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Laws and Regulations

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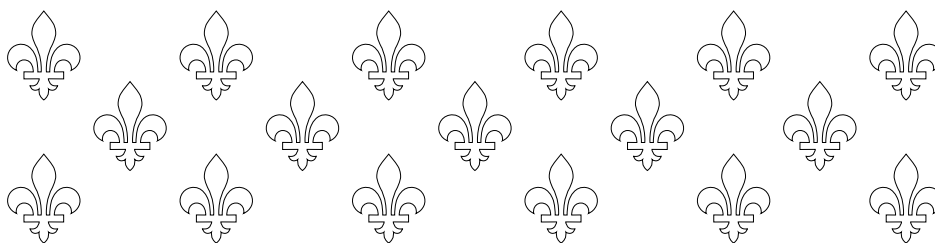
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NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 212

(Private)

**An Act respecting Ville de
Brownsburg-Chatham, Ville de Lachute
and Municipalité de Wentworth-Nord**

Introduced 13 May 2004

Passage in principle 17 June 2004

Passage 17 June 2004

Assented to 23 June 2004

**Québec Official Publisher
2004**

Bill 212

(Private)

AN ACT RESPECTING VILLE DE BROWNSBURG-CHATHAM, VILLE DE LACHUTE AND MUNICIPALITÉ DE WENTWORTH-NORD

AS it is in the interest of Ville de Brownsburg-Chatham, Ville de Lachute and Municipalité de Wentworth-Nord that certain powers be granted to them, in particular to allow them to consolidate land;

As Ville de Brownsburg-Chatham considers it necessary to make certain amendments to Order in Council 1112-99 dated 29 September 1999;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The word “municipality”, wherever it is used in this Act, refers to Ville de Brownsburg-Chatham, Ville de Lachute and Municipalité de Wentworth-Nord.

The expression “sector described in the schedule”, wherever it is used, refers to a sector described in Schedule A for Ville de Brownsburg-Chatham, Schedule B for Ville de Lachute and Schedule C for Municipalité de Wentworth-Nord.

2. The municipality may, in a sector described in the schedule, be declared the owner of an immovable on which municipal taxes have not been paid for three consecutive years.

The municipality may also, in a sector described in the schedule, be declared the owner of an immovable which is not entered on the assessment roll or is exempt from property tax and is identified as or considered by the court to be a future thoroughfare.

3. The application is made by a motion presented before the Superior Court sitting in the district in which the immovable is situated. The motion may concern more than one immovable belonging to different owners.

The motion may be granted only after publication of a notice in a newspaper in the territory of the municipality requesting all persons who may have rights respecting the immovables to appear in court within 60 days in order to claim an indemnity equal to the value of their rights, after the deduction of an amount sufficient to pay all outstanding municipal and school taxes, any accrued interest and the costs pertaining to the motion, including publication

costs. The indemnity claimed may not exceed the actual value of the immovable before the deduction, on the date of coming into force of this Act.

The publication of the notice replaces service. The notice must indicate that it is given under this Act.

The description of the immovables concerned that are parts of a lot is deemed to be sufficient if it mentions the lot number and the approximate area of the part of the lot concerned as well as the name of its owner.

If the judgment grants the motion, it orders the registrar to enter the judgment in the land register of the immovables so described to stand in lieu of title for the municipality even if the description of the immovables does not comply with the rules of the Civil Code of Québec in the matter.

No appeal lies from the judgment rendered on the motion.

4. The municipality becomes the owner of the immovables in respect of which publication of the judgment declaring ownership is effected at the registry office, and no claim in respect of the immovables may be made at a later time. The publication gives title to the municipality, the validity of which cannot be contested for any reason. The real rights that may affect the immovables concerned, including prior claims, hypothecs, resolute clauses or clauses granting rights of cancellation, and servitudes other than public servitudes are extinguished.

The municipality may draw up a list of the real rights, other than public servitudes, that encumber the immovables described in the judgment declaring ownership, that have been published, and that are extinguished under this section and, on an application to that effect, the registrar cancels the registration of those rights.

5. To consolidate land or to reconstitute the original lots in a sector described in the schedule that is situated in an agricultural zone established by an order under the Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., chapter P-41.1) and on which the municipality wishes to promote, ensure or maintain agricultural operations, the municipality may

- (1) acquire an immovable by agreement or by expropriation;
- (2) hold and manage the immovable;
- (3) carry out the required development, restoration, demolition or clearing work on the immovable;
- (4) transfer or lease the immovable; and
- (5) exchange an immovable it owns in its territory for another immovable it wishes to acquire, if their value is comparable. If the municipality considers

that an unconditional exchange would not be appropriate, it may also offer as consideration an amount of money in lieu of or in addition to an immovable.

In order to consolidate land in a sector described in the schedule that is not situated in such an agricultural zone, the municipality may exercise the powers listed in the first paragraph, mainly to facilitate, ensure or maintain logging operations.

6. Acquisitions by agreement or expropriation, exchanges provided for in the first paragraph of section 5 and transfers referred to in section 28 do not constitute an alienation within the meaning assigned to that term in the definition in section 1 of the Act respecting the preservation of agricultural land and agricultural activities.

7. An offer of exchange is made by service on the owner of a notice to that effect, accompanied by the text of sections 5 to 23 and 29 of this Act. Section 40.1 of the Expropriation Act (R.S.Q., chapter E-24) applies to the service of the notice. The notice is then published at the registry office.

The notice must also be published in the *Gazette officielle du Québec* at least 10 days before being served on the owner.

The notice must indicate that it is given under this Act and contain, in particular, the following information:

- (1) a description of the immovable that the municipality wishes to acquire;
- (2) the name of the owner of the immovable;
- (3) a description of the immovable offered as consideration; and
- (4) the time limit for filing an objection with the municipality.

In the case provided for in subparagraph 5 of the first paragraph of section 5, the notice must mention the sum of money, if any, offered by the municipality as consideration.

8. Within 60 days of the date of being served the notice referred to in section 7, the owner of the immovable that the municipality wishes to acquire may file with the municipality a substantiated objection, in writing, to the consideration offered. Holders of real rights in the immovable and, in particular, holders of claims secured by a prior claim or hypothec on the immovable have the same right within that time.

In addition, every owner, lessee or occupant of an immovable upon which there is a servitude other than a public servitude may, within the same time, file a substantiated objection with the municipality, in writing, for the purpose of claiming an indemnity.

No objection may be filed after the expiry of that time.

At the expiry of the time provided for in the first paragraph, if no objection to the consideration offered has been filed, the municipality makes the exchange with the owners of the immovables.

9. If, within the time mentioned in section 8, the owner of the immovable that the municipality wishes to acquire or the holder of a real right in the immovable, other than a servitude, files a substantiated objection in writing, the municipality may enter into an agreement on the exchange with that person.

As well, if the owner, lessee or occupant of an immovable the municipality wishes to acquire, upon which there is a servitude other than a public servitude, files a substantiated objection in writing, the municipality may enter into an agreement on the indemnity with that person.

Any agreement entered into must be evidenced in writing. After payment or deposit with the Superior Court of any sum of money agreed upon, the municipality makes the exchange.

10. Failing agreement within 30 days after the expiry of the time for filing a notice of objection, the owner of the immovable that the municipality wishes to acquire or the holder of a real right in the immovable, other than a servitude, may, within 15 days after the expiry of the 30-day period, by a motion served on the municipality, apply to the Administrative Tribunal of Québec to have the Tribunal determine fair consideration for the exchange.

Within that 15-day period, the owner, lessee or occupant of an immovable the municipality wishes to acquire upon which there is a servitude other than a public servitude may apply to the Administrative Tribunal of Québec to have the Tribunal determine the amount of the indemnity resulting from the extinction of the servitude.

If, at the expiry of the 15-day period provided for in the first paragraph, no application has been made to the Administrative Tribunal of Québec in relation to the consideration, the municipality may make the exchange as proposed.

11. When a person makes an application under section 10, the Administrative Tribunal of Québec hears the parties and determines the consideration or the indemnity payable to that person.

The consideration giving effect to an application made under the first paragraph of section 10 may consist, in whole or in part, of an immovable.

The indemnity giving effect to an application made under the second paragraph of section 10 may consist only of a sum of money.

Following the decision of the Administrative Tribunal of Québec and, if applicable, the payment of the sum determined or its deposit with the Superior Court, the municipality makes the exchange.

12. Sections 40.1, 48 and 58 of the Expropriation Act apply to the proceedings, with the necessary modifications.

13. The ownership of an immovable described in a notice under section 7 is transferred by the publication of a notice of the transfer at the registry office. The notice of transfer contains the description of the immovable referred to and a reference to the notice served under section 7, indicating its publication number at the registry office.

The real rights in the immovable acquired by the municipality, other than the servitudes, are transferred to the immovable transferred as consideration.

Public servitudes continue to encumber the immovable acquired by the municipality, but the other servitudes are extinguished.

14. The municipality sends the owner with whom an exchange has been made a certified true copy of or extract from the notice referred to in section 13 that concerns the owner. The document must mention the number under which the notice was published at the registry office and is valid as a title of ownership.

15. As of the transfer of the right of ownership resulting from an exchange, the immovables affected by the exchange are subject only to the rights and actions which the new owner may exercise.

16. Registration of the real rights that affected the immovable acquired by the municipality and that may be transferred to the immovable transferred as consideration under section 13 must be carried over to the immovable by a notice published at the registry office within six months of the transfer of ownership.

At the expiry of the six months, any rights that have been registered but not carried over are extinguished and any notice of carrying over consequent to a requisition presented more than six months after the transfer of ownership is without effect.

The prior claims and hypothecs that have been registered and carried over to the immovable transferred as consideration retain the initial order they had on the immovable acquired by the municipality.

17. Upon publication of a notice referred to in section 13, the municipality sends the holders of real rights in the immovable acquired by the municipality, including claims secured by a prior claim or hypothec on the immovable but excluding servitudes, a notice, by registered mail, advising them to carry over to the immovable transferred as consideration by the municipality the registration of the real rights in respect of which they appear as holders, within six months after the transfer of ownership.

18. The second paragraph of section 4 applies, with the necessary modifications, to the notice of transfer referred to in section 13.

The cancellation of the registration of real rights other than servitudes does not prevent the application of section 16.

19. The Act respecting duties on transfers of immovables (R.S.Q., chapter D-15.1) does not apply to the transfer of an immovable under section 5.

20. The Act respecting the acquisition of farm land by non-residents (R.S.Q., chapter A-4.1) does not apply to an immovable exchanged in accordance with the first paragraph of section 5.

21. This Act does not operate to limit or prevent the application of all or any of the provisions of a fiscal law within the meaning of section 1 of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31).

22. This Act does not apply to an immovable real right published under an Act, regulation, order in council, order, agreement or arrangement administered by the Minister of Revenue.

23. The municipality may withdraw wholly or partially from a measure taken for the purpose of exchanging an immovable to which this Act applies, before publication of the notice referred to in section 13.

Damages granted following withdrawal may not exceed the value of the immovable entered on the assessment roll in force on the date on which the notice under section 7 is sent, multiplied by the factor established for the roll under the Act respecting municipal taxation (R.S.Q., chapter F-2.1).

24. In addition to any property tax that it may impose and levy on land situated in a sector described in the schedule, the municipality may, by by-law, impose and levy annually on that land a surtax that may be equal to the total property taxes that the municipality may impose and levy on that land for the fiscal year concerned.

The by-law may set a minimum amount for the surtax, which may not exceed \$100. It may also indicate the categories of land subject to the surtax and impose a surtax whose rate may vary according to the category.

25. The following lands are not subject to the surtax provided for in section 24:

(1) land on which there is a building whose property value exceeds 25% of the property value of the land, according to the assessment roll in force;

(2) land owned by a railway undertaking and on which there is a railway track;

(3) land used for overhead electric powerlines;

(4) land forming part of an agricultural operation registered in accordance with a regulation made under section 36.15 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (R.S.Q., chapter M-14); and

(5) land that may be used for purposes other than agriculture under an authorization of the Commission de protection du territoire agricole du Québec or that benefits from acquired rights within the meaning of Chapter VII of the Act to preserve agricultural land and agricultural activities.

26. The municipality must, by by-law, create a financial reserve for the benefit of a sector described in the schedule for the purpose of financing the consolidation of land, and allocate to that reserve the revenue from the surtax imposed under section 24.

The sums from the reserve may be used solely to further, in the sectors described in the schedules, the consolidation, the acquisition by agreement or by expropriation, the exchange, the transfer and, in an agricultural zone established by an order under the Act respecting the preservation of agricultural land and agricultural activities, the reconversion of land for agricultural purposes.

The by-law must set out, in particular, the length of time the reserve will exist and the allocation of the amount, if any, by which the income of the reserve exceeds its expenditures. If there is no such provision, any excess amount is paid into the general fund.

27. When, under this Act, the municipality becomes the owner of immovables that are sufficient to be used for genuine and sustained agricultural purposes, in a sector described in the schedule and situated in an agricultural zone established by an order under the Act respecting the preservation of agricultural land and agricultural activities, it submits a plan to the Minister of Natural Resources, Wildlife and Parks entailing the striking out or replacement of the numbers of the lots it owns in accordance with article 3043 of the Civil Code of Québec.

Every operation carried out under the first paragraph of this section must be authorized by the Minister of Agriculture, Fisheries and Food after the opinion of the Commission de protection du territoire agricole du Québec has been obtained.

28. Within two years following the authorization required under section 27, the municipality must offer for sale, at its actual value, the lot concerned by the cadastral amendment so that it may be used for agricultural purposes, and must so advise the Minister of Agriculture, Fisheries and Food and the Fédération régionale de l'Union des producteurs agricoles.

If the municipality fails to find a purchaser for a lot at its actual value within the required time, it must so advise the Minister of Agriculture, Fisheries and Food, who may grant an extension for the selling of the lot or, at the request of the council, authorize the municipality to retain it permanently.

The municipality may, with respect to an immovable it is authorized to retain, carry out development, restoration, demolition or clearing work, or operate or lease it.

29. The title the municipality obtains under this Act to immovables situated in the sectors described in the schedules may not be contested.

30. The municipality may enter into an agreement with a non-profit organization, entrusting it with the administration, management and operation of an immovable acquired under this Act, and lend the organization money for those purposes. The municipality may also use the money from the financial reserve created under section 26 to finance the activities of that organization.

31. Section 20 of Order in Council 1112-99 dated 29 September 1999 constituting Ville de Brownsburg-Chatham is amended by replacing “five” in the first line by “eight”.

32. This Act does not affect any case pending immediately before the coming into force of the Act.

33. This Act comes into force on 23 June 2004.

SCHEDULE A

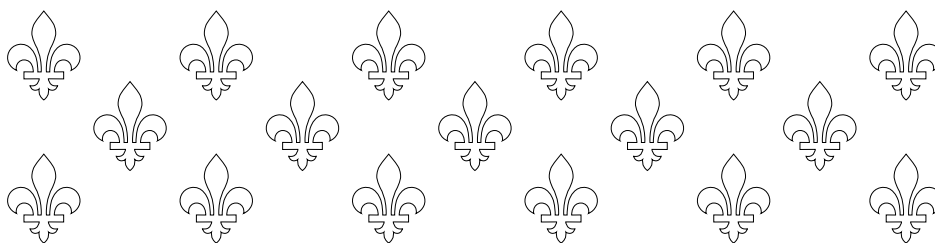
The sectors of the territory of Ville de Brownsburg-Chatham comprising lots 534, 792, 793, 892, 940 to 946, 972 to 976, 981 to 988, 997 to 999, 1014 to 1019, 1033, 1034, 1035 and 1053 to 1058 of the cadastre of Canton de Chatham, registration division of Argenteuil, their subdivisions, their replacements, any cadastral amendments and their parts, present or future.

SCHEDULE B

The sectors of the territory of Ville de Lachute comprising lots 1794, 1860, 1879, 1880, 1894, 1966, 1967 and 1968 of the cadastre of Paroisse de Saint-Jérusalem, registration division of Argenteuil, their subdivisions, their replacements, any cadastral amendments and their parts, present or future.

SCHEDULE C

The sectors of the territory of Municipalité de Wentworth-Nord comprising lots 23B, 24, 28A and 28B of Range 1; 8, 9A and 9B of Range 9; 8, 9, 10, 11A, 11B and 12A of Range 10; and 7, excluding the parts and subdivisions in which the State holds ownership rights, 8, 9, 10 and 11 of Range 11 of the cadastre of Canton de Wentworth, registration division of Argenteuil, their subdivisions, their replacements, any cadastral amendments and their parts, present or future.



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 213

(Private)

An Act respecting Municipalité régionale de comté d'Arthabaska

Introduced 13 May 2004

Passage in principle 17 June 2004

Passage 17 June 2004

Assented to 23 June 2004

**Québec Official Publisher
2004**

Bill 213

(Private)

AN ACT RESPECTING MUNICIPALITÉ RÉGIONALE DE COMTÉ D'ARTHABASKA

AS it is in the interest of the regional county municipality known as “Municipalité régionale de comté d’Arthabaska” that it be granted certain powers;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The regional county municipality known as “Municipalité régionale de comté d’Arthabaska” may act as a founder of a company under section 123.9 of the Companies Act (R.S.Q., chapter C-38).

The articles of incorporation of the company, as well as its articles of amendment, if any, must be submitted for approval to the Minister of Municipal Affairs, Sports and Recreation; once approved, they are filed by the Minister with the enterprise registrar, under section 123.11 or 123.104 of the said Act.

2. The regional county municipality must issue a call for tenders to select as co-founder a person operating an enterprise in the private sector.

The call for tenders must invite persons operating an enterprise in the private sector to submit their expertise and main achievements in the provision of goods and services relating to residual materials management and indicate which installations for the treatment and disposal of residual materials the person intends to set up in the territory of the regional county municipality to attain the objective stated in the call for tenders.

The call for tenders must be published by means of an electronic tendering system accessible to contractors having an establishment in Québec and to contractors having an establishment in a province or territory covered by an intergovernmental trade liberalization agreement applicable to the regional county municipality and in a newspaper in the territory of the regional county municipality.

3. The activities of the company referred to in section 1 are restricted to carrying out the agreement referred to in section 7.

In no case may the company make a public distribution of shares.

4. The company referred to in section 1 is considered to be a legal person established for a private interest.

5. The by-laws passed by the company referred to in section 1 under section 91, 92 or 93 of the Companies Act, as well as any shareholders' agreement, must be approved by the Minister of Municipal Affairs, Sports and Recreation.

6. Members of the council of the regional county municipality must be in the majority at all times on the board of directors of the company referred to in section 1 and only they are qualified to serve as chair. The regional county municipality may hold shares in the company; it must at all times hold the majority of voting shares.

7. The regional county municipality may, with the authorization of the Minister of Municipal Affairs, Sports and Recreation, enter into an agreement with the company referred to in section 1 relating to the exercise of its jurisdiction over residual materials management.

8. The agreement referred to in section 7 must include

- (1) a detailed description of its object;
- (2) the obligations of the parties, including the obligations relating to their financial participation;
- (3) the procedure for determining the cost of carrying out the agreement;
- (4) the obligations of the parties in case of total or partial non-execution of the agreement;
- (5) the duration of the agreement and, where applicable, the conditions for its renewal.

9. The company must, before 1 October each year, transmit to the regional county municipality an estimate of the costs relating to the implementation of the agreement and the financial participation required from the regional county municipality for that purpose for its next fiscal year.

Moreover, for each of the five fiscal years following the year of its incorporation, the company must send in good time to the Minister of Municipal Affairs, Sports and Recreation its budget estimates, its financial statements and any other information pertaining to its financial situation requested by the Minister.

10. Despite section 4, the company referred to in section 1 is a public body for the purposes of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1).

11. The company must take out insurance, and maintain it in force, to cover the liability of its directors, officers and other representatives.

12. Any member of the council of the regional county municipality who, during a term of office as council member, directly or indirectly acquires or holds shares issued by the company referred to in section 1 or by any of its subsidiaries, or has a direct or indirect interest in a contract with any of those companies is disqualified from holding the office of member of the council of any municipality.

The disqualification persists until the expiry of a period of five years after the day on which the judgment declaring the person disqualified becomes *res judicata*.

The declaration of disqualification may be sought by means of an action for declaration of disqualification under sections 308 to 312 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2).

13. Section 12 does not apply in the cases described in paragraphs 1 and 2.1 to 9 of section 305 of the Act respecting elections and referendums in municipalities.

14. Any person who directly or indirectly acquires or holds shares issued by the company referred to in section 1 or by any of its subsidiaries, or has a direct or indirect interest in a contract with any of those companies is disqualified from holding a position as an officer or employee of the regional county municipality other than that of an employee within the meaning of the Labour Code (R.S.Q., chapter C-27).

15. The company may not acquire shares in another company or acquire an interest in a partnership unless the activities of that company or partnership are limited to residual materials management or a related field. No such shares or interest may be acquired without the authorization of the regional county municipality.

16. With the authorization of the Minister of Municipal Affairs, Sports and Recreation, the regional county municipality may stand surety for the company referred to in section 1 up to the value of the shares it holds in the company.

Before granting authorization, the Minister may order the regional county municipality to submit the resolution or by-law authorizing the suretyship for their approval to the qualified voters in the local municipalities whose territories are subject to the jurisdiction of the regional county municipality in the field of residual materials management under articles 678.0.2.1 to 678.0.2.7 and 678.0.2.9 of the Municipal Code of Québec (R.S.Q., chapter C-27.1).

The Act respecting elections and referendums in municipalities, with the necessary modifications, applies to the approval referred to in the second paragraph.

17. For the purposes of this Act, the regional county municipality may acquire immovables, by agreement or expropriation, in order to transfer or lease them to the company referred to in section 1.

18. This Act applies notwithstanding the Act respecting municipal industrial immovables (R.S.Q., chapter I-0.1), the Municipal Aid Prohibition Act (R.S.Q., chapter I-15) and the Act respecting sales of municipal public utilities (R.S.Q., chapter V-4).

19. Articles 14.1 and 935 to 938.4 of the Municipal Code of Québec apply to the company referred to in section 1, except where the agreement referred to in section 7 is concerned. Articles 935 to 938.4 do not apply to a contract awarded to the person whose tender has been retained in accordance with section 2 or an associate, if a non-application provision has been provided for in the documents relating to the call for tenders.

20. The Act respecting mixed enterprise companies in the municipal sector (R.S.Q., chapter S-25.01) does not apply with respect to the company referred to in section 1.

21. This Act comes into force on 23 June 2004.

Regulations and other acts

M.O., 2004

Order number 2004-009 of the Minister of Health and Social Services dated 20 July 2004

An Act respecting bargaining units in the social affairs sector and amending the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors
(2003, c. 25)

Date of effect of sections 72 to 92 of the Act respecting bargaining units in the social affairs sector and amending the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors

WHEREAS the Act respecting bargaining units in the social affairs sector and amending the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (2003, c. 25) was assented to on 18 December 2003;

WHEREAS the Act introduces a union representation system applicable to associations of employees and institutions in the social affairs sector whose negotiation process is governed by the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., c. R-8.2);

WHEREAS, under section 71 of the Act respecting bargaining units in the social affairs sector and amending the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors, the Minister determines by order the date on which sections 72 to 92 take effect for each institution indicated by the Minister;

WHEREAS by Order of the Minister of Health and Social Services 2004-004 dated 25 February 2004, sections 72 to 92 of the Act respecting bargaining units in the social affairs sector and amending the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors have taken effect for the institutions listed in the Order;

WHEREAS it is expedient to determine the date of effect of sections 72 to 92 of the Act for certain other institutions;

THEREFORE, the Minister of Health and Social Services determines 9 August 2004 to be the date on which sections 72 to 92 of the Act respecting bargaining units in the social affairs sector and amending the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors take effect for the following institutions:

Region 01 — Bas-Saint-Laurent

Centre de réadaptation en déficience intellectuelle du Bas-Saint-Laurent

Region 03 — Capitale-Nationale

Centre hospitalier affilié universitaire de Québec

Centre hospitalier universitaire de Québec

Centre hospitalier Laval

Region 04 — Mauricie et Centre-du-Québec

Centre hospitalier régional de Trois-Rivières

Region 05 — Estrie

Centre hospitalier universitaire de Sherbrooke

Region 06 — Montréal-Centre

Hôpital du Sacré-Cœur de Montréal

The Sir Mortimer B. Davis General Jewish Hospital

CHSLD Providence Notre-Dame de Lourdes Inc.

Region 12 — Chaudière-Appalaches

Hôtel-Dieu de Lévis

Region 16 — Montérégie

Hôpital Charles Lemoyne

Québec, 20 July 2004

PHILIPPE COUILLARD,
Minister of Health and Social Services

Draft Regulations

Draft Regulation

An Act respecting collective agreement decrees
(R.S.Q., c. D-2)

Cartage – Québec — Amendments

Notice is hereby given, under section 5 of the Act respecting collective agreement decrees (R.S.Q., c. D-2), that the Minister of Labour has received a petition from the contracting parties to amend the Decree respecting the cartage industry in the Québec region (R.R.Q., 1981, c. D-2, r.7) and that, under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the “Decree to amend the Decree respecting the cartage industry in the Québec region,” the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The draft Decree concerns Part I of the Decree only – General Transport. The main purpose of the draft Decree is to update, first of all, the hourly wage rates for employees governed by that Part as well as for office clerks and, secondly, the rate per kilometre travelled by drivers, while abolishing this form of remuneration for “helper” employees. The draft Decree also aims to amend the stopover expenses which can be reimbursed when an employee must sleep away from his or her residence.

During the consultation period, the impact of the amendments sought will be clarified. According to the 2003 annual report of the Comité paritaire du camionnage de la région de Québec, the Decree governs 221 employers and 1,022 employees.

Further information may be obtained by contacting Ms. Danièle Pion, Direction des politiques, de la construction et des décrets, ministère du Travail, 200, chemin Sainte-Foy, 6^e étage, Québec (Québec) G1R 5S1, telephone: (418) 643-4198, fax: (418) 644-6969, e-mail: danièle.pion@travail.gouv.qc.ca

Any interested person with comments to make is asked to send them in writing, before the expiry of the 45-day period, to the Deputy Minister of Labour, 200, chemin Sainte-Foy, 6^e étage, Québec (Québec) G1R 5S1.

JEAN-PAUL BEAULIEU,
Deputy Minister of Labour

Decree amending the Decree respecting the cartage industry in the Québec region*

An Act respecting collective agreement decrees
(R.S.Q., c. D-2, ss. 2 and 6.1)

1. The Decree amending the Decree respecting the cartage industry in the Québec region is amended by substituting the following for sections 7.01 and 7.02:

“**7.01.** The following minimum hourly rate is effective as of (*insert here the date of coming into force of this Decree*), for each of the employment categories determined below:

* The Decree respecting the cartage industry in the Québec region (R.R.Q., 1981, c. D-2, r.7) was last amended by the Regulation made by Order in Council No. 1289-2003 dated 3 December 2003 (2003, *G.O.* 2, 3602). For previous amendments, please refer to the “Tableau des modifications et Index sommaire”, Éditeur officiel du Québec, 2004, updated to 1 March 2004.

Employment category	Hiring rate	After 3 months	After 6 months	After 12 months	After 18 months	After 24 months
(1) Helper	\$8.50	\$8.90	\$9.30	\$9.70	\$10.10	\$10.50;
(2) Labourer	\$8.50	\$8.90	\$9.30	\$9.70	\$10.10	\$10.50;
(3) Assistant-mechanic	\$10.50	\$11.00	\$11.50	\$12.00	\$12.50	\$13.00;
(4) Driver	\$10.50	\$11.00	\$11.50	\$12.00	\$12.50	\$13.00;
(5) Road-train driver	\$12.50	\$13.00	\$13.50	\$14.00	\$14.50	\$15.00;
(6) Truck driver	\$11.00	\$11.50	\$12.00	\$12.50	\$13.00	\$13.50;
(7) Tractor semi-trailer driver	\$11.50	\$12.00	\$12.50	\$13.00	\$13.50	\$14.00;
(8) Tank-truck driver	\$11.50	\$12.00	\$12.50	\$13.00	\$13.50	\$14.00;
(9) Tank-trailer driver	\$13.00	\$13.50	\$14.00	\$14.50	\$15.00	\$15.50;
(10) Float driver	\$12.00	\$12.50	\$13.00	\$13.50	\$14.00	\$14.50;
(11) Loading machinery operator	\$10.50	\$10.90	\$11.30	\$11.70	\$12.10	\$12.50;
(12) Dockman	\$8.50	\$8.90	\$9.30	\$9.70	\$10.10	\$10.50;
(13) Mechanic	\$13.50	\$14.00	\$14.50	\$15.00	\$15.50	\$16.00;
(14) Packer	\$8.50	\$8.90	\$9.30	\$9.70	\$10.10	\$10.50;
(15) Snow removal vehicle driver	\$12.50	\$13.00	\$13.50	\$14.00	\$14.50	\$15.00;
(16) Welder	\$13.50	\$14.00	\$14.50	\$15.00	\$15.50	\$16.00.

7.02. The minimum hourly rate for office clerks is the following as of (*insert here the date of coming into force of this Decree*):

Hiring rate	After 6 months	After 12 months	After 18 months	After 24 months
\$9.00	\$9.75	\$10.50	\$11.25	\$12.00.”.

2. Section 7.03 is amended:

(1) by substituting the following for paragraph 2:

“(2) a driver shall receive for each kilometre travelled, as of (*insert here the date of coming into force of this Decree*):

Hiring rate	After 6 months	After 12 months	After 18 months	After 24 months
\$0.14	\$0.15	\$0.16	\$0.17	\$0.18;”;

(2) by striking out paragraph 3.

3. Section 8.06 is amended by substituting the following for paragraphs 1 and 2:

“(1) room \$50.00;

(2) for each meal \$10.00.”.

4. This Decree comes into force on the day of its publication in the *Gazette officielle du Québec*.

Erratum

Notice

Natural Heritage Conservation Act
(R.S.Q., c. C-61.01)

Temporary protection status for various territories as proposed biodiversity reserve or proposed aquatic reserve

Gazette officielle du Québec, Part 2, 14 July 2004,
Vol. 136, No 28, page 2323.

On page 2323, the following conservation plans should
be attached to the notice.

“PROPOSED UPPER HARRICANA
AQUATIC RESERVE
(provisional name)

CONSERVATION PLAN

March 2004

1. Plan and description

1.1. Geographic location, boundaries and dimensions

The location and boundaries of the proposed Upper
Harricana aquatic reserve are shown on the map in the
Schedule.

The proposed Upper Harricana aquatic reserve is
located between 48°46' and 50°14' north latitude and
77°58' and 78°58' west longitude. Most of the proposed
aquatic reserve lies within the territory of Municipalité
de Baie-James, in the Nord-du-Québec administrative
region. The upstream part of the proposed aquatic reserve
crosses Municipalité de Saint-Dominique-du-Rosaire and
the unorganized territory of Lac-Chicobi, in Municipalité
régionale de comté d'Abitibi forming part of the Abitibi-
Témiscamingue administrative region.

The southern boundary of the proposed aquatic reserve
is situated approximately 25 km north/north-east of Ville
d'Amos.

The proposed aquatic reserve covers an area of
177.2 km². It forms a corridor that takes in a 200-metre-
wide strip of land on either bank of the Harricana river,
protecting the main bed of the river and riparian habitats
over a distance of approximately 190 kilometres. From
upstream to downstream, it extends from Obalski lake to
the proposed North Harricana river aquatic reserve. The
private lands that overlap the 200-metre strip in the
upstream section of the area are excluded from the pro-
posed aquatic reserve.

To the north-east, the proposed aquatic reserve is
bounded by the proposed Muskuchii hills biodiversity
reserve, to which temporary protection status similar to
the status of the North Harricana river aquatic reserve
was assigned for a period of 4 years beginning on
May 7, 2003.

1.2. Ecological overview

The area is in the natural province of the Abitibi and
James Bay Lowlands. From upstream to downstream, it
drains the Abitibi Plain and Turgeon River Plain natural
regions. The dominant landscape is a plain with a slight
north slope and an elevation ranging from 180 to
315 metres.

1.2.1. Representative elements

Climate : The proposed aquatic reserve is for the most
part characterized by a cold, subpolar and subhumid
continental climate, with a middle growing season. The
downstream part is characterized by a subpolar and
subhumid continental climate, with a middle growing
season. From south to north, the proposed Upper
Harricana aquatic reserve straddles the balsam-white
birch and spruce-moss bioclimatic fields.

Geology and geomorphology: The territory of the proposed aquatic reserve is part of the Superior geologic province, whose basement is Archean (over 2.5 billion years). From upstream to downstream, the Harricana river flows over a wide variety of geological formations. The basement is mainly formed of mafic to felsic volcanic rock, especially basalt, andesite and rhyolite, and gabbro. The geological base is also composed of intrusive felsic rock (granitic rock) and, less frequently, sedimentary rock (clay, siltstone and argillite). During the Quaternary, the southern part of the territory was covered by the proglacial Ojibway lake which deposited a thick layer (> 200 m) of clay and silt. The substratum in the northern half of the proposed aquatic reserve is covered by a layer of clay till of glacial origin.

Hydrography: The Harricana river is a Strahler 7 watercourse. It is one of the main watercourses in the natural province together with the Nottaway, Broadback, Rupert and Eastmain rivers. As a major watercourse, it drains an area of almost 30,000 km², 20% of which is located in the province of Ontario. Its sources are in lakes Blouin, De Montigny, Lemoine and Mourier, close to Val d'Or. It flows northward, crosses the Ontario border and empties into Hannah Bay, an indentation in the shoreline of James Bay, after a course of some 533 km. The Harricana river follows a sinuous path within the proposed aquatic reserve, in particular in its upper course.

Vegetation: In the Abitibi Plain, the Harricana river flows through forest cover of mixed and softwood stands. The dominant species are black spruce (*Picea mariana*), balsam fir (*Abies balsamea*), white birch (*Betula papyrifera*) and trembling aspen (*Populus tremuloides*). Alder groves are also established on the poorly-drained soils of the riverbanks. Further north, in the Turgeon River Plain, peat bogs and black spruce-moss stands constitute the major part of the riparian ecotones of the Harricana river.

1.2.2. Outstanding elements

The proposed aquatic reserve protects the sites of four plant species likely to be designated as threatened or vulnerable because of their restricted distribution and loss of habitat. They are the prairie aster (*Solidago ptarmicoides*), *Polygala senega*, Clinton's bulrush (*Trichophorum clintonii*) and *Salix pseudomonticola*.

The Harricana river is of exceptional cultural interest. Because of its high flow rate and low gradient, the Harricana river has always been a major transportation route within the region. First used by the Algonquin community of Abitibiwinni to access hunting territories, the river known as the "rivière aux biscuits" facilitated the establishment of forest and mining entrepreneurs and early settlers in the region at the beginning of the 20th century. Its total navigable length of some 170 km makes the Harricana river the second longest navigable river in Canada.

1.3. Occupation and main land uses

The occupations and main land uses in the proposed Upper Harricana aquatic reserve are shown on the map in the Schedule.

The proposed aquatic reserve is classified as Category III land under the James Bay and Northern Québec Agreement (JBNQA) signed in 1975 and the Act respecting the land regime in the James Bay and New Québec territories (R.S.Q., c. R-13.1) enacted in 1978. The territory of the proposed aquatic reserve lies partially within the territory covered by the environmental protection regime applicable pursuant to section 22 of the JBNQA (see Chapter II of the Environment Protection Act (R.S.Q., c. Q-2)). The territory of the proposed aquatic reserve lies within the territory covered by the hunting, fishing and trapping regime applicable pursuant to section 24 of the JBNQA (see the Act respecting hunting and fishing rights in the James Bay and New Québec territories (R.S.Q., c. D-13.1)).

The territory lies in the Nottaway beaver reserve in the north and in the Abitibi beaver reserve in the south where the Cree community of Waskaganish and the Algonquin community of Pikogan, respectively, have special rights regarding the hunting and trapping of fur-bearing animals. In the south, the proposed aquatic reserve overlaps traplines forming part of fur-bearing animal management unit (FAMU) 04.

Numerous mining titles are staked out along the Harricana river, particularly between the Coigny and Turgeon rivers. Even so, the portion of the proposed Upper Harricana aquatic reserve located to the south of Tekacaowe island (to the south of the proposed Muskuchii hills biodiversity reserve) is reserved to the State, and the northern sector is withdrawn from staking.

The territory is served by forest roads accessible from Route 109 which links Amos to Matagami. Other forest roads link Route R 1036 at Villebois to Route 109 at Authier-Nord. Three major bridges cross the river in this area (Route 109 Nord, Route Joutel and a forest road in the north of the protected area).

Two 120 kV power transmission lines (the Amos-Coigny line (line 1321) and the Joutel-Selbaie line (line 1346)) cross the proposed protected area. The right-of-way of those two power lines is withdrawn from the protected area.

Some sixty land rights have been granted within the perimeter of the proposed aquatic reserve as follows:

- 40 leases for the construction of a rough shelter in the forest;

- 12 leases for community purposes (shelter, refuge, station or stand);

- 7 leases for personal vacation purposes (cottage);

- 2 leases for diverse purposes (rights of way for trails);

- 1 lease for municipal purposes (recreational, sport and/or educational).

The economic development service AMIK-Pikogan offers one- to seven-day guided expeditions on the Harricana river under the name “Bercé par l’Harricana”. This ethno-cultural excursion, with its many rest areas, camping sites and interpretation sites, introduces participants to both the traditional and modern-day culture of the Algonquin community of Abitibiwinini.

2. Protection status

The proposed aquatic reserve safeguards one of the largest watercourses in the natural province of the Abitibi and James Bay Lowlands. It preserves the integrity of the proposed North Harricana river aquatic reserve established in February 2003 and ensures the protection of a wide range of riparian habitats.

Aquatic reserve status would allow the pursuit of the following conservation objectives:

- the conservation of a river representative of the Abitibi and James Bay Lowlands;

- the preservation of biodiversity in aquatic ecosystems and riparian ecotones;

- the acquisition of new knowledge concerning natural and cultural heritage.

3. Activities within the reserve

The activities carried on within the boundaries of the proposed Upper Harricana aquatic reserve are governed by the Natural Heritage Conservation Act (R.S.Q., c. C-61.01).

Section 3.1.2 of the conservation plan provides for the prohibition of activities in addition to those already prohibited in proposed aquatic reserves so as to ensure better protection of the aquatic environment. Mining exploration (section 3.2) is authorized, under certain conditions.

3.1. Prohibited activities

3.1.1 General prohibitions under the Act

It is important to note that under the Natural Heritage Conservation Act, the main activities prohibited in an area designated as a proposed aquatic reserve are:

- mining, and gas or petroleum development;

- forest management within the meaning of section 3 of the Forest Act (R.S.Q., c. F-4.1);

- the development of hydraulic resources and any production of energy on a commercial or industrial basis;

- any new allocation of a right to occupy land for vacation resort purposes; and

- earthwork or construction work.

3.1.2. Additional prohibitions

Any activity likely to degrade the bed, banks or littoral of the river or to otherwise affect the integrity of any body of water or watercourse within the reserve is also prohibited in the proposed Upper Harricana aquatic reserve.

3.2. Authorized mining exploration

Mining exploration, including prospecting, digging and boring, where those activities necessitate stripping, the digging of trenches, excavation or deforestation, is permitted on land reserved to the State in accordance with section 304 of the Mining Act (R.S.Q., c. M-13.1) within the proposed aquatic reserve provided the following conditions are met:

(1) the activities are prohibited within the Harricana river, on the islands in the river, and on a 50-metre-wide strip on either bank of the river. The width of this strip of land is calculated horizontally from the shoreline marked on the maps in Québec's Topographic Database (BDTQ, scale 1:20,000);

(2) the activities are permitted in the zone lying between 50 and 200 metres from either bank of the Harricana river; the activities also permitted in the bedrock provided the overlying layer of rock is at least 50 metres thick;

(3) the activities are carried on by or on behalf of a person who is authorized to carry on mining exploration, prospecting, digging and boring within the territory of the proposed ecological reserve, in accordance with the measures set out in the Mining Act (R.S.Q., c. M-13.1);

(4) the activities, where they necessitate deforestation, are carried on by or on behalf of a person who is authorized to carry on such activities in accordance with the measures set out in sections 20 and 21 of the Forest Act (R.S.Q., c. F-4.1);

(5) the activities are carried on in conformity with the applicable legislative and regulatory standards and in accordance with the following requirements:

(5.1) a person authorized to carry on exploration work must:

(a) recover all drilling muds;

(b) ensure that no petroleum products are spilled into the environment;

(c) install a lining to protect against the spill of toxic products into the environment;

(d) ensure that materials other than sediments, sludge and cuttings from the work are stored, processed or eliminated outside the proposed aquatic reserve; and

(5.2) a person authorized to carry on the activities may draw water from the Harricana river to meet pumping requirements if the distance between the drilling site and the water intake is greater than 200 metres, on the following conditions:

(a) the person must have written authorization from the Minister of the Environment;

(b) the person must install a protective lining under the pump to protect against spills of toxic products into the environment; and

(c) the person must comply with any conditions of authorization established by the Minister of the Environment with a view to minimizing impacts on the environment.

3.3. Activities governed by other statutes

All activities likely to be carried on within the boundaries of the proposed Upper Harricana aquatic reserve also remain governed by the other applicable legislative and regulatory provisions, including those that require the issue of a permit or authorization or the payment of fees. The carrying on of certain activities may also be prohibited or limited by other Acts or regulations applicable within the boundaries of the proposed aquatic reserve.

A special legal framework may, within the boundaries of the proposed aquatic reserve, govern permitted and prohibited activities in connection with:

— Archaeological research (especially the measures contained in the Cultural Property Act (R.S.Q., c. B-4));

— Development of wildlife resources (especially the measures contained in the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1) and, where applicable, the measures contained in any applicable federal legislation);

— Access (especially the measures contained in the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) and provided under the regulation concerning motor vehicle traffic in certain fragile environments made under the Environment Protection Act (R.S.Q., c. Q-2));

— Land rights (especially the measures contained in the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) and in leases issued by the Minister of Natural Resources, Wildlife and Parks).

3.4. Supervision of activities

The Minister of the Environment is responsible for the application of the Natural Heritage Conservation Act, and is therefore responsible for the proposed aquatic reserves established under that Act. The Minister will supervise and monitor the measures contained in the Act with regard to prohibited and permitted activities in protected areas.

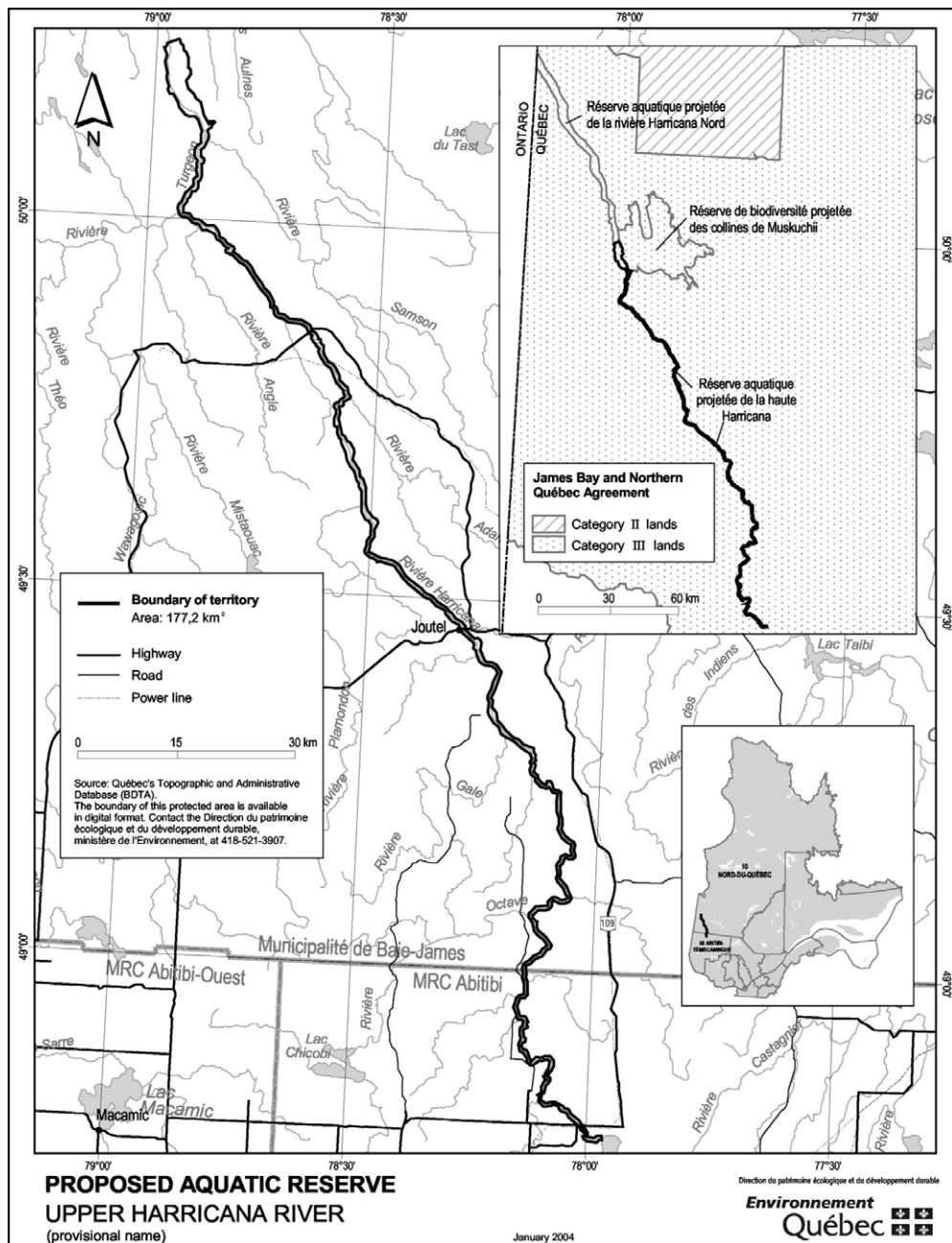
All other government departments and bodies will retain their responsibilities as set out in the legislative and regulatory texts that apply within a proposed aquatic reserve, as provided for under the Natural Heritage Conservation Act.

4. Permanent protection status

The permanent protection status envisaged for the reserve is “aquatic reserve” status under the Natural Heritage Conservation Act.

Schedule

Map of the proposed Upper Harricana aquatic reserve (provisional name)



PROPOSED TAIBI LAKE BIODIVERSITY
RESERVE
(provisional name)

CONSERVATION PLAN

March 2004

1. Plan and description

1.1. Geographic location, boundaries and dimensions

The location and boundaries of the proposed Taibi lake biodiversity reserve are shown on the map in the Schedule.

The proposed Taibi lake biodiversity reserve is located in the Nord-du-Québec administrative region, between 49°20' and 49°30' north latitude and 77°16' and 77°44' west longitude. It is located approximately 50 km north-west of Ville de Lebel-sur-Quévillon and approximately 30 km south of Ville de Matagami and forms part of Municipalité de Baie-James. The protected area covers an area of 266.1 km².

1.2. Ecological overview

The proposed biodiversity reserve is in the natural province of the Abitibi and James Bay Lowlands. It protects habitats representative of the Abitibi Plain natural region. The topography of the area is generally flat, and the elevation ranges from 260 to 300 metres.

1.2.1. Representative elements

Climate: The territory is characterized by a subpolar, subhumid continental climate with a middle growing season. It belongs to the spruce-moss bioclimatic field.

Geology and geomorphology: The territory lies within the Superior geologic province, and is underlain by an Archean basement (over 2.5 billion years). The bedrock consists mainly of felsic rock some mafic volcanic rock, covered for the most part by poorly-drained glacio-lacustrine silt deposits and organic deposits.

Hydrography: The protected area forms part of the Nottaway river watershed, which flows towards James Bay. The Bell river runs through the protected area, widening there to form Taibi lake.

Vegetation: The south-western portion of the protected area remains unaffected by major anthropogenic disturbance. It is formed of old-growth black spruce stands (*Picea mariana*) and peat bogs. The remainder of the territory is covered by virgin forest where cutting started

in 1975. The logged portions have regenerated mainly with a mixture of softwood and hardwood species. Also found is virgin forest affected by windfall that has regenerated with softwood and mixed species, and old-growth black spruce stands.

1.2.2. Outstanding elements

The proposed biodiversity reserve protects a virgin black spruce forest, a type of forest that is increasingly uncommon in the Abitibi area with the extensive forest regeneration that has taken place in the many harvested areas.

1.3. Occupation and main land uses

The occupations and main land uses in the proposed Taibi lake biodiversity reserve are shown on the map in the Schedule.

The proposed biodiversity reserve is classified as Category III land under the James Bay and Northern Québec Agreement (JBNQA) signed in 1975 and the Act respecting the land regime in the James Bay and New Québec territories (R.S.Q., c. R-13.1). The territory of the proposed reserve lies partially within the territory covered by the environmental protection regime applicable pursuant to section 22 of the JBNQA (see Chapter II of the Environment Protection Act (R.S.Q., c. Q-2)). The territory of the proposed reserve lies within the territory covered by the hunting, fishing and trapping regime applicable pursuant to section 24 of the JBNQA (see the Act respecting hunting and fishing rights in the James Bay and New Québec territories (R.S.Q., c. D-13.1)).

The entire area lies within the Abitibi beaver reserve, where the Cree community of Waswanipi and the Algonquin community of Pikogan have special rights regarding fishing, hunting and trapping, especially of fur-bearing animals.

A forest road (N800) linking Lebel-sur-Quévillon to Matagami crosses the protected area. A number of logging roads were also constructed in the past (approximately 8 kilometres).

The Bell river is host to a canoe-kayak route that crosses the area, through the Chenal de l'Ouest and along the Bell river.

Eight land rights have been granted on the territory:

- 5 leases for rough shelters; and
- 3 leases for a vacation resort.

2. Protection status

The proposed biodiversity reserve protects old-growth black spruce stands and peatlands.

Biodiversity reserve status would allow the pursuit of the following conservation objectives:

- the conservation of old-growth boreal forest;
- the preservation of biodiversity in peatland ecosystems;
- the acquisition of new knowledge concerning natural and cultural heritage.

3. Activities within the reserve

The activities carried on within the proposed Taibi lake biodiversity reserve are governed by the Natural Heritage Conservation Act (R.S.Q., c. C-61.01).

This conservation plan does not specify any prohibited activity other than those prohibited in biodiversity reserves by the Act; nor does it authorize any other activities, or set any additional constraints on the activities permitted by the Act.

3.1. Prohibited activities

It is important to note that under the Natural Heritage Conservation Act, the main activities prohibited in an area designated as a proposed biodiversity reserve are:

- mining, and gas or petroleum development;
- mining, gas or petroleum exploration, brine and underground reservoir exploration, prospecting, and digging or boring, where such activities necessitate stripping, the digging of trenches, excavation or deforestation;
- forest management activities within the meaning of section 3 of the Forest Act (R.S.Q., c. F-4.1);
- the development of hydraulic resources and any production of energy on a commercial or industrial basis;
- any new allocation of a right to occupy land for vacation resort purposes;
- earthwork or construction work.

3.2. Activities governed by other statutes

All activities likely to be carried on within the boundaries of the proposed Taibi lake biodiversity reserve also

remain governed by the other applicable legislative and regulatory provisions, including those that require the issue of a permit or authorization or the payment of fees. The carrying on of certain activities may also be prohibited or limited by other Acts or regulations applicable within the boundaries of the proposed biodiversity reserve.

A special legal framework may, within the boundaries of the proposed biodiversity reserve, govern permitted and prohibited activities in connection with:

— Archaeological research (especially the measures contained in the Cultural Property Act (R.S.Q., c. B-4));

— Development of wildlife resources (especially the measures contained in the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), the regulation concerning beaver reserves and the measures contained in the Act respecting hunting and fishing rights in the James Bay and New Québec territories (R.S.Q., c. D-13.1));

— Access (especially the measures contained in the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) and provided under the regulation concerning motor vehicle traffic in certain fragile environments made under the Environment Protection Act (R.S.Q., c. Q-2));

— Land rights (especially the measures contained in the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) and, where applicable, in leases issued by the Minister of Natural Resources, Wildlife and Parks).

3.3. Supervision of activities

The Minister of the Environment is responsible for the application of the Natural Heritage Conservation Act, and is therefore responsible for the proposed biodiversity reserves established under that Act. The Minister will supervise and monitor the measures contained in the Act with regard to prohibited and permitted activities in protected areas.

All other government departments and bodies will retain their responsibilities as set out in the legislative and regulatory texts that apply within a proposed biodiversity reserve, as provided for under the Natural Heritage Conservation Act.

4. Permanent protection status

The permanent protection status envisaged for the reserve is “biodiversity reserve” status under the Natural Heritage Conservation Act.

PROPOSED DECELLES RESERVOIR
BIODIVERSITY RESERVE
(provisional name)

CONSERVATION PLAN

March 2004

1. Plan and description

1.1. Geographic location, boundaries and dimensions

The location and boundaries of the proposed Decelles reservoir biodiversity reserve are shown on the map in the Schedule.

The proposed Decelles reservoir biodiversity reserve is located in the Abitibi-Témiscamingue administrative region, between 47°43' and 47°50' north latitude and 78°10' and 78°31' west longitude. Most of proposed biodiversity reserve lies within the territory of Municipalité de Rouyn-Noranda, in the regional county municipality of the same name. To the east, the proposed biodiversity reserve is located in Municipalité de Val-d'Or, in Municipalité régionale de comté de la Vallée-de-l'Or.

The proposed biodiversity reserve is situated to the north-west of the Decelles reservoir, approximately 30 km south-west of Val-d'Or. It covers an area of 81.2 km². To the east, the proposed biodiversity reserve borders on the Dunes-de-la-Moraine-d'Harricana ecological reserve, which covers an area of 5.3 km² along Boston bay.

At the edge of the Decelles reservoir, the boundary of the protected area coincides with the line which marks the 311-metre point above sea level. To the north, the protected area is partially bounded by power transmission line 1339 (Rapides-des-Quinze/Rapide-7 substations). The right-of-way of that power line is excluded from the proposed biodiversity reserve to allow access to equipment, and operations and maintenance work. The Rapide-7 generating station and substation are also excluded from the proposed biodiversity reserve.

1.2. Ecological overview

The proposed Decelles reservoir biodiversity reserve is in the natural province of the Abitibi and James Bay Lowlands. It protects ecosystems representative of the Lake Témiscamingue Lowlands natural region. The topography is characterized by a complex of mounds and low hills. The elevation of the territory ranges from 295 to 430 metres.

1.2.1. Representative elements

Climate: The territory is characterized by a mild, subpolar and subhumid continental climate, with a long growing season. The proposed biodiversity reserve belongs to the balsam fir-yellow birch bioclimatic field in the west and to the balsam fir-white birch bioclimatic field in the east.

Geology and geomorphology: The proposed biodiversity reserve is part of the Superior geologic province, whose basement is Archean (over 2.5 billion years). The substratum is mainly formed by felsic igneous rock (granodiorite and granite) and metamorphic rock (gneiss). During the Quaternary period, the basement rock, which outcrops in many places, was covered by moraine till or by glaciolacustrine clay and silt deposits. On the periphery of the Dunes-de-la-Moraine-d'Harricana ecological reserve, the territory of the proposed biodiversity reserve alternates between ombrotrophic and minerotrophic peatlands and dunes and is also characterized by the presence of sandy-gravelly materials of glaciofluvial origin.

Hydrography: The proposed biodiversity reserve belongs to the Outaouais river watershed. It includes several lakes, the largest of which are Godard and Strong lakes. The drainage system is not very well-developed and consists mainly of intermittent watercourses.

Vegetation: The proposed biodiversity reserve includes a wide variety of habitats. To the west, the territory is covered mainly by mixed or resinous forest which has been partially harvested. The dominant species are balsam fir (*Abies balsamea*) and yellow birch (*Betula alleghaniensis*). To the east, the vegetation is mainly peat bogs and alder groves on poorly-drained soils or jack pine (*Pinus banksiana*) stands in a dune and glaciofluvial environment. Hardwood stands, generally dominated by white birch (*Betula papyrifera*) and trembling aspen (*Populus tremuloides*), cover the valley bottoms.

1.2.2. Outstanding elements

The proposed biodiversity reserve includes a dune sector, a geomorphological environment that is rare in the natural province of the Abitibi and James Bay Lowlands.

Caribou (*Rangifer tarandus caribou*) have already been observed within the proposed biodiversity reserve as well as on its periphery. This forest population is experiencing difficult times, in particular because of changes to its habitat caused by predators and hunting activity. Protecting the Decelles lake forest highland would allow

the pursuit of the caribou protection objective established by the regional branch of the Société de la faune et des parcs du Québec.

A number of areas within the proposed protected area provide a habitat suitable for the southern bog lemming (*Synaptomys cooperi*), a small mammal present only in the eastern part of North America that is likely to be designated a threatened or vulnerable species in Québec.

1.3. Occupation and main land uses

The occupations and main land uses in the proposed Decelles reservoir biodiversity reserve are shown on the map in the Schedule.

The territory lies almost wholly within the Grand-Lac-Victoria beaver reserve where the Anishnabe Algonquin community residing on the western shore of Simon lake, 32 kilometres to the south-east of Val-d'Or, has special rights regarding the hunting and trapping of fur-bearing animals. To the west, the proposed biodiversity reserve overlaps traplines forming part of fur-bearing animal management unit (FAMU) 04.

Power transmission line 1339 (Rapides-des-Quinze/Rapide-7 substations) crosses the proposed biodiversity reserve to the west over a distance of roughly 8 kilometres. The right-of-way of that power line, which is 36.6 metres wide, is withdrawn from the proposed protected area. It constitutes the northern boundary of the biodiversity reserve for some 6.5 kilometres.

The territory is served by some 60 kilometres of gravel forest roads which provide access to Strong lake, the Decelles reservoir and the Rapide-7 dam.

There is one private property within the proposed biodiversity reserve. Sixteen leases have been granted within the perimeter of the protected area as follows:

- 12 leases for the construction of a rough shelter in the forest; and
- 4 leases for personal vacation purposes (cottage).

Also, ten permits for the harvest of firewood are valid in a part of the proposed biodiversity reserve.

2. Protection status

The proposed biodiversity reserve protects a complex of ecosystems of exceptional interest from an ecological perspective and for their beauty.

Biodiversity reserve status would allow the pursuit of the following conservation objectives:

- the preservation of a mosaic of ecosystems representative of the Lake Témiscamingue Lowlands natural region;
- the preservation of biodiversity in ecosystems;
- the consolidation of the protection of the dunes of the Harricana moraine;
- the acquisition of new knowledge concerning natural heritage.

3. Activities within the reserve

The activities carried on within the boundaries of the proposed Decelles reservoir biodiversity reserve are governed by the Natural Heritage Conservation Act (R.S.Q., c. C-61.01).

This conservation plan does not specify any prohibited activity other than those prohibited in a proposed biodiversity reserve by the Act; nor does it authorize any other activities, or set any additional constraints on the activities permitted by the Act.

3.1. Prohibited activities

It is important to note that under the Natural Heritage Conservation Act, the main activities prohibited in an area designated as a proposed biodiversity reserve are:

- mining, and gas or petroleum development;
- mining, gas or petroleum exploration, brine and underground reservoir exploration, prospecting, and digging or boring, where such activities necessitate strip-ping, the digging of trenches, excavation or deforestation;
- forest management within the meaning of section 3 of the Forest Act (R.S.Q., c. F-4.1);
- the development of hydraulic resources and any production of energy on a commercial or industrial basis;
- any new allocation of a right to occupy land for vacation resort purposes; and
- earthwork or construction work.

3.2. Activities governed by other statutes

All activities likely to be carried on within the boundaries of the proposed Decelles reservoir biodiversity reserve remain governed by the other applicable legislative and regulatory provisions, including those that require the issue of a permit or authorization or the payment of fees. The carrying on of certain activities may also be prohibited or limited by other Acts or regulations applicable within the boundaries of the proposed biodiversity reserve.

A special legal framework may, within the boundaries of the proposed biodiversity reserve, govern the permitted and prohibited activities in connection with:

- Archaeological research (especially the measures contained in the Cultural Property Act (R.S.Q., c. B-4));

- Development of wildlife resources (especially the measures contained in the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1) and, where applicable, the measures contained in any applicable federal legislation);

- Access (especially the measures contained in the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) and provided under the regulation concerning motor vehicle traffic in certain fragile environments made under the Environment Protection Act (R.S.Q., c. Q-2));

- Land rights (especially the measures contained in the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) and in leases issued by the Minister of Natural Resources, Wildlife and Parks).

3.3. Supervision of activities

The Minister of the Environment is responsible for the application of the Natural Heritage Conservation Act, and is therefore responsible for the proposed biodiversity reserves established under that Act. The Minister will supervise and monitor the measures contained in the Act with regard to prohibited and permitted activities in protected areas.

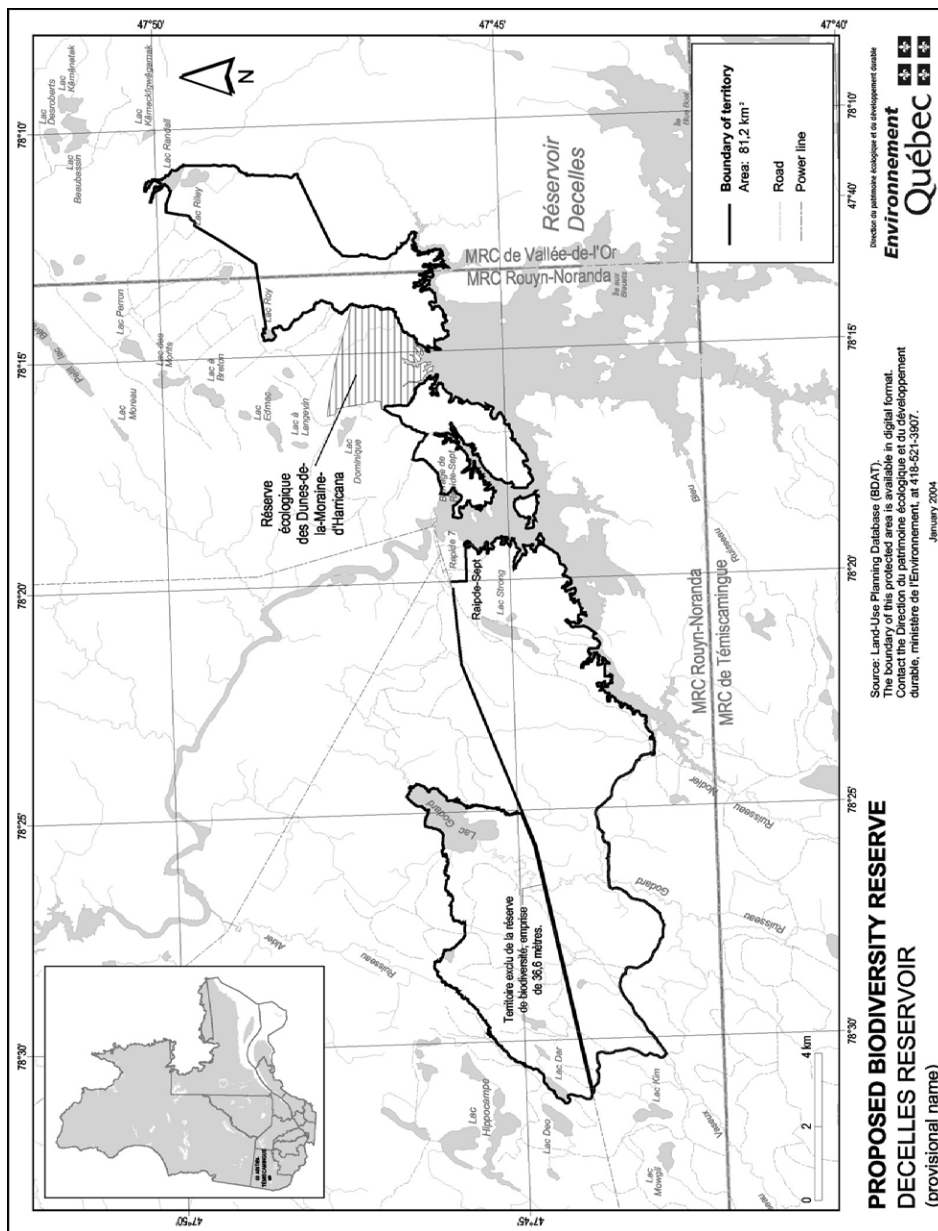
All other government departments and bodies will retain their responsibilities as set out in the legislative and regulatory texts that apply within a proposed biodiversity reserve, as provided for under the Natural Heritage Conservation Act.

4. Permanent protection status

The permanent protection status envisaged for the reserve is “biodiversity reserve” status under the Natural Heritage Conservation Act.

Schedule

Map of the proposed Decelles reservoir biodiversity reserve (provisional name)



PROPOSED PARENT LAKE MARSHLANDS BIODIVERSITY RESERVE

CONSERVATION PLAN

March 2004

1. Plan and description

1.1. Geographic location, boundaries and dimensions

The location and boundaries of the proposed Parent lake marshlands biodiversity reserve are shown on the map in the Schedule.

The proposed Parent lake marshlands biodiversity reserve is located in the Abitibi-Témiscamingue administrative region, between 48°43' and 48°49' north latitude and 76°49' and 76°56' west longitude. It is situated in the territory of Municipalité de Senneterre, in Municipalité régionale de comté de la Vallée-de-l'Or. The proposed biodiversity reserve is situated north-east of Parent lake and covers an area of 54.4 km².

1.2. Ecological overview

The proposed biodiversity reserve lies almost entirely in the natural province of the Abitibi and James Bay Lowlands. It protects a wetland characteristic of the Abitibi Plain natural region. The topography is characterized a depression bordered to the north and the east by the Mégiscane lake hills. The elevation of the territory ranges from 275 m to 375 m.

1.2.1. Representative elements

Climate: The Parent lake marshlands are characterized by a subpolar, subhumid continental climate, with a middle growing season. They are at the interface of the white birch-balsam fir bioclimatic field in the south and the spruce-moss bioclimatic field in the north.

Geology and geomorphology: The proposed biodiversity reserve is in the Superior geologic province, whose basement is Archean (over 2.5 billion years). The substratum is mainly formed of felsic igneous rock, in this instance granodiorite, and of granite and metamorphic rock (gneiss). During the Quaternary period, the geological base was covered by thick deposits of glaciolacustrine silt and clay.

Hydrography: The proposed biodiversity reserve is part of the Nottaway river watershed. It includes the north-east end of Parent lake, at the head of which is one of the largest and best preserved wetlands in the Abitibi-

Témiscamingue area. The integrity of the Parent lake marshlands, which lie at the confluence of the Robin, Lecomte and Delestres rivers, is directly linked to the state of those watercourses which are found for the most part in the natural province of the Mistassini Highlands (G).

Vegetation: Almost two thirds of the territory, including lakes and rivers, is covered by a mosaic of peat bogs, marshlands and alder groves. On the fringe of the wetland, the higher areas are occupied by black spruce-moss stands, mixed stands and, sporadically, intolerant hardwood stands. There has been little disturbance in the forests.

1.2.2. Outstanding elements

The proposed biodiversity reserve is frequented by a wide variety of avian species. Regionally, the Parent lake marshlands are a major habitat and a recognized staging area for aquatic avifauna, in particular the Canada goose (*Branta canadensis*) and the American black duck (*Anas rubripes*).

The proposed biodiversity reserve is also frequented by bird species of particular heritage significance, including the bald eagle (*Haliaeetus leucocephalus*) – a bird of prey designated as vulnerable in Québec – and the osprey (*Pandion haliaetus*).

1.3. Occupation and main land uses

The occupations and main land uses in the proposed Parent lake marshlands biodiversity reserve are shown on the map in the Schedule.

The territory is classified as Category III land under the James Bay and Northern Québec Agreement (JBNQA) signed in 1975 and the Act respecting the land regime in the James Bay and New Québec territories (R.S.Q., c. R-13.1) enacted in 1978. The territory of the proposed reserve lies within the territory covered by the hunting, fishing and trapping regime applicable pursuant to section 24 of the JBNQA (see the Act respecting hunting and fishing rights in the James Bay and New Québec territories (R.S.Q., c. D-13.1)).

The territory of the proposed biodiversity reserve lies wholly within fur-bearing animal management unit (FAMU) 05 and straddles three trappelines.

Six leases have been granted within the perimeter of the protected area for the construction of a rough shelter in the forest.

2. Protection status

The proposed biodiversity reserve protects a wetland of exceptional interest, from an ecological perspective, as well as for its wildlife and its beauty.

Biodiversity reserve status would allow the pursuit of the following conservation objectives:

- the conservation of a mosaic of representative ecosystems of the natural region of the Abitibi Plain;
- the preservation of a wetland of regional significance for avifauna nesting and migration, particularly the Anatidae;
- the acquisition of new knowledge concerning natural heritage.

3. Activities within the reserve

The activities carried on within the proposed Parent lake marshlands biodiversity reserve are governed by the Natural Heritage Conservation Act (R.S.Q., c. C-61.01).

This conservation plan does not specify any prohibited activity other than those prohibited in a proposed biodiversity reserve by the Act; nor does it authorize any other activities, or set any additional constraints on the activities permitted by the Act.

3.1. Prohibited activities

It is important to note that under the Natural Heritage Conservation Act, the main activities prohibited in an area designated as a proposed biodiversity reserve are:

- mining, and gas or petroleum development;
- mining, gas or petroleum exploration, brine and underground reservoir exploration, prospecting, and digging or boring, where such activities necessitate stripping, the digging of trenches, excavation or deforestation;
- forest management within the meaning of section 3 of the Forest Act (R.S.Q., c. F-4.1);
- the development of hydraulic resources and any production of energy on a commercial or industrial basis;
- any new allocation of a right to occupy land for vacation resort purposes; and
- earthwork or construction work.

3.2. Activities governed by other statutes

All activities likely to be carried on within the boundaries of the proposed Parent lake marshlands biodiversity reserve also remain governed by the other applicable legislative and regulatory provisions, including those that require the issue of a permit or authorization or the payment of fees. The carrying on of certain activities may also be prohibited or limited by other Acts or regulations applicable within the boundaries of the proposed biodiversity reserve.

A special legal framework may, within the boundaries of the proposed biodiversity reserve, govern permitted and prohibited activities in connection with:

- Archaeological research (especially the measures contained in the Cultural Property Act (R.S.Q., c. B-4));
- Development of wildlife resources (especially the measures contained in the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1) and, where applicable, the measures contained in any applicable federal legislation);
- Access (especially the measures contained in the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) and under the regulation concerning motor vehicle traffic in certain fragile environments made under the Environment Protection Act (R.S.Q., c. Q-2));
- Land rights (especially measures contained in the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) and in leases issued by the Minister of Natural Resources, Wildlife and Parks).

3.3. Supervision of activities

The Minister of the Environment is responsible for the application of the Natural Heritage Conservation Act, and is therefore responsible for the proposed biodiversity reserves established under that Act. The Minister will supervise and monitor the measures contained in the Act with regard to prohibited and permitted activities in protected areas.

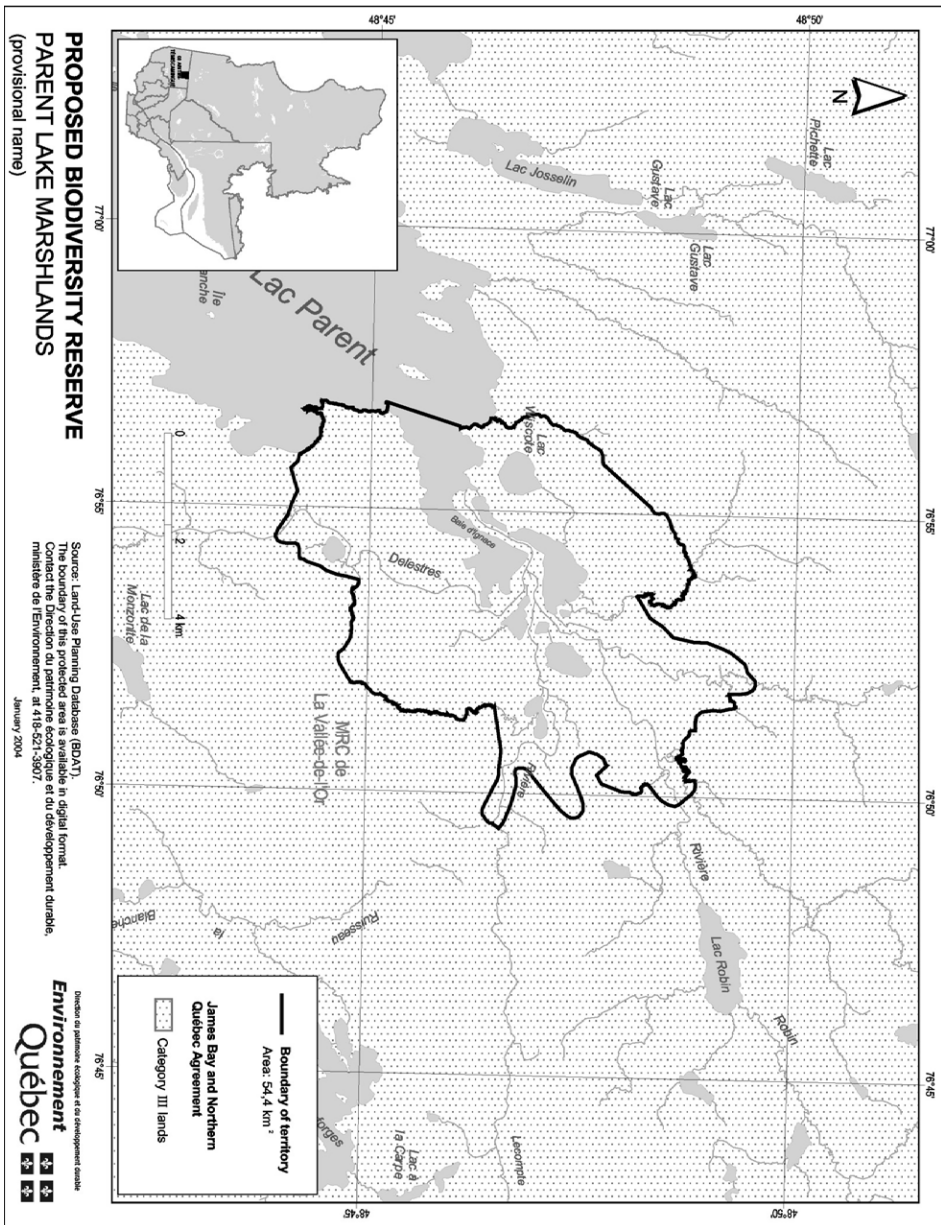
All other government departments and bodies will retain their responsibilities as set out in the legislative and regulatory texts that apply within a proposed biodiversity reserve, as provided for under the Natural Heritage Conservation Act.

4. Permanent protection status

The permanent protection status envisaged for the reserve is “biodiversity reserve” status under the Natural Heritage Conservation Act.

Schedule

Map of the proposed Parent lake marshlands biodiversity reserve (provisional name)



PROPOSED WASKAGANISH BIODIVERSITY RESERVE

(provisional name)

CONSERVATION PLAN

March 2004

1. Plan and description

1.1. Geographic location, boundaries and dimensions

The location and boundaries of the proposed Waskaganish biodiversity reserve are shown on the map in the Schedule.

The proposed Waskaganish biodiversity reserve is located in the Nord-du-Québec administrative region, between 51°21' and 51°38' north latitude and 77°18' and 78°52' west longitude. It is situated in the territory of Municipalité de Baie-James.

The proposed protected area covers an area of 1,127.9 km². It is situated some 40 km east of the Cree village of Waskaganish. The eastern portion of the proposed protected area is accessible by Route 109, which runs through the area over short distances.

1.2. Ecological overview

The major part of the area is in the natural province of the Abitibi and James Bay Lowlands. It protects ecosystems characteristic of the natural regions of the James Bay Coastal Plain to the west and the Lower Rupert River Plain to the east. At the eastern end, the proposed biodiversity reserve includes part of the Upper Rupert River Plateau located in the natural province of the Mistassini River Highlands. The elevation of the territory ranges from 0 m to 277 m.

1.2.1. Representative elements

Climate: The proposed protected area is characterized by a cold, subpolar, subhumid continental climate, with a middle growing season. It belongs to the spruce-moss bioclimatic field.

Geology and geomorphology: The territory lies wholly within the Superior geologic province, whose basement is Archean (over 2.5 billion years). The geological base is mainly metasedimentary rock, namely paragneiss. Locally, there are also intrusions of mafic volcanic rock (basalt) and intrusive felsic rock (granite and granodiorite). The bedrock is covered by organic deposits alternating with marine clays and sands from the post-glacial marine transgression of the Tyrell Sea.

Hydrography: The territory is an integral part of the Pontax river watershed. The Pontax river, a Strahler 5 river, flows through about 80 km of the protected area before emptying into Rupert Bay. The proposed biodiversity reserve includes the entire subwatershed of the Machisakahikanistikw river into which flow about twenty tributaries.

Vegetation: Almost three quarters of the territory of the proposed biodiversity reserve is covered by bogs and fens. The territory is also covered by stands of black spruce (*Picea mariana*), dry heaths and stands of jack pine (*Pinus banksiana*). Certain areas have recently been affected by fire, particularly in the north and east.

1.2.2. Outstanding elements

The proposed biodiversity reserve includes five islands situated at the mouth of the Pontax river, constituting habitats of exceptional ecological significance as they are at the interface between salt water and fresh water. It also includes ecotones on the edge of Rupert Bay which are conducive to unique species of fauna and flora.

1.3. Occupation and main land uses

The occupations and main land uses in the territory of the proposed Waskaganish biodiversity reserve are shown on the map in the Schedule.

The territory of the proposed biodiversity reserve is classified as Category II and III lands under the James Bay and Northern Québec Agreement (JBNQA) signed in 1975 and the Act respecting the land regime in the James Bay and New Québec territories (R.S.Q., c. R-13.1) enacted in 1978. Category II lands are Québec public lands managed jointly at the municipal level by representatives of Municipalité de Baie-James and the Cree Regional Authority. The territory of the proposed reserve lies within the territory covered by the environmental protection regime applicable pursuant to section 22 of the JBNQA (see Chapter II of the Environment Protection Act (R.S.Q., c. Q-2)). The territory of the proposed reserve lies within the territory covered by the hunting, fishing and trapping regime applicable pursuant to section 24 of the JBNQA (see the Act respecting hunting and fishing rights in the James Bay and New Québec territories (R.S.Q., c. D-13.1)).

The territory lies wholly within the Rupert beaver reserve, where the Cree community of Waskaganish, established on Rupert Bay on the southern tip of James Bay, has special rights regarding the hunting and trapping of fur-bearing animals.

No land rights have been granted within the perimeter of the protected area.

2. Protection status

The proposed biodiversity reserve protects ecotones in terrestrial and aquatic environments, and in coastal and fresh waters. It also protects the entire river basin of a river characteristic of the James Bay area.

Biodiversity reserve status would allow the pursuit of the following conservation objectives:

- the conservation of a mosaic of representative habitats of the natural regions of the James Bay Coastal Plain and the Lower Rupert River Plain;

- the preservation of the biodiversity in aquatic and terrestrial ecosystems;

- the acquisition of new knowledge concerning natural and cultural heritage.

3. Activities within the reserve

The activities carried on within the proposed Waskaganish biodiversity reserve are governed by the Natural Heritage Conservation Act (R.S.Q., c. C-61.01).

This conservation plan does not specify any prohibited activity other than those prohibited in a proposed biodiversity reserve by the Act; nor does it authorize any other activities, or set any additional constraints on the activities permitted by the Act.

3.1. Prohibited activities

It is important to note that under the Natural Heritage Conservation Act, the main activities prohibited in an area designated as a proposed biodiversity reserve are:

- mining, and gas or petroleum development;

- mining, gas or petroleum exploration, brine and underground reservoir exploration, prospecting, and digging or boring, where such activities necessitate stripping, the digging of trenches, excavation or deforestation;

- forest management within the meaning of section 3 of the Forest Act (R.S.Q., c. F-4.1);

- the development of hydraulic resources and any production of energy on a commercial or industrial basis;

- any new allocation of a right to occupy land for vacation resort purposes; and

- earthwork or construction work.

3.2. Activities governed by other statutes

All activities likely to be carried on within the boundaries of the proposed Waskaganish biodiversity reserve also remain governed by the other applicable legislative and regulatory provisions, including those that require the issue of a permit or authorization or the payment of fees. The carrying on of certain activities may also be prohibited or limited by other Acts or regulations applicable within the boundaries of the proposed biodiversity reserve.

A special legal framework may, within the boundaries of the proposed biodiversity reserve, govern permitted and prohibited activities in connection with:

- Archaeological research (especially the measures contained in the Cultural Property Act (R.S.Q., c. B-4));

- Development of wildlife resources (especially the measures contained in the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), the regulation on beaver reserves and, where applicable, the measures contained in any applicable federal legislation);

- Access (especially the measures contained in the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) and provided under the regulation concerning motor vehicle traffic in certain fragile environments made under the Environment Protection Act (R.S.Q., c. Q-2));

- Land rights (especially measures contained in the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) and in leases issued by the Minister of Natural Resources, Wildlife and Parks).

3.3. Supervision of activities

The Minister of the Environment is responsible for the application of the Natural Heritage Conservation Act, and is therefore responsible for the proposed biodiversity reserves established under that Act. The Minister will supervise and monitor the measures contained in the Act with regard to prohibited and permitted activities in protected areas.

All other government departments and bodies will retain their responsibilities as set out in the legislative and regulatory texts that apply within a proposed biodiversity reserve, as provided for under the Natural Heritage Conservation Act.

4. Permanent protection status

The permanent protection status envisaged for the reserve is “biodiversity reserve” status under the Natural Heritage Conservation Act.

PROPOSED PICHÉ-LEMOINE FOREST
BIODIVERSITY RESERVE
(provisional name)

CONSERVATION PLAN

March 2004

1. Plan and description

1.1. Geographic location, boundaries and dimensions

The location and boundaries of the proposed Piché-Lemoine forest biodiversity reserve are shown on the map in the Schedule.

The proposed Piché-Lemoine forest biodiversity reserve is located in the Abitibi-Témiscamingue administrative region, between 47°56' and 48°06' north latitude and 77°52' and 78°02' west longitude. It lies in Municipalité régionale de comté de la Vallée-de-l'Or, with the greater part being situated in the territory of Municipalité de Val-d'Or, a part on the territory of Municipalité de Malartic and a part in the unorganized territory of Lac-Fouillac.

The proposed biodiversity reserve is found approximately 10 kilometres south-west of Val-d'Or, south of Route 117. It covers an area of 93.8 km². It is partially served by a network of forest roads accessible from Route 117.

1.2. Ecological overview

The protected area is in the natural province of the Abitibi and James Bay Lowlands. It protects a forest representative of the Abitibi Plain natural region. The topography of the area is generally flat, dotted with a few isolated hills. The elevation of the area ranges from 250 to 360 metres.

1.2.1. Representative elements

Climate: The Piché-Lemoine forest is characterized by a subpolar, subhumid continental climate with a middle growing season. It belongs to the balsam fir-white birch bioclimatic field of the continuous boreal forest vegetation subzone.

Geology and geomorphology: The proposed biodiversity reserve lies within the Superior geologic province, and is underlain by an Archean basement (over 2.5 billion years). The bedrock consists mainly of siliceous sedimentary rocks such as sandstone, arkose and greywacke. The geologic substrate is also formed of metamorphic rocks (gneiss and paragneiss), intrusive felsic igneous (tonalite),

and mafic rocks (basalt and gabbro). The area lies on the southern margin of the Abitibi Plain, which was once covered by the proglacial Barlow-Ojibway lake. During the Quaternary era, the basement rocks were covered by thick glacio-lacustrine surface deposits (sands, silts, clays). The few relief features are covered with a thin layer of undifferentiated till.

Hydrography: The proposed biodiversity reserve forms part of the Harricana river watershed. It takes in Lemoine lake, which is 30 km long and 2.6 km wide and covers approximately 24% of the protected area. Lemoine lake is fed by the Piché river and is up to 52 metres deep in places. Lemoine lake, with De Montigny lake further north, is one of the main sources of the Harricana river.

Vegetation: Close to two thirds (61%) of the proposed biodiversity reserve is forested. This forest is formed of stands of mixed species, of softwoods and of hardwoods which cover 38%, 24% and 35% of the area, respectively. Most often, the stands are either young or overmature dominated by black spruce (*Picea mariana*), white spruce (*Picea glauca*), balsam fir (*Abies balsamea*) and white birch (*Betula papyrifera*) or yellow birch (*Betula alleghaniensis*). Black ash (*Fraxinus nigra*) and red maple (*Acer rubrum*) are also found here and there.

1.2.2. Outstanding elements

The proposed biodiversity reserve is home to old-growth stands of yellow birch. This species, found here at the northern limit of its distribution area, is rare at the regional level.

1.3. Occupation and main land uses

The occupations and main land uses in the proposed Piché-Lemoine forest biodiversity reserve are shown on the map in the Schedule.

The proposed biodiversity reserve is classified as Category III land under the James Bay and Northern Québec Agreement (JBNQA) signed in 1975 and the Act respecting the land regime in the James Bay and New Québec territories (R.S.Q., c. R-13.1) enacted in 1978. The territory of the proposed reserve lies within the territory covered by the hunting, fishing and trapping regime applicable pursuant to section 24 of the JBNQA (see the Act respecting hunting and fishing rights in the James Bay and New Québec territories (R.S.Q., c. D-13.1)).

The lower quarter of the proposed biodiversity reserve lies within the Grand-Lac-Victoria beaver reserve, where the Native communities have special rights regarding the hunting and trapping of fur-bearing animals.

The remainder of the land lies within fur-bearing animal management units (FAMU) 03-B and 04.

There are thirty-three private properties within the proposed biodiversity reserve. Thirty land rights have also been granted within the perimeter of the proposed Piché-Lemoine forest biodiversity reserve, for the most part around Lemoine lake. They are as follows:

- 14 leases for the construction of a rough shelter in the forest;
- 8 leases for personal vacation resort purposes;
- 5 leases for diverse purposes (other rights);
- 1 lease for commercial purposes;
- 1 lease for community purposes (vacation camp);
- 1 lease for incidental personal purposes or to complement an establishment.

A wide range of recreational activities, including cross-country skiing, snowmobiling, the use of all-terrain vehicles and mountain bikes, hunting and fishing are carried on in the Piché-Lemoine forest.

There are also seven kilometres of tertiary forest road.

Lastly, equipment to measure the real effects of silvicultural treatments (planting and pre-commercial thinning) covering 0.1 hectare are present and the two units will require monitoring for the next twenty years.

2. Protection status

The proposed biodiversity reserve protects a peri-urban forest of exceptional interest from a social perspective because of its recreational vocation. From an ecological perspective, the proposed biodiversity reserve is of interest because of the stands of old-growth yellow birch found there, a species not commonly found on the southern margin of the Abitibi Plain.

Biodiversity reserve status would allow the pursuit of the following conservation objectives:

- the conservation of a forest representative of the Abitibi Plain natural region;
- the preservation of biodiversity in forest and aquatic ecosystems;
- the preservation of recreational activities that maintain ecological balance;

- the acquisition of new knowledge concerning natural and cultural heritage.

3. Activities within the reserve

The activities carried on within the proposed Piché-Lemoine forest biodiversity reserve are governed by the Natural Heritage Conservation Act (R.S.Q., c. C-61.01).

This conservation plan does not specify any prohibited activity other than those prohibited in biodiversity reserves by the Act; nor does it authorize any other activities, or set any additional constraints on the activities permitted by the Act.

3.1. Prohibited activities

It is important to note that under the Natural Heritage Conservation Act, the main activities prohibited in an area designated as a proposed biodiversity reserve are:

- mining, and gas or petroleum development;
- mining, gas or petroleum exploration, brine and underground reservoir exploration, prospecting, and digging or boring, where such activities necessitate strip-ping, the digging of trenches, excavation or deforestation;
- forest management activities within the meaning of section 3 of the Forest Act (R.S.Q., c. F-4.1);
- the development of hydraulic resources and any production of energy on a commercial or industrial basis;
- any new allocation of a right to occupy land for vacation resort purposes;
- earthwork or construction work.

3.2. Activities governed by other statutes

All activities likely to be carried on within the boundaries of the proposed Piché-Lemoine forest biodiversity reserve also remain governed by the other applicable legislative and regulatory provisions, including those that require the issue of a permit or authorization or the payment of fees. The carrying on of certain activities may also be prohibited or limited by other Acts or regulations applicable within the boundaries of the proposed biodiversity reserve.

A special legal framework may, within the boundaries of the proposed biodiversity reserve, govern permitted and prohibited activities in connection with:

— Archaeological research (especially the measures contained in the Cultural Property Act (R.S.Q., c. B-4));

— Development of wildlife resources (especially the measures contained in the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1) and, where applicable, the measures contained in any applicable federal legislation);

— Access (especially the measures contained in the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) and provided under the regulation concerning motor vehicle traffic in certain fragile environments made under the Environment Protection Act (R.S.Q., c. Q-2));

— Land rights (especially the measures contained in the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) and in leases issued by the Minister of Natural Resources, Wildlife and Parks).

3.3. Supervision of activities

The Minister of the Environment is responsible for the application of the Natural Heritage Conservation Act, and is therefore responsible for the proposed biodiversity reserves established under that Act. The Minister will supervise and monitor the measures contained in the Act with regard to prohibited and permitted activities in protected areas.

All other government departments and bodies will retain their responsibilities as set out in the legislative and regulatory texts that apply within a proposed biodiversity reserve, as provided for under the Natural Heritage Conservation Act.

4. Permanent protection status

The permanent protection status envisaged for the reserve is “biodiversity reserve” status under the Natural Heritage Conservation Act.

PROPOSED OPASATICA LAKE BIODIVERSITY RESERVE

(provisional name)

CONSERVATION PLAN

March 2004

1. Plan and description

1.1. Geographic location, boundaries and dimensions

The location and boundaries of the proposed Opasatica lake biodiversity reserve are shown on the map in the Schedule.

The proposed Opasatica lake biodiversity reserve is located in the Abitibi-Témiscamingue administrative region, between 47°52' and 48°10' north latitude and 79°15' and 79°31' west longitude. The greater part of the proposed biodiversity reserve lies in Municipalité de Rouyn-Noranda, in the regional municipality of the same name. The south-western part of the protected area lies within the territory of Municipalité de Nédélec, in Municipalité régionale de comté de Témiscamingue.

The proposed biodiversity reserve is situated approximately 25 kilometres south-west of Rouyn-Noranda. It covers an area of 245 km². It is accessible from routes 117 and 101 in the north and east, respectively.

One sand and gravel extraction site reserved to the State is excluded from the proposed biodiversity reserve, to the south/south-east of Trompeur lake.

1.2. Ecological overview

The protected area is in the natural province of the Abitibi and James Bay Lowlands. It protects ecosystems representative of the Lake Témiscamingue Lowlands natural region. The area is an undulating plain with a few isolated hills. The elevation of the territory ranges from 263 to 373 metres.

1.2.1. Representative elements

Climate: The territory of the proposed biodiversity reserve is characterized by a mild subpolar, subhumid continental climate with a long growing season. It belongs to the balsam fir-yellow birch bioclimatic field of the mixed forest vegetation subzone.

Geology and geomorphology: The proposed biodiversity reserve lies within the Superior geologic province, and is underlain by an Archean basement (over 2.5 billion years). The bedrock consists mainly of felsic rocks, in

particular tonalite. The geologic substrate is also formed of sedimentary and ultra-mafic volcanic rocks, in particular in the west and north of the proposed protected area. The rock, which outcrops in places, is covered by glacio-lacustrine deposits or occasionally by a thin layer of till.

Hydrography: The proposed biodiversity reserve forms part of the Rivière des Outaouais watershed in the east and part of the Blanche river watershed in the west and takes in the whole of Opasatica lake. The lake has an area of 48 km² and is almost 33 km in length. The northern part of the lake is 6 km wide and has large bays with names such as Klock, Lamy, Verte and l'Original. The southern tip of the lake is very narrow in contrast, being not more than one kilometre wide in the Solitaire bay area. This is where the lake drains into the Solitaire river, which feeds Rémigny lake. There are also nine other lakes within the proposed biodiversity reserve.

Vegetation: Two thirds of the territory is forested. The glacio-lacustrine deposits are generally covered by mixed stands and occasionally by communities of tolerant softwoods. The rock outcrops, found primarily in the southern part of the proposed biodiversity reserve, support a forest mosaic of intolerant hardwoods and softwoods. The dominant species are balsam fir (*Abies balsamea*), white birch (*Betula papyrifera*), Eastern white cedar (*Thuja occidentalis*) and white pine (*Pinus strobus*). Lastly, peat bogs and alder groves are sometimes found in the valley bottoms or topographic depressions.

1.2.2. Outstanding elements

The Ministère des Ressources naturelles, de la Faune et des Parcs granted the status of exceptional forest ecosystems (EFE) to two old-growth forests within the perimeter of the proposed biodiversity reserve in September 2003. In both cases, the forest is a balsam fir-white birch-Eastern white cedar forest. The first forest community, covering an area of 117 hectares, is situated west of Opasatica lake, while the second, covering 113 hectares, is found on the eastern slope of the Granville river valley.

The Société de la faune et des parcs du Québec has granted the status of wildlife habitat to two islands on Opasatica lake because of the presence of a heronry and of a potentially favourable nesting site for the common tern (*Sterna hirundo*). Also worth mentioning is the presence of a yellow walleye (*Stizostedion vitreum*) spawning ground in the northern part of Opasatica lake and of a number of white-tailed deer (*Odocoileus virginianus*) yards on the periphery of the proposed biodiversity reserve.

Lastly, eight sites of cultural and archaeological interest are found within the proposed biodiversity reserve and nine just outside the boundary of the reserve. Most of the sites are located on the shores of Opasatica lake, this lake having played an important role in the history of the Native peoples owing to its strategic position as the major waterway linking the St. Lawrence to Hudson Bay. Two of the three heritage sites are found close to Buies lake and are included in the proposed biodiversity reserve. There is evidence of prehistoric Native settlement on all the sites and of European and Québec settlement on a few of the sites. One archaeological site dates back approximately 4300 years; another site is among the few sites in Québec where rock paintings may be found. The sites are well-preserved for the most part, but remain extremely fragile because they are close to the surface. Any disturbance could partially or completely destroy them. It must be mentioned that the archaeological potential of the proposed biodiversity reserve may be greater than presently known.

1.3. Occupation and main land uses

The occupations and main land uses in the proposed Opasatica lake biodiversity reserve are shown on the map in the Schedule.

There are seventeen private properties within the proposed biodiversity reserve. Also, 75 land rights have been granted within the perimeter of the proposed biodiversity reserve, as follows:

- 71 for the construction of a rough shelter in the forest; and

- 4 for personal vacation resort purposes (cottage).

Some electric power distribution equipment, with a right-of-way of 12 metres, is found within the proposed biodiversity reserve.

A snowmobile trail also runs through the western part of the proposed biodiversity reserve along Hébert lake.

The proposed biodiversity reserve straddles seven traplines forming part of fur-bearing animal management units (FAMU) 04 and 02-B.

Opasatica lake, which is up to 60 metres deep in places, attracts a considerable number of recreational boaters. The proximity of Rouyn-Noranda has promoted the development of vacation sites along the lake's eastern shores. Part of the area is served by forest roads which lead from Route 117 to Pontleroy and Bull Rock lakes. There are also 27 kilometres of main road which serve the forest area in the southern part of the proposed area.

The corporation Archéo-08 has conducted a number of archaeological digs within the proposed biodiversity reserve, in particular on the shores of Opasatica lake. This inventory work started in 1987 has been carried out in close collaboration with the Direction du Patrimoine of the Ministère de la Culture et des Communications.

2. Protection status

The proposed biodiversity reserve protects a mosaic of ecosystems of exceptional ecological interest. The landscape in the territory is of exceptional value, and of interest for its rich cultural heritage.

Biodiversity reserve status would allow the pursuit of the following conservation objectives:

- the conservation of environments characteristic of the Lake Témiscamingue Lowlands natural region;

- the protection of biodiversity in a forest and lacustrine ecosystems;

- the preservation of sites of archaeological interest (known and potential);

- the acquisition of new knowledge concerning natural and cultural heritage.

3. Activities within the reserve

The activities carried on within the proposed Opasatica lake biodiversity reserve are governed by the Natural Heritage Conservation Act (R.S.Q., c. C-61.01).

This conservation plan does not specify any prohibited activity other than those prohibited in biodiversity reserves by the Act; it does specify the conditions and restrictions applicable to certain activities permitted on the land within the reserve.

3.1. Prohibited activities

It is important to note that under the Natural Heritage Conservation Act, the main activities prohibited in an area designated as a proposed biodiversity reserve are:

- mining, and gas or petroleum development;

- mining, gas or petroleum exploration, brine and underground reservoir exploration, prospecting, and digging or boring, where such activities necessitate stripping, the digging of trenches, excavation or deforestation;

— forest management activities within the meaning of section 3 of the Forest Act (R.S.Q., c. F-4.1);

— the development of hydraulic resources and any production of energy on a commercial or industrial basis;

— any new allocation of a right to occupy land for vacation resort purposes;

— earthwork or construction work.

3.2. Conditions and other restrictions applicable to certain permitted activities

All activities, including earthwork and construction work, to ensure the proper functioning of the electric power distribution system, which includes the laying out of the right-of-way, the maintenance and repair of the lines, and the equipment or other facilities needed, are permitted within the proposed biodiversity reserve if they have been authorized by the Minister of the Environment and if they are carried on in accordance with the conditions fixed by the Minister.

The conditions of authorization fixed by the Minister may pertain to:

— the authorized width for the right-of-way and the nature of pruning work and other authorized activities; and

— the types of materials that may be used for the maintenance or layout of the right-of-way which may be taken from the area.

3.3. Activities governed by other statutes

All activities likely to be carried on within the boundaries of the proposed Opasatica lake biodiversity reserve also remain governed by the other applicable legislative and regulatory provisions, including those that require the issue of a permit or authorization or the payment of fees. The carrying on of certain activities may also be prohibited or limited by other Acts or regulations applicable within the boundaries of the proposed biodiversity reserve.

A special legal framework may, within the boundaries of the proposed biodiversity reserve, govern permitted and prohibited activities in connection with:

— Archaeological research (especially the measures contained in the Cultural Property Act (R.S.Q., c. B-4));

— Development of wildlife resources (especially the measures contained in the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1) and, where applicable, the measures contained in any applicable federal legislation);

— Access (especially the measures contained in the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) and provided under the regulation concerning motor vehicle traffic in certain fragile environments made under the Environment Protection Act (R.S.Q., c. Q-2));

— Land rights (especially the measures contained in the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) and in leases issued by the Minister of Natural Resources, Wildlife and Parks).

3.4. Supervision of activities

The Minister of the Environment is responsible for the application of the Natural Heritage Conservation Act, and is therefore responsible for the proposed biodiversity reserves established under that Act. The Minister will supervise and monitor the measures contained in the Act with regard to prohibited and permitted activities in protected areas.

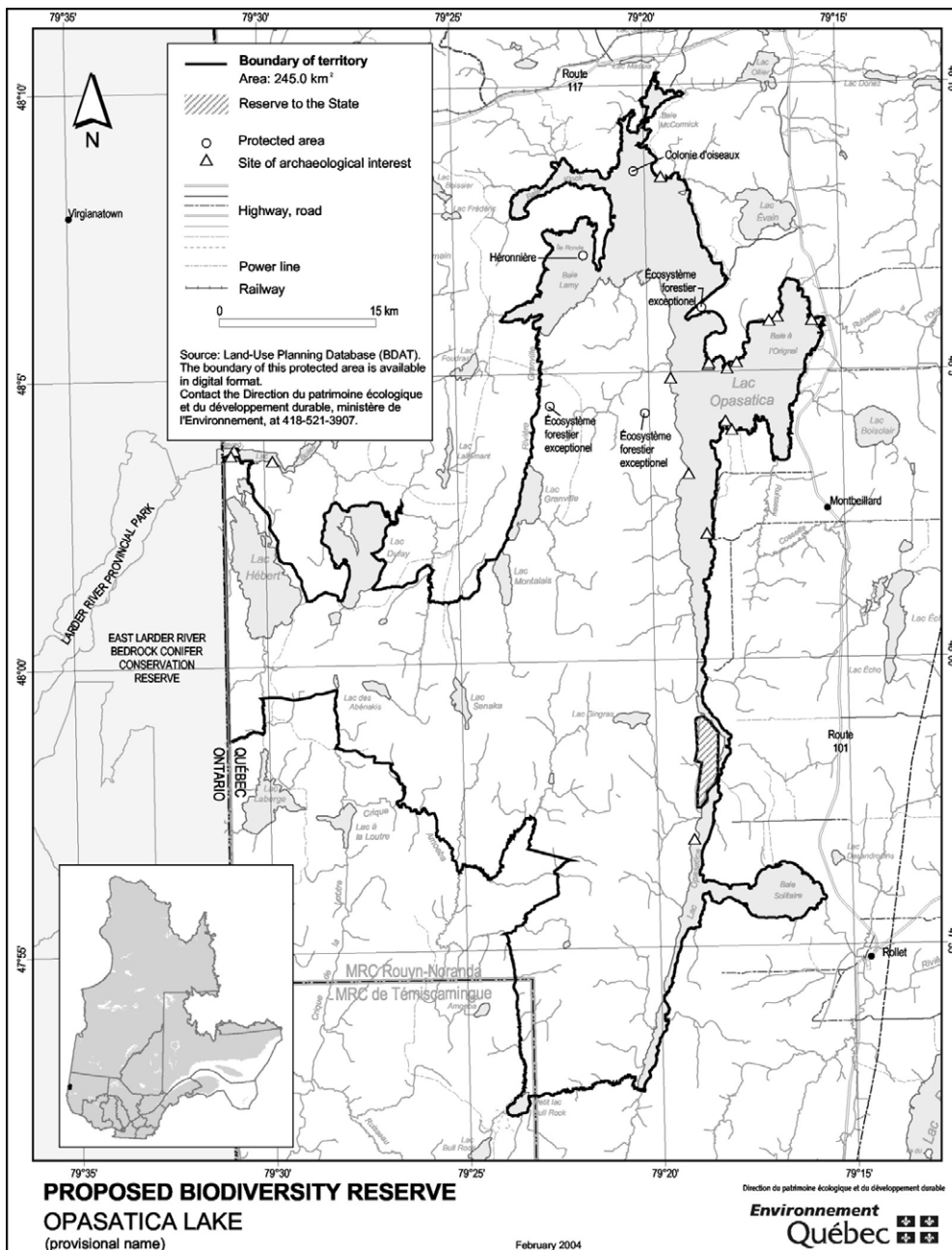
All other government departments and bodies will retain their responsibilities as set out in the legislative and regulatory texts that apply within a proposed biodiversity reserve, as provided for under the Natural Heritage Conservation Act.

4. Permanent protection status

The permanent protection status envisaged for the reserve is “biodiversity reserve” status under the Natural Heritage Conservation Act.

Schedule

Map of the proposed Opasatica lake biodiversity reserve (provisional name)



PROPOSED DES QUINZE LAKE BIODIVERSITY RESERVE

(provisional name)

CONSERVATION PLAN

March 2004

1. Plan and description

1.1. Geographic location, boundaries and dimensions

The location and boundaries of the proposed Des Quinze lake biodiversity reserve are shown on the map in the Schedule.

The proposed Des Quinze lake biodiversity reserve is located in the Abitibi-Témiscamingue administrative region, between 47°30' and 47°43' north latitude and 78°59' and 79°12' west longitude. It straddles the territories of Municipalité de Rémigny in the north and Municipalité d'Angliers in the south, in Municipalité régionale de comté de Témiscamingue.

The proposed biodiversity reserve covers an area of 158.6 km². It is situated approximately 35 kilometres north/north-east of Ville-Marie, on the eastern shore of Des Quinze lake, which is a reservoir used for hydro-electricity generation. Along the edge of the reservoir, the boundary of the protected area corresponds to the 263.94-metre mark.

The proposed biodiversity reserve is divided by power transmission line 1339 (Rapides-des-Quinze/Rapide-7 substations) over a distance of about 12.5 kilometres. The right-of-way of the power line, which is 36.6 metres wide, is withdrawn from the proposed protected area.

The proposed biodiversity reserve is served by a network of forest roads accessible from Route 101.

1.2. Ecological overview

The proposed Des Quinze lake biodiversity reserve is in the natural province of the Abitibi and James Bay Lowlands. It protects ecosystems representative of the Lake Témiscamingue Lowlands natural region. The topography of the territory is characterized by a complex of isolated hills. The elevation of the proposed protected area ranges from 218 to 373 metres.

1.2.1. Representative elements

Climate: The territory is characterized by a mild subpolar, subhumid continental climate, with a long growing season. The proposed biodiversity reserve belongs to the balsam fir-yellow birch bioclimatic field.

Geology and geomorphology: The proposed biodiversity reserve is part of the Superior geologic province, whose basement is Archean (over 2.5 billion years). The substratum is formed by gneiss and felsic igneous rock, namely granitic rock. During the Quaternary period, the bedrock was covered by glacio-lacustrine clay and silt deposits.

Hydrography: The proposed biodiversity reserve forms part of the Rivière des Outaouais watershed. Des Quinze and Simard lakes, whose waters are retained by the D'Angliers dam, form the Des Quinze reservoir.

Vegetation: Almost nine tenths (87%) of the proposed biodiversity reserve is forested. Most stands (56%) are mixed. The dominant species is balsam fir (*Abies balsamea*), most often associated with yellow birch (*Betula alleghaniensis*). The forest cover is also made up of softwood and hardwoods, with each of these types of forest covering a little more than one fifth of the territory. The forest within the territory has not recently been harvested. Certain topographic depressions are occupied by peat bogs and alder groves which cover 4% and 3% of the proposed protected area, respectively.

1.2.2. Outstanding elements

The proposed biodiversity reserve is home to a few mature stands of tolerant hardwoods, in particular sugar maple-yellow birch stands. Such stands are rare in the natural province of the Abitibi and James Bay Lowlands. In the proposed protected area, they occupy a little more than 5% of the territory and are mostly found to the south of Des Guêpes and De la Hache lakes.

Although no archaeological sites have been inventoried there, the Ministère de la Culture et des Communications is of the opinion that the land of the proposed biodiversity reserve has significant archaeological potential. The river system within the proposed protected area may hide vestiges of Amerindian occupation, as suggested by the recent discovery of artefacts west of Des Quinze lake that date back more than 1000 years.

1.3. Occupation and main land uses

The occupations and main land uses in the proposed Des Quinze lake biodiversity reserve are shown on the map in the Schedule.

The Lac-des-Quinze dam, situated near the proposed protected area, is under the responsibility of Public Works and Government Services Canada. A 25 MW generating station is planned for the area. The reservoir feeds the Rapides-des-Quinze, Rapides-des-Îles and Première-Chûte generating stations, owned by Hydro-Québec.

Eight kilometres of forest road run through the proposed biodiversity reserve.

There are two private properties within the proposed biodiversity reserve. Fifty-eight land rights have also been granted within the perimeter of the proposed biodiversity reserve as follows:

- 50 leases for the construction of a rough shelter in the forest;
- 5 leases for personal vacation purposes (cottage);
- 2 Native camps; and
- 1 commercial lease for the establishment of an outfitting operation.

The proposed biodiversity reserve straddles eight traplines forming part of fur-bearing animal management unit (FAMU) 04.

2. Protection status

The proposed biodiversity reserve protects a mosaic of ecosystems of exceptional interest from an ecological perspective and for their beauty.

Biodiversity reserve status would allow the pursuit of the following conservation objectives:

- the preservation of a mosaic of ecosystems representative of the Lake Témiscamingue Lowlands natural region;
- the preservation of biodiversity in ecosystems;
- the acquisition of new knowledge concerning natural and cultural heritage.

3. Activities within the reserve

The activities carried on within the boundaries of the proposed Des Quinze lake biodiversity reserve are governed by the Natural Heritage Conservation Act (R.S.Q., c. C-61.01).

This conservation plan does not specify any prohibited activity other than those prohibited in a proposed biodiversity reserve by the Act; nor does it authorize any other activities, or set any additional constraints on the activities permitted by the Act.

3.1. Prohibited activities

It is important to note that under the Natural Heritage Conservation Act, the main activities prohibited in an area designated as a proposed biodiversity reserve are:

- mining, and gas or petroleum development;
- mining, gas or petroleum exploration, brine and underground reservoir exploration, prospecting, and digging or boring, where such activities necessitate stripping, the digging of trenches, excavation or deformation;
- forest management within the meaning of section 3 of the Forest Act (R.S.Q., c. F-4.1);
- the development of hydraulic resources and any production of energy on a commercial or industrial basis;
- any new allocation of a right to occupy land for vacation resort purposes; and
- earthwork or construction work.

3.2. Activities governed by other statutes

All activities likely to be carried on within the boundaries of the proposed Des Quinze lake biodiversity reserve also remain governed by the other applicable legislative and regulatory provisions, including those that require the issue of a permit or authorization or the payment of fees. The carrying on of certain activities may also be prohibited or limited by other Acts or regulations applicable within the boundaries of the proposed biodiversity reserve.

A special legal framework may, within the boundaries of the proposed biodiversity reserve, govern the permitted and prohibited activities in connection with:

- Archaeological research (especially the measures contained in the Cultural Property Act (R.S.Q., c. B-4));
- Development of wildlife resources (especially the measures contained in the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1) and, where applicable, the measures contained in any applicable federal legislation);

— Access (especially the measures contained in the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) and provided under the regulation concerning motor vehicle traffic in certain fragile environments made under the Environment Protection Act (R.S.Q., c. Q-2));

— Land rights (especially the measures contained in the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) and in leases issued by the Minister of Natural Resources, Wildlife and Parks).

3.3. Supervision of activities

The Minister of the Environment is responsible for the application of the Natural Heritage Conservation Act, and is therefore responsible for the proposed biodiversity reserves established under that Act. The Minister will supervise and monitor the measures contained in the Act with regard to prohibited and permitted activities in protected areas.

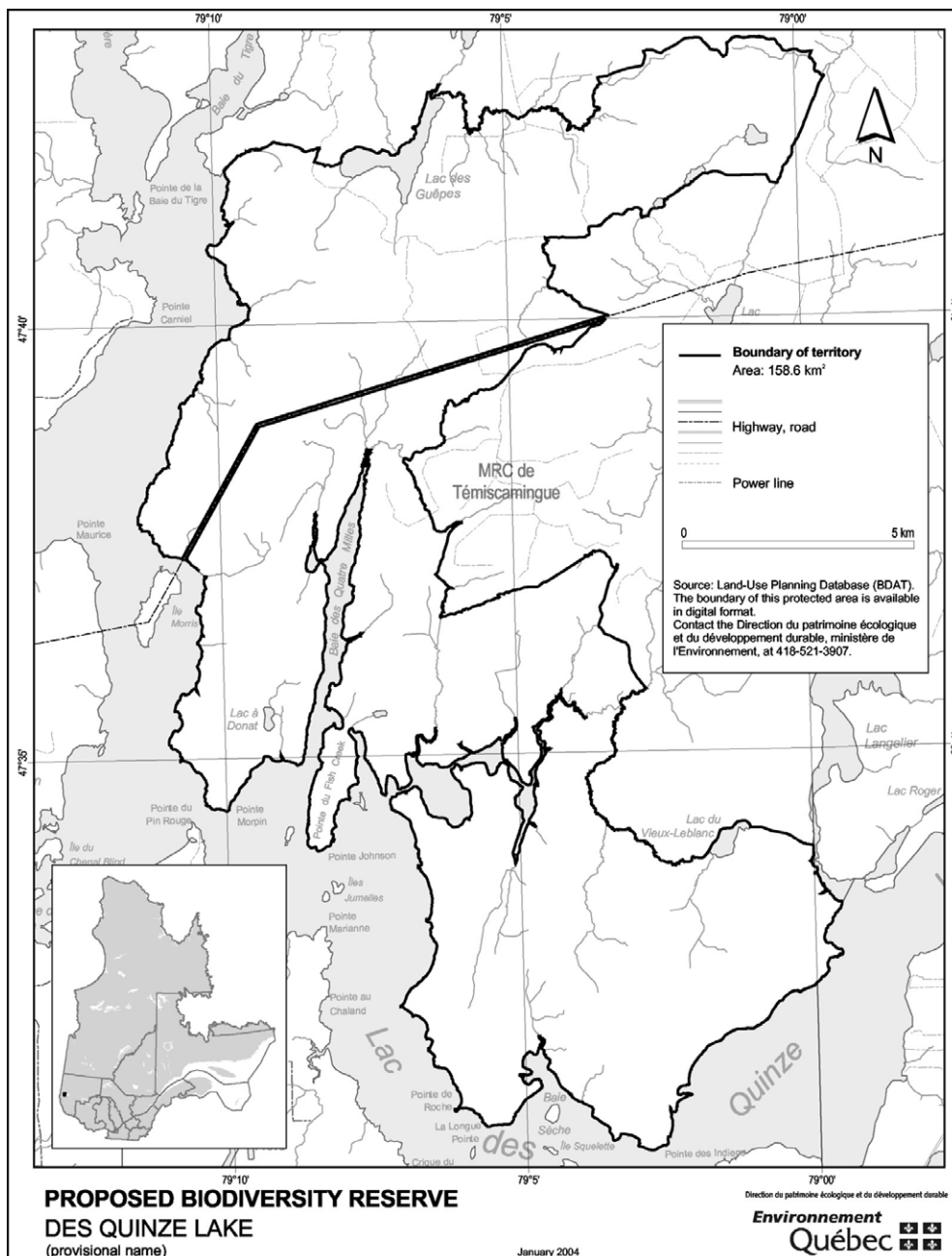
All other government departments and bodies will retain their responsibilities as set out in the legislative and regulatory texts that apply within a proposed biodiversity reserve, as provided for under the Natural Heritage Conservation Act.

4. Permanent protection status

The permanent protection status envisaged for the reserve is “biodiversity reserve” status under the Natural Heritage Conservation Act.

Schedule

Map of the proposed Des Quinze lake biodiversity reserve (provisional name)



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Abbreviations : **A** : Abrogated, **N** : New, **M** : Modified

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