Wage structure is usually led by a company's human resources department, and many companies have remuneration policies and systems set up so employees are paid a legal wage.</p> <p>The NB Department of Post-Secondary Education, Training and Labour, Employment Standards Branch oversees the Employment Standards Act. Concerns can be raised to the Department.</p> <p>As of September 2023, the minimum wage in NB is \$14.75/hour. The Canadian government reports, as of September 2023, the lowest wage of the lowest paid class of forestry workers (labourer, logging, and forestry workers) in NB is \$14.75/hr. NBJobs, as of September 2023, reports the three year minimum wage for logging and forestry labourers is \$14.00/hr. While below the current minimum wage of \$14.75, this tracks as minimum wage was only recently increased in April 2023. Similarly, silviculture and forestry workers are reported to have an average low- end wage of \$15.00/hr. An internet review conducted in September 2023 does not indicate payment below legal minimum wage or paying under the table is an issue of concern in NB within the forest industry.</p> <p>Risk conclusion and justification</p> <p>The legal requirements for workers' wages are comprehensive and align with ILO requirements. Receiving and paying a legal minimum wage is a cultural norm in Canada. There is no indication minimum wage is not being paid for employment. There is a competitive job market within the forest industry. Based on evidence reviewed, this Indicator is designated as low risk at the provincial level in New Brunswick.</p>
<p><i>Means of verification</i></p>	<ul style="list-style-type: none"> • Regulatory framework • Regulatory agency websites • Company human resources policies/procedures • Regulatory compliance and enforcement data/reports • Oversight agency database records and/or reports • Publicly available information (reports, news & websites) • Workforce/employment records • Interviews with regulatory/oversight agency • Interviews with trade unions • Interviews with workers
<p><i>Evidence reviewed</i></p>	<p><u>Federal</u></p> <ul style="list-style-type: none"> • Canadian Justice Laws. The Constitution Acts, 1867 – 1982. • Government of Canada. Prevailing Wages In Canada: Labourer, Logging and Forestry: New Brunswick. • Indeed. Homepage. <p><u>Provincial</u></p> <ul style="list-style-type: none"> • Employment Standards Act • New Brunswick Employment Standards Branch. Minimum Wage, Overtime and Minimum Reporting Wage.

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<i>Risk rating</i>	Provincial Low risk
4.1.6	Working hours shall comply with legal requirements.
<i>Findings</i>	<p>Scale of assessment Provincial</p> <p>Analysis Legal working hours refer to the maximum number of hours an employee can be required to work by law. The specific definition of legal working hours can vary depending on the country and jurisdiction, but it typically includes provisions related to daily and weekly limits on working time, mandatory breaks and rest periods and restrictions on overtime and night work. Legal working hours is related to Indicator 4.1.2 No Forced or Compulsory Labour. Excessive working hours increase the probability of developing health issues and being involved in accidents. The forest sector has a number of jobs that are physically and mentally demanding, thus compounding the risk of occupational-related illness and injury. Canada is a signatory to the International Labour Organization (ILO) Convention C1 on Working Hours (1919, ratified 1935). The New Brunswick (NB) Employment Standards Act and Regulation sets standards for working hours. Sections 14-15 of the Act specifies that there is no limitation on the numbers of hours worked unless prescribed the Lieutenant- Governor in Council. Section 17 prescribes a mandatory rest period and Section 24 discusses vacations.</p> <p>Enforcement and monitoring The ILO implements the working hours convention by bringing together governments, employers, and workers to set labour standards, develop policies, and devise programs. If there are any problems in the application of standards, the ILO seeks to assist countries through social dialogue and technical assistance. Through provincial labour laws, the NB Department of Post-Secondary Education, Training and Labour regulates employment in the province, including the forest industry. The Department oversees the NB Employment Standards Act and Employment Standards Regulation and provides information on the website about working hours. Employees have access to complaint mechanisms, including filing a complaint with the NB Labour and Employment Board, as defined in the Act. Trade unions negotiate working hours collectively on behalf of employees. Collective agreements are made public. The union can monitor working hours to ensure hours are as agreed, and workers can report to unions if they believe they are being asked or required to work hours that are outside of the agreed- upon parameters. The establishment of working hour parameters is usually led by a company's human resources department, and many companies have working hour policies and systems set up so work hours are within the legal requirements. ILO Commissions of Inquiry are rare and taken against countries, not regions or companies. Complaints are investigated with the action dependent upon the particulars of the case. Several international organisations, including the ILO, track labour statistics and conditions and publish country assessments and rankings. These could be used as a basis for the ILO to sanction Canada for non-conformance with ILO requirements. The ILO regularly examines the application of standards in member states and points out areas where standards could be better applied. The NB Department of Post-Secondary Education, Training and Labour ensure organisations are in compliance with the various Acts by monitoring and assessing activities. The NB Labour and Employment Board hears matters pertaining to working hours, as authorised under the Employment Standards Act. ILO Commissions of Inquiry are taken against countries, not regions or companies. Commissions are initiated only when a country has persistent and serious violations. As of September 2023, only 14 Commissions have been convened. Outcomes of Commissions are publicly available. As of September 2023, no publicly available</p>

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	<p>results at the provincial level for this Indicator were found. An internet review, conducted in September 2023, does not indicate that working outside of the requirements of the NB Employment Standards Act and Regulations is an issue of concern in NB within the forest industry.</p> <p>Risk conclusion and justification</p> <p>The legal requirements for working hours are comprehensive and align with ILO requirements. There is no indication the legal requirements for working hours are not being met. There is a competitive job market within the forest industry. Based on evidence reviewed, this Indicator is designated as low risk at the provincial level in New Brunswick.</p>
<i>Means of verification</i>	<ul style="list-style-type: none"> • Regulatory framework • Regulatory agency websites • Company human resources policies/procedures • Regulatory compliance and enforcement data/reports • Oversight agency database records and/or reports • Publicly available information (reports, news & websites) • Salary Benchmarks by industry and region • Workforce/employment records • Interviews with regulatory/oversight agency • Interviews with trade unions • Interviews with workers
<i>Evidence reviewed</i>	<p><u>International</u></p> <ul style="list-style-type: none"> • International Labour Organization. C001 - Hours of Work (Industry) Convention. 1919. • International Labour Organization. Ratifications for Canada. • International Labour Organization. Complaints. • International Labour Organization. How the ILO Works. <p><u>Provincial</u></p> <ul style="list-style-type: none"> • Employment Standards Act • New Brunswick Department of Post-Secondary Education, Training and Labour. Hours and Pay Regulation. • New Brunswick Department of Post-Secondary Education, Training and Labour. Making a Complaint.
<i>Risk rating</i>	Provincial Low risk
4.1.7	Workers shall have access to health care provisions, sickness benefits, retirement benefits, invalidity benefits, death benefits, and workers' compensation.
<i>Findings</i>	Scale of assessment

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Provincial

Analysis

The International Labour Organization (ILO) has been concerned with worker security and compensation since its founding in 1919. The six components of this Indicator collectively are basic social protections:

- Health care provisions;
- Sickness benefits;
- Retirement benefits;
- Invalidity benefits;
- Death benefits; and
- Worker's compensation

Social protections are one of the four strategic objectives of the ILO's "Decent Work" agenda. Collective agreements between employees and employers often contain provisions for social protections. See Indicator 4.1.1 Freedom of Association for information on trade unions broadly.

Social protections are essential for employers and employees. It ensures good working conditions, attracts workers, and provides security for employees. Social protections support workers and workers' family members in case of injury, accidents, health issues, job loss, and retirement, and ensure workers are able to maintain a decent standard of living for themselves and their families even when unable to work or when they face an unexpected circumstance such as illness, injury, or death. Potential threats/impacts include a dissatisfied workforce, higher levels of employee turnover and absenteeism, and lawsuits and legal action against the company.

Health Care Provisions

Canada has a national public health care system established by the Canadian Health Care Act. It is funded by the federal government and administered by the provincial government. Under this system, all Canadian residents have reasonable access to medically necessary hospital and physician services without paying out-of-pocket. The New Brunswick (NB) Public Health Act provides the legal framework for the provision of health services in NB.

Sickness Benefits

The Canadian Employment Insurance Act provides benefits in case of illness, injury or quarantine, pregnancy, and parental leave. It is available to all workers throughout Canada. Self-employed workers are able to register for benefits.

Retirement Benefits

Retirement is provided to workers and their families federally through the Canada Pension Plan. Income provided under the Plan is dependent on lifetime registered earnings and, for retirement income, the age of retirement. The Old Age Security Act provides a base level of retirement income for all Canadians, regardless of registered earning under the Old Age Security Program.

Invalidity Benefits

Disability income is provided to workers and their families federally through the Canada Pension Plan. See Retirement Benefits above for more information on the Canada Pension Plan.

Death Benefits

A death benefit is provided to workers' spouses federally through the Canada Pension Plan. See Retirement Benefits above for more information on the Canada

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Pension Plan. In some instances there is an allowance for the survivor benefit under the Canadian Old Age Security Act. See Retirement Benefits above for more information on the Old Age Security Act.

Workers' Compensation

In NB, the Workers' Compensation Act provides the legal framework for the administration of workplace injury and illness prevention; and the return to work, assessment, and compensation program. The legislation requires that all employees are registered for workers' compensation. Self-employed workers and business owners are eligible to apply for coverage. The NB Workplace Health, Safety and Compensation and Workers' Compensation Appeals Tribunal Act creates the NB Workers' Compensation Appeals Tribunal.

Enforcement and monitoring

Health Care Provisions

The Canadian Health Care Act is administered by Health Canada. Health Canada provides a number of services such as drug testing and approval; food and nutrition guidance; product safety etc. In NB, front line provision of health services is provided by the NB Department of Health. The Department is responsible for providing health services such as family doctors, hospitals, addiction services and other related services. Trade unions negotiate benefits in addition to those provided by the government collectively on behalf of employees. Collective agreements are made public. The union can monitor the implementation of the provision of benefits to ensure the benefits are as agreed, and workers can report to unions if they believe they are not being provided benefits according to the agreement. The establishment of benefits in addition to those provided by the government is usually led by a company's human resources department, and many companies have policies and systems set up to ensure the provision of additional benefits are equitable.

Sickness Benefits

The Canadian Employment Insurance Act is administered by the Employment and Social Development Canada (ESDC). ESDC maintains the informational website; runs promotional/educational campaigns; collects premiums from employers; accepts applications from employees needing employment, disability, or retirement support; and liaises with workers throughout the process of receiving benefits. See Health Care Provisions above for implementation mechanisms by trade unions and companies.

Retirement Benefits

The Canada Pension Plan and Canadian Old Age Security Act are administered by ESDC. See Sickness Benefits for implementation measures by ESDC above. See Health Care Provisions above for implementation mechanisms by trade unions and companies.

Invalidity Benefits

The Canada Pension Plan is administered by ESDC. See Sickness Benefits for implementation measures by ESDC above. See Health Care Provisions above for implementation mechanisms by trade unions and companies.

Death Benefits

The Canada Pension Plan and Canadian Old Age Security Act are administered by ESDC. See Sickness Benefits for implementation measures by ESDC above. See Health Care Provisions above for implementation mechanisms by trade unions and companies.

Workers' Compensation

In NB, the Workers' Compensation Act is administered by WorkSafeNB. WorkSafeNB maintains the informational website; collects premiums from employers; accepts applications from employees who are made ill or injured on the job; and liaises with workers throughout the process of recovery and return to work. Under the legislative authority of WorkSafeNB and the NB Workplace Health, Safety and Compensation and Workers' Compensation Appeals Tribunal Act the Workers' Compensation Appeal

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Tribunal, which is an independent tribunal that hears appeals of decisions made by the WorkSafeNB and makes binding decisions. See Health Care Provisions above for implementation mechanisms by trade unions and companies.

Health Care Provisions

The government of New Brunswick conducts annual reviews of the health care service in the province. There are several national and international, government and non-government, health care watchdog organisations including, but not limited to, the World Health Organization, Commonwealth Fund, the Canadian Institute for Health Information, and the Conference Board of Canada. See Indicator 4.1.1 Freedom of Association for comments on the oversight of trade unions broadly. There was no consistent oversight framework found for oversight of the provision of any social benefits by companies.

Sickness Benefits

Decisions made by ESDC can be appealed within ESDC and ultimately to the Social Security Tribunal for independent review. The Employment Insurance program is additionally overseen by the Canada Employment Insurance Commission, which publishes an annual monitoring and assessment report on the impact and effectiveness of the program. See Indicator 4.1.1 Freedom of Association for comments on the oversight of trade unions broadly. See Health Provisions above for oversight of companies.

Retirement Benefits

See Sickness Benefits above on appealing decisions of ESDC. While there is oversight on how the Canadian Pension Plan investments are managed, no oversight mechanism for the Canada Pension Plan and Old Age Security Act, in terms of delivery to workers, was found. See Indicator 4.1.1 Freedom of Association for comments on the oversight of trade unions broadly. See Health Provisions above for oversight of companies.

Invalidity Benefits

See Sickness Benefits above on appealing decisions of ESDC and oversight by the Canada Employment Insurance Commission. While there is oversight on how the Canadian Pension Plan investments are managed, no oversight mechanism for the Canada Pension Plan and Old Age Security Act, in terms of delivery to workers, was found. See Indicator 4.1.1 Freedom of Association for comments on the oversight of trade unions broadly. See Health Provisions above for oversight of companies.

Death Benefits

See Sickness Benefits above on appealing decisions of ESDC. While there is oversight on how the Canadian Pension Plan investments are managed, no oversight mechanism for the Canada Pension Plan and Old Age Security Act, in terms of delivery of death benefits to workers' families, was found. See Indicator 4.1.1 Freedom of Association for comments on the oversight of trade unions broadly. See Health Provisions above for oversight of companies.

Workers' Compensation

There is a process by which WorkSafeNB decisions can be reviewed. The NB Auditor General conducts periodic reviews of the program. WorkSafeNB decisions can be appealed to the Workers' Compensation Appeal Tribunal. The Tribunal publishes annual reports on the Tribunal's website and publishes all decisions on the Canadian Legal Information Institute website. See Indicator 4.1.1 Freedom of Association for comments on the oversight of trade unions broadly. See Health Provisions above for oversight of companies.

Health Care Provisions

As of 2018, the Commonwealth Fund Report ranks provision of health care in Canada ninth out of 11 high-income countries evaluated, while the World Health Organization and the Healthcare Access and Quality Index from the Global Burden of Disease Study place Canada in the top 10% of countries. As of September 2023, the Canadian Institute for Health Information reports on 26 criteria of "appropriateness and effectiveness" and "Health Status". Of those 26 criteria, six are above average; five are the same; and 13 are below average performance when compared to the Canadian average performance (two criteria are not assigned a comparison against the Canadian average). In 2015, the Conference Board of Canada assigns health performance in New Brunswick at a "C" (on an A-D scale with A being best), rating it 17 out of 29 evaluated

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	<p>jurisdictions. The New Brunswick Health Council has consistently assigned a “C” grade (on an A-D scale with A being best) to health care provision in NB from 2010 to 2019 (with 2019 being the last year reported as of September 2023) across several criteria being evaluated. A 2022 survey conducted by Radio-Canada Acadie and reported on by CBC found that residents of New Brunswick have significant concerns about access to and quality of health care.</p> <p><u>Sickness Benefits</u></p> <p>In fiscal year 2021 (April 1, 2020 to March 31, 2021), the Canadian Employment Insurance Commission reports that 90.7% of people needing employment insurance were granted support, up from 73.6% the year before. This period during the pandemic saw almost double the number of claims over the preceding fiscal year and payments increased from \$11.1 billion dollars to \$24.9 billion dollars. An internet search, conducted in September 2023, found there is an ongoing discussion about the long-term viability of Canada’s government benefits programs, but there was no immediate concern identified.</p> <p><u>Retirement Benefits</u></p> <p>No result for the Canada Pension Plan and Old Age Security Act in terms of delivery to workers was found. An internet search, conducted in September 2023, found there is an ongoing discussion about the long-term viability of Canada’s government benefits programs, but there was no immediate concern identified.</p> <p><u>Invalidity Benefits</u></p> <p>In fiscal year 2021 (April 1, 2020 to March 31, 2021), the Canadian Employment Insurance Commission reports that eight out of ten claims for a sickness benefit were paid out, with attribution of non-paying claims being the result of special conditions created by the COVID pandemic. Special measures were implemented by ESDC in the second half of the period to better meet the needs of individuals during the pandemic. An internet search, conducted in September 2023, found that there is an ongoing discussion about the long-term viability of Canada’s government pension programs, but there was no immediate concern identified.</p> <p><u>Death Benefits</u></p> <p>No result for the Canada Pension Plan and Old Age Security Act in terms of delivery of death benefits to workers’ families was found. An internet search, conducted in September 2023, found that there is an ongoing discussion about the long-term viability of Canada’s government pension programs, but there was no immediate concern identified.</p> <p><u>Workers’ Compensation</u></p> <p>A series of New Brunswick Auditor General reviews were conducted between 2018 and 2019 on the WorkSafeNB program. The third phase of the review focused on outputs of the program and provided many recommendations, some of which have been implemented and others which will be implemented over a longer period of time. A key finding of the report was that WorksafeNB handling of cases interfered in a timely return to work for workers. In the Workers’ Compensation Appeal Tribunal 2022/2023 Annual Report (the last report available as of September 2023), the Tribunal received 676 appeals of WorkSafeNB decisions. Of the appeals heard by the tribunal in the reporting period, 40% overturned, at least in part, the original WorkSafeNB decision.</p> <p>Risk conclusion and justification</p> <p>The legal requirements for providing benefits are comprehensive and align with ILO requirements. In Canada, there is a cultural norm that workers are provided these benefits. There is a competitive job market within the forest industry. Based on evidence reviewed, this Indicator is designated as low risk at the provincial level in New Brunswick.</p>
<p><i>Means of verification</i></p>	<ul style="list-style-type: none"> • Regulatory framework • Regulatory agency websites • Company human resources policies/procedures

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	<ul style="list-style-type: none"> • Regulatory compliance and enforcement data/reports • Oversight agency database records and/or reports • Publicly available information (reports, news & websites) • Workforce/employment records • Interviews with regulatory/oversight agency • Interviews with trade unions • Interviews with workers
<p><i>Evidence reviewed</i></p>	<p><u>International</u></p> <ul style="list-style-type: none"> • International Labour Organization. Mission and Impact of the ILO. <p><u>Federal</u></p> <ul style="list-style-type: none"> • Canada Health Act. • Employment Insurance Act. • Canada Pension Plan. • Old Age Security Act. • Canada health care system. • Employment and Social Development Canada. • Employment and Social Development Canada. Request for reconsideration of an Employment Insurance decision. • Social Security Tribunal of Canada. Homepage. • Canada Employment Insurance Commission. • Canada Employment Insurance Commission. 2020/2021 Employment Insurance Monitoring and Assessment Report. • Canadian Institute for Health Information. Homepage. • Conference Board of Canada. Health Report Card. February 2015. <p><u>Provincial</u></p> <ul style="list-style-type: none"> • New Brunswick Public Health Act. • Workers' Compensation Act. • Workplace Health, Safety and Compensation Commission and Compensation Appeals Tribunal Act. • New Brunswick Department of Health. Homepage. • WorksafeNB. Homepage. • WorksafeNB. Review and Appeal. • New Brunswick Health Council. Health System Grades • Auditor General of New Brunswick. 2018 Auditor General's Report -Volume I, II, III Collaborative Report. June 2018 and January 2019. • New Brunswick Workers' Compensation Appeals Tribunal. Homepage.

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	<ul style="list-style-type: none"> • New Brunswick Workers' Compensation Appeals Tribunal. 2022-2023Annual Report. • <u>Other</u> • Finlay A. McAlister, Peter Cram and Chaim Bell. Comparing Canadianhealth care to that in other countries: looking beyond the headlines. 2018. • CBC. Half of New Brunswickers afraid they won't get health care when theyneed it, survey finds. 3 October 2022.
<i>Risk rating</i>	Provincial Low risk
4.1.8	Training shall be provided for all workers to allow them to implement the conditions set out in all elements of the SBP Standards relevant to their responsibilities.
<i>Findings</i>	<p>Scale of assessment Provincial</p> <p>Analysis Workers, which includes employees and contractors who work in the forest, need to be trained to make appropriate decisions and to implement best management practices related to specific job functions. The intent of this Indicator is to ensure workers are provided the knowledge, skills, and abilities required to perform jobs effectively and safely through proper training and certificates. Proper training can improve worker productivity, reduce errors and accidents, increase job satisfaction, and ultimately contribute to the success of the business.</p> <p>Elements related to this Indicator are also discussed and assessed in the following Indicators:</p> <ul style="list-style-type: none"> • Health and safety requirements and safeguarding are described in 4.1.10 Workers H&S Safeguards; • Waste disposal training is described in Indicator 2.2.8 Waste Disposal. <p>The focus of this Indicator is to ensure that forest workers are trained in the forest planning and operations processes. Inadequate or infrequent training increases risk of forest worker errors and mistakes and the risk of environmental damage. Potential application of incorrect management practices can result in site damage, reduction of timber harvest quality, and non-compliance issues with Regulations and operational plans.</p> <p><u>Provincial</u></p> <ul style="list-style-type: none"> • New Brunswick Foresters Act • Clean Water Act • Watercourse and Wetland Alteration Regulation • Scalers Act <p>Enforcement and monitoring The Association of Registered Professional Foresters of New Brunswick (ARPFNB) is responsible for ensuring compliance with the New Brunswick Foresters Act and provides professional training opportunities. ARPFNB assesses applicants for admittance to the organisation in New Brunswick (NB). As of March 2024, providing forestry services in NB is unregulated. Anyone can offer and provide forestry services without qualifications or oversight. The practice of forestry (as described in the New Brunswick Foresters</p>

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Act) is the “application of scientific principles to the management of forest ecosystems including: integrated forest management, evaluation of forest land, classification and inventory of forest land, silviculture, planning roads, teaching of forestry subjects at university and technical levels, research related to the management of forests and forest land, and providing advice, performing or directing work whether or not in return for a fee or remuneration.” Registered Professional Foresters (RPFs) are required under the New Brunswick Foresters Act to maintain competence through the continuing competency program. All registrants must complete 36 hours annually and obtain 100 contact hours of continuing competency activities/professional development over a three-year period. An RPF must maintain a tracking form and submit the educational records on an annual basis. ARPFNB, with its by-laws, ensures its members competence and integrity to uphold public interest by requiring members to follow the continued competency program defined by its Executive Committee. The Department of Environment and Local Government (DELG) has the responsibility to issue Watercourse and Wetland Alteration Permits. Permits are issued to individuals who successfully passed a certification course and examination. To obtain such permits, the applicant must have followed and successfully pass a watercourse alteration certification course offered by a DELG recognised education organisations. DELG prepares and offers technical guides to support compliance to various legislations. DELG also partner with education institutes to offer recognised courses such as the watercourse alteration certification course. The Scalers Act requires all scalers be licensed and authorised by the Department of Natural Resources and Energy Development (DNRED) to conduct scaling of primary forest products harvested from NB Crown license or primary forest products marketed through a producer association. Applicants must have two years previous experience assisting a licensed scaler or have graduated from a post-secondary program that is equivalent to two years of experience in scaling primary forest products. Applicants are examined by the DNRED Board of Examiners and recommendations for licensing are forwarded internally within DNRED for issuance of a scaling license. Licenses are renewed every five years. Forest companies are responsible for ensuring forest workers have the proper training and certificates to effectively implement roles and responsibilities. Training completion and documentation is a component of a forest company’s health and safety program. Forest companies implement training policies through various meetings with contractors, which includes operations-specific information. Contractors provide proof of training to forest companies if requested. Like forest companies, contract companies are responsible for ensuring employees have training and obtain certificates which demonstrate qualifications. The New Brunswick Federation of Woodlot Owners advocates for the interests and the rights of private woodlot owners, coordinates educational opportunities, sources funding to implement projects, and keeps private woodlot owners up to date on what is going on with industry, the government and forest product marketing boards through monthly newsletters. As of March 2024, there is no publicly available information describing systematic and consistent training to forest workers across the forest industry in NB.

ARPFNB has the oversight authority of the New Brunswick Foresters Act. ARPFNB will annually conduct a randomly selected 5% sample of its registered members to ensure that the membership is meeting the continuing competency program requirements. Activities are evaluated over a rolling three-year period. Members not meeting the program requirements as determined by the audit must submit a training plan which identifies how shortfalls will be met over the next 12 months. DNRED and Marketing Board representatives have the responsibility to report any observations of dangerous and ill-conceived practices caused for example by inappropriate training. DELG has oversight over the Watercourse and Wetland Alteration training program in NB. Stop work orders can be issued if permits are not in place, or if the person conducting the work does not have the proper training. DNRED has oversight over the Scalers Act. Stop work orders can be issued if an individual does not have a scaling license. Company oversight/tracking is completed through internal company-specific processes. As of March 2024, there is no publicly available information describing an oversight framework or reporting of forest worker training.

ARPFNB annual reports are not publicly available. Compliance with the Watercourse Alteration Regulation is the responsibility of DELG and the Authorizations and Compliance Division. Annual reports do not describe non-compliance issues nor potential causes such as workers’ competencies. DELG annual reports provide summaries of the Watercourse Alteration Program. In 2021/22, 2,072 permits were issued and four permits were refused. The Watercourse Alteration Certification Program is striving to include all road builders. Fifty-nine individuals were certified in 2021/22, bringing the total to 665 certified individuals in NB. Company-specific forest worker health and safety training

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	<p>requirements are mandated to be on file with the company; however, records of other training requirements are not mandatory. As of March 2024, there is no publicly available results to verify training specific to forest workers.</p> <p>Risk conclusion and justification</p> <p><u>Crown License</u></p> <p>DNRED requires all Crown Timber Licensees to be SFM certified. As part of this requirement, Crown Timber Licensees are 3rd party audited annually. During this audit process, the auditing firm ensures that workers have received appropriate training in order to ensure that the forest is sustainably harvested. One of the outcome of this audit process it to publish an audit report which indicates how well the certificate holder has performed with regard to the SFM indicators. As those reports are publicly available, there is clear evidence that workers on Crown land have the proper training to make appropriate decisions and to implement best management practices related to specific job functions.</p> <p><u>Industrial Private Land and Private Woodlots</u></p> <p>At the professional level, mandatory requirements are set for standards of conduct, continuing competency development, and annual competence assessments. ARPFNB's regulatory framework ensures the ongoing training and competence of forest professionals registered to practice in NB. At the forest worker level, due to a lack of a legislative framework, evidence to support implementation mechanisms, a monitoring framework and/or results to verify training for forest workers related to roles and responsibilities, a precautionary approach is applied. As such, this Indicator is designated as specified risk at the provincial level in New Brunswick.</p>
<p><i>Means of verification</i></p>	<ul style="list-style-type: none"> ● Regulatory framework ● Regulatory agency websites ● Company human resources policies/procedures ● Company training records ● Workforce/employment records ● Regulatory compliance and enforcement data/reports ● Oversight agency database records and/or reports ● Publicly available information (reports, news & websites) ● Interviews with workers
<p><i>Evidence reviewed</i></p>	<p>Provincial</p> <ul style="list-style-type: none"> ● An Act Respecting the Association of Registered Professional Foresters of New Brunswick ● Association of Registered Professional Foresters of New Brunswick Code of Ethics ● Clean Water Act ● Crown Lands and Forests Act ● Department of Environment and Local Government Annual Report 2021-2022 ● New Brunswick Scaling Manual (4th Edition) ● Scalers Act ● Watercourse Alteration Certification Program

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	<ul style="list-style-type: none"> • Watercourse and Wetland Alteration Regulation 						
<i>Risk rating</i>	<table> <tr> <td>Crown License</td> <td>Low risk</td> </tr> <tr> <td>Industrial Private Land</td> <td>Specified risk</td> </tr> <tr> <td>Private Woodlots</td> <td>Specified risk</td> </tr> </table>	Crown License	Low risk	Industrial Private Land	Specified risk	Private Woodlots	Specified risk
Crown License	Low risk						
Industrial Private Land	Specified risk						
Private Woodlots	Specified risk						
4.1.9	Mechanisms shall be in place for resolving grievances and disputes in the workplace.						
<i>Findings</i>	<p>Scale of assessment Provincial</p> <p>Analysis This Indicator ensures workers have access to an effective system to raise and remedy grievances and disputes related to work conditions. Work conditions are governed by provincial legislation and the measures discussed below. Under labour law (Canadian Labour Congress), a grievance is a violation of the employee's rights on the job—whether under a collective agreement or under legislation. Individual grievances may concern discipline, demotion, remuneration, denied benefits, and harassment. Provision of effective mechanisms for resolving grievances provides an opportunity for issues to be dealt with effectively and limits the escalation of issues. Additionally, it enables learning for all parties, thus reducing the risk of future disputes and grievances. Some issues that may lead to grievances and disputes, as well as the mechanisms for resolving the grievance or dispute have been assessed under each of the other Indicators of Principle 4. Where there is no mechanism to resolve grievances and disputes, there is an increased risk of employee dissatisfaction. This may result in low productivity, high turnover, and poor organizational culture. The New Brunswick (NB) Human Rights Act addresses situations where grievances and disputes with an employer are related to human rights issues. Sections 17 – 24 relates to the filing and resolution of complaints. The NB Employment Standards Act sets standards for employment. Sections 61 - 76 of the Act outlines the mechanisms for investigating and determining complaints. The NB Industrial Relations Act specifies the rights and responsibilities of trade unions in NB. The Act specifies mechanisms for resolution of disputes in Sections 61 - 83.</p> <p>Enforcement and monitoring The NB Human Rights Commission implements the grievance and dispute mechanisms of the NB Human Rights Act. The Commission investigates and conciliates formal complaints of discrimination filed under the Act. These complaints may be about work conditions. The NB Department of Post-Secondary Education, Training and Labour regulates employment in the province, including the forest industry, under the NB Employment Standards Act. The Department provides information on the website about submitting a complaint, filing an anonymous tip and appealing a decision; and implements a complaint resolution process. Trade unions, where they exist, would generally be the first recourse for resolving grievances and disputes in the workplace. Collective agreements normally include clauses for dispute resolution. The NB Labour and Employment Board acts as an independent and impartial tribunal on issues related to labour in the province. The Board is established to, amongst other tasks, hear grievances that cannot be resolved between unions and employers and between the NB Department of Post-Secondary Education, Training and Labour and employers/employers. A company's human resources department would likely have additional mechanisms for resolving grievances and disputes.</p>						

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	<p>The NB Human Rights Commission reports on outcomes publicly in an annual report and publishes all decisions both on the Board’s website and on the Canadian Legal Information Institute website. The NB Department of Post-Secondary Education, Training and Labour provides an oversight function in employment and labour standards. Decisions which cannot be resolved by the Department are referred to the NB Labour Relation Board. No public reporting on outcomes for the Department relative to workplace grievances were found. No consistent mechanism for oversight of resolving grievances and disputes was found for trade unions. The NB Labour Relation Board reports on outcomes publicly in an annual report published on the Board’s website and publishes all decisions on the Canadian Legal Information Institute website. No consistent mechanism for oversight of resolving grievances and disputes was found at the company level. In the NB Human Rights Commission 2021/22 report (the last report available as of September 2023), the Commission reports receiving 2,387 inquiries. The Commission closed 244 complaints, opened 284 complaints and awarded \$406,204 in monetary benefits. 53% of all complaints were related to employment. The Department of Post-Secondary Education, Training and Labour does not report publicly on the number of complaints received or resolved. Trade unions do not publicly report on the effectiveness at resolving grievances and disputes. The NB Labour Relations Board receives and resolves over a hundred grievances annually. In the 2021/2022 annual report (the last available as of September 2023), the Board reported having 81 open cases at the beginning of the annual period, receiving 180 and disposing of 173. Companies do not publicly report on the effectiveness of internal processes for resolving grievances and disputes. An internet review completed in September 2023 does not indicate that there is a systemic issue in NB with the mechanisms for resolving grievances and disputes in the workplace.</p> <p>Risk conclusion and justification</p> <p>There is a comprehensive regulatory framework of mechanisms for the resolution of grievances and disputes. The mechanisms for resolving grievances and disputes are being implemented and there is no evidence of the mechanisms being ineffective at resolving grievances or disputes in the forest sector. Based on evidence reviewed, this Indicator is designated as low risk at the provincial level in New Brunswick.</p>
<p><i>Means of verification</i></p>	<ul style="list-style-type: none"> • Regulatory framework • Company human resources policies/procedures • Company grievance/dispute procedures • Regulatory compliance and enforcement data/reports • Oversight agency database records and/or reports • Company records of grievance/dispute outcomes • Publicly available information (reports, news & websites) • Interviews with oversight agency • Interviews with trade unions • Interviews with workers
<p><i>Evidence reviewed</i></p>	<p><u>Federal</u></p> <ul style="list-style-type: none"> • Canadian Labour Congress. Chapters. • Canadian Legal Information Institute. Homepage. <p><u>Provincial</u></p> <ul style="list-style-type: none"> • Human Rights Act.

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	<ul style="list-style-type: none"> • Employment Standards Act. • Industrial Relations Act. • New Brunswick Human Rights Commission. Homepage. • New Brunswick Department of Post-Secondary Education, Training and Labour. Homepage. • New Brunswick Labour and Employment Board. Homepage. • New Brunswick Human Rights Commission. Annual Reports. • New Brunswick Human Rights Commission. Boards of Inquiry. • New Brunswick Labour and Employment Board. Annual Reports. • Canadian Legal Information Institute. Homepage. • New Brunswick Human Rights Commission. Annual Report. 2021-22. • Labour and Employment Board. Annual Report. 2021-23.
<i>Risk rating</i>	Provincial Low risk
4.1.10	Safeguards shall be put in place to protect the health and safety of workers by developing, communicating and implementing policies and procedures.
<i>Findings</i>	<p>Scale of assessment Crown License Industrial Private Land Private Woodlots</p> <p>Analysis Systems of training, monitoring, and mandatory use of protective equipment are some of the measures taken to improve occupational health and safety. In Canada, federal legislation covers federally regulated workers, while the provinces develop and manage health and safety infrastructure for other workers, which includes forest workers. Worker training related to occupational health and safety is described in this Indicator. See Indicator 4.1.8 Training to Workers for all other forest worker training.</p> <p>Health and safety is important for ensuring the well-being of workers. Workers in an unsafe and unhealthy environment will increase lost time. An effective health and safety program reduces costs and liabilities that firms would incur associated with accidents and the result of following unsafe practices.</p> <p>International The International Labour Organization (ILO) has over 40 different occupational health and safety instruments. There are three primary conventions to note:</p> <ul style="list-style-type: none"> • (ILO) Convention C187 – Promotional Framework for Occupational Safety and Health Convention (2006, ratified 2011). Canada is a signatory. • Convention C148: Working Environment (Air Pollution, Noise, Vibration) from 1977. As of 2021, Canada has not ratified. • Convention C155: Occupational Health and Safety Convention from 1981. As of 2021, Canada has not ratified. <p><u>Federal</u></p>

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- Canadian Labour Code Part II and Regulations
- Hazardous Products Act

Provincial

- Workers Compensation Act
- Occupational Health & Safety Act
- Code of Practice for Working Alone Regulation

Enforcement and monitoring

International

The ILO website states, "The ILO develops international labour standards in the field of safety and health at work to guide governments in setting national laws and regulations and enforcing their application at the workplace. Employers and workers and their organizations also have the framework to improve working conditions and occupational safety and health."

Provincial

The New Brunswick (NB) Department of Post-Secondary Education, Training and Labour is responsible for the governance of the Occupational Health and Safety Act and relevant Regulations, which are the primary pieces of legislation that define industrial health and safety requirements. All NB employers must comply with this legislation. WorkSafeNB is a Crown agency responsible for the implementation and application of Occupational Health and Safety Act; Workers' Compensation Act; Workplace Health, Safety and Compensation Commission, and Workers' Compensation Appeals Tribunal. WorkSafeNB promotes workplace safety, provides health and safety information to employers, workers, and the public, establishes standards and guidelines for occupational health and safety WorkSafeNB assists injured or disabled workers and assesses employers. The Occupational Health & Safety Act requires every employer with more than 20 employees to establish a health and safety policy and a health and safety program; the Act describes the minimum content of the program. Every employer in NB with three or more workers at any time during the year must register for mandatory coverage with WorkSafeNB. Workers may be full- time, part-time, casual workers or non-registered contractors, or subcontractors. The New Brunswick Forest Safety Association (NBFSA) is a not-for-profit safety association which provides WorkSafeNB registered companies in the forest industry with tools and information need to facilitate compliance with the regulations supporting the Occupational Health and Safety Act and the Workers' Compensation Act. NBFSA's goal is to eliminate workplace accidents in the forest industry through education and training by providing training documents and training courses.

Training completed with the NBFSA provides certificates upon completion. Examples include:

- Chainsaw Operation;
- Defensive driving courses (light and heavy trucks);
- Supervisor training.

Through the NBFSA, the NB forest sector has developed the SAFE (Safety and Forestry Excellence) Certification that companies must attain prior to conducting work for forestry companies who request it. SAFE Certification ensures a minimum standard of safety in all forestry workplaces. Qualified companies are required to maintain safety programs that are audited annually to verify compliance. This program is available to any member of the NBFSA. Companies manage the SAFE safety program and conduct annual maintenance or recertification audits (first-party or third party, depending on the type of SAFE certification). Audits are reviewed by the NBFSA for approval. SAFE Certification is a requirement to conduct work for the NB government which includes Crown license. The Safety Certified Program, provided by Safety Services New Brunswick, awards companies that have achieved safety excellence by developing and establishing an effective health and safety program. A Safety Certified Certificate provides proof

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an organisation has an audited safety program, conforms to provincial/federal standards, and allows Safety Services New Brunswick to provide feedback to the organisation about positive aspects and areas for improvement regarding their safety program. Under the Occupational Health and Safety Act, owners of both industrial private land and private woodlots are required to be aware of all employer and employee obligations and assume the legal obligations of an “owner” as outlined under the Occupational Health and Safety Act. A landowner employing a contractor, is obligated to make all reasonable efforts to ensure safe practices are followed.

The NB Department of Post-Secondary Education, Training and Labour oversees the Occupational Health and Safety Act and relevant Regulations. WorkSafeNB conducts inspections of the workplace of registered companies. WorkSafeNB has the legislative authority to write orders and bring civil action to improve safety and prevent accidents. Administrative penalties are imposed where there are repeat violations and areas identified as high risk. When these orders are not complied with, or when an accident has taken place because of a violation of the Act and/or its regulations, WorkSafeNB may recommend charges to the Department of Justice and Attorney General.

WorkSafeNB rates are set based on performance, with fewer claims resulting in a lower rate for a company. WorkSafeNB registered companies monitor occupational health and safety programs through internal tracking systems, internal audits, audits of suppliers, and contractors and voluntary third-party audits. A third-party auditor is hired by the SAFE Certified employer to audit the employer’s safety program, followed by annual audits to maintain certified status.

Clearance certificates provide the clearance status of any company registered with WorkSafe NB and are publicly available. WorkSafeNB publishes annual reports detailing industry statistics and trends. Data on the numbers of arbitration decisions, court cases, compliance decisions and decision reviews are available on WorkSafeNB’s website. A review of court cases found that in 2022, there was one court case involving a WorkSafeNB registered forestry company (a trucking company). There were no court cases in 2020 or in 2021 involving WorkSafeNB forestry companies. In 2018 and 2019 there were five decisions against WorkSafeNB registered forestry companies— some of the cases involved worker fatalities and all cases occurred in mill facilities. From 2019 to 2023, WorkSafeNB received 5,200 to 9,200 claims per year. Of these, claims from agriculture, forestry, fishing and hunting averaged 150 per year, ranging between 2-3% of the total number of claims per year. Statistics for the forest sector alone were not available. In 2022, WorkSafeNB undertook 5,121 inspections and 49 investigations for serious incidents were conducted, and 3,718 stop work orders and 60 administrative penalties were imposed on WorkSafeNB registered companies. In 2021, 6,011 inspections and 57 accident investigations were undertaken, and 3,656 compliance orders were issued. In 2020, 4,987 inspections and 41 accident investigations were undertaken, and 2,461 compliance orders were written. Companies who do work on Crown license must be WorkSafeNB registered. As employers with three or more workers, the majority of industrial private land owners are WorkSafeNB registered. There are 40,000 private woodlots in NB owned by individuals or small businesses. As of March 2024, it is unknown how many of these private woodlot owners have fewer than three workers, which means there is not a requirement to be WorkSafeNB registered. As of March 2024, there is no publicly available results to verify health and safety outcomes for non-WorkSafeNB registered companies who undertake harvesting or other forest operations.

Risk conclusion and justification

Provincial

NB has closely regulated, controlled, and enforced occupational health and safety laws and regulations. It is concluded that appropriate health and safety safeguards are in place for WorkSafeNB registered companies.

Crown License and Industrial Private Land

The majority of companies who harvest on Crown license and industrial private land are WorkSafeNB registered. As such, are required to follow WorkSafeNB rules. WorkSafeNB conducts audit and site visits to ensure these companies are compliant. Based on evidence reviewed, this Indicator is designated as low risk for Crown license and industrial private land in New Brunswick.

Private Woodlots

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	<p>Several individuals or small businesses operating on private woodlots in NB and are not, required to be WorkSafeBC registered. Due to a lack of evidence to support implementation mechanisms, a monitoring framework and/or results to verify safeguards are in place to protect the health and safety of workers, this Indicator is designated as specified risk for other private land in New Brunswick.</p>
<p><i>Means of verification</i></p>	<ul style="list-style-type: none"> ● Regulatory framework ● Regulatory agency websites ● Company human resources policies/procedures ● Company Health & Safety programs/procedures ● Regulatory compliance and enforcement data/reports ● Oversight agency database records and/or reports ● WorkSafe Records/Statistics ● Company health & safety records ● Publicly available information (reports, news & websites) ● Interviews with regulatory/oversight agency ● Interviews with trade unions ● Interviews with workers
<p><i>Evidence reviewed</i></p>	<p><u>International</u></p> <ul style="list-style-type: none"> ● ILO Occupation Health <p><u>Federal</u></p> <ul style="list-style-type: none"> ● Canadian Labour Code Part II and regulations ● Hazardous Products Act ● Workplace Hazardous Materials Information System <p><u>Provincial</u></p> <ul style="list-style-type: none"> ● Workers Compensation Act ● Occupational Health and Safety Act ● General Regulation of Occupational Health and Safety ● First Aid Regulation ● Code of Practice for Working Alone Regulation ● WorkSafeNB Policy and Legal ● WorkSafeNB Claim Statistics ● New Brunswick Forestry Safety Association ● NBFSA – SAFE Certification ● WorkSafe NB – Start with Safety – Your Responsibilities ● SAFE Companies Guidelines – Obtaining and Maintaining SAFECertification

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<i>Risk rating</i>	Crown License	Low risk
	Industrial Private Land	Low risk
	Private Woodlots	Specified risk

Criterion 4.2 – Feedstock sourcing benefits communities

4.2.1	Negative social and community impacts shall be identified and avoided.
<i>Findings</i>	<p>Scale of assessment Crown License Industrial Private Land Private Woodlots</p> <p>Analysis The intent of this Indicator is to promote sustainable and responsible practices that benefit individuals and communities. Sustainable forestry practices must take into account the needs and rights of local communities, protect ecosystems and biodiversity, and support local livelihoods and economies. Elements of this Indicator are discussed and assessed in the following Indicators:</p> <ul style="list-style-type: none"> • Biodiversity, ecosystem productivity and function are described across Criterion 2.1 and 2.2; • Labour rights are described across Criterion 4.1; • Contributions to the local economy are described in Indicator 4.2.2 Positive Contribution to Local Community; • Indigenous, rights, consultation and cultural heritage are described in Indicators 4.2.4 Legal, Customary & Traditional Tenure & Use Rights, 4.2.6 Consultation/Accommodation, and 4.2.7 Designated Cultural Heritage Sites Preserved, respectively; and • Forestry grievances and disputes are described in Indicator 4.2.5 Grievance & Dispute Mechanisms - Forestry. <p>Consultation and requirements and processes specific to Indigenous peoples are discussed in Indicators 4.2.4 Legal, Customary & Traditional Tenure & Use Rights, 4.2.6 Consultation/Accommodation, and 4.2.7 Designated Cultural Heritage Sites Preserved. Grievances and dispute mechanisms related to tenure and use rights and forest management practices are discussed in Indicator 4.2.5 Grievance & Dispute Mechanisms – Forestry. The focus of this Indicator is to ensure that the identification and avoidance of negative social and community impacts are incorporated into forest management planning through a consultation process with stakeholders who may be impacted.</p> <p>Negative impacts to communities may occur if sustainable and responsible forestry management are not conducted, including loss of tenure and use rights, loss of access to areas with cultural, social, heritage, and economic values used by communities, loss of employment and economic opportunities, health and welfare impacts on communities, and loss of adequate access for recreation.</p> <p><u>Crown License</u></p> <ul style="list-style-type: none"> • Crown Lands and Forests Act

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Industrial Private Land and Private Woodlots

On industrial private forest land and private woodlots, there is no regulatory framework that requires the identification and avoidance of negative social and community impacts.

Enforcement and monitoring

Crown License

The New Brunswick Department of Natural Resources and Energy Development (DNRED) is responsible for ensuring consultation processes occur. As part of the Forest Management Agreement (FMA) under the Forest Management Manual for New Brunswick Crown Land (FMM), there is a transparency value that DNRED, stakeholders, and members of the public must have access to important information regarding the management of Crown forests. Crown licensees must provide publicly available documents to DNRED, which include:

- A Forest Management Plan (FMP) spatially identifying ten years of planned harvest;
- An Annual Operating Plan (AOP) spatially identifying approximate locations of forestry operations;
- An online operations activity map which is updated regularly.

Throughout FMP implementation, Crown licensees maintain efforts to conduct meaningful public and stakeholder involvement through stakeholder committees. There are two key performance indicators (KPI) under Schedule G of the FMA related to consultation. The first KPI is under the value maintaining social licence to operate, which assesses public access to Crown lands for recreation and non-commercial uses. The second KPI, under transparency, states that stakeholders and members of the public will have access to important information regarding the management of Crown forests. DNRED has a publicly available system for the public to express concerns or ask questions regarding forest management on Crown licenses. DNRED's internal policy is to respond to all inquiries.

Industrial Private Land

As of March 2024, there is no publicly available information describing implementation mechanisms related to the identification and avoidance of negative social and community impacts on industrial private land.

Private Woodlots

As of March 2024, there is no publicly available information describing implementation mechanisms related to the identification and avoidance of negative social and community impacts on private woodlots.

Crown License

DNRED is responsible for reviewing and approving FMPs and AOPs. Consultation information from the FMP and AOP is provided to DNRED to ensure adequate consultation. DNRED either approves or makes recommendation to the Crown licensee for the FMP and AOP to be approved.

Industrial Private Land

DNRED has requested summary details of the forest management strategy for industrial private land operations. As of March 2024, there is no publicly available information describing an oversight framework related to the identification and avoidance of negative social and community impacts on industrial private lands.

Private Woodlots

As of March 2024, there is no publicly available information describing an oversight framework related to the identification and avoidance of negative social and community impacts on private woodlots.

Crown License

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	<p>Through stakeholder committees and FMA consultation requirements, the identification and avoidance of negative social and community impacts is occurring on Crown licenses. Crown licensees cannot operate without the approval from DNRED on FMPs and AOPs. Additionally, DNRED information verified that both KPIs related to consultation under Schedule G were in compliance for crown licensees.</p> <p><u>Industrial Private Land</u></p> <p>Industrial private land is managed at the landowners discretion. As of March 2024, there are no publicly available results to verify the current condition related to the identification and avoidance of negative social and community impacts on industrial private land.</p> <p><u>Private Woodlots</u></p> <p>Private woodlots are managed at the landowners discretion. As of March 2024, there are no publicly available results to verify the current condition related to the identification and avoidance of negative social and community impacts on private woodlots.</p> <p>Risk conclusion and justification</p> <p><u>Crown License</u></p> <p>There is a comprehensive legal framework with appropriate controls governing consultation requirement during forest management planning on Crown licenses. Consultation to identify and avoid negative social and community impacts is required prior to plan approval. Based on the evidence reviewed, this Indicator is designated as low risk for Crown licenses in New Brunswick.</p> <p><u>Industrial Private Land</u></p> <p>Due to a lack of a legislative framework, evidence to support implementation mechanisms, a monitoring framework and/or results to verify the identification and avoidance of negative social and community impacts, a precautionary approach is applied. As such, this Indicator is designated as specified risk for industrial private land in New Brunswick.</p> <p><u>Private Woodlots</u></p> <p>Due to a lack of a legislative framework, evidence to support implementation mechanisms, a monitoring framework and/or results to verify the identification and avoidance of negative social and community impacts, a precautionary approach is applied. As such, this Indicator is designated as specified risk for private woodlots in New Brunswick.</p>
<p><i>Means of verification</i></p>	<ul style="list-style-type: none"> • Regulatory framework • Regulatory agency websites • Forest management plans • Best management practices and/or operational procedures • Consultation/engagement process • Grievance/dispute resolution mechanisms • Regulatory compliance and enforcement data/reports • Publicly available information (reports, news & websites) • Consultation/engagement notices, opportunities, meeting minutes, records, and applicable outcomes • Site plans and/or post-activity inspections demonstrate negative impacts mitigated • Interviews with regulatory/oversight agency • Interview with local government, community members, special interest groups/organisation

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<p><i>Evidence reviewed</i></p>	<p>Provincial</p> <ul style="list-style-type: none"> • Crown Lands and Forests Act • Forest Management Manual for New Brunswick Crown Lands Results- Based Forestry Option (August 2014) • New Brunswick Private Woodlot Silviculture Program • Department of Environment and Local Government Residents and Property Owners Information Webpage • Trail Authorisation (Snowmobile and ATV Permit) • DNRED KPI Results 2019-2023 						
<p><i>Risk rating</i></p>	<table> <tr> <td>Crown License</td> <td>Low risk</td> </tr> <tr> <td>Industrial Private Land</td> <td>Specified risk</td> </tr> <tr> <td>Private Woodlots</td> <td>Specified risk</td> </tr> </table>	Crown License	Low risk	Industrial Private Land	Specified risk	Private Woodlots	Specified risk
Crown License	Low risk						
Industrial Private Land	Specified risk						
Private Woodlots	Specified risk						
<p>4.2.2</p>	<p>Feedstock sourcing shall positively contribute to the local economy, including employment.</p>						
<p><i>Findings</i></p>	<p>Scale of assessment Provincial</p> <p>Analysis The forest sector in New Brunswick (NB) is highly integrated, mainly consisting of softwood lumber and pulp and paper production. The wood pellet industry utilises the by-product (sawmill and harvest residuals) of the rest of the forest sector. There are five wood pellet mills in NB. The forest sector is defined using Statistics Canada’s Input-Output Industry Classification. The Classification does not distinguish wood pellet operations from other forest section operations, rather they are included in the overall numbers. For this Indicator, there are three subsectors:</p> <ul style="list-style-type: none"> • Forestry, logging and support subsector are activities in the forests. This includes the Input-Output Industry Classification forestry and logging (BC113000) subsector and the support activities for the forestry (BS115300) subsector. • Wood products manufacturing subsector is activities in the solid wood products mills (which includes pellet mills). This includes the Input-Output Industry Classification subsectors sawmills and wood preservation (BS321100), veneer, plywood and engineered wood product manufacturing (BS321200), and other wood product manufacturing (BS321900). • Pulp and paper manufacturing subsector are activities in pulp and paper manufacturing. This includes the subsectors pulp, paper, and paperboard mills (BS322100) and converted paper product manufacturing (BS322200). <p>See Section 4.8 for an Overview of the Biomass Sector. This Indicator is also tied to Indicators 1.1.4 Payments Harvest Rights, Royalties and & 2.2.9 Long- Term Production Capacity. See Indicator 3.3.1 Principles of Cascading Use for the integration of the forest products industry.</p> <p>The primary threats from inadequate contributions to the local economy include:</p> <ul style="list-style-type: none"> • Poor wages and inadequate benefits for workers and contractors; • Reduced employment; 						

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	<ul style="list-style-type: none"> • Unfair return for timber values; • Lower purchasing power resulting in reduced strength of local businesses. <p>In New Brunswick (NB) there are no specific legislative requirements that directs economic contributions from the forest industry to local communities.</p> <p>Enforcement and monitoring</p> <p>There is no implementing mechanism that directs economic contributions from the forest industry to local communities.</p> <p>There is no oversight framework that directs economic contributions from the forest industry to local communities.</p> <p>According to Forest NB and the NB Department of Natural Resources and Energy Development, the province’s forest products sector supports approximately 24,000 direct, indirect, and induced jobs across the province. The stat is not sourced or dated. Natural Resources Canada (NRCAN) reports that in 2021, 11,705 people were directly employed in the forest products industry in NB (Canadian System of National Accounts). 2,695 in forestry and logging and support, 6,110 in wood product manufacturing, and 2,900 in pulp and paper product manufacturing. The NRCAN data was incomplete for labour income, only reporting logging in 2020 at \$106.3 million. NRCAN reports that in 2020, the forest products industry in NB contributed \$4.56 billion in revenue, which is revenue from goods manufactured, including revenue from the sale of goods manufactured using materials owned by the establishment, as well as from repair work, manufacturing service charges and work contracted to others. \$646.29 million was from logging, \$1.82 billion was from wood product manufacturing and \$2.09 billion from pulp and paper manufacturing. NRCAN reports that in 2021, the forest products industry in NB contributed \$1.25 billion in gross domestic product (GDP) \$317.00 million was from forestry and logging, \$404.30 million from wood product manufacturing, including wood pellet mills, and \$528.30 million from pulp and paper product manufacturing. NRCAN reports that in 2020, the forest product industry had \$2.40 billion in capital expenditures and \$2.79 billion in repair expenditures.</p> <p>Risk conclusion and justification</p> <p>There is a highly integrated forest products industry in New Brunswick. Biomass- related activities contribute to local economies for goods and services, GDP, employment, and capital investment. Based on evidence reviewed, this Indicator is designated as low risk at the provincial level in New Brunswick.</p>
<p><i>Means of verification</i></p>	<ul style="list-style-type: none"> • Company policies/procedures for employment, procurement and contributions within the local economy • Regional and/or sectoral analysis reports and economic studies • Company records of economic contributions to local economy • Workforce/employment records • Publicly available information (reports, news & websites) • Interviews with local government, business, workers, community members, special interest groups/organization
<p><i>Evidence reviewed</i></p>	<p><u>Federal</u></p> <ul style="list-style-type: none"> • Statistical data, Natural Resources Canada <p><u>Provincial</u></p> <ul style="list-style-type: none"> • Forest NB <p><u>Other</u></p> <ul style="list-style-type: none"> • Wood Pellet Location Map, Wood Pellet Association of Canada

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<i>Risk rating</i>	Provincial Low risk
4.2.3	Food, water supply or high conservation values (HCV) that are essential for the fulfilment of basic needs of communities shall be maintained or enhanced.
<i>Findings</i>	<p>Scale of assessment Crown License Industrial Private Land Private Woodlots</p> <p>Analysis This Indicator assesses the impacts on the ability of rural communities, both Indigenous and non-Indigenous, to meet basic needs. Sustainable Biomass Program's (SBP) glossary defines basic necessities as "Sites and resources fundamental for satisfying the basic necessities of local communities or indigenous peoples (for livelihoods, health, nutrition, water, etc.), identified through engagement with these communities or indigenous peoples. A site or resource is fundamental for satisfying basic necessities if the services it provides are irreplaceable (i.e., if alternatives are not readily accessible or affordable), and if its loss or damage would cause serious suffering or prejudice to affected stakeholders. Basic necessities in the context of HCV 5 may cover any or all of the provisioning services of the environment including tangible materials that can be consumed, exchanged or used directly in manufacture, and which form the basis of daily life." Forests, on a daily basis provide both food and drinking water. Food from forests typically falls into two categories: hunting/fishing (ungulates, freshwater, and anadromous fish) and foraging (mushroom, berry, and herbaceous plant collection). Drinking water supply is from surface water (lakes and rivers), as well as sub-surface ground water. Impacts on the rights of Indigenous communities, including hunting, fishing, and gathering are considered in Indicator 4.2.4 Legal, Customary, and Traditional Tenure & Use Rights and Indicator 4.2.6 Consultation/Accommodation. Negative impacts on non-Indigenous communities are considered under Indicator 4.2.1 Negative Social & Community Impacts ID & Avoided. Maintaining ecosystem functions and services of water resources is considered under Indicator 2.2.5 Water Quality/Quantity Maintained or Enhanced. The protection of drinking water via designated watersheds is the focus of this Indicator.</p> <p>Forestry operations and related activities can potentially have a negative impact on the quality or quantity of the local or community water supply, negatively affecting the health and quality of life of water users.</p> <p><u>Provincial</u></p> <ul style="list-style-type: none"> • Clean Water Act (CWA) • Crown Lands and Forests Act (CLFA) <p>Enforcement and monitoring <u>Provincial</u> The Clean Water Act (CWA) protects surface water resources in the province of New Brunswick (NB). The Department of Environment and Local Government (DELG) has authority to administer the CWA. Under the CWA, the Watershed Protected Area Designation Order identifies and protects designated watersheds which are sources of drinking water for one or more communities. Restrictions are placed on activities within the entire designated watershed. The Watershed Protected Area Designation Order</p>

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provides buffer requirements for the protection of waterways and wetlands within one km of a water supply intake in a designated watershed, which includes no harvest and restricted activity areas. The CWA and Watershed Protected Area Designation Order applies to all waterways, and is applicable to Crown license, industrial private land and private woodlots.

Crown License

In NB, the Department of Natural Resources and Energy Development (DNRED) has authority to administer the Crown Lands and Forests Act (CLFA) which provides the regulatory framework for the development, utilisation, protection, and integrated management of resources of Crown lands, including water quality protection. The CFLA requires a Forest Management Agreement (FMA) have an approved Forest Management Plan (FMP) on Crown licenses. The Forest Management Manual for New Brunswick Crown Land (FMM) component of the FMA stipulates the protection of designated watersheds of wetland and waterways through buffer requirements as per the Watershed Protected Area Designation Order.

Industrial Private Land and Private Woodlots

Industrial private land and private woodlots owners are to follow the provincial requirements of the CWA and Watershed Protected Area Designation Order. As of March 2024, there is no publicly available information describing implementation mechanisms for the protection of human drinking water on industrial private land or private woodlots.

Provincial

DELG's Compliance and Enforcement Policy outlines the process to administer its regulatory responsibilities. The Policy also sets out the framework for enforcement activities by DELG and other agencies. The Watershed Protection Program, administered by the Source and Surface Water Management Branch of DELG, is designed to ensure water quality is maintained or improved and to alert DELG if there is degradation in water quality within sampled watersheds. DELG responds and follows-up on water complaints related to the CWA. DNRED responds and follows-up on water complaints related to the CFLA.

Crown License

DNRED's review of FMPs and operational inspections on Crown licenses include assessments of compliance with the CWA and the Watershed Protected Area Designation Order. On Crown license, DNRED assesses the licensees' performance and compliance with measurable indicators. A Compliance Action Plan is required if non-compliance is found during field checks. Key performance indicators for water quality and aquatic ecosystems are identified in Schedule G of the FMA. Waterways in designated watersheds are to be protected by buffer zones to minimise negative harvesting impacts to water quality. Designated watershed harvest compliance is also monitored by DNRED.

Industrial Private Land and Private Woodlots

DELG responds to complaints on industrial private land and private woodlots. Landowners are responsible for the oversight of operations. As of March 2024, there is no publicly available information describing an oversight or monitoring program for the protection of drinking water on industrial private land or private woodlots.

Provincial

Designated watersheds provide the basic water needs for 21 NB communities (representing approximately 40% of the rural population). Thirty watersheds which provide drinking water to significant populations have been designated under the Watershed Protected Area Designation Order. DELG publishes an annual report with information about compliance inspections and enforcement actions taken. In the Environment and Local Government Annual Report 2022/2023, DELG reported conducting 1,200 compliance verifications through site visits, inspections or audits; 46% of which were related to the CWA. 908 compliance verifications were closed, and 86 required administrative action of orders, warnings, and tickets. The results published in the annual report do not distinguish Crown license, industrial private land or private woodlots and do not specify industry type.

Crown License

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	<p>DNRED data from 2018 to 2023 verifies compliance for the protection of designated watersheds on Crown licenses. Designated watershed buffer key performance indicator compliance indicated 100% in four of the past five years and 81.8% in the other year. Compliance with harvesting within designated watershed buffers was 100% in three of five years and averaged 93.6% in the other two years.</p> <p><u>Industrial Private Land and Private Woodlots</u></p> <p>DELG’s monitoring include industrial private land and private woodlots, but the monitoring does not distinguish between Crown license, industrial private land, and private woodlots. As of March 2024, there are no publicly available results to verify current condition of the protection of human drinking water on industrial private land or private woodlots in NB.</p> <p>Risk conclusion and justification</p> <p><u>Crown License</u></p> <p>There is a regulatory framework and implementation mechanisms for the protection of drinking water on Crown licenses. Evidence through DNRED monitoring data verifies compliance with key performance indicator requirements of buffer and harvesting activities in proximity to designated watersheds. Based on evidence reviewed, this Indicator is designated as low risk for Crown licenses in New Brunswick.</p> <p><u>Industrial Private Land and Private Woodlots</u></p> <p>There are provincial legislative requirements on industrial private land and private woodlots for the protection of human drinking water. There is a monitoring program and compliance and enforcement by the DELG, and annual reports are publicly available. Based on evidence reviewed, this Indicator is designated as low risk on industrial private land and private woodlots in New Brunswick.</p>
<p><i>Means of verification</i></p>	<ul style="list-style-type: none"> • Regulatory framework • Regulatory agency websites • Forest management plans • Best management practices and/or operational procedures, including assessment of impacts and implementation of mitigation measures • Consultation/engagement process • Grievance/dispute resolution mechanisms • Regulatory compliance and enforcement data/reports • Oversight agency database records and/or reports • Consultation/engagement notices, opportunities, meeting minutes, records, and applicable outcomes • Site plans and/or post-activity inspections demonstrate negative impacts mitigated • Supplier verification program • Interviews with regulatory/oversight agency • Interview with local government, community members, special interest groups/organisation • Interview with experts
<p><i>Evidence reviewed</i></p>	<p><u>Provincial</u></p> <ul style="list-style-type: none"> • Clean Water Act

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	<ul style="list-style-type: none"> • Watershed Protected Area Designation Order • Crown Lands and Forests Act • Forest Management Manual for New Brunswick Crown Lands Results- Based Forestry Option • DELG Annual Reports • DNRED KPI results 2019-2023 						
<i>Risk rating</i>	<table> <tr> <td>Crown License</td> <td>Low risk</td> </tr> <tr> <td>Industrial Private Land</td> <td>Low risk</td> </tr> <tr> <td>Private Woodlots</td> <td>Low risk</td> </tr> </table>	Crown License	Low risk	Industrial Private Land	Low risk	Private Woodlots	Low risk
Crown License	Low risk						
Industrial Private Land	Low risk						
Private Woodlots	Low risk						
4.2.4	Legal, customary, and traditional tenure and use rights of Indigenous Peoples and local communities related to the Supply Base shall be identified, documented, and respected.						
<i>Findings</i>	<p>Scale of assessment</p> <p>Crown License Industrial Private Land Private Woodlots</p> <p>Analysis</p> <p>Sustainable Biomass Program's (SBP) glossary defines customary rights as "Rights that arise from a behaviour or act that is repeated over time under the belief that it is obligatory and, due to repetition and acceptance, acquire the force of law within a geography or society (also known as customary law)." Cornell University's Faculty of Law defines customary and traditional use as a "means a long-established, consistent pattern of use, incorporating beliefs and customs which have been transmitted from generation to generation." SBP defines respected as "being mindful of and appropriately considering the rights of Indigenous Peoples." SBP's glossary does not define traditional tenure or use rights. This Indicator evaluates if Indigenous rights have been identified, documented and respected. In New Brunswick (NB), Indigenous people identify as First Nations, Métis, Inuit or multiple Indigenous ethnicities. The collective term is Indigenous Peoples unless otherwise stated. The Mi'kmaq Nation has two spellings—Mi'kmaq and Mi'gmaq. Mi'kmaq has been used unless a document name expressly says Mi'gmaq. The Wolastoqey Nation have two spellings—Wolastoqey and Wolastoqiyik. Wolastoqey has been used unless a document expressly says Wolastoqiyik. This Indicator is assessed from the perspective of Indigenous Peoples/communities. Indicator 4.2.1 Negative Social & Community Impacts ID & Avoided, which covers similar topics, was evaluated from the standpoint of non-Indigenous communities. Indicator 4.2.6 Consultation/Accommodation demonstrates whether there is a consultation process and, if necessary, an accommodation process. Indicator 4.2.7 Designated Cultural Heritage Sites Preserved demonstrates the protection of cultural heritage sites identified and designated. Section 4.3 provides an overview of Indigenous Peoples in NB. Negative impacts include the possibility that customary and traditional tenure and use rights may not be identified or only partially identified. This could lead to the unidentified rights being violated or becoming a source of contention. Another threat is that identified rights are not documented. For example, rights may be identified in court but if the documentation of these rights is insufficient to reach relevant practitioners, the rights may not be respected. Rights that the courts have not identified may not be respected.</p>						

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Rights that are identified and appropriately documented may not be respected. These potential scenarios could lead to violations of legal, customary, and traditional tenure and use rights.

International

- United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)

Federal

- Constitution Act, 1982
- United Nations Declaration on the Rights of Indigenous Peoples Act (UNDRIP Act), 2021

Treaties

- Peace and Friendship Treaties

These treaties were made between First Nations and the British Crown, before New Brunswick was established.

Provincial

- Crown Lands and Forests Act (CLFA)

Enforcement and monitoring

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and committed to its implementation was endorsed by the Government of Canada in 2016. The Constitution Act, 1982, section 35 recognises Indigenous Peoples' rights and provides legal protection to rights defined after 1982. The federal United Nations Declaration on the Rights of Indigenous Peoples Act (UNDRIP Act), which came into force in June 2021, was established to affirm UNDRIP as an international human rights instrument that can help interpret and apply Canadian law. As of January 2024, New Brunswick (NB) has yet to pass an equivalent legislation. Under the Mi'gmaq and Wolastoqiyik / New Brunswick / Canada Umbrella Agreement (2011), the Mi'kmaq and Wolastoqey Peoples have asserted rights to use and occupy ancestral lands/traditional territories. In 2019, the government of Canada and a group of Mi'kmaq chiefs reaffirmed the commitment to advancing reconciliation. There are three tri-partite tables negotiating how First Nations rights will be recognised and implemented:

- Canadian government, NB government, and Mi'kmaq First Nation;
- Canadian government, NB government, and Wolastoqey First Nation;
- Canadian government, NB government and Peskotomuhkati First Nation.

The Crown Lands and Forests Act (CLFA) sets out the forms of tenure and licensing the provincial government can enter into regarding the forest resource. S.4 of the CLFA authorises the Department of Natural Resources and Energy Development (DNRED), with the approval of the Lieutenant-Governor, to enter into agreements with "a band council as defined in the Indian Act." The NB Department of Indigenous Affairs document Government of New Brunswick Duty to Consult Policy "outlines the types of decisions that may trigger the duty to consult, the roles and responsibilities of the federal and provincial governments and First Nations and provides guidance to ensure that adequate consultation has taken place on matters that may affect Aboriginal and treaty rights." In 2019, the NB Department of Indigenous Affairs released the Interim Proponent Guide: A Guide for Proponents on Engaging with Aboriginal Peoples in New Brunswick, which provides general guidance to project proponents on engagement, consultation, and accommodation with First Nations. Forestry is not mentioned in the guide. See Indicator 4.2.6 Consultation/Accommodation for further information on consultation. The Mi'kmaq and Wolastoqey First Nations have asserted Aboriginal title rights on crown land and industrial private land. As of March 2024, there is no publicly available information regarding Indigenous Peoples' tenure and use rights being asserted on private woodlots in NB.

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The three tri-partite tables provide oversight on how First Nations rights will be recognised and implemented. The Mi'kmaq and Wolastoqey First Nations have asserted Aboriginal title rights on crown land and industrial private land. The courts are providing the oversight. As of March 2024, there is no publicly available information regarding oversight with respect to Indigenous Peoples' tenure and use rights on private woodlots in NB.

Indigenous rights have been affirmed through the federal Constitution Act and UNDRIP Act. These rights are being defined through the court system and tri-partite negotiations. In July 2019, Canada and the Mi'kmaq re-affirmed a commitment to negotiate a solution for "the implementation of Aboriginal and treaty rights, the resolution of Aboriginal title, and self-determination of the Mi'gmaq of New Brunswick". First Nations contributed to the selection of additional protected areas announced in 2022.

There was consultation with First Nations during the development of the 2023 forest strategy Our Forests are for Everyone: A Long-term Management Strategy for Healthy & Sustainable Forests. An agreement between the government and First Nations was reached during the consultation on the forest strategy, which is intended to support First Nations engagement and provide benefits. DNRED stated there was consultation regarding forest planning and an assessment of the timber allocations to each community. A Ministers' and Chiefs' Forest Advisory Table was formed as a result of the forest strategy consultation process. As of March 2024, there is no publicly available information if DNRED have entered into agreements with First Nations as outlined in S.4 of the CLFA. In 2016, seven Mi'kmaq First Nations Chiefs filed a lawsuit against the NB government over its forest policy and management agreements with industrial forestry companies. The Chiefs opposed the 2014 Putting our Resources to Work A Strategy for Crown Lands Forest Management which allowed a 20% increase in the annual allowable cut of softwood on Crown licenses and would reduce the amount of Crown license that is off-limits to the forest industry from 30% to 23%. As of March 2024, there is no publicly available information on negotiation progress. In 2020, six Wolastoqey First Nations (Oromocto, Woodstock, Saint Mary's, Kingsclear, Tobique, and Madawaska First Nations) filed suit against NB, stating the provincial government had not properly consulted regarding the management and use of Crown lands. The First Nations claim treaty rights, which include the right to harvest timber for their own use and economic benefit, are not being recognised by the provincial government. As of March 2024, there is no publicly available information on negotiation progress.

In November 2021, the Wolastoqey amended the claim by adding a number of industrial corporations, including many forestry companies, on the basis that the corporations have been using and benefitting from Crown lands and resources within the claim area. The claim also included specific property identification numbers for industrial freehold lands, as well as Crown land. In February 2023, the Mi'kmaq assertion of title was expanded to the majority of NB. "Our assertion of title is against the Crown and a small number of companies using industrial freehold lands in which the Crown still asserts an interest."

In August 2023, the NB government filed a motion in New Brunswick Court of King's Bench asking the court to strike out several sections of the claim by six Wolastoqey First Nations and to "remove all claims against and/or in relation to fee simple lands." As of March 2024, there is no publicly available information on negotiation progress.

The six Wolastoqey Nations in NB requested the corporate owners issue certificates of pending litigation against the thousands of acres of land they use for commercial timber operations. In a February 2024 decision, the Court of Kings Bench upheld a motion filed by the industrial defendants asking the court to deny the request. The First Nations have appealed. As of March 2024, the matter is before the courts. New Brunswick has allocated 5% of the provincial annual allowable cut to First Nations communities. The First Nations control how the land is harvested, but do not pay stumpage. As of March 2024, there is no publicly available information regarding the Mi'kmaq and Wolastoqey First Nations asserting tenure and use rights on private woodlots.

Risk conclusion and justification

Mi'kmaq and Wolastoqey Nations land title assertions are in the court system against the Crown and industrial private land owners, and there are on-going lawsuits related to forest management. Due to this, the documentation and respecting of traditional tenure and use rights of First Nations cannot be verified. Based on evidence reviewed, this Indicator is designated as specified risk for Crown licenses and industrial private land in New Brunswick. First Nations have not asserted tenure and use rights on private woodlots. As such, this Indicator is designated as low risk for private woodlots in New Brunswick.

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<p><i>Means of verification</i></p>	<ul style="list-style-type: none"> • Regulatory framework • Regulatory agency websites • Forest management plans • Best management practices and/or operational procedures • Consultation agreements • Grievance/dispute resolution mechanisms • Regulatory compliance and enforcement data/reports • Oversight agency database records and/or reports • Legal, customary & traditional tenure & use rights identified and documented • Consultation notices, opportunities, meeting minutes, records, and applicable outcomes • Site plans and/or post-activity inspections demonstrate negative impacts mitigated • Publicly available information (reports, news & websites) • Interviews with regulatory/oversight agency • Interview with Indigenous People • Interview with experts
<p><i>Evidence reviewed</i></p>	<p><u>International</u></p> <ul style="list-style-type: none"> • UN Declaration on the Rights of Indigenous Peoples <p><u>Federal</u></p> <ul style="list-style-type: none"> • Constitution Act of 1867 • UN Declaration on the Rights of Indigenous Peoples Act <p><u>Tri-partite</u></p> <ul style="list-style-type: none"> • Mi'gmaq and Wolastoqiyik / New Brunswick / Canada Umbrella Agreement. 2011. • Peskotomuhkati / Canada / New Brunswick Framework Agreement. 2018. <p><u>Bi-lateral</u></p> <ul style="list-style-type: none"> • Canada and Mi'kmaq. 2019. Re-affirmation Statement. <p><u>Provincial</u></p> <ul style="list-style-type: none"> • A Strategy for Crown Lands Forest Management, 2014. • Crown Lands and Forests Act • Government of New Brunswick Duty to Consult Policy. 2011. • Interim Proponent Guide: A Guide for Proponents on Engaging with Aboriginal Peoples in New Brunswick. 2019. <p><u>Other</u></p> <ul style="list-style-type: none"> • Aboriginal Title and Private Property. The Supreme Court Law Review: Osgoode's Annual Constitutional Cases Conference. Vol 71, Article 5. Borrows, John. 2015. • Judge Rules in Favour of Big Timber Companies in Aboriginal Title Claim. Penticton Herald. 8 February 2024.

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	<ul style="list-style-type: none"> • Province Says Commitment to Protect More NB Land will be Realized by End of 2023. CBC Report. 22 February 2022. • Wolastoqey First Nations take New Brunswick to Court for Violating Treaty Right to Harvest Timber for a Moderate Livelihood. CBC Report. 19 March 2020.
<i>Risk rating</i>	<p>Crown License Specified risk</p> <p>Industrial Private Land Specified risk</p> <p>Private Woodlots Low risk</p>
4.2.5	Mechanisms shall be in place for resolving grievances and disputes relating to tenure and use rights of the forest and other land management practices.
<i>Findings</i>	<p>Scale of assessment</p> <p>Crown License</p> <p>Industrial Private Land</p> <p>Private Woodlots</p> <p>Analysis</p> <p>Grievances and disputes considered under this Indicator are specific to tenure and use rights and forest management practices, each of which is governed by different legislation and measures. This Indicator ensures stakeholders have access to an effective system to raise and remedy grievances and disputes related to tenure and use rights. Consultation processes with stakeholders during forest management planning is discussed in Indicator 4.2.1 Negative Social & Community Impact ID & Avoided. Dispute-related Indicators include Indicator 1.1.2 Legal Ownership & Land Use, Indicator 1.1.4 Payments – Harvest Rights, Royalties and Indicator 4.2.4 Legal, Customary & Traditional Tenure & Use Rights.</p> <p>It is important to have a system to resolve grievances and disputes relating to tenure and use rights of the forest and other land management practices. Potential impacts include: mechanisms for resolving grievances and disputes may not be mutually agreed upon by all parties involved and are not being documented; the system fails to resolve disputes in an effective, timely, and appropriate manner; and the system does not ensure the anonymity of complainants, community spokespersons and whistle-blowers.</p> <p><u>Crown License</u></p> <ul style="list-style-type: none"> • Crown Lands and Forests Act <p><u>Private Woodlots</u></p> <ul style="list-style-type: none"> • Natural Products Act <p><u>Industrial Private Land and Private Woodlots</u></p> <p>The New Brunswick (NB) judicial system regulates grievances and disputes regarding industrial private land and private woodlots.</p> <p>Enforcement and monitoring</p> <p><u>Crown License</u></p> <p>The NB Department of Natural Resources and Energy Development (DNRED) regulates compliance with the Crown Lands and Forests Act (CLFA). A public website is available to express concerns or ask questions.</p>

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The CLFA allows DNRED, subject to the approval of the Lieutenant Governor in Council, to establish a Minister's Advisory Committee to assist in settling disputes concerning Crown licenses. Disputes regarding forest management practices may be addressed through the five-year review of Forest Management Agreement (FMA)-holder performance and forest operations audits. For planned practices, disputes are resolved during the development of Forest Management Plans (FMPs) and Annual Operating Plans (AOPs), which DNRED approves. Anyone who sees illegal activity on applicable to Crown license can contact DNRED or NB Crime Stoppers.

Industrial Private Land

On industrial private land, management is at the discretion of the landowner. The landowner may enter into an agreement with another party to use the timber or land, which is enforceable through contract law within the provincial legal system. Grievances and disputes that arise on industrial private land are conducted through the provincial judicial system.

Private Woodlots

On private woodlots, the New Brunswick Forest Products Commission is authorised under the Natural Products Act to provide oversight of the Forest Products Marketing Boards. This includes ensuring the Marketing Boards are compliant with obligations and governance and business practices are sound. Investigations and decisions are conducted by the Commission. On private woodlots, management is at the discretion of the landowner. The landowner may enter into an agreement with another party to use the timber or land, which is enforceable through contract law within the provincial legal system. Grievances and disputes that arise on private woodlots are conducted through the provincial judicial system.

Crown License

DNRED is responsible for compliance and enforcement of tenure and tenure use rights for Crown licenses. DNRED responds to concerns or questions. DNRED's Minister's Advisory Board is responsible for reviewing disputes. DNRED reviews the performance of each FMA holder every five years to determine whether the FMA should be extended for five years. The CLFA provides DNRED with the authority to audit a licensee's operations and requires the licensee to take any actions the government may require because of the audit. The CLFA also sets out a dispute resolution process if the licensee disagrees with the audit findings and/or remedial actions.

Industrial Private Land and Private Woodlots

The provincial judicial system provides oversight for grievances and disputes on industrial private land and private woodlots.

Crown License

As of March 2024, there are no publicly available records of complaints for grievances or disputes regarding tenure and use rights for Crown licenses.

Industrial Private Land and Private Woodlots

As of March 2024, there are no publicly available records of complaints for grievances or disputes regarding tenure and use rights on industrial private land and private woodlots. The judicial system is the mechanism to resolve grievances and disputes resolution on industrial private land and private woodlots.

Risk conclusion and justification

Crown License

Systems and mechanisms are in place to resolve grievances or disputes regarding tenure or use rights on Crown licenses. There is no indication of widespread or systemic grievances or disputes relating to tenure and use rights of the forest and other land management practices. Based on evidence reviewed, this Indicator is designated as low risk for Crown licenses in New Brunswick.

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	<p><u>Industrial Private Land and Private Woodlots</u></p> <p>The judicial system is the mechanism to resolve grievances and disputes resolution. There is no indication of widespread or systemic grievances or disputes relating to tenure and use rights of the forest and other land management practices. Based on evidence reviewed, this Indicator is designated as low risk for industrial private land and private woodlots in New Brunswick.</p>
<i>Means of verification</i>	<ul style="list-style-type: none"> • Regulatory framework • Forest management plans • Consultation/engagement process • Grievance/dispute resolution mechanisms • Regulatory compliance and enforcement data/reports • Publicly available information (reports, news & websites) • Grievance/dispute resolution opportunities, meeting minutes, records, and applicable outcomes • Interviews with regulatory/oversight agency • Interview with individual/organisation that initiated the grievance/dispute • Interviews with experts
<i>Evidence reviewed</i>	<p>Provincial</p> <ul style="list-style-type: none"> • Crown Lands and Forests Act • Natural Products Act • New Brunswick Forest Products Commission – Appeals & Investigations
<i>Risk rating</i>	<p>Crown License Low risk</p> <p>Industrial Private Land Low risk</p> <p>Private Woodlots Low risk</p>
4.2.6	<p>Where Indigenous Peoples’ rights are identified in the Supply Base, and Free Prior and Informed Consent (FPIC) has not been achieved for the proposed and planned activities, a consultation and, if required, accommodation process shall be put in place.</p>
<i>Findings</i>	<p>Scale of assessment</p> <p>Crown License</p> <p>Industrial Private Land</p> <p>Private Woodlots</p> <p>Analysis</p>

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The Sustainable Biomass Program (SBP) defines free, prior and informed consent (FPIC) as “a collective human right of indigenous peoples and local communities to give and withhold their consent prior to the commencement of any activity that may affect their rights, land, resources, territories, livelihoods, and food security. It is a right exercised through representatives of their own choosing and in a manner consistent with their own customs, values, and norms.” This Indicator evaluates whether there is a consultation process and, if necessary, an accommodation process before proposed and planned activities. Under this Indicator, using lawsuits to protect and recognise rights is not considered a consultation process. In New Brunswick (NB), Indigenous people identify as First Nations, Métis, Inuit or multiple Indigenous ethnicities. The collective term is Indigenous Peoples unless otherwise stated. The Mi'kmaq Nation has two spellings - Mi'kmaq and Mi'gmaq. Mi'kmaq has been used unless a document name expressly says Mi'gmaq. The Wolastoqey Nation have two spellings— Wolastoqey and Wolastoqiyik. Wolastoqey has been used unless a document expressly says Wolastoqiyik. Refer to Indicator 4.2.4 Legal, Customary & Traditional Tenure & Use Rights regarding the respect, identification, and documentation of legal, customary, and traditional tenure and use rights, Indicator 4.2.7 Designated Cultural Heritage Sites Preserved regarding the protection of cultural heritage sites which have been identified and designated Section 4.3 for an overview of Indigenous Peoples in NB.

In the absence of FPIC or a consultation process, existing Indigenous rights may not be respected, potentially leading to violations of tenure and use rights.

International

- UN Declaration on the Rights of Indigenous Peoples (UNDRIP)

Federal

- UN Declaration on the Rights of Indigenous Peoples Act (UNDRIP Act)
- Constitution Act, 1982 Treaties
- Peace and Friendship Treaties

These treaties were made between First Nations and the British Crown, before New Brunswick was established.

Enforcement and monitoring

Section 35 of the Constitution Act, 1982 recognises and affirms the existing Aboriginal and treaty rights of the Indigenous Peoples of Canada. The federal government is responsible for the well-being of Indigenous Peoples. The Constitutional Act, 1867 gave the provinces ownership and authority over natural resources. Indigenous Peoples' rights continue to be defined and delineated via the courts in New Brunswick (NB). The Mi'gmaq and Wolastoqiyik / New Brunswick / Canada Umbrella Agreement (2011) sets out the conditions for negotiating a framework agreement including provisions regarding consultation. The areas to be negotiated included lands and resources. The NB Department of Indigenous Affairs documents Government of New Brunswick Duty to Consult Policy and Interim Proponent Guide: A Guide for Proponents on Engaging with Aboriginal Peoples in New Brunswick provide guidance when consulting with First Nations. The 2014 Forest Management Manual for New Brunswick Crown Lands (FMM) does not reference any consultation requirements for Indigenous communities to provide input into Forest Management Plans (FMPs). As of March 2024, there is no publicly available information regarding engagement or consultation processes between Indigenous Peoples and industrial private land or private woodlots.

The framework agreements between the federal government, provincial government and First Nations set out the oversight framework for consultation. The NB Department of Indigenous Affairs oversees the consultation related to forest planning and assesses its sufficiency. As of March 2024, there is no publicly available information regarding consultation oversight between Indigenous People and owners of industrial private land or private woodlots.

Agreements have been signed for tri-lateral negotiations between Canada, NB, and the Mi'kmaq, Wolastoqey, and Peskotomuhkati First Nations. As of March 2024, there is no publicly available information on the progress made in the bi-lateral and tri-lateral negotiations. As of March 2024, there is no publicly available information on free, prior and informed consent (FPIC) agreements with Indigenous People in NB. As of March 2024, there is no publicly available information if Crown licensees have consulted with

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	<p>First Nations on FMPs or Annual Operating Plans (AOPs). Starting in 2024/25, licensees are required to consult during AOPs. As of March 2024, there is no publicly available information regarding consultation and accommodation between the owners of industrial private land and First Nations even though First Nation have asserted rights. As of March 2024, there is no publicly available information regarding consultation requirements on private woodlots.</p> <p>Risk conclusion and justification</p> <p>Currently there is no publicly available information on consultation on AOPs and FMPs. Consultation with First Nations on AOPs is starting in the 2024/25 year. Because forestry consultation is not implemented, nor are outcomes known, this Indicator is designated as specified risk on Crown licenses. First Nations have asserted Aboriginal title rights on industrial private land, and the matter is before the courts. Due to a lack of evidence to support implementation mechanisms, a monitoring framework and/or results of current condition verifying consultation/accommodation are in place, a precautionary approach is applied. As such, this Indicator is designated as specified risk for for industrial private land in New Brunswick. First Nations have not asserted tenure and land use rights on private woodlots and there are no requirements for consultation / accommodation. As such, this Indicator is designated as low risk for private woodlots in New Brunswick.</p>
<p><i>Means of verification</i></p>	<ul style="list-style-type: none"> • Regulatory framework • Regulatory agency websites • Forest management plans • Best management practices and/or operational procedures • Consultation agreements • Grievance/dispute resolution mechanisms • Regulatory compliance and enforcement data/reports • Oversight agency database records and/or reports • Legal, customary & traditional tenure & use rights identified • Consultation notices, opportunities, meeting minutes, records, and outcomes, including accommodation, if applicable • Publicly available information (reports, news & websites) • Interviews with regulatory/oversight agency • Interview with Indigenous People • Interview with experts
<p><i>Evidence reviewed</i></p>	<p><u>International</u></p> <ul style="list-style-type: none"> • UN Declaration on the Rights of Indigenous Peoples <p><u>Federal</u></p> <ul style="list-style-type: none"> • Constitution Act of 1867 • UN Declaration on the Rights of Indigenous Peoples Act <p><u>Tri-partite</u></p> <ul style="list-style-type: none"> • Mi'gmaq and Wolastoqiyik / New Brunswick / Canada Umbrella Agreement. 2011. • Peskotomuhkati / Canada / New Brunswick Framework Agreement. 2018.

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	<p><u>Bi-lateral</u></p> <ul style="list-style-type: none"> • Canada and Mi'kmaq. 2019. Re-affirmation Statement. <p><u>Provincial</u></p> <ul style="list-style-type: none"> • A Strategy for Crown Lands Forest Management, 2014. • Crown Lands and Forests Act • Government of New Brunswick Duty to Consult Policy. 2011. • Interim Proponent Guide: A Guide for Proponents on Engaging with Aboriginal Peoples in New Brunswick. 2019. <p><u>Other</u></p> <ul style="list-style-type: none"> • First Nations in NB Sign Agreement with One Forestry Company Named in Title Claim. CTV Report. 28 February 2023. 						
<i>Risk rating</i>	<table> <tr> <td>Crown License</td> <td>Specified risk</td> </tr> <tr> <td>Industrial Private Land</td> <td>Specified risk</td> </tr> <tr> <td>Private Woodlots</td> <td>Low risk</td> </tr> </table>	Crown License	Specified risk	Industrial Private Land	Specified risk	Private Woodlots	Low risk
Crown License	Specified risk						
Industrial Private Land	Specified risk						
Private Woodlots	Low risk						
4.2.7	Designated cultural heritage sites shall be preserved.						
<i>Findings</i>	<p>Scale of assessment</p> <p>Crown License Industrial Private Land Private Woodlots</p> <p>Analysis</p> <p>Sustainable Biomass Program's (SBP's) glossary defines cultural values as "sites, resources, habitats and landscapes of global or national cultural, archaeological or historical significance, and/or of critical cultural, ecological, economic or religious/sacred importance for the traditional cultures of local communities or indigenous peoples, identified through engagement with these local communities or indigenous peoples." This Indicator assesses if identified and designated cultural heritage sites are protected. Designation implies that a site has met specified criteria for it to be recognized as a cultural heritage site.</p> <p>Cultural heritage sites that are not identified and protected are at risk of being damaged or destroyed, resulting in the loss of cultural heritage and history and causing cultural and environmental harm.</p> <p><u>Provincial</u></p> <ul style="list-style-type: none"> • Heritage Conservation Act <p>Enforcement and monitoring</p> <p><u>Provincial</u></p> <p>The Heritage Conservation Act is administered by the Archaeology and Heritage Branch of the New Brunswick (NB) Department of Tourism, Heritage and Culture. Archaeological sites are protected under the Heritage Conservation Act whether known or unrecorded. Under the Heritage Conservation Act, there are three types of cultural</p>						

Annex 1 Detailed findings for Supply Base Evaluation

heritage site designations in NB. A Provincial Heritage Place is designated by the Department of Tourism, Heritage and Culture. A Municipal Heritage Conservation Area is designated by a municipality and is identified as having unique heritage value as a conservation area within a municipal district. A Local Historic Place exhibits local historic significance and is designated by a municipality with consent of the property owner. Under the Heritage Conservation Act, the Department of Tourism, Heritage and Culture is responsible for maintaining a Register of Historic Places of known designated provincial and local historic places in NB. The Department of Tourism, Heritage and Culture maintains a geodatabase of sites protected under the Heritage Conservation Act for archeological resources. The Heritage Conservation Act prohibits the alteration of a wide range of cultural sites and artifacts, unless there is specific government approval. The Heritage Conservation Act is applicable to Crown license, industrial private land and private woodlots.

Crown License

The Department of Natural Resources and Energy Development (DNRED) is responsible for ensuring cultural heritage sites are protected on Crown licenses. Georeferenced designated cultural heritage sites are provided to DNRED. Crown licensees submit Annual Operating Plans (AOPs) to DNRED for review and approval, where proposed harvesting areas are reviewed for a range of elements, including an overlay of cultural heritage site data and shapefiles from AOPs to confirm that harvest boundaries do not interfere on designated cultural heritage sites.

Industrial Private Land and Private Woodlots

Industrial private land and private woodlot owners are to follow the provincial requirements of the Heritage Conservation Act. Owners or operators are required to self-report historic resources to the Department of Tourism, Heritage and Culture if encountered. As of March 2024, there is no publicly available information describing implementation mechanisms related to the protection of designated cultural heritage sites on industrial private land or private woodlots.

Provincial

Under the Heritage Conservation Act, the Archaeology and Heritage Branch of Department of Tourism, Heritage and Culture is responsible for maintaining archaeological information and approval of alteration permits to allow development within protected sites. Preparation of a Heritage Impact Assessment may be requested by Department of Tourism, Heritage and Culture. Under the Heritage Conservation Act, when heritage sites are encountered during operations, the Department of Tourism, Heritage and Culture must be notified, and an assessment of appropriate next steps will be made. Compliance and enforcement of the Heritage Conservation Act is the responsibility of the Department of Tourism, Heritage and Culture. Reporting of all potential cultural heritage object discoveries to the Department of Tourism, Heritage and Culture is mandatory. Unauthorised alteration of any cultural heritage site in NB is prohibited under the Heritage Conservation Act. This is applicable to Crown license, industrial private land and private woodlots. The Assessment and Planning Appeal Board is independent from the Department of Environment and Local Government (DELG), but due to administrative reasons, is aligned with DELG. The Board is responsible for hearing appeals, and making decisions, including appeals of local heritage review board decisions under the Heritage Conservation Act. Appeals are reported in DELG annual reports.

Crown License

DNRED reviews and approves, proposed harvesting areas verifying that harvest boundaries do not impede on designated cultural heritage sites. DNRED either approves or makes recommendations in order to be approved, to the Crown licensee prior to approval. Recommendations include adjustments of harvesting boundaries to protect the cultural heritage site identified by DNRED. DNRED assesses the licensees' performance and compliance with the Heritage Conservation Act. If operational activities are undertaken within a designated cultural heritage site, an alteration permit from Department of Tourism, Heritage and Culture is required. DNRED inspects harvesting during /after a block has been completed and can identify non-compliances. A Compliance Action Plan is required if non-compliance is found during field checks.

Industrial Private Land and Private Woodlots

Annex 1 Detailed findings for Supply Base Evaluation

The Department of Tourism, Heritage and Culture conduct inspections on industrial private land and private woodlots. As of March 2024, there is no publicly available oversight or monitoring framework for the protection of designated cultural heritage sites on industrial private land or private woodlots.

Provincial

As of March 2024, the publicly available NB Register of Historic Places has identified 1,642 historic sites. Some cultural heritage resources sites may be confidential and not publicly available. DELG annual reports identify appeals of local heritage review board decisions under the Heritage Conservation Act. Between 2019 to 2023, there was one appeal filed and carried forward to the Assessment and Planning Appeal Board in 2021/2022. There is no publicly available information regarding conformance to the protection of cultural heritage resources indicated in the DELG annual reports.

Crown License

Georeferenced sites identified under the Heritage Conservation Act are provided to DNRED. DNRED data verified Crown licensees are compliant in the protection of designated cultural heritage sites.

Industrial Private Land and Private Woodlots

As of March 2024, there is no publicly available information verifying the current condition pertaining to the protection of designated cultural heritage sites on industrial private land and private woodlots in New Brunswick.

Risk conclusion and justification

Provincial

Protection and conservation of designated cultural heritage sites is a legislated requirement, with responsibilities placed on Crown licensees, industrial private landowners, private woodlot owners, professional archaeologists, and the Department of Tourism, Heritage and Culture. A registry of designated cultural heritage sites is publicly available and is updated.

There is legislation, implementation mechanisms, and a monitoring framework for the protection of cultural heritage resources at the provincial level.. Provincial and local governments verifies conformance in the protection of designated cultural heritage sites. Based on the evidence reviewed, this Indicator is designated as low risk in New Brunswick.

Means of verification

- Regulatory framework
- Regulatory agency websites
- Forest management plans
- Best management practices and/or operational procedures
- Regulatory compliance and enforcement data/reports
- Oversight agency database records and/or reports
- Designated cultural heritage sites identified
- Consultation notices, opportunities, meeting minutes, records, and applicable outcomes
- Site plans and/or post-activity inspections demonstrate negative impacts mitigated
- Publicly available information (reports, news & websites)

Annex 1 Detailed findings for Supply Base Evaluation

<p><i>Evidence reviewed</i></p>	<ul style="list-style-type: none"> • Interviews with regulatory/oversight agency • Interview with Indigenous People • Interview with experts <p>Provincial</p> <ul style="list-style-type: none"> • Heritage Conservation Act • Guide to the nomination form and documentation standards for Provincial Heritage Place designation • DELG Annual Reports 2019-2023 • DNRED data 2017-2022 						
<p><i>Risk rating</i></p>	<table> <tr> <td>Crown License</td> <td>Low risk</td> </tr> <tr> <td>Industrial Private Land</td> <td>Low risk</td> </tr> <tr> <td>Private Woodlots</td> <td>Low risk</td> </tr> </table>	Crown License	Low risk	Industrial Private Land	Low risk	Private Woodlots	Low risk
Crown License	Low risk						
Industrial Private Land	Low risk						
Private Woodlots	Low risk						

Annex 2 List of experts consulted and contacts of Working Body

Expert	Affiliation & role
Adam Hodgson	Forest Operations and Development, DNRED, Director
Anne Macknight	York Sunbury Charlotte Forest Products , Marketing Board, Silviculture Manager
Ben Hudson	York Sunbury Charlotte Forest Products Marketing Board, Manager
Chris Norfolk	NB Department of Natural Resources and Energy Development, Director
Christopher Hennigar	DNRED, Forest Strategy (Section), Forester, planning
Colin Heighton	DELG, Access to Information and Privacy Advisor
David Gorman	NB Human Rights Commission, Registrar
Drew Carleton	DNRED, Forest Health (Section), Manager
Francois van Deventer	Atlantic Tree Improvement Council, Executive Director
Heather Loomer	DNRED, Forest Stewardship Branch Planning, Manager of Species at Risk and Protected Areas
Jamie and Luc Godin O'Donnell	Forest Operations DNRED, Forest Operations Manager
Kim Allen	Forest NB, Executive Director
Lise Landry	NB Labour & Employment Board, CEO
Luc Godin	Forest Operations and Development Branch, DNRED, Forest Operations Forester
Marcia Garcia Hidrobo Posso	NB Department of Post-Secondary Education, Training and Labour, Employment Standards Branch, Policy Analyst
Mark Langford	DELG, Senior Approvals Engineer
Matthew Daigle	York Sunbury Charlotte Forest Products Marketing Board, Manager

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Patrick Doucet	North Shore Marketing Board
Rob White	DNRED, Forest Biometrician
Scott Makepeace	DNRED, Forest Planning and Stewardship Branch, Manager of habitat section
Shawn Morehouse	DNRED, Manager of Forest Transportation
Yasmin Oliva	Indigenous Affairs, Senior Accommodation Advisor

Working Body for Draft RRA (September 2024)

The team listed below acted as the Working Body responsible for drafting the earlier version of the Draft Regional Risk Assessment (RRA) that was released for public consultation in November 2024. The responsibility for the further iterations of the Draft RRA was then transitioned to SBP. As such, the team listed below was not responsible for completing or finalising the RRA.

Brenda Hopkin (B.Sc. (For), RPF)

Brenda Hopkin is an independent consultant specialising in forestry certification. Her extensive experience with sustainable forest management initiatives, auditing, monitoring programs and public consultation has contributed to developing her broad perspective and comprehensive skill set. Clients include provincial and national level governments, industry and not-for-profit organisations. Brenda has been an auditor since 2000, specialising in auditing environmental national and international standards, focusing on sustainability and legality requirements, as well as greenhouse gas (GHG). She has extensive technical and operational knowledge of requirements for forest management, chain of custody and risk-based systems along the supply chain (Canadian Standards Association (CSA®), Forest Stewardship Council (FSC®), Program for the Endorsement of Forest Certification (PEFC®), Sustainable Forestry Initiative (SFI®), and the Sustainable Biomass Program (SBP)). Brenda has completed or participated in over 160 internal/external audits, including developing the audit plan, developing/implementing audit protocol, and writing articulate findings. Brenda has supported the roll-out of sustainable forest management legislation, policy, certification, and operational procedures in a consulting role. Brenda is the Coordinator responsible for collating the Draft Regional Risk Assessments for Alberta, British Columbia, New Brunswick and Nova Scotia. In addition she is a registered member of the Economic Chamber of FSC International and is a past member of a 12-person Standards Development Group for FSC Canada. Brenda participated for six years on the SBP Technical Committee. Brenda is a Registered Professional Forest in British Columbia.

Glen Dunsworth (B.Sc. (For), M.Sc. (For. Genetics), R.P. Bio. (retired))

Glen is an Ecological Consultant providing services in forest ecology, wildlife resource management, conservation biology and strategic planning. He has over 25 years of experience in the BC coastal forest industry with Macmillan Bloedel and Weyerhaeuser. He directed regeneration and biodiversity research and developed effective new strategic approaches to ecosystem-based management. He has facilitation, organisational, and project management experience in landscape and strategic planning.

Glen specialises in biodiversity, genetics, landscape ecology, and ecosystem-based management. He has strong technical writing skills with over 50 journal publications, including editing and co-authoring a recently published UBC Press textbook. As a consultant, Glen has provided conservation and ecological strategic planning advice to a number of BC forest companies and conservation organisations. In addition to the 25 years of industrial experience, during the latter 10 years of his career, he was a forest ecology consultant and worked

Annex 2 List of experts consulted and contacts of Working Body

with the Rain Forest Alliance as a wildlife and forest ecology auditor on 25 FSC audits in BC, Alberta and Ontario. He served as SelectSeed Company Director, President, and Board Chair for 19 years. His most recent experience in large project management was developing and implementing an adaptive management and monitoring program supporting Weyerhaeuser's Coast Forest Strategy (1999-2004), a major shift in forest management from a clear-cut to a variable retention approach. This experience was published as a case study textbook for UBC Press in 2009. Glen has contributed to the Draft RRAs for Alberta, British Columbia, New Brunswick and Nova Scotia.

Marie-Ange Fournier, (B.A. Geography and Environmental Sci., Adv. Dip. GIS)

Marie is a GIS Analyst currently working with biologists, forestry professionals and land managers on research, forest, and land management projects. She has worked in Canada and the US and is conversant with provincial, national, and international datasets. Recently she has worked on fuel management planning and fire risk reduction projects in southeastern BC as well as wildlife connectivity and biodiversity projects in the East and West Kootenays. Marie's project management and GIS experience were invaluable to completing the Draft RRAs for Alberta, British Columbia, New Brunswick and Nova Scotia. Before becoming a GIS consultant, Marie worked for 10 years with BC regional and municipal governments as a GIS Analyst and Planning Assistant. She has worked closely with the public, developers and their consultants, elected officials, and First Nations. Marie has routinely liaised with and is familiar with various government agencies and staff, including BC Design Review Panels, Heritage Commissions, the Agricultural Land Commission, and all operating areas of municipal and regional districts in BC.

Jessica Hochins (B. Sc. (For), RPF)

Jessica is a Registered Professional Forester with the Forest Professionals of British Columbia. Since 2013, she has worked in the forestry industry in British Columbia, Alberta and Ontario, specialising in planning, harvesting and road construction supervision, and program coordination maintaining SAFE companies (BC Forest Safety Council), SFI, PEFC and SBP forest certifications. Jessica has contributed to the Draft Regional Risk Assessments for Alberta, British Columbia, New Brunswick and Nova Scotia.

Alexa Matthes (B.Sc., A.Ag.)

Alexa Matthes is a Professional Agrologist and Environmental Scientist. She is a Project Scientist for the Trail Area Health and Environment Program. Alexa has worked in various environmental roles since 2014. Her experience includes soil remediation, site planning and management, industrial sampling methods and invasive plant removal. She has been involved in research and data collection for a variety of forestry- related projects. Her contribution to the Draft RRAs for Alberta, British Columbia, New Brunswick and Nova Scotia has included updating documents and obtaining relevant stakeholder information.

Jennifer Raworth

Jennifer is a versatile market communications specialist with over 23 years of developing, leading and implementing multi-faceted domestic and international campaigns for the forest products industry, government, and associations. She has provided communications expertise to the Wood Pellet Association of Canada, Forestry Innovation Investment and Interfor. Jennifer has reviewed and edited the Draft RRAs for Alberta, British Columbia, New Brunswick and Nova Scotia.

Krista West (BSF, MPA)

With a background in social auditing in a natural resource management context, Krista specialises in the establishment and delivery of certification services for environmental, social and governance standards systems. She has worked with several certification schemes, primarily in forestry and mining, to establish performance and chain of custody standards, develop assessment procedures and contribute to monitoring and evaluation programs and governance. In addition to leading committees on human and labour rights, greenhouse

Annex 2 List of experts consulted and contacts of Working Body

gases, environment, and chain of custody, she has facilitated standards revision discussions at a global level. A speaker at certification and mining conferences globally, she has also participated in several advisory roles, including participating in a United Nations Advisory Group on the use of certification schemes to combat modern slavery. She has developed several auditor training programs and trained auditors globally. Previous to her work with certification schemes she oversaw a certification program that included over 40 million hectares of FSC- certified forests and 400 FSC Chain of Custody certificates. Krista has contributed to the Draft RRAs for Alberta, British Columbia, New Brunswick and Nova Scotia.

Jeremy Williams (B.Sc. (For), Ph.D. (For. Econ.), RPF)

Dr. Williams has worked with many certification systems, including standards regarding forest management (certification and compliance), forest carbon offsets, aggregate pits and quarries, and biomass, Jeremy is an experienced forest auditor, and he has contributed to the Draft RRA for Alberta, British Columbia, New Brunswick and Nova Scotia. He has also led the production of assessments of the impact of pellet feedstock procurement on the forests in the catchment area of four Drax facilities in British Columbia. Jeremy has completed numerous business cases, economic evaluations, and reviews. He is knowledgeable and experienced in forest carbon pricing and accounting and has extensive experience working with and advising Indigenous People. In addition, Jeremy has extensive forest economics experience, including reviews of timber markets and timber pricing, stumpage rates, and timber production costs. In 2017, he was a member of the Nova Scotia premier's Forest Sector Review team. In the Review, Jeremy was the lead assessor of the state of timber markets, particularly in southwest Nova Scotia, and he undertook a thorough analysis of harvest rates and costs, silvicultural costs, and reimbursement rates.

Annex 3 List of publications used

Publications used

International

- All POPs listed in the Stockholm Convention
- Assuring the legality and sustainability of Canada’s forest products
- CITES Website
- Convention on International Trade in Endangered Species of Wild Fauna and Flora
- Department of Post-Secondary Education, Training and Labour. Employment of Children.
- European Commission – Commission notice on technical guidance on the classification of waste
- European Union’s Renewable Energy Directive 2018/2001 (REDII)
- European Union’s Timber Regulation
- Forest Legality Initiative. Laws & Policies.
- Global Forest Watch
- HCV Resource Network
- HCV Resource Network Common Guidance for the Identification of High Conservation Values.
- Human Rights Watch. Canada: Events of 2019.
- Intergovernmental Panel on Climate Change (IPCC). 2003. Good Practice guidance for Land Use Land Use Change and Forests. Appendix 3a.1. Harvested wood products: basis for future methodological development.
- International Labour Organization. About the International Programme on the Elimination of Child Labour.
- International Labour Organization. C001 - Hours of Work (Industry) Convention. 1919.
- International Labour Organization. C100 - Equal Remuneration Convention. 1951.
- International Labour Organization. C111 - Discrimination (Employment and Occupation Convention. 1958)
- International Labour Organization. Canada Freedom of association cases.
- International Labour Organization. Child Labour Country Dashboard.
- International Labour Organization. Child Labour.
- International Labour Organization. Committee on Freedom of Association.
- International Labour Organization. Complaints.
- International Labour Organization. Fair Recruitment Initiative.
- International Labour Organization. Freedom of Association.
- International Labour Organization. How the ILO Works.
- International Labour Organization. International Labour Standards on Collective Bargaining.
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Annex 4 List of Stakeholders

The table below summarises the stakeholders notified during the public consultation period

Type of Organisation	Number of organisation notified
Certification Body	2
Certification scheme	3
Economic Interest	68
Environmental Interest	32
National and state forest agencies	44
Research institution	10
Social Interest	13
Grand Total	172

Annex 5 Stakeholder consultation report

Stakeholder	Comment	Response
Economic Interest	<p>Section 1 – Introduction</p> <ul style="list-style-type: none"> - I believe the first sentence should say "feedstock" not "uncertified feedstock". - The first sentence of the last paragraph is not correct. It states that each Biomass Producer must use the results of the RRA-NB to complete a SBE. This is not correct for all cases. As per table 3.2 of the new SBP standard, certified primary feedstock has the option to complete a SBE + Risk Management for specified risks. In this case the NB RRA is not required to be used. 	<p>Thank you for your comment. Uncertified feedstock refers to feedstock that is not covered by a Forest Management certification as the RRA focuses on identifying risk presents in the region – some of the risk identified as "Specified" could then be mitigated by achieving certification against a Forest Management Scheme (as per the conclusion of the Benchmarking and Recognition process) or implementing relevant mitigation measures.</p> <p>Once published, RRA must be used by the operators sourcing feedstock in the region covered by the RRA. Therefore all operators in NB sourcing feedstock in NB must use the conclusion of the NB RRA to identify the specified risks relevant to their sourcing strategies and mitigate all specified risks.</p>
	<p>Indicator 1.1.1</p> <p>This comment applies to all indicators in Annex 1. Where it is not the case, the entire indicator should be included in the table. Shortened versions indicators is not helpful when reading the table.</p>	<p>Thank you for your comment. We will consider it when improving the template used by the Working Bodies.</p>
Economic Interest	<p>Section 1 – Introduction</p> <p>1. The first sentence says "A Regional Risk Assessment (RRA) is a way to identify and confirm the risks associated with sourcing uncertified feedstock." I believe the word "uncertified" should be removed, as the RRA contemplates all feedstock from the lands identified. I think the certification status would be a mitigating measure for a number of indicators. The mitigating measures and the role of certification in the SBP system are not contemplated in this document.</p> <p>2. The last paragraph says "each Biomass Producer must use the results of the RRA-NB to complete a Supply Base Evaluation". I believe this is incorrect. For example, if a producer uses 100% FM certified residuals, they do not need to use the RRA. Also, if these use 100% FM certified primary fiber, they could use the benchmark systems and not use the RRA.</p>	<p>Thank you for your comment. Uncertified feedstock refers to feedstock that is not covered by a Forest Management certification as the RRA focuses on identifying risk presents in the region – some of the risk identified as "Specified" could then be mitigated by achieving certification against a Forest Management Scheme (as per the conclusion of the Benchmarking and Recognition process) or implementing relevant mitigation measures.</p> <p>Once published, RRA must be used by the operators sourcing feedstock in the region covered by the RRA. Therefore all operators in NB sourcing feedstock in NB must use the conclusion of the NB RRA to identify the specified risks relevant to their sourcing strategies and mitigate all specified risks.</p>
	<p>Section 4 - Stakeholder consultation</p>	<p>Thank you for your comment. We believe the comments refer to Section 2. 1 Regional background and statement of scope1.</p>

Annex 5 Stakeholder consultation report

	<p>1. Figure 11 shows only 5% lands in formal protection. Should be updated to show the 10% actual protected land as outlined in section 4.2.2. This land was recently protected so the pie chart is likely just out of date. 2. Figure 13 is missing the new protected areas as shown on Figure 7. 3. In section 4.6.1 it refers to the crown biomass policy. This policy also has requirements around site productivity related to where biomass extraction is permitted. 4. Section 4.8-- should verify export values, I do not think it is possible that pulp is virtually all the value (\$717M out of \$793...maybe they are not inclusive?) 5. Table 9- St Leonard not "Leonardville". 6. Figure 23--- Should be "forest residuals" or "primary feedstock" not "bush chips"</p>	
	<p>Section 5 – Conclusions</p> <p>1. Annex 1. Would it be possible to write out the whole indicator? in the first column?. 2. On page 163, it says that "there are no regulatory requirements that stemwood goes to its best and highest use". This is incorrect on crown land, where there are detailed utilization standards that dictate slashing rules to ensure recovery of higher value products. For example, all softwood that meets a certain quality requirement (diameter, form) has to be slashed to optimize sawmill material production.</p>	<p>Thank you for your comments. We will consider it when improving the template used by the Working Bodies.</p>
	<p>Indicator 3.3.1</p> <p>On NB crown land, there are actually significant regulatory requirements for stemwood merchandizing that encourages cascading. For example, there are detailed slashing specs for saw material, pulpwood, veneer logs, and what can be used as biomass. This is also enforced, and drives the royalty payments.</p>	<p>Thank you for your feedback. The information you provided is consistent with the identified risk outcomes.</p>
	<p>Indicator 4.2.4</p> <p>In a decision of the Court of King’s Bench dated November 12, 2024, the Court decided that the claim against the industrial private landowners be struck, Accordingly, the industrial private landowners are no longer defendants to the land title assertion. This decision is currently subject to a motion for leave to appeal. Accordingly, the risk designation for industrial private landowners should be reassessed as “low risk” pending the outcome of the appeal.]</p>	<p>Thank you for your comments, which have been passed on to the Working Body. Note that the background research and writing of the RRA predate the decision of the Court of King’s Bench. Once the court ruling is definite, and as per the updated RRA procedure, a suggestion to update to the RRA could be filed to SBP.</p>

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	<p>Indicator 4.2.6</p> <p>By decision of the Court of King’s Bench dated November 12, 2024, the Court decided that the claim against the industrial private landowners be struck, Accordingly, the industrial private landowners are no longer defendants to the land title assertion. This decision is currently subject to a motion for leave to appeal. Accordingly, the risk designation for industrial private landowners should be reassessed as “low risk” pending the outcome of the appeal.]</p>	<p>Thank you for your comments, which have been passed on to the Working Body. Note that the background research and writing of the RRA pre-date the decision of the Court of King’s Bench. Once the court ruling is definite, and as per the updated RRA procedure, a suggestion to update to the RRA could be filed to SBP.</p>
	<p>Section 4 - Stakeholder consultation</p> <p>Section 4 is titled "Regional Background". In Section 4.8, Table 9, one of the Biomass Producer's, Shaw Resources, should read "Shaw Renewables".</p>	<p>Thank you for your comment. The information has been updated.</p>
	<p>Section 5 – Conclusions</p> <p>I don't see a Section 5.</p>	<p>Thank you for your comment. Formatting and titles of sections will be verified at the time of publication.</p>
<p>Economic Interest</p>	<p>Indicator 1.1.5</p> <p>Due to the NB Forest Products Commission’s annual reports stating that there were significant issues with private woodlot Transportation Certificates, this Indicator has been designated as specified risk for private woodlots in New Brunswick.</p> <p>Is this negligent illegal activity or is it a paperwork non-conformance? There is an issue, evidently, because the Commission has reported that there is a "data" issue two years in a row. When the non-conformance with TC data collection was discovered, the Commission reviewed internal procedures and ended up developing, ratifying and implementing a TC Management System to help address issues at the marketing board level, and this new system is now included in the scope of the 3rd party annual audits.</p> <p>The "data issue, often times, can be linked back to either 1) the wrong or poorly legible Property Identification Number (PID) being written down (handwritten on the TC by a truck driver), or 2) when 2 harvesting sites are close together, the driver fails to differentiate the between the two PIDs. This is mis-documentation of information on the TC - a paperwork non-conformance rather than evidence of illegal activity.</p> <p>To me, this is a prime example of how well the system works. First, the Commission identified and reported the problem, changed the management</p>	<p>Thank you for your comment. The justification has been added to the risk conclusion, and the risk designation has been updated to 'low risk'.</p>

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	<p>system to address the problem, increased auditing of the problem, and is now investigating ways to establish a registration system to eliminate the problem. For this reason, the current condition/situation should be low risk because the Commission has a process in place to handle the issue. There is no evidence of gross negligence, but instead a paperwork oversight and there is adequate protection of the supply base from unauthorized and illegal activities.</p>	
Certification Body	<p>Indicator 2.2.4 2.2.4 - Residue removal minimizes neg impact to ecosystem - Private land scope - As there no monitoring and regulations i think this should be considered for specified risk on private lands.</p>	<p>Thank you for your comments, the risk designation has been changed to specified risk.</p>
National and state forest agencies	<p>Section 4 - Stakeholder consultation Section 4.3 Indigenous Peoples - starting on page 22. Some changes to wording are suggested for this section.</p>	<p>Thank you for your feedback. Based on your recommendation, updates have been made.</p>
	<p>Section 5 – Conclusions The report does not appear to contain a section 5.</p>	<p>Thank you for your comment. Formatting and titles of sections will be verified at the time of publication.</p>
	<p>Indicator 2.1.3 Stated in Report: The FMM does not specify <u>rare, threatened, and endangered (RTE) ecosystems as site-specific habitats</u>. The Atlantic Canada Conservation Data Centre (ACCDC) lists RTE ecosystems for New Brunswick with rarity and conservation status rankings. DNRED uses the conservation forest protection elements as a proxy for RTE ecosystem maintenance and enhancement. Comment: The NB DNRED Crown Operational Outcomes (COO) document specifies <u>rare, threatened, and endangered (RTE) ecosystems as site-specific habitats</u>. The report also raises the concern that there is a lack of evidence to support monitoring and/or results with regard to those elements mentioned above. While the COO contains several outcomes addressing those elements, DNRED ensures that Licensees have a strong process in place to ensure rare, threatened, and endangered (RTE) ecosystems such as site-specific habitats are protected. DNRED would like to discuss this indicator for clarification.</p>	<p>Thank you for your comments, which are relevant and provide possible improvement measures that could be implemented on the supply base. The rationale provided does not seem to require a change to the risk rating concluded by the Working Body based on publicly available information. Voluntary schemes as FSC or SFI forest management certification can serve as a mitigation measure for the specific risks identified in the RRA, based on the FSC or PEFC scheme benchmark results (Benchmarking and recognition framework and evaluations - Sustainable Biomass Program). This also applies to indicator 2.1.3, which is fully covered by the FSC / PEFC benchmark result.</p>

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	<p>Indicator 2.2.1</p> <p>New Brunswick's Environmental Impact Assessment (EIA) process addresses deforestation for large non-forestry development projects such as wind, solar, mining, agriculture lease, etc. This legislation should be included in the Oversight Framework, and this addition may be cause to reconsider the risk designation for this indicator.</p> <p>Need to follow up with DNRED's Crown Lands Branch to verify mechanisms and monitoring framework.</p>	<p>Thank you for your comment. The evidence provided does not seem to require a change to the risk rating concluded by the Working Body based on publicly available information.</p>
	<p>Indicator 2.2.4</p> <p>Stated in Report:</p> <p>The Crown Land Forest Biomass Harvesting Policy defines forest biomass, identifies a procedure to assess the impact of harvesting on sustainability and forest growth, and provides a set of guidelines in selecting eligible areas for biomass harvesting on Crown license.</p> <p>Comment: There are several references in the draft report to the Forest Biomass Harvesting Policy (2008). It is important to note that process design considerations have been added to the COO which relate to "Loss of Productive Area". This is another case where the report should be updated to reflect the new FMA schedules.</p>	<p>Thank you for your comment, which supports the conclusion of the risk designation.</p>
	<p>Indicator 3.2.3</p> <p>Stated in Report:</p> <p>European Union (EU) indicates " high carbon stocks to be in wetlands, peatlands and forests.... In terms of forest ecosystems, mature and old-growth forests have the highest carbon stocks, and are also important for biodiversity, especially those with a higher degree of naturalness.</p> <p>There is no regulatory framework to prevent harvesting forests with the combined attributes of high carbon stocks and high conservation values on Crown license, industrial private land, and private woodlots.</p> <p>Comment: There are several regulatory frameworks on Crown land to prevent harvesting forests with combined attributes of high carbon stocks and high conservation values on Crown licenses. Provincially significant wetlands, regular wetlands, conservation forest, nature legacy, and Protected Natural</p>	<p>Thank you for your comment. The evidence provided does not appear to necessitate a change to the risk rating concluded by the Working Body, given the absence of a regulatory framework specific to managing high carbon stocks.</p>

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	<p>Areas all contain areas with high carbon stocks and high conservation values where Crown licensees are not permitted to harvest.</p>	
	<p>Indicator 4.1.8 Stated in Report: Workers, which includes employees and contractors who work in the forest, need to be trained to make appropriate decisions and to implement best management practices related to specific job functions. As of March 2024, there is no publicly available results to verify training specific to forest workers. Comment: DNRED requires all Crown Timber Licensees to be SFM certified. As part of this requirement, Crown Timber Licensees are 3rd party audited annually. During this audit process, the auditing firm ensures that workers have received appropriate training in order to ensure that the forest is sustainably harvested. One of the outcome of this audit process it to publish an audit report which indicates how well the certificate holder has performed with regard to the SFM indicators. As those reports are publicly available, there is clear evidence that workers on Crown land have the proper training to make appropriate decisions and to implement best management practices related to specific job functions. Page 199: Previous versions of the report ranked this indicator as "low-risk" for Crown land, but the current version ranks it as "specified-risk". Can we please get an explanation for the change in risk designation on this indicator.</p>	<p>Thank you for your comment. The justification has been added to the risk conclusion, and the risk designation has been updated to 'low risk' regarding the Crown Timber Licensees.</p>
	<p>Indicator 4.2.4 Further discussion required.</p>	<p>Thank you for your comment. Without specific details, the comment cannot be upheld.</p>
	<p>Indicator 4.2.6 Further discussion and clarification is required.</p>	<p>Thank you for your comment. Without specific details, the comment cannot be upheld</p>
	<p>Page 26 Reconciliation Process Although the Forest Management Strategy document was released in 2023, the strategy is considered to have been developed and implemented in 2022. This should be corrected in the draft report.</p>	<p>Thank you for your comments. We have made the relevant updates.</p>

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	<p>Pages 26, 195, and 238</p> <p>In the report there are three references to “Ministries”. We do not have Ministries in New Brunswick so these should be changed to “Department”.</p>	<p>Thank you for your comments. We have made the relevant updates.</p>
	<p>Page 32 Forest Management Planning & Practices Implementation</p> <p>This section describes outdated Forest Management Agreements (FMA) and associated schedules, and does not align with current FMA and schedules. There are several sections in the draft report where the old FMA/schedules are referenced. It is suggested that the report be updated to reflect the newly signed FMAs and associated schedules.</p>	<p>Thank you for your comment. The reference used by the Working Body is the one that is publicly available: Crown Licenses and Forest Management Agreements.</p>
	<p>Page 33 - Monitoring Forest Practices</p> <p>Stated in Report:</p> <p>Independent third-party forest certification audits, by organizations such as the Sustainable Forestry Initiative (SFI), are conducted annually and are a requirement from DNRED to certify that operations are conformant to the KPI requirements as identified in the FMA. Results are captured in audit summaries and are publicly available on the certification website.</p> <p>Comment:</p> <p>Sustainable Forestry Initiative (SFI) does not evaluate DNRED KPIs. Certification bodies complete the audits, and the DNRED KPI evaluation occurs at the same time that certificate holders are audited to the SFI standards.</p>	<p>Thank you for your comment. We have made the necessary updates in the introduction section.</p>
	<p>Page 40 - Forest Certification</p> <p>Stated in Report:</p> <p>Third-party certification supplements existing laws and is undertaken voluntarily by a forestry company or forest owner.</p> <p>Comment:</p> <p>Third-party certification is a requirement for Crown Timber Licensees on Crown land.</p>	<p>Thank you for your comment. The context shows that not all Crown Forest Licences are certified (see table 8).</p>
Social Interest	<p>General comment:</p>	<p>Thank you for your comment. SBP will evaluate the most appropriate approach to address this comment.</p>

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	<p>It is highly recommended that a disclaimer be added in the document stating that any legal information within this RRA is meant as informative and should not be regarded as legal advice.</p>	
	<p>Page 24: The description of the consultation organizations are found to be incomplete. DIA recommends replacement with the following text, or similar: In NB, First Nations are represented through individual band councils, four (4) consultation organizations, and three (3) tribal councils:</p> <ul style="list-style-type: none"> • The Mi'gmawe'l Tplu'taqnn Inc. represents a group of eight Mi'kmaq communities in New Brunswick in consultation and in negotiations. • The Wolastoqey Nation in New Brunswick (WNNB) is the technical advisory body for the six Wolastoqey communities in New Brunswick. • Kopit Lodge has been recognized by Elsipogtog Chief & Council to participate in consultation activities on behalf of Elsipogtog First Nation. • The Passamaquoddy Recognition Group Inc (PRGI) represents the rights and interests of the Peskotomuhkati Nation in Skutik Community. • The Wolastoqey Tribal Council Inc (WTCI) represents five Wolastoqey communities: Matawaskiye (Madawaska) First Nation, Pilick (Kingsclear) First Nation, Sitanisk (Saint Mary's) First Nation, Welamukotuk (Oromocto) First Nation, and Wotstak (Woodstock) First Nation. • MAWIW Tribal Council (MTC) represents Negotkuk (Tobique) First Nation, Elsipogtog First Nation, and Esgenoôpetitj (Burnt Church) First Nation. • North Shore Mikmaq Tribal Council (NSMTC) represents seven Mi'kmaq communities: Ugpi'ganjig (Eel River Bar) First Nation, Oinpegitjoig (Pabineau) First Nation, Natoaganeg (Eel Ground) First Nation, Metepenagiag (Red Bank) Mi'kmaq Nation, L'nui Menikuk, (Indian Island) First Nation, Tjipôgtôtjg (Bouctouche) First Nation, and Amlamgog (Fort Folly) First Nation. 	<p>Thank you for your comments. We have made the replacement as suggested.</p>
	<p>Page 25: DIA recommends DNRED review the 'relevant court rulings' section and question if these rulings are relevant to this assessment document. If the content on this section is not required, it may be best to remove from document, or request that the consultant add a disclaimer that this</p>	<p>Thank you for your comments. 'Relevant court rulings' have been removed.</p>

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	<p>information is derived from external, non-GNB sources and should not be regarded as legal advice.</p>	
	<p>Page 220-225; 229- 232; 233-237: DIA recommends DNRED request a legal review of the contents and relevancy of the following Indicators: 4.2.4 (pg. 220-225), 4.2.6 (pg. 229- 232), 4.2.7 (233-237).</p>	<p>Thank you for your comment. DNRED has been invited to participate in the consultation.</p>
	<p>Page 25, final paragraph, recommended adjustments: “As an accommodation commitment resulting from the 2022 Forest Strategy consultation, work is being done to modernize these agreements.”</p>	<p>Thank you for your comments. We have made the adjustments as suggested.</p>
	<p>Page 26, recommended adjustments to the first and second paragraph: In August 2023, following consultation with all First Nations in New Brunswick, DNRED released an updated Forest Management Strategy “Our Forests are For Everyone: A Long-Term Strategy for Healthy and Sustainable Forests” aimed at achieving a balanced approach and mutually beneficial outcomes for Indigenous peoples, the environment, society, and the economy through a focus on conservation, sustainable forest management principles, and economic development.</p> <p>DNRED dedicated one of the four themes within the Strategy as ‘Commitments to First Nation Communities’. In achieving the objectives of this theme, DNRED also committed to additional accommodations to First Nation communities, adhering to their commitment and accountability on consultation and respect of First Nations’ established and asserted s.35 rights. The accommodation objectives are aimed at:</p> <ul style="list-style-type: none"> • Building capacity within First Nation communities and increasing Indigenous participation in forest management planning, • Reviewing existing initiatives and regulatory frameworks to remove potential barriers to the exercise of Aboriginal and treaty rights and improving access to Crown Forests for the practice of Aboriginal and treaty rights. • Achieving results on accommodation commitments through the establishment of a working group of technical experts and a leadership table of the Ministers and the Chiefs. • Developing and strengthening a meaningful relationship with the First Nation communities in New Brunswick. 	<p>Thank you for your comments. We have made the adjustments as suggested.</p>

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	<ul style="list-style-type: none"> • Creating a dedicated accommodation compliance position to support the department in monitoring and tracking advancements on accommodation commitments made to First Nations. 	
Certification scheme	<p>General comment:</p> <p>There is no evidence that any Indigenous Peoples were included in the engagement process.</p>	<p>SBP requests the WB to fulfil requirement 5.4 of the RRA Procedure. The requirement described the objective of the public consultation in terms of reach. This includes Indigenous peoples. The WB must demonstrate to SBP how this objective is met. This is one of the control points that SBP reviews before validating any RRA.</p> <p>Neither SBP nor the Working Body publishes a list of the organisations reached out to during the public consultation for obvious confidentiality reasons.</p>
	<p>Section 1 – Introduction</p> <p>PEFC Canada expresses significant concern that the regional risk assessment procedure lacks sufficient guidance to ensure the development of a consistent and credible risk assessments for the province. The duplication of evaluations disregards the long-established, internationally recognized, and widely adopted forest certifications commonly used in the forest industry nationwide. Furthermore, the rationale for conducting risk assessments at the provincial level is unclear, particularly given the substantial overlap and redundancy among assessments across provinces. This document does not demonstrate an open, transparent, or inclusive approach and appears to have been developed with limited input from key stakeholders and industry experts. Extremely concerning is that there is no evidence of involvement of Indigenous Peoples in the engagement process. Given the unique relationships to the land, Aboriginal title and rights, and treaty rights, Indigenous Peoples should be recognized in all aspects of SFM.</p> <p>This process duplicates existing risk assessments already conducted through other certification frameworks, such as Sustainable Forest Management (SFM) and Chain of Custody (CoC) certifications widely recognized in the forest industry in New Brunswick and across Canada.</p> <p>Furthermore, considering that fibre often crosses provincial boundaries a Canada-wide risk assessment would align better with fibre sourcing practices and meet RED II requirements more effectively than a province-specific approach.</p>	<p>Thank you for your comment. SBP is committed to support the interoperability of certification systems to reduce the burden to operators in the value chain of biomass. With this objective, SBP has developed and published a Benchmarking and Recognition procedure. The results of the benchmarking of PEFC scheme is available on the SBP website. Standard 2 detail how PEFC-certified feedstock is accepted within SBP certified value chain.</p>

Notably, the FSC Canada National Risk Assessment (CNRA) provides a more comprehensive analysis of fibre sourcing risks.

The SBP risk assessment could have been streamlined by recognizing fibre sourced through existing certifications as compliant with its requirements. This approach would reduce redundancy, particularly given that much of NB's forest land base is already certified under SFM standards (FSC and two PEFC-endorsed standards: CSA and SFI), and most forest companies possess CoC certification and/or fibre sourcing certification which addresses risk of sourcing fibre from unacceptable sources.

Most of New Brunswick's forest land base is already certified under SFM standards (FSC and two PEFC-endorsed standards: CSA and SFI), and most forest companies possess CoC certification and/or fibre sourcing certification which addresses risk of sourcing fibre from unacceptable sources.

Processing residues	Not certified to an SBP-recognised certification scheme	Evidence to prove 'processing residues' feedstock category, AND SBE + Risk Management for specified risks OR RRA + Risk Management for specified risks
	Certified to an SBP-recognised certification scheme	Evidence to prove 'processing residues' feedstock category, and that the feedstock is certified by an SBP-recognised certification scheme

- 3.3** Depending on the source of feedstock, the Organisation shall develop and implement all, parts or none, of the elements of an SBE in accordance with the following:
- a. *Supply Base Verifiers (SBVs)* (see section 5 below) and/or
 - b. *Risk Assessment and Risk Ratings* (see section 6 below) and/or
 - c. *Risk Management Plan (RMP)* containing *Risk Management Measures (RMM)* (see section 7 below).

Section 2 - Regional background and statement of scope

The selection of scope and sub-scope is flawed. The scope should reflect the scope of where the fibre is sourced. For example, since most fibre is coming from sawmills as residue, the risk assessment needs to consider the source of the logs. Given that there is significant Nova Scotia-New Brunswick-Quebec

Thank you for your comment. Scoping is a key component of the development of the Risk Assessment and is described in the RRA Procedure

4.3.2 WB shall define the scope or sub-scopes for each indicator. Sub-scopes may be used when different regional characteristics indicate a non-homogeneous risk distribution. Sub-scoping can apply to one of several Indicators. Key considerations include jurisdictional boundaries at the country,

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	<p>cross boundary transportation of logs and other fibre as well as some sourcing from the US, it would have been more appropriate to consider the scope at a national level which would be consistent with other risk assessments. This would also eliminate redundancy in the risk assessment, ensure a consistent approach across all of Canada, and be consistent with risk assessments in other jurisdictions. While at first glance, it may seem reasonable to select sub-scope based on land ownership, e.g. Crown land vs private land, this does not represent a homogeneous risk as there are different management strategies within those groups. A more appropriate stratification would be to consider SFM certification and stratify by certified and uncertified. Uncertified land represents a significantly higher risk of non-conformance with the indicators than certified land and should be assessed separately.</p>	<p>state, or regional levels, public vs private ownership, natural forests vs semi-natural or planted forests vs plantations, and certified vs uncertified areas alongside ecoregions.</p> <p>The responsibility on sub-scope falls on the Working Body who shall justify it.</p> <p>Further guidance on sub-scoping is give in SBP Guidance to Standard 2 indicator 3.5 (pp 9-11).</p>
	<p>Section 3 – Methodology</p> <p>Section 3.1 (p. 11)-The methodology described confuses risk assessment with a due diligence system indicating a flawed understanding of risk assessment which is a component of a broader due diligence system that also includes risk mitigation. While the text indicates that FSC processes related to national risk assessments were considered in the risk evaluation framework, there are other well developed due diligence systems such as those incorporated into the requirements for FSC, PEFC and SFI COC, and for the FSC controlled wood and SFI Fibre Sourcing standards. From review of the described methodology and the detailed risk assessment, it is not evident that the risk assessment followed the SBP guidance of the Risk Evaluation Framework described in the Guidance for SBP Standard 2: Feedstock Verification or any other DDS framework. To accurately assess the risk, the analysis needs to consider the indicator, what elements (e.g. IFLs) of the indicator may be at risk, the probability of the indicator or its elements that may be impacted (e.g. location in relation to fibre sourcing activities for specific IFLs) and whether or not some protection exists (e.g. deferrals). Table 1 describes the type of information gathered for each of the 42 indicators in the risk assessment. While this is what is described in Guidance for SBP Standard 2: Feedstock Verification, the guidance itself applies to evaluation at the organizational level rather than more broadly at a regional level. The approach to the risk</p>	<p>Thank you for your comments. The Methodology followed by the WB is in line with the SBP Regional Risk Assessment Procedure and SBP Standard 2 and guidance. Conformity with the methodology was verified all along the process. Please refer to the REF as described in Guidance to Standard 2, p.24.</p> <p>The benchmarking and recognition process is used to benchmark and recognise external schemes such as FSC or PEFC. The result of these benchmarks are published on the SBP website. These documents identify for which indicator of the SBP Standard 1, certification against FSC or PEFC Forest Management certification provide adequate mitigation measures to identified specified risks, including at site level. In other word, if a forest is FSC or PEFC certified, the certification is a recognised mitigation measure should a specified risk be identified. Only a certain indicator not covered by FSC or PEFC would require development of dedicated mitigation measures (as certification against FSC or PEFC would not be sufficient to mitigate such risks).</p>

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assessment should have been modified to reflect that. Further, the RRA does not include any discussion of implementation mechanisms at the organizational level although certified sustainable forest management systems could be considered to meet that at a site level. Section 4 Regional Background (p.18) This is a very lengthy section. While the scope of the risk assessment does not consider ecological differences, the report includes detailed information on the ecology of forests in New Brunswick included in 4.2 Ecological Overview. Much of the information in this section could be deleted without impacting the report. Any information relevant to the evaluation of specific indicators should be incorporated directly into that indicator's risk assessment.

Table 1: Information Gathering Requirements

	Information Gathered – by Sub-scope
Regulatory Framework	Acts, Regulations, policy, and/or required best management practices specific to the threat/impact to the Indicator.
Implementation Mechanisms	Mechanisms by which the organisation completing the forest management activity can demonstrate implementation and compliance with the regulatory requirement &/or best management practices that address the threat/impact.
Oversight Framework	Enforcement and/or monitoring framework of Acts, Regulations, policy, and/or required best management practices specific to the threat/impact to the Indicator.
Results	Verification of a compliance/enforcement and/or monitoring framework. Quantifiable or qualifiable results of current condition, including but not limited to: <ul style="list-style-type: none"> • Monitoring results • Inventory &/or analysis • Compliance & enforcement results • Assessment reports • External agency reports • Publicly available data and/or websites • Expert &/or Stakeholder information/results

Use of references:

Most of the references under the heading "Other:" in the detailed tables in Annex 1 are outside the scope of a level A assessment and should not be included. Further, in most cases, there is no evidence that they contributed to the analysis.

Section 4 - Stakeholder consultation

Thank you for your comment which we will consider as part of the lessons learnt from this series of RRA development.

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	<p>As this is a new risk assessment, and there are concerns with lack of stakeholder comments on previous RRAs highlights a more robust process should have been implemented to ensure the effectiveness of the engagement process. This underscores the need for substantial improvements in stakeholder consultation and outreach efforts to ensure meaningful participation and feedback. Key stakeholder e.g., SFI were not included in the current consultation process (note that the SFI series of standards, are endorsed by PEFC). Additionally, the format provided for consultation submissions was insufficient for stakeholders to provide a detailed and comprehensive response. A 30-day timeline is inadequate for reviewing and responding to such an extensive document. For comparison, the FSC NRA process allows a 60-day period, providing a more reasonable timeframe for meaningful input.</p>	
	<p>Section 5 – Conclusions Section 5 – Conclusions does not exist in the report. Further, the sections as outlined in this consultation template do not reflect the structure of the Regional Risk Assessment Report. This has made it difficult to provide meaningful input into the consultation process.</p>	<p>Thank you for your comment. Formatting and title of sections will be verified at the time of publication.</p>
	<p>Annex 1 Annex 1: Detailed findings for indicators (p. 44) Format of Risk Assessment: The presentation and length of the assessment and analysis makes the RRA difficult to read and interpret and certainly the consultation process is inadequate to properly provide comment on the risk assessment. It is not clear that the risk assessment considered the guidance provided in either of the related SBP Guidance documents as there is a considerable amount of extraneous commentary provided in the tables. For example, Indicator 1.1.1 (p. 50) includes the statement: In politically stable countries two critical factors are a relative lack of corruption and the rule of law. In regions where there is a high degree of corruption and a lack of rule of law there is a higher degree of risk that feedstock sourcing and biomass productions do not comply with applicable and existing laws and regulations. This statement is unnecessary and is but one example of this extraneous</p>	<p>Thank you for your comments which have been passed on to the Working Body.</p>

commentary. In most cases, the potential threats/impacts are not clearly identified or specific to the indicator and the scope of the assessment. For example, again Indicator 1.1.1 (p. 50), rather than describing the situation specific to BC, describes the threat as follows: In regions where there is a high risk of organisations not complying with law there is a higher potential of illegally sourced timber entering the supply chain, environmental damage, and human and labour rights violations. In the same example, the analysis includes

a section, "Means of Verification", which refers to organizational level documents/controls such as chain of custody or fibre procurement procedures,

supplier verification program, interviews with workers. None of this relates to assessing the risk at a provincial level. Further, there is no clear linkage between the regulatory framework, the means of verification, the evidence, the results and the conclusions.

Following are some of our specific comments on the risk assessment. In general, the sub-scope designations need to be rethought and/or the certification status of the forest area considered in the analysis. The findings and the risk assessments need to be separated out into certified vs uncertified for both Crown land and Private Managed Land as the implementation mechanism, and therefore risk, are different between certified and uncertified. The analysis should consider the type of SFM certification, and the level of public reporting required. For example, CSA, SFI, and FSC require public reporting of thirdparty audit results which should address Indicators 2.1.3, 2.2.1, 3.2.3, 4.1.8. 4.2.7. Indicator 1.1.5 (p. 64)- Mining does not appear to be addressed in the risk assessment even though mining activity can have a significant impact on the forest land base in certain areas of the province.

Indicators 2.1.1 and 2.1.2 (p. 73-85)- Implementation mechanisms and results

sections do not fully address how stand level biodiversity is implemented, i.e. through planning activities at the site or block level (harvesting, roads, silviculture). And nowhere in the indicators does it speak to mining impacts

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	<p>on biodiversity. The means of verification and evidence only deal with these indicators at the landscape level, not the stand level or species level. The results in indicators 2.1.2 and 3.2.3 should have been more specific as to what values (ecosystems, species, etc.) in the supply area are at risk. This needs to be done at an ecoregion level for HCVs and also SAR. Better analysis of IFLs is need and specified risk assigned specifically to those IFLs that are at risk.</p> <p>The evidence reviewed sections in the detailed analysis includes documents that are not evidence and do not support the conclusions, e.g. Sustainable Biomass Program. Guidance for SBP Standard 1: Feedstock Compliance. 28 April 2023.</p>	
	<p>Annex 2 - List of experts consulted and contacts of Working Body</p> <p>It is a matter of concern that the list of experts lacks individuals with expertise in Sustainable Forest Management (SFM) and chain of custody certification, as well as industrial foresters who possess practical, on-the-ground experience and Indigenous representatives. In addition, the Working Body had no Indigenous representatives on it and there appears to be no consultation or outreach with Indigenous organizations.</p>	<p>Thank you for your comment. The experts have participated to the development of the Regional Risk Assessment. To ensure a broad range of views are included in the final version of the RRA before publication, a public consultation is open with the announcement made by the Working Body and SBP. The Working Body is required to reach out to the parties listed in section 5.4 of the RRA Procedure. This is a control point reviewed by SBP before allowing the finalisation of the report and its publication. In addition, the RRA is reviewed by a local expert and the SBP Technical Committee before approval.</p>
	<p>Annex 3 - List of publications used</p> <p>The list of publications should be formally referenced with proper titles and sources. It also lists items that are not specific publications, such as organizations.</p>	<p>Thank you for your comment which we will consider as part of the lessons learnt from this series of RRA development.</p>
	<p>Annex 4 - List of stakeholders</p> <p>No stakeholders are specifically listed. However, it lists categories including "official representatives of forestry certification schemes". It has come to our attention that the Sustainable Forestry Initiative was not consulted and most of the certified forests in BC are SFI SFM certified. This seems to be an egregious oversight. In addition, it is not clear that Indigenous communities were included in any culturally appropriate consultation or engagement.</p> <p>5.10 The WB Co-ordinator is responsible for facilitating culturally appropriate outreach to representatives of all identified stakeholders.</p>	<p>SBP nor the Working Body publishes list of the organisations reached out during the public consultation for obvious confidentiality reasons.</p>

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	<p>Annex 5 - Stakeholder consultation report</p> <p>This section has not been completed, as a result, it is not possible to ascertain if the stakeholder consultation process was adequate. Given that the previous version of the RRA received no stakeholder comments, more effort should be placed on stakeholder identification and engagement. A particular concern is for consultation and engagement with Indigenous representatives.</p> <p>6.4 SBP public stakeholder consultation</p> <p>6.4.1 On receipt of a positive recommendation from the TC's initial review, SBP shall undertake a public stakeholder consultation. The Final Draft RRA Report will be published on the SBP website with an invitation for interested parties to submit written comments on both the Final Draft RRA Report and the RRA Procedure followed. The consultation period shall be for a minimum of thirty (30) days.</p>	<p>SBP nor the Working Body publishes list of the organisations reached out during the public consultation for obvious confidentiality reasons.</p> <p>Annex 5 will be compiled ahead of publishing the Interim RRA.</p>
	<p>Annex 6 - REDII Level A risk assessment</p> <p>Given the weaknesses in the regional risk assessment process, we anticipate that there will be similar flaws in the RED II Level A risk assessment.</p>	<p>Thank you for your comment. Without specific details, the comment cannot be upheld</p>
<p>Economic Interest</p>	<p>Indicator 2.1.3</p> <p>The RRA recognizes the challenges of measuring Biodiversity, stating that biodiversity is not measurable (pg 68). The RRA also recognizes that biodiversity is measured at two scales: Landscape-level and Stand-level with many assessments and reports available and the difficulty to draw conclusions.</p> <p>Recommend the working body use the Forest Management Manual and the NB annual State of the Forest report as they set targets and report results, respectively:</p> <p>Forest operations on Crown land function under a results-based system where the forest industry Licensee is held accountable for specific and measurable outcomes, where performance is formally evaluated on a routine basis. Outcomes are set by the government in the Forest Management Manual and are clearly defined:</p> <ul style="list-style-type: none"> -Functional patches of old forest will be retained across each ecoregion in each of 14 identifiable community types. Each ecoregion aims to sustain at least 6-8% in old age classes -Full diversity of mature forest ecosystems will be represented in Protected Natural Areas 	<p>Thank you for the comments. As explained in the risk conclusion, Government programs provide oversight and monitor regulatory planning and practices for biodiversity values. There is no indication of widespread or systemic legal non-compliance. However, government oversight focuses on ensuring legal compliance with legislation for biodiversity values, but not on the sufficiency of these measures in maintaining and enhancing biodiversity values.</p>

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	<p>-Forestry operations encountering site-specific habitats (including rare species, bear dens, raptor nests, etc) will maintain their associated functions.</p> <p>-Populations of all 161 native vertebrate species will be maintained</p> <p>-Habitat structures to support herds through severe winters will be maintained in designated traditional white tail deer wintering areas</p> <p>-Each year, thousands of field checks are completed on Crown land forest operations by the provincial government</p> <p>Each year, a State of the Forest is published by the NB government. 30% of the forest area is designated with the primary objective of conserving biodiversity</p> <p>-Deer wintering habitats</p> <p>-Old forest wildlife habitats</p> <p>-Site specific habitats (vernal pools, raptor nests, bear dens)</p> <p>-RTE are not specifically mentioned, but at 30% of the forest area designated as biodiversity conservation the risk for not maintaining other biodiversity values (like RTE) is low</p> <p>Evidence</p> <p>-https://www2.gnb.ca/content/dam/gnb/Departments/nr-rn/pdf/en/ForestsCrownLands/forest-mgt-manual.pdf</p> <p>-https://www2.gnb.ca/content/dam/gnb/Departments/nr-rn/pdf/field-check-map.pdf</p> <p>-https://www2.gnb.ca/content/dam/gnb/Departments/nr-rn/pdf/en/ForestsCrownLands/Biodiversity.pdf</p> <p>-https://www2.gnb.ca/content/dam/gnb/Departments/nr-rn/pdf/en/Publications/state-of-the-forest-2023.pdf</p>	
	<p>Indicator 2.2.1</p> <p>The REF results in a low risk if the current condition/ situation is met. A few considerations for comment on the current situation of conversion in Nova Scotia.</p> <p>Relating to Crown Land and Industrial Private:</p>	<p>Thank you for your comment which will be transferred to the RRA Nova Scotia.</p>

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	<p>Indicator 2.2.1 identifies the complexity & layers of legislation that requires licensees to reforest after harvest on crown land. The assessment of the 2.2.1 indicator focuses on non-forestry activities, where other indicators focus on the source of biomass as it relates to forest management strategies. The working body should consider isolating the specified risk to non-forest industry activities.</p> <p>If specified risk can't be moved to low for crown land, it should be more aligned with the risk designation identified in the FSC NRA for Canada - this indicator was designated to spatial areas. Other indicators in the RRA use information from FSC to justify HCVs, the designation of risk to conversion should be considered as well.</p> <p>Relating to the province & federal data</p> <p>Canada's deforestation rate is significantly low, using wording directly out of the rationale: "this Indicator is to evaluate the risk of land conversion, not the rate" adds subjectivity to the assessment. When considering the risk of land conversion, the body should consider data that suggests deforestation isn't happening in the supply base - not use precautionary approaches</p> <p>Evidence:</p> <p>https://ca.fsc.org/ca-en/controlled-wood/national-risk-assessment</p> <p>https://www2.gnb.ca/content/dam/gnb/Departments/nr-rn/pdf/en/ForestsCrownLands/nb-live-forest-carbon-inventory-report.pdf</p>	
	<p>Indicator 2.2.2</p> <p>Relating to lack of publicly available evidence to support implementation mechanism, monitoring and / or results:</p> <p>Suggest working body re-evaluates the validity of publicly available data as a requirement of the risk evaluation framework. This has not been applied consistently across other Regional Risk Assessments. Examples include: "(iv) current situation on compliance if the information was available." This is referenced from the SBP-endorsed Regional Risk Assessment for Lithuania, Estonia, Denmark, Latvia. The 'Canadian province of Quebec' Regional Risk Assessment does not reference a risk evaluation framework or classification methodology. The US - Primary Sourcing Regions Regional Risk Assessments</p>	<p>Thank you for your comment. As outlined in the risk analysis, this indicator is closely linked to several other indicators within the same criteria. A re-evaluation of the publicly available data for just this indicator will not alter the risk designation. We will take your comments into account for the next revision of the RRA.</p>

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	<p>risk evaluation framework reads "at least two analytical methods were mobilized, including analysis of any applicable laws and qualitative analysis, to yield the most robust conclusion related to risk".</p>	
	<p>Indicator 2.2.3</p> <p>Industrial Private - Forests have been certified to the Sustainable Forestry Initiative Standard</p> <p>Private Woodlots - New Brunswick provides BMP and funding for Private Woodlot through the Private Woodlot Silviculture Manual. NB Forestry staff conduct random inspections to verify compliance with treatment criteria and site area.</p> <p>-Suggest working body re-evaluates the validity of publicly available data as a requirement of the risk evaluation framework. This has not been applied consistently across other Regional Risk Assessments. Examples include: "(iv) current situation on compliance if the information was available." This is referenced from the SBP-endorsed Regional Risk Assessment for Lithuania, Estonia, Denmark, Latvia. The 'Canadian province of Quebec' Regional Risk Assessment does not reference a risk evaluation framework or classification methodology. The US - Primary Sourcing Regions Regional Risk Assessments risk evaluation framework reads "at least two analytical methods were mobilized, including analysis of any applicable laws and qualitative analysis, to yield the most robust conclusion related to risk".</p> <p>Evidence:</p> <p>https://www2.gnb.ca/content/dam/gnb/Departments/nr-rn/pdf/en/Publications/state-of-the-forest-2023.pdf</p> <p>https://senb.ca/images/2023-24_Private_Woodlot_Silviculture_Manual_EN.pdf</p>	<p>Thank you for your comment. The SFI forest management certification can serve as a mitigation measure for the specific risks identified in the RRA, based on the PEFC scheme benchmark results (Benchmarking and recognition framework and evaluations - Sustainable Biomass Program). This also applies to indicator 2.2.3, which is fully covered by the PEFC benchmark result. We appreciate your feedback regarding the validity of publicly available information, and we will consider your comment when revising the RRA document.</p>
	<p>Indicator 2.2.9</p> <p>New Brunswick State of the Forest report (2023) reported AAC at or below sustainable levels for the last 10 years, including Industrial Private woodlots. This shows current condition for this indicator is met and should result in low risk.</p> <p>Evidence</p>	<p>Thank you for your comment. The evidence provided does not seem to require a change to the risk rating concluded by the Working Body based on publicly available information for the Industrial Private woodlots.</p>

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	<p>https://www2.gnb.ca/content/dam/gnb/Departments/nr-rn/pdf/en/Publications/state-of-the-forest-2023.pdf</p>	
	<p>Indicator 2.2.10</p> <p>Industrial Private Land are SFI certified and are required to provide regeneration after harvest. Industrial Private lands are regenerated resulting in current conditions meeting the requirements for this indicator. As such it should be low risk for this indicator.</p> <p>Evidence:</p> <p>https://www2.gnb.ca/content/dam/gnb/Departments/nr-rn/pdf/en/Publications/state-of-the-forest-2023.pdf</p> <p>https://forests.org/wp-content/uploads/2022_SFI_StandardsandRules_section2.pdf</p>	<p>Thank you for your comment. The SFI forest management certification can serve as a mitigation measure for the specific risks identified in the RRA, based on the PEFC scheme benchmark results (Benchmarking and recognition framework and evaluations - Sustainable Biomass Program). This also applies to indicator 2.2.3, which is fully covered by the PEFC benchmark result. We appreciate your feedback regarding the validity of publicly available information, and we will consider your comment when revising the RRA document.</p>
	<p>Indicator 3.2.2</p> <p>Relating to lack of publicly available evidence to support implementation mechanism, monitoring and / or results</p> <p>Suggest working body re-evaluates the validity of publicly available data as a requirement of the risk evaluation framework. This has not been applied consistently across other Regional Risk Assessments. Examples include: "(iv) current situation on compliance if the information was available." This is referenced from the SBP-endorsed Regional Risk Assessment for Lithuania, Estonia, Denmark, Latvia. The 'Canadian province of Quebec' Regional Risk Assessment does not reference a risk evaluation framework or classification methodology. The US - Primary Sourcing Regions Regional Risk Assessments risk evaluation framework reads "at least two analytical methods were mobilized, including analysis of any applicable laws and qualitative analysis, to yield the most robust conclusion related to risk".</p>	<p>We appreciate your feedback regarding the validity of publicly available information, and we will consider your comment when revising the RRA document.</p>
	<p>Indicator 3.2.3</p> <p>Relating to lack of publicly available evidence to support implementation mechanism, monitoring and / or results</p> <p>Suggest working body re-evaluates the validity of publicly available data as a requirement of the risk evaluation framework. This has not been applied consistently across other Regional Risk Assessments. Examples include: "(iv)</p>	<p>Thank you for your comment. The requirements for Indicator 3.2.3 (which do not apply to processing residues) prohibit the sourcing of primary feedstock from High Carbon Stock (HCS) areas that overlap with High Conservation Value (HCV) areas. Since we have not identified any regulations preventing cuttings in these areas, we will maintain the current risk designation. However, we appreciate</p>

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	<p>current situation on compliance if the information was available." This is referenced from the SBP-endorsed Regional Risk Assessment for Lithuania, Estonia, Denmark, Latvia. The 'Canadian province of Quebec' Regional Risk Assessment does not reference a risk evaluation framework or classification methodology. The US - Primary Sourcing Regions Regional Risk Assessments risk evaluation framework reads "at least two analytical methods were mobilized, including analysis of any applicable laws and qualitative analysis, to yield the most robust conclusion related to risk".</p>	<p>your feedback regarding the validity of publicly available information, and we will take your comment into account when we revise the RRA document.</p>
	<p>Indicator 4.1.8</p> <p>This indicator separates the responsibilities of working professionals from equipment operators & loggers. This should not be separated as the professional forester is responsible for the sign off that harvesting was completed to a required standard. Within the professional responsibility of a forester, ensuring qualified contractors is an element of due diligence. In addition to professional responsibility, the indicator can be interpreted in two areas: worker safety training & worker competence training. As it relates to worker safety, all companies in the province must conform to the WorkSafe NB regulations. Each of these mechanisms are significant influences on the training provided to forest workers, and this should not be considered a specified risk.</p> <p>Evidence:</p> <p>In New Brunswick, under section 9 of the Occupational Health and Safety (OHS) Act, employers must provide health and safety training to their employees. Employers must also ensure first aid providers are available at their workplaces (section 4(1) of Regulation 2004-130).</p>	<p>Thank you for your comment. The risk designation has been changed for the Cown license.</p>
	<p>Indicator 4.2.1</p> <p>Local governments, Regional Service Commissions, Minister of Local Government and administer land use planning in New Brunswick. Land uses allowed and conditions for use are specified for each zone. Zoning identifies negative social and community impacts and avoids them through defined land uses.</p> <p>Evidence:</p>	<p>Thank you for your comment. We have identified specific risks associated with Industrial Private Land and Private Woodlots. These concerns arise from the absence of a legislative framework, a lack of evidence supporting implementation mechanisms, and insufficient monitoring frameworks or results to confirm the identification and mitigation of negative social and community impacts. While the evidence provided does not warrant a change in the risk designation at this time, we will take your input into account during the revision of the risk assessment.</p>

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	<p>https://www2.gnb.ca/content/gnb/en/corporate/promo/local-governance/planning/residents-property-owners.html#1</p>	
	<p>Indicator 4.2.6 Relating to lack of publicly available evidence to support implementation mechanism, monitoring and / or results Suggest working body re-evaluates the validity of publicly available data as a requirement of the risk evaluation framework. This has not been applied consistently across other Regional Risk Assessments. Examples include: "(iv) current situation on compliance if the information was available." This is referenced from the SBP-endorsed Regional Risk Assessment for Lithuania, Estonia, Denmark, Latvia. The 'Canadian province of Quebec' Regional Risk Assessment does not reference a risk evaluation framework or classification methodology. The US - Primary Sourcing Regions Regional Risk Assessments risk evaluation framework reads "at least two analytical methods were mobilized, including analysis of any applicable laws and qualitative analysis, to yield the most robust conclusion related to risk".</p>	<p>We appreciate your feedback regarding the validity of publicly available information, and we will consider your comment when revising the RRA document.</p>
	<p>Indicator 4.2.7 Designated cultural heritage sites are identified and preserved on both private and public land. RRA identifies Cultural heritage sites that are not identified and therefore at risk of being damaged or destroyed. These threats are addressed in indicator 4.2.4 and does not appropriately apply to designated cultural heritage sites.</p>	<p>Thank you for your comment. The risk designation has been changed.</p>

Sustainable harvesting criteria 29(6)

The country in which forest biomass was harvested has national or sub-national laws applicable in the area of harvest as well as monitoring and enforcement systems in place ensuring:

(i) The legality of harvesting operations

Step 1: Identification of applicable laws

<i>Have the applicable law(s) been identified?</i>	<p>✓ Yes</p> <p>✓ No, Level B route is required for Sub-scope: Industrial Private Land & Private Woodlots</p>
<i>List of applicable law(s)</i>	<p><u>Crown License</u></p> <ul style="list-style-type: none"> • Crown Lands and Forests Act (CLFA) • Clean Water Act <p><u>Industrial Private Land & Private Woodlots</u></p> <p>There is limited regulatory framework for timber harvesting on industrial private land and private woodlots.</p>
<i>Sources</i>	<ul style="list-style-type: none"> • Crown Lands and Forests Act • Clean Water Act

Step 2: Description of enforcement and monitoring

<i>Description of the practical implementation of the law(s)</i>	<p><u>Crown License</u></p> <p>The New Brunswick (NB) Department of Natural Resources and Energy Development (DNRED) assesses Crown licensees' performance and compliance. DNRED checks compliance with criteria, rules and regulations outlined in the Forest Management Manual for New Brunswick Crown Lands (FMM), which includes compliance with Best Management Practices (BMPs). Crown license thresholds are developed and agreed upon through a consultative process between industry and DNRED and are found in the License Performance Criteria, Schedule G of the Forest Management Agreement (FMA). The FMM states that key performance indicators (KPIs) for social, economic, and environmental aspects of forest management that are included in the FMA as Schedule G and assessed in the five-year performance review. Licensee performance is assessed using measurable indicators, and if non-compliance is found during field checks, a Compliance Action Plan can be required.</p> <p><u>Industrial Private Land & Private Woodlots</u></p> <p>On industrial private land and private woodlots, owners are responsible for the oversight of operations. As of March 2024, there is no publicly available information describing an oversight framework on industrial private land and private woodlots.</p>
<i>Sources</i>	<ul style="list-style-type: none"> • Crown Lands and Forests Act • Forest Management Manual for New Brunswick Crown Lands Results-Based Forestry Option (August 2014) • Clean Water Act
<i>Is the enforcement and monitoring ensured for the identified law(s)?</i>	<p>✓ Yes</p> <p>✓ No, Level B route is required for Sub-scope: Industrial Private Land & Private Woodlots</p>

Step 3: Evaluation of the effectiveness of the legal framework on the legality of timber harvesting

<i>Evaluation of the practical implementation of the law(s)</i>	<u>Crown License</u>
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<i>and explanation for the evaluation</i>	<p>There is a comprehensive regulatory framework governing forest management planning and practices for Crown license. There are well described operational guidelines and government programs which monitor forest management practices. Inspection results verify Crown license holders are complying with practice requirements. Based on the evidence reviewed, the legal framework is effective for Crown License in New Brunswick.</p> <p><u>Industrial Private Land & Private Woodlots</u></p> <p>Due to a lack of a regulatory framework, evidence to support implementation mechanisms, a monitoring framework and/or results of current condition, a precautionary approach is applied. Based on the evidence reviewed, the legal framework is not effective for industrial private land and private woodlots in New Brunswick.</p>
<i>Sources</i>	<ul style="list-style-type: none"> • Crown Lands and Forests Act • Forest Management Manual for New Brunswick Crown Lands Results-Based Forestry Option (August 2014) • Clean Water Act
<i>Is the legal framework effective?</i>	<p>✓ Yes</p> <p>✓ No, Level B route is required for Sub-scope: Industrial Private Land & Private Woodlots</p>

(ii) Forest regeneration of harvested areas

Step 1: Identification of applicable laws

<i>Have the applicable law(s) been identified?</i>	<p>✓ Yes</p> <p>✓ No, Level B route is required for Sub-scope: Industrial Private Land & Private Woodlots</p>
<i>List of applicable law(s)</i>	<p><u>Crown License</u></p> <ul style="list-style-type: none"> • Crown Lands and Forests Act • Timber Regulation <p><u>Industrial Private Land & Private Woodlots</u></p> <p>There is no regulatory framework that requires regeneration after timber harvest on industrial private land and private woodlots.</p>
<i>Sources</i>	<ul style="list-style-type: none"> • Crown Lands and Forests Act • Forest Management Manual for New Brunswick Crown Lands Results-Based Forestry Option (August 2014) • New Brunswick Private Woodlot Silviculture Program (2023/2024) • Private Woodlot Sustainability Act

Step 2: Description of enforcement and monitoring

<p><i>Description of the practical implementation of the law(s)</i></p>	<p><u>Crown License</u> On Crown license, DNRED assesses licensee’s performance and compliance, including regeneration. Performance of licensees is assessed with measurable indicators and can require a Compliance Action Plan if non-compliance is found during field checks. There are three key performance indicators in Schedule G of the Forest Management Plan (FMP) associated with regeneration—silviculture area, which reviews reimbursed area compared to actual area; best management practices, which evaluates the Crown licensee internal silviculture best management practices; and reimbursement which evaluates the licensees against DNRED reimbursement criteria.</p> <p><u>Industrial Private Land</u> On industrial private land, owners are responsible for the oversight of operations. As of March 2024, there is no publicly available information describing an oversight framework for regeneration on industrial private land.</p> <p><u>Private Woodlots</u> On private woodlots that do not participate in the Private Woodlot Silviculture Program there is no publicly available information describing an oversight framework for regeneration. Owners are responsible for the oversight of operations.</p>
<p><i>Sources</i></p>	<ul style="list-style-type: none"> ▪ Crown Lands and Forests Act ▪ Forest Management Manual for New Brunswick Crown Lands Results-Based Forestry Option (August 2014) ▪ New Brunswick Private Woodlot Silviculture Program (2023/2024) ▪ Private Woodlot Sustainability Act
<p><i>Is the enforcement and monitoring ensured for the identified law(s)?</i></p>	<p>✓ Yes</p> <p>✓ No, Level B route is required for Sub-scope: Industrial Private Land & Private Woodlots</p>

Step 3: Evaluation of the effectiveness of the legal framework on the legality of timber harvesting

<p><i>Evaluation of the practical implementation of the law(s) and explanation for the evaluation</i></p>	<p><u>Crown License</u> There is a comprehensive regulatory framework governing regeneration on Crown license. Government programs monitor regeneration. Inspection results verify Crown licensees comply with practice requirements related to regeneration. Based on evidence reviewed, the legal framework is effective for Crown License in New Brunswick.</p> <p><u>Industrial Private Land</u> Due to a lack of a regulatory framework, evidence to support implementation mechanisms, a monitoring framework and/or results of current condition of regeneration following timber harvesting, a precautionary approach is applied. Based on evidence reviewed, the legal framework is not effective for industrial private land in New Brunswick.</p> <p><u>Private Woodlots</u> Due to a lack of a regulatory framework, evidence to support implementation mechanisms, a monitoring framework and/or results of current condition of regeneration following timber harvesting, a precautionary approach is applied. Based on evidence reviewed, the legal framework is not effective for private woodlots in New Brunswick.</p>
<p><i>Sources</i></p>	<ul style="list-style-type: none"> ▪ Best Management Practices: A Practical Guide to BMP’s in New Brunswick Woodlots, 2011. ▪ Crown Lands and Forests Act ▪ Forest Management Manual for New Brunswick Crown Lands Results-Based Forestry Option (August 2014) ▪ New Brunswick Private Woodlot Silviculture Program (2023/2024) ▪ Private Woodlot Sustainability Act

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	<ul style="list-style-type: none"> • Silviculture Activities on Private Woodlots in New Brunswick. 2021-22. • Timber Regulation 86-160 • DNRED KPI results 2019-2023 • Excellence in Forest Management–Understanding our System State of Forest Report – 2023 • Government of New Brunswick. Natural Resources and Energy Development. Annual Report. 2022-2023.
<i>Is the legal framework effective?</i>	<p>✓ Yes</p> <p>✓ No, Level B route is required for Sub-scope: Industrial Private Land & Private Woodlots</p>

(iii) That areas designated by international or national law or by the relevant competent authority for nature protection purposes, including in wetlands and peatlands, are protected unless evidence is provided that the harvesting of that raw material does not interfere with those nature protection purposes

Step 1: Identification of applicable laws

<i>Have the applicable law(s) been identified?</i>	<p>✓ Yes - Sub-scopes: Crown License, Industrial Private Land & Private Woodlots</p> <ul style="list-style-type: none"> • No, Level B route is required
<i>List of applicable law(s)</i>	<p><u>Federal</u></p> <ul style="list-style-type: none"> • Species at Risk Act (SARA) • Migratory Birds Convention Act • Fisheries Act • Canada National Parks Act <p><u>Provincial</u></p> <ul style="list-style-type: none"> • Species at Risk Act (NB SARA) • Crown Lands and Forests Act (CLFA) • Fish and Wildlife Act • Protected Natural Areas Act • Parks Act • Conservation Easement Act
<i>Sources</i>	<p><u>Federal</u></p> <ul style="list-style-type: none"> • Canada National Parks Act • Environment and Climate Change Canada • Fisheries Act • Migratory Birds Convention Act • Species at Risk Act <p><u>Provincial</u></p> <ul style="list-style-type: none"> • Conservation Easement Act • Crown Lands and Forests Act • DNRED. Licensee Performance Evaluation 2007-2012. • Department of Natural Resources and Energy Development Old Forest Communities and Old Forest Wildlife Habitat Definitions. 2013. • Fish and Wildlife Act • Forest Management Manual for New Brunswick Crown Lands Results-Based Forestry Option • NB Species at Risk Act • New Brunswick achieves protected area target • Parks Act • Protected Natural Areas Act • Old-forest Thresholds for New Brunswick’s Crown Forest 2012

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	<ul style="list-style-type: none"> • Licensee Performance Evaluation. Forest Management Agreement Schedule G – Performance Evaluation Criteria
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Step 2: Description of enforcement and monitoring

<i>Description of the practical implementation of the law(s)</i>	At the federal level, the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) oversees SARA species, critical habitats and updates SARA listings annually. Fisheries and Oceans Canada (DFO) oversees the Fisheries Act, Environment and Climate Change Canada (ECCC) oversees the MBCA, and Parks Canada oversees the Canada National Parks Act. At the provincial level, DNRED oversees the species at risk including the Federal SARA, and NB Species at Risk Act. The Atlantic Canada Conservation Data Centre (ACCDC) oversees the RTE ecosystems. ACCDC is a jointly funded registry for all Atlantic provinces. DNRED oversees the protected natural areas and nature legacy areas under the Protected Natural Areas Act. DNRED under the Crown Lands and Forests Act oversees forest planning and practices related to threats to biodiversity values.
<i>Sources</i>	See listing above in Step 1 Sources for Crown License, industrial private land and other private woodlots.
<i>Is the enforcement and monitoring ensured for the identified law(s)?</i>	<ul style="list-style-type: none"> ✓ Yes – Sub-scopes: Crown License, Industrial Private Land & Private Woodlots • No, Level B route is required

Step 3: Evaluation of the effectiveness of the legal framework on the legality of timber harvesting

<i>Evaluation of the practical implementation of the law(s) and explanation for the evaluation</i>	There is a comprehensive federal and provincial regulatory framework for nature protection purposes. Government agencies following protocols and experts identify/designate protected areas, specific to the protection needs. Government agencies provide applicable and competent oversight on protected areas. Government agencies websites provide publicly available information that defines the protected areas, requirements and restrictions. Protected areas are spatially defined and excluded from crown license, industrial private land, and private woodlot management units. Based on evidence reviewed, the legal framework is effective for Crown license, industrial private land, and private woodlot management in New Brunswick.
<i>Sources</i>	See listing above in Step 1 Sources for Crown License, industrial private land and other private woodlots.
<i>Is the legal framework effective?</i>	<ul style="list-style-type: none"> ✓ Yes – Sub-scopes: Crown License, Industrial Private Land & Private Woodlots • No, Level B route is required

(iv) That harvesting is carried out considering the maintenance of soil quality and biodiversity with the aim of minimising negative impacts

Step 1: Identification of applicable laws

<i>Have the applicable law(s) been identified?</i>	<p><u>Soil Quality</u></p> <ul style="list-style-type: none"> ✓ Yes – Sub-scopes: Crown License ✓ No, Level B route is required for Sub-scope: Industrial Private Land & Private Woodlots <p><u>Biodiversity</u></p> <ul style="list-style-type: none"> ✓ Yes – Sub-scopes: Crown License ✓ No, Level B route is required for Sub-scope: Industrial Private Land & Private Woodlots
<i>List of applicable law(s)</i>	<p><u>Soil Quality Crown License</u></p> <ul style="list-style-type: none"> • Crown Lands and Forests Act (CLFA) • Clean Water Act <p><u>Industrial Private Land & Private Woodlots</u></p>

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	<p>On industrial private land and private woodlots, there are no regulatory requirements to manage or maintain soil quality.</p> <p><u>Biodiversity</u></p> <ul style="list-style-type: none"> • See listing below in Step 1 Sources for Crown license, industrial private land and private woodlots.
<i>Sources</i>	<p><u>Soil Quality</u></p> <ul style="list-style-type: none"> • Crown Lands and Forests Act • Clean Water Act <p><u>Biodiversity International</u></p> <ul style="list-style-type: none"> • Global Forest Watch • HCV Resource Network • HCV Resource Network Common Guidance for the Identification of High Conservation Values. • Intact Forest Landscapes, map • IUCN Globally Threatened Ecosystems • Nature Serve Canada • NatureServe Conservation Status categories • Shape of Nature Globally threatened ecosystems <p><u>Federal</u></p> <ul style="list-style-type: none"> • 2020 Wild Species Report • Canada National Parks Act • Environment and Climate Change Canada • Fisheries Act • Migratory Birds Convention Act • Species at Risk Act • Species at Risk Public Registry <p><u>Provincial</u></p> <ul style="list-style-type: none"> • Conservation Easement Act • Crown Lands and Forests Act • DNRED. Licensee Performance Evaluation 2007-2012. • Department of Natural Resources and Energy Development Old Forest Communities and Old Forest Wildlife Habitat Definitions. 2013. • Fish and Wildlife Act • Forest Management Manual for New Brunswick Crown Lands Results-Based Forestry Option • NB Species at Risk Act • NB Species at Risk Public Registry • New Brunswick achieves protected area target • Parks Act • Protected Natural Areas Act • Old-forest Thresholds for New Brunswick's Crown Forest 2012 • Licensee Performance Evaluation. Forest Management Agreement Schedule G – Performance Evaluation Criteria <p><u>Other</u></p> <ul style="list-style-type: none"> • Atlantic Canada Conservation Data Centre • East Coast Environmental Law

Step 2: Description of enforcement and monitoring

<i>Description of the practical implementation of the law(s)</i>	<p><u>Provincial</u></p> <p>DNRED maintains the NB Species at Risk Registry and provides oversight for the Species at Risk Act.</p> <p><u>Crown License</u></p> <p>DNRED assesses Crown licensees' performance and compliance. Licensee performance is assessed using measurable indicators, and if non-compliance is found during field checks, a</p>
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	<p>Compliance Action Plan can be required. Soil indicators include stabilising exposed mineral soil and reasonable efforts to minimise rutting. Crown license thresholds are developed and agreed upon through a consultative process between industry and DNRED and are found in the License Performance Criteria, Schedule G of the FMA. There are four KPIs in Schedule G associated with soils— identification and conservation of site-specific habitats, minimisation of rutting, absence of contaminants, and minimise loss of productive area. DNRED checks compliance with criteria, rules and regulations outlined in the FMM, which includes compliance with BMPs. Specific to biodiversity values, DNRED reviews and approves Crown licensees’ FMPs and Annual Operating Plans. DNRED assesses Crown licensees’ performance and compliance. Licensee performance is assessed using measurable indicators, and if non-compliance is found during field checks, a Compliance Action Plan can be required.</p> <p>Crown license thresholds are developed and agreed upon through a consultative process between industry and DNRED and are found in the License Performance Criteria, Schedule G of the FMA. There are five KPIs in Schedule G associated with terrestrial biodiversity— old forest communities, protected natural areas, old forest wildlife habitats, deer wintering areas and site-specific habitats. DNRED checks compliance with criteria, rules and regulations outlined in the FMM, which includes compliance with BMPs.</p> <p><u>Industrial Private Land & Private Woodlots</u></p> <p>On industrial private land and private woodlots, owners are responsible for the oversight of operations. As of March 2024, there is no publicly available information describing an oversight framework to manage or maintain soil quality on industrial private land and private woodlots. Specific to biodiversity values, owners of industrial private land and private woodlots are responsible for the oversight of operations. As of March 2024, there is no publicly available information describing an oversight and/or monitoring framework for landscape- level and stand-level biodiversity values on industrial private land and private woodlots.</p>
<p><i>Sources</i></p>	<p><u>Soil Quality</u></p> <ul style="list-style-type: none"> • Crown Lands and Forests Act • Forest Management Manual for New Brunswick Crown Lands Results-Based Forestry Option (August 2014) • Clean Water Act <p><u>Biodiversity</u></p> <ul style="list-style-type: none"> • See listing above in Step 1 Sources for Crown license, industrial private land and private woodlots.
<p><i>Is the enforcement and monitoring ensured for the identified law(s)?</i></p>	<p><u>Soil Quality</u></p> <ul style="list-style-type: none"> ✓ Yes – Sub-scopes: Crown License ✓ No, Level B route is required for Sub-scope: Industrial Private Land & Private Woodlots <p><u>Biodiversity</u></p> <ul style="list-style-type: none"> ✓ Yes – Sub-scopes: Crown License ✓ No, Level B route is required for Sub-scope: Industrial Private Land & Private Woodlots

Step 3: Evaluation of the effectiveness of the legal framework on the legality of timber harvesting

<p><i>Evaluation of the practical implementation of the law(s) and explanation for the evaluation</i></p>	<p><u>Soil Quality & Biodiversity Crown License</u></p> <p>There is a comprehensive regulatory framework governing the management and maintenance of soil quality for Crown license. There are well described operational guidelines and government programs which monitor forest management practices. Inspection results verify Crown license holders are complying with practice requirements related to soils. Based on evidence reviewed, the legal framework is effective for soil conservation on Crown License in New Brunswick. Specific to biodiversity values, the Crown licensees’ FMP, and subsequent operational plans are the primary implementation mechanism of legislation related the management and maintenance</p>
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	<p>of biodiversity values. In evaluating implementation mechanisms there are sections where FMP guidance is to “retain” or “maintain” or “recruit” specific elements without specific targets set in legislation or strategic level guidance. Without legislative direction or government guidance (i.e. target area, percent target or minimum requirements), there is uncertainty about the sufficiency/uniformity of implementation vis-a-vis maintenance and enhancement of biodiversity values across diverse Crown licenses. Government programs provide oversight and monitor regulatory planning and practices for biodiversity values. There is no indication of widespread or systemic legal non-compliance. However, government oversight is focused on legal compliance with legislation for biodiversity values but not on sufficiency relative to the maintenance and enhancement of biodiversity values. This reinforces uncertainty with respect to sufficiency/uniformity of implementation across diverse Crown licenses.</p> <p>The New Brunswick Government and other organisations have, and continue to, assess the maintenance and enhancement of landscape-level and stand-level biodiversity values. There are many assessments and reports covering different spatial and temporal scales. The results of this data, assessments, and reports are wide and varied, making it difficult to provide a definitive conclusion. Based on the extensive results, this risk assessment is unable to draw a sufficiency conclusion on the maintenance or enhancement of specific biodiversity values.</p> <p>This risk assessment does identify areas of uncertainty. In the evaluation of Crown land, the most evident areas of uncertainty for the maintenance of biodiversity values are related the following:</p> <ul style="list-style-type: none"> • SAR recovery plans and critical habitat for identified species-at-risk are at various stages of completion; • RTE ecosystems are not recognised at the stand level; and • Derivation of FMP/license-level old forest targets, no guidance on minimum protection levels or expected contribution to provincial ecoregion targets, decision negotiated with tenure holder, only total area reported not by ecoregion or proportion of available old forest. Based on evidence reviewed, the legal framework is not effective for biodiversity for Crown License in New Brunswick. <p><u>Industrial Private Land & Private Woodlots</u></p> <p>Due to a lack of a regulatory framework, evidence to support implementation mechanisms, a monitoring framework and/or results of current condition of soil quality or for biodiversity, a precautionary approach is applied. Based on the lack of evidence, the legal framework is not effective for private woodlots in New Brunswick.</p>
<p><i>Sources</i></p>	<p><u>Soil Quality</u></p> <ul style="list-style-type: none"> • Crown Lands and Forests Act • Forest Management Manual for New Brunswick Crown Lands Results-Based Forestry Option (August 2014) • Clean Water Act <p><u>Biodiversity</u></p> <ul style="list-style-type: none"> • See listing above in Step 1 Sources for Crown license, industrial private land and private woodlots.
<p><i>Is the legal framework effective?</i></p>	<p><u>Soil Quality</u></p> <ul style="list-style-type: none"> ✓ Yes – Sub-scopes: Crown License ✓ No, Level B route is required for Sub-scope: Industrial Private Land & Private Woodlots <p><u>Biodiversity</u></p> <ul style="list-style-type: none"> • Yes ✓ No, Level B route is required for Sub-scope: Crown License, Industrial Private Land & Private Woodlots

(v) That harvesting maintains or improves the long-term production capacity of the forest

Step 1: Identification of applicable laws

<i>Have the applicable law(s) been identified?</i>	<p>✓ Yes – Sub-scopes: Crown License</p> <p>✓ No, Level B route is required for Sub-scope: Industrial Private Land & Private Woodlots</p>
<i>List of applicable law(s)</i>	<p><u>Crown License</u></p> <ul style="list-style-type: none"> • Crown Lands and Forests Act (CLFA) <p><u>Industrial Private Land & Private Woodlots</u></p> <p>There is no regulatory framework that requires the determination and maintenance of long-term sustainable harvest levels on industrial private land and private woodlots.</p>
<i>Sources</i>	<ul style="list-style-type: none"> • Crown Lands and Forests Act • Forest Management Manual for New Brunswick Crown Lands Results-Based Forestry Option (August 2014)

Step 2: Description of enforcement and monitoring

<i>Description of the practical implementation of the law(s)</i>	<p><u>Crown License</u></p> <p>DNRED is responsible for reviewing and approving FMPs on Crown license and ensuring the FMM is being followed. When DNRED reviews Crown license FMPs, the AACs are examined to ensure consistency with government direction. As per the CLFA, DNRED is required to assess the performance of each licensee every five years, after an FMP term has concluded. The ratio of the actual harvest to the allowable volume for both softwood and hardwood during the five-year term of the FMA is assessed. DNRED conducts audits of operations on Crown license and compiles GIS information on treated parcels for inclusion in the forest inventory. Audit scheduling occurs based on a combination of DNRED’s assessment of risk and opportunity to inspect an operation. These audits include assessments of whether the licensee is following the FMP and ensuring future wood supply based on current practices.</p> <p><u>Industrial Private Land</u></p> <p>On industrial private land, oversight of forest management and actual harvest is managed by the landowner. As of March 2024, there is no publicly available information describing an oversight framework for long-term sustainable harvest levels.</p> <p><u>Private Woodlots</u></p> <p>On private woodlots, the AAC is estimated but it is not used in management planning nor is it enforceable. The New Brunswick Forest Products Commission Annual Reports include activities and key performance indicators Reporting is provided for each Marketing Board area. AAC, harvest levels and silviculture completed to support harvest levels is one such measure.</p>
<i>Sources</i>	<ul style="list-style-type: none"> • 2012-2021 Forest Management Plan for License 5 (Kent). Submitted November 3, 2014. • 2012-2021 Forest Management Plan for License 9, Submitted November 2014. • 2012-2021 Forest Management Plan for License 9, Submitted November 2014. • A Strategy for Crown Lands Forest Management, 2014. • Auditor General of New Brunswick. 2015 Auditor General's Report - Volume I, II, III & IV • Crown Land Forest Biomass Harvesting Policy (2008) • Crown Lands and Forests Act • Department of Natural Resources and Energy Development Annual Reports • Forest Management Manual for New Brunswick Crown Lands Results-Based Forestry Option • New Brunswick Forest Products Commission Annual Reports • New Brunswick Forest Products Commission Timber Utilization Reports, 2021/22, 2022/23 • New Brunswick Task Force on Forest Diversity and Wood Supply • Our Forests are for Everyone: A Long-Term Management Strategy for Healthy & Sustainable Forests. 2023 • The Public Forest, 2008 State of the Forest Report

Annex 6 REDII Level A risk assessment

<i>Is the enforcement and monitoring ensured for the identified law(s)?</i>	<ul style="list-style-type: none"> ✓ Yes – Sub-scopes: Crown License & Private Woodlots ✓ No, Level B route is required for Sub-scope: Industrial Private Land
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Step 3: Evaluation of the effectiveness of the legal framework on the legality of timber harvesting

<i>Evaluation of the practical implementation of the law(s) and explanation for the evaluation</i>	<p><u>Crown License</u> FMP development entails a rigorous modelling and testing of various forest management scenarios, consistent with the FMM. The FMP produced is based on a scenario that incorporates a long-term sustainable harvest level, which becomes the AAC. DNRED provides oversight of the process, the AAC and the actual harvest throughout the term of the FMP. The most recent planning term (2007-2012) for which data were publicly available verified that actual harvest levels were below the AACs. It is primarily the level of DNRED oversight in plan development and the steady harvest level between 2003 and 2022 that leads to the conclusion that this Indicator is low risk on Crown license in New Brunswick. Based on evidence reviewed, the legal framework is effective for Crown License in New Brunswick.</p> <p><u>Industrial Private Land</u> Due to a lack of a regulatory framework, evidence to support implementation mechanisms, a monitoring framework and/or results of current condition of harvest levels, a precautionary approach is applied. Based on evidence reviewed, the legal framework is not effective for industrial private land in New Brunswick.</p> <p><u>Private Woodlots</u> On private woodlots, the AACs were last established in 2012, with the methodology questioned by the Auditor General. The pending update to AAC is not completed or available. However, the actual harvest levels have been less than either the combined 70% or maximum AACs for the past decade. Based on evidence reviewed, the legal framework is effective for private woodlots in New Brunswick.</p>
<i>Sources</i>	<ul style="list-style-type: none"> • 2012-2021 Forest Management Plan for License 5 (Kent). Submitted November 3, 2014. • 2012-2021 Forest Management Plan for License 9, Submitted November 2014. • 2012-2021 Forest Management Plan for License 9, Submitted November 2014. • A Strategy for Crown Lands Forest Management, 2014. • Auditor General of New Brunswick. 2015 Auditor General's Report - Volume I, II, III & IV • Crown Land Forest Biomass Harvesting Policy (2008) • Crown Lands and Forests Act • Department of Natural Resources and Energy Development Annual Reports • Forest Management Manual for New Brunswick Crown Lands Results-Based Forestry Option • New Brunswick Forest Products Commission Annual Reports • New Brunswick Forest Products Commission Timber Utilization Reports, 2021/22, 2022/23 • New Brunswick Task Force on Forest Diversity and Wood Supply • Our Forests are for Everyone: A Long-Term Management Strategy for Healthy & Sustainable Forests. 2023 • The Public Forest, 2008 State of the Forest Report
<i>Is the legal framework effective?</i>	<ul style="list-style-type: none"> ✓ Yes – Sub-scopes: Crown License & Private Woodlots ✓ No, Level B route is required for Sub-scope: Industrial Private Land

Annex 6 REDII Level A risk assessment

LULUCF criteria 29(7)	
<i>Paris Agreement ratified?</i>	✓ Yes • No
<i>Submission of a relevant NDC</i>	✓ Yes • No
<i>Sources</i>	<ul style="list-style-type: none"> – Paris Agreement: UNFCCC’s party information about Canada – https://unfccc.int/node/61034 – Paris Agreement: United Nations Treaty Collection – Canada 22 Apr 2016 – https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXVII-7-d&chapter=27&clang=en – NDC Registry: Canada – https://unfccc.int/NDCREG – Canada’s 2021 Nationally Determined Contribution Under The Paris Agreement – https://unfccc.int/sites/default/files/NDC/2022-06/Canada%27s%20Enhanced%20NDC%20Submission1_FINAL%20EN.pdf
<i>Brief description of how agriculture, forestry and land use are accounted for in NDC</i>	<p>'Canada estimates the emissions and subsequent removals from natural disturbances on managed forest land in the LULUCF sector according to a Tier 3 country-specific method. Reported estimates for the net GHG emissions from managed forest land exclude the impacts (both emissions and subsequent removals) of non-anthropogenic natural disturbances (e.g., wildfires, windthrow and those insect infestations that cause significant (>20%) tree mortality). For more information, see Canada’s NIR.'</p> <p>'For the purpose of Canada’s NDC, Canada’s 2030 emissions will be its national total net emissions, including LULUCF. For all LULUCF sub-sectors except the managed forest and associated harvested wood products, Canada’s accounting approach compares net emissions in 2030 with net emissions in 2005 (often referred to as a “net-net” approach) to determine the accounting contribution to Canada’s 2030. or more information on LULUCF accounting, see Canada’s latest Biennial Report.'</p> <p>Canada considers the Paris Agreement to be in line with achieving the objective of the Convention as set out in its Article 2. Canada’s enhanced NDC is consistent with the Paris Agreement and its long-term temperature goal. See 6(a) and 6(b) for more information. Canada’s GHG emissions peaked in 2007 and are projected to be on downward trajectory. Canada’s enhanced NDC is line with Canada’s 2050 net-zero emissions target. See 6(a) and 6(b) for more information.</p>

OR (this option below must be used if the previous point about NDC is not satisfied)

The origin country has national or sub-national laws in place, in accordance with Article 5 of the Paris Agreement, applicable in the area of harvest, to conserve and enhance carbon stocks and sinks, and providing evidence that reported LULUCF-sector emissions do not exceed removals

Step 1: Identification of applicable laws

<i>Have the applicable law(s) been identified?</i>	• Yes • No, Level B route is required
<i>List of applicable law(s)</i>	
<i>Sources</i>	

Annex 6 REDII Level A risk assessment

Step 2: Description of enforcement and monitoring

<i>Description of the practical implementation of the law(s)</i>	
<i>Sources</i>	
<i>Is the enforcement and monitoring ensured for the identified law(s)?</i>	• Yes • No, Level B route is required

Step 3: Evaluation of the effectiveness of the legal framework on the legality of timber harvesting

<i>Evaluation of the practical implementation of the law(s) and explanation for the evaluation</i>	
<i>Sources</i>	
<i>Is the legal framework effective?</i>	• Yes • No, Level B route is required