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## **Summary**

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## Coming into force of Acts

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Gouvernement du Québec

### **O.C. 787-2005, 22 August 2005**

#### **An Act respecting parental insurance (2001, c. 9) An Act to amend the Act respecting parental insurance and other legislative provisions (2005, c. 13)**

##### **— Coming into force of certain provisions**

Coming into force of certain provisions of the Act respecting parental insurance and the Act to amend the Act respecting parental insurance and other legislative provisions

WHEREAS, under section 109 of the Act to amend the Act respecting parental insurance and other legislative provisions (2005, c. 13), subparagraphs 2 to 6 of the first paragraph and the second paragraph of section 88 of the Act respecting parental insurance (2001, c. 9), insofar as they are necessary to allow the Conseil de gestion de l'assurance parentale to exercise its regulatory powers, came into force on 17 June 2005;

WHEREAS, under section 111 of the Act to amend the Act respecting parental insurance and other legislative provisions, the provisions of section 50 of the Act came into force on 17 June 2005 in respect of the Conseil de gestion de l'assurance parentale and to the extent that they are necessary to allow it to exercise its regulatory powers;

WHEREAS it is expedient to set the date of coming into force of any portion not yet in force of section 88 of the Act respecting parental insurance and section 50 of the Act to amend the Act respecting parental insurance and other legislative provisions;

IT IS ORDERED, therefore, on the recommendation of the Minister of Employment and Social Solidarity:

THAT 22 August 2005 be set as the date of coming into force of any portion not yet in force of section 88 of the Act respecting parental insurance (2001, c. 9) and section 50 of the Act to amend the Act respecting parental insurance and other legislative provisions (2005, c. 13).

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*



## Regulations and other acts

Gouvernement du Québec

### Agreement

An Act respecting elections and referendums  
in municipalities  
(R.S.Q., c. E-2.2)

AGREEMENT CONCERNING NEW METHODS  
OF VOTING FOR AN ELECTION USING  
“ACCU-VOTE ES 2000” BALLOT BOXES

AGREEMENT ENTERED INTO

BETWEEN

The MUNICIPALITY OF SAINTE-JULIENNE, a legal person established in the public interest, having its head office at 1400, route 125, Sainte-Julienne, Province de Québec, represented by the mayor, Marcel Jetté, and the clerk or secretary-treasurer, Claude Arcoragi, under resolution number 05-05X-176, hereinafter called

THE MUNICIPALITY

BETWEEN

The MUNICIPALITY OF CANTON OF GRANBY, a legal person established in the public interest, having its head office at 735, rue Dufferin, Granby, Province de Québec, represented by the mayor, Louis Choinière, and the clerk or secretary-treasurer, Robert Duval, under resolution number 2005-6-377, hereinafter called

THE MUNICIPALITY

BETWEEN

The TOWN OF RIMOUSKI, a legal person established in the public interest, having its head office at 205, avenue de la Cathédrale, Rimouski, Province de Québec, represented by the mayor, Michel Tremblay, and the clerk or secretary-treasurer, Marc Doucet, under resolution number 2005-06-467, hereinafter called

THE MUNICIPALITY

BETWEEN

The TOWN OF DOLBEAU-MISTASSINI, a legal person established in the public interest, having its head office at 1100, boulevard Wallberg, Dolbeau-Mistassini,

Province de Québec, represented by the mayor, Georges Simard, and the clerk or secretary-treasurer, M<sup>e</sup> André Côté, under resolution number 05-06-296, hereinafter called

THE MUNICIPALITY

AND

Mr. Marcel Blanchet, in his capacity as CHIEF ELECTORAL OFFICER OF QUÉBEC, duly appointed to that office under the Election Act (R.S.Q., c. E-3.3), acting in that capacity and having his main office at 3460, rue de La Pérade, Sainte-Foy, Province de Québec, hereinafter called

THE CHIEF ELECTORAL OFFICER

AND

Mrs. Nathalie Normandeau, in her capacity as MINISTER OF MUNICIPAL AFFAIRS AND REGIONS, having her main office at 10, rue Pierre-Olivier-Chauveau, Québec, Province de Québec, hereinafter called

THE MINISTER

WHEREAS the council of the MUNICIPALITY OF SAINTE-JULIENNE, by its resolution No. 05-05X-176, passed at its meeting of 2005, May 23rd, expressed the desire to avail itself of the provisions of the Act respecting elections and referendums in municipalities and to enter into an agreement with the CHIEF ELECTORAL OFFICER and the MINISTER in order to allow the use of electronic ballot boxes for the municipal election of 2005, November 11th, in the MUNICIPALITY ;

WHEREAS the council of the MUNICIPALITY OF CANTON OF GRANBY, by its resolution No. 2005-6-377, passed at its meeting of 2005, June 1st, expressed the desire to avail itself of the provisions of the Act respecting elections and referendums in municipalities and to enter into an agreement with the CHIEF ELECTORAL OFFICER and the MINISTER in order to allow the use of electronic ballot boxes for the municipal election of 2005, November 11th, in the MUNICIPALITY ;

WHEREAS the council of the TOWN OF RIMOUSKI, by its resolution No. 2005-06-467, passed at its meeting of 2005, June 6th, expressed the desire to avail itself of

the provisions of the Act respecting elections and referendums in municipalities and to enter into an agreement with the CHIEF ELECTORAL OFFICER and the MINISTER in order to allow the use of electronic ballot boxes for the municipal election of 2005, November 11th, in the MUNICIPALITY;

WHEREAS the council of the TOWN OF DOLBEAU-MISTASSINI, by its resolution No. 05-06-296, passed at its meeting of 2005, June 6th, expressed the desire to avail itself of the provisions of the Act respecting elections and referendums in municipalities and to enter into an agreement with the CHIEF ELECTORAL OFFICER and the MINISTER in order to allow the use of electronic ballot boxes for the municipal election of 2005, November 6th in the MUNICIPALITY;

WHEREAS under sections 659.2 and 659.3 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2):

“**659.2.** A municipality may, in accordance with an agreement made with the Minister of Municipal Affairs, Sports and Recreation and the Chief Electoral Officer, test new methods of voting during a poll. The agreement may provide that it also applies to polling held after the poll for which the agreement was entered into; in such case, the agreement shall provide for its period of application.

The agreement must describe the new methods of voting and mention the provisions of this Act it amends or replaces.

The agreement has the effect of law.

**659.3.** After polling during which a test mentioned in section 659.2 is carried out, the municipality shall send a report assessing the test to the Minister of Municipal Affairs, Sports and Recreation and the Chief Electoral Officer.”;

WHEREAS the MUNICIPALITY expressed the desire to avail itself of those provisions to hold a municipal election on 2005, November 6th and, could, with the necessary adaptations, avail itself of those provisions for elections held after the date of the agreement, the necessary adaptations to be included in an addendum to this agreement;

WHEREAS it is expedient to provide the procedure that applies to the territory of the MUNICIPALITY for that municipal election;

WHEREAS an agreement must be entered into between the MUNICIPALITY, the CHIEF ELECTORAL OFFICER and the MINISTER;

WHEREAS the MUNICIPALITY is solely responsible for the technological choice elected;

WHEREAS the council of the MUNICIPALITY OF SAINTE-JULIENNE passed, at its meeting of 2005, May 23rd, resolution No. 05-05X-176 approving the text of the agreement and authorizing the mayor and the clerk or secretary-treasurer to sign this agreement;

WHEREAS the council of the MUNICIPALITY OF CANTON DE GRANBY passed, at its meeting of 2005, June 1st, resolution No. 2005-6-377 approving the text of the agreement and authorizing the mayor and the clerk or secretary-treasurer to sign this agreement;

WHEREAS the council of the TOWN OF RIMOUSKI passed, at its meeting of 2005, June 6th, resolution No. 2005-06-467 approving the text of the agreement and authorizing the mayor and the clerk or secretary-treasurer to sign this agreement;

WHEREAS the council of the TOWN OF DOLBEAU-MISTASSINI passed, at its meeting of 2005, June 6th, resolution No. 05-06-296 approving the text of the agreement and authorizing the mayor and the clerk or secretary-treasurer to sign this agreement;

WHEREAS the returning officer of the MUNICIPALITY is responsible for the application of this agreement and the means necessary to carry it out;

THEREFORE, the parties agree to the following:

## 1. PREAMBLE

The preamble to this agreement is an integral part of the agreement.

## 2. INTERPRETATION

Unless stated otherwise, expressly or as a result of the context of a provision, the following expressions, terms and words have, for the purposes of this agreement, the meaning and application given in this section.

2.1 “Electronic ballot box” means an apparatus containing a vote tabulator, a memory card, a printer, a cardboard or, where necessary, plastic recipient for ballot papers and a modem, where necessary.

2.2 “Vote tabulator” means a device that uses an optical scanner to detect a mark made in a circle on a ballot paper by an elector.

2.3 “Memory card” means a memory device that computes and records the marks made by an elector for each of the candidates whose names are printed on the ballot paper and the number of rejected ballot papers according to the subdivisions of the vote tabulator program.

2.4 “Recipient for ballot papers” means a box into which the ballot paper cards fall.

2.5 Where applicable, “transfer box” means the box in which the ballot paper cards are placed when a plastic recipient is used for the electronic ballot box.

2.6 “Ballot paper card” means the card on which the ballot paper or papers are printed.

2.7 “Refused card” means a ballot paper card the insertion of which into the tabulator is refused.

2.8 “Confidentiality sleeve” means a sleeve designed to receive the ballot paper card.

### 3. ELECTION

3.1 For the purposes of the municipal election of 2005, November 6th in the municipality, a sufficient number of Accu-Vote ES 2000 model electronic ballot boxes will be used.

3.2 Before the publication of the notice of election, the municipality must take the necessary steps to provide its electors with adequate information concerning the testing of the new method of voting.

### 4. SECURITY MECHANISMS

The electronic ballot boxes used must include the following security mechanisms :

(1) a report displaying a total of “zero” must be automatically produced by an electronic ballot box upon being turned on on the first day of advance polling and on polling day ;

(2) a verification report must be generated on a continuous basis and automatically saved on the memory card, and must record each procedural operation ;

(3) the electronic ballot box must not be placed in “end of election” mode while the poll is still under way ;

(4) the compilation of results must not be affected by any type of interference once the electronic ballot box has been placed in “election” mode ;

(5) each electronic ballot box must be equipped with a back-up power source (battery) able to operate for two to five hours, unless all the electronic ballot boxes are connected to a generator ;

(6) if a ballot box is defective, the memory card may be removed and transferred immediately into another electronic ballot box in order to allow the procedure to continue.

### 5. PROGRAMMING

Each memory card used is specially programmed either by the firm Technologies Nexxlink inc., or by the returning officer under the supervision of the firm Technologies Nexxlink inc., to recognize and tally ballot papers in accordance with this agreement.

### 6. AMENDMENTS TO THE ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

#### 6.1 Election officers

Section 68 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) is amended by inserting the words “senior deputy returning officer, assistant to the senior deputy returning officer” after the word “assistant”.

#### 6.2 Senior deputy returning officer, assistant to the senior deputy returning officer, deputy returning officer and poll clerk

The following is substituted for section 76 of the Act :

“**76.** The returning officer shall appoint the number of senior deputy returning officers and assistants to the senior deputy returning officer that he deems necessary for each polling place.

The returning officer shall appoint a deputy returning officer and a poll clerk for each polling station.”.

#### 6.3 Duties of the senior deputy returning officer, assistant to the senior deputy returning officer and deputy returning officer

The following is substituted for section 80 of the Act :

“**80.** The senior deputy returning officer shall, in particular,

(1) see to the installation and preparation of the electronic ballot box;

(2) ensure that the polling is properly conducted and maintain order in the vicinity of the electronic ballot box;

(3) facilitate the exercise of the right to vote and ensure that voting is secret;

(4) ensure that the electronic ballot box functions correctly;

(5) print out the results compiled by the electronic ballot box at the closing of the poll;

(6) complete an overall statement of votes from the partial statements and the results compiled by the electronic ballot box;

(7) give the returning officer, at the closing of the poll, the results compiled by the electronic ballot box, the overall statement and the partial statement or statements of votes;

(8) when a ballot paper card has been refused by the tabulator, ask the elector to return to the polling booth, mark all the circles and go to the polling station in order to obtain another ballot paper card;

(9) advise the returning officer immediately of any defect in the memory card or the electronic ballot box.

**80.1.** The assistant to the senior deputy returning officer shall, in particular,

(1) assist the senior deputy returning officer in the latter's duties;

(2) receive any elector referred by the senior deputy returning officer;

(3) verify the polling booths in the polling place;

(4) get the pencils and confidentiality sleeves back from the senior deputy returning officer and redistribute them to each deputy returning officer.

**80.2.** The deputy returning officer shall, in particular,

(1) see to the arrangement of the polling station;

(2) ensure that the polling is properly conducted and maintain order in the polling station;

(3) facilitate the exercise of the right to vote and ensure that voting is secret;

(4) make sure of electors' identity;

(5) give the electors a ballot paper card, a confidentiality sleeve and a pencil to exercise their right to vote;

(6) receive from electors any ballot paper cards that are refused by the tabulator and give them another ballot paper card, and record the occurrence in the poll book.”.

#### **6.4 Discretion of the Chief Electoral Officer upon observing an error, emergency or exceptional circumstance**

The following is substituted for section 90.5 of the Act:

“**90.5.** Where, during the election period, within the meaning of section 364, it comes to the attention of the Chief Electoral Officer that, subsequent to an error, emergency or exceptional circumstance, a provision referred to in section 90.1 or in the agreement provided for in section 659.2 of the Act respecting elections and referendums in municipalities does not meet the demands of the resultant situation, the Chief Electoral Officer may adapt the provision in order to achieve its object.

The Chief Electoral Officer shall first inform the Minister of Municipal Affairs and Regions of the decision he intends to make.

Within 30 days following polling day, the Chief Electoral Officer shall transmit to the President or the Secretary General of the National Assembly a report of the decisions made pursuant to the first paragraph. The President shall table the report in the National Assembly within 30 days of receiving it or, if the National Assembly is not sitting, within 30 days of resumption.”.

#### **6.5 Notice of election**

The following is added after paragraph 7 of section 99 of the Act:

“(8) the fact that the method of voting is voting by means of electronic ballot boxes.”.

## 6.6 Polling subdivisions

The following is substituted for section 104 of the Act:

**“104.** The returning officer shall divide the list of electors into polling subdivisions.

The polling subdivisions shall have a number of electors determined by the returning officer. That number shall not be greater than 750 electors.”.

## 6.7 Verification of electronic ballot box

The Act is amended by inserting the following subdivision after subdivision 1 of Division IV of Chapter VI of Title I:

### *“§1.1 Verification of electronic ballot box*

**173.1.** The returning officer shall, at least five days before the first day fixed for the advance poll and at least three days before the day fixed for the polling, test the electronic ballot box to ensure that the vote tabulator accurately detects the mark made on a ballot paper and that it tallies the number of votes cast accurately and precisely, in the presence of a representative of the firm Technologies Nexxlink inc. and the representatives of the candidates.

**173.2.** During the testing of the electronic ballot box, adequate security measures must be taken by the returning officer to guarantee the integrity of the system as a whole and of each component used to record, compile and memorize results. The returning officer must ensure that no electronic communication that could change the programming of the electronic ballot box, the recording of data, the tallying of votes, the memorization of results or the integrity of the system as a whole may be established.

**173.3.** The returning officer shall conduct the test by performing the following operations:

(1) he shall mark the memory card with the returning officer’s initials and insert it into the electronic ballot box;

(2) he shall insert into the electronic ballot box a pre-determined number of ballot paper cards, previously marked and tallied manually. The ballot paper cards shall include

(a) a sufficient and pre-determined number of ballot papers correctly marked to indicate a vote for each of the candidates;

(b) a sufficient and pre-determined number of ballot papers that are not correctly marked;

(c) a sufficient and pre-determined number of ballot papers marked to indicate a vote for more than one candidate for the same office;

(d) a sufficient and pre-determined number of blank ballot papers;

(3) he shall place the electronic ballot box in “end of election” mode and ensure that the results compiled by the electronic ballot box are consistent with the manually-compiled results;

(4) once the test has been successfully completed, he shall reset the memory card to zero and seal it; the returning officer and the representatives who wish to do so shall note the number entered on the seal;

(5) he shall place the tabulator in the travel case and place a seal on it; the returning officer and the representatives who wish to do so shall note the number entered on the seal;

(6) where an error is detected, the returning officer shall determine with certitude the cause of the error, make the necessary corrections and proceed with a further test, and shall repeat the operation until the optical scanner of the vote tabulator accurately detects the mark made on a ballot paper and until a perfect compilation of results is obtained. Any error or discrepancy observed shall be noted in the test report;

(7) he may not change the programming for the scanning of the mark in a circle without supervision from the firm Technologies Nexxlink inc.”.

## 6.8 Mobile polling station

The said Act is amended by inserting the following sections after section 175:

**“175.1.** The electors shall indicate their vote on the same type of ballot paper as that used in an advance polling station. After marking the ballot paper, each elector shall insert it in the confidentiality sleeve and place it in the ballot box provided for that purpose. At the close of the mobile poll, the deputy returning officer and the mobile poll clerk shall seal the ballot box and affix their initials to it.

**175.2.** The deputy returning officer shall, before the opening of the advance polling station, give the senior deputy returning officer the ballot box containing the ballot papers from the mobile polling station.



The senior deputy returning officer shall, in the presence of the assistant to the senior deputy returning officer, remove from the ballot box the confidentiality sleeves containing the ballot papers and insert the ballot papers, one by one, in the electronic ballot box.”

### 6.9 Advance polling

The following is substituted for sections 182, 183 and 185 of the Act :

“**182.** After the close of the advance polling station, the poll clerk shall enter the following particulars in the poll book :

- (1) the number of ballot paper cards received from the returning officer ;
- (2) the number of electors who were given a ballot paper card ;
- (3) the number of spoiled, refused or cancelled ballot paper cards and the number of unused ballot paper cards ;
- (4) the names of the persons who have performed duties as election officers or as representatives.

The deputy returning officer shall place in separate envelopes the spoiled, refused or cancelled ballot paper cards, the unused ballot paper cards, the forms, the poll book and the list of electors. The deputy returning officer shall then seal the envelopes. The deputy returning officer, the poll clerk and the representatives who wish to do so shall affix their initials to the seals of the envelopes. The envelopes, except those containing the list of electors, shall be given to the senior deputy returning officer for deposit in a box reserved for that purpose.

**182.1.** The senior deputy returning officer, in the presence of the candidates or of their representative who wish to be present, shall seal the recipient for ballot papers, and then place the electronic ballot box in its travel case and place a seal the case. The senior deputy returning officer and the representatives who wish to do so shall note the number entered on the seal.

The senior deputy returning officer shall then give the recipient or recipients for ballot papers, the transfer box and the envelopes containing the list of electors to the returning officer or to the person designated by the returning officer.

The returning officer shall have custody of the recipient or recipients for ballot papers until the results of the advance poll have been compiled and then for the time prescribed for the conservation of electoral documents.

**183.** Immediately before the time fixed for the opening of the polling station on the second day, where applicable, the senior deputy returning officer, before the persons present, shall open the transfer box and give each deputy returning officer the poll books, the envelopes containing unused ballot paper cards and the forms. Each deputy returning officer shall open the envelopes and take possession of their contents. The spoiled, refused or cancelled ballot paper cards shall remain in the transfer boxes, which the senior deputy returning officer shall seal.

The senior deputy returning officer, before the persons present, shall remove the seal from the travel case of the tabulator.

The returning officer, or the person designated by the returning officer, shall give each deputy returning officer the list of electors of the grouped polling station or stations, where applicable.

At the close of the second day of advance polling, where applicable, the senior deputy returning officer, the deputy returning officer and the poll clerk shall perform the same actions as at the close of the first day of advance polling. In addition, the senior deputy returning officer shall withdraw the memory card from the electronic ballot box, place it in an envelope, seal the envelope, place the envelope in the recipient for ballot papers, and seal the recipient.

The spoiled, refused or cancelled ballot paper cards from the second day shall be placed in separate sealed envelope by the deputy returning officer. They shall also be placed in a sealed transfer box.

The deputy returning officer, the poll clerk and the representatives who wish to do so shall affix their initials to the seal.

**185.** From 7:00 p.m. on polling day, the returning officer or the person designated by the returning officer shall print out the results compiled by the electronic ballot box at an advance polling station, in the presence of the deputy returning officers, the poll clerks and the representatives who wish to be present.



The results shall be printed out at the location determined by the returning officer. The print-out shall be performed in accordance with the rules applicable to the printing-out of the results from polling day, adapted as required.”.

#### 6.10 Booths

The following is substituted for section 191 of the Act:

“**191.** Where electronic ballot boxes are used in an election, the polling station shall have the number of polling booths determined by the returning officer.”.

#### 6.11 Ballot papers

The following is substituted for section 193 of the Act:

“**193.** With the exception of the entry stating the office to be filled, the ballot papers shall be printed by reversing process so that, on the obverse, the indications appear in white on a black background and the circles provided to receive the elector’s mark appear in white on an orange vertical strip.”.

Section 195 of the Act is revoked.

#### 6.12 Identification of the candidates

Section 196 of the Act is amended

(1) by substituting the following for the first paragraph:

“**196.** The ballot paper card shall contain a ballot paper for the office of mayor and the ballot papers for the office or offices of councillor. Each ballot paper shall allow each candidate to be identified. It shall contain, on the obverse:”;

(2) by adding the following after subparagraph 3 of the first paragraph:

“(4) the offices in question and, where applicable, the number of the seat to be filled. The indications of the offices in question shall correspond to those contained in the nomination papers.”.

#### 6.13 Ballot paper cards

The following is substituted for section 197 of the Act:

“**197.** The ballot paper cards shall contain on the obverse, as shown in the Schedule,

(1) the name of the municipality;

(2) the indication “municipal election” and the date of the poll;

(3) the ballot papers;

(4) the bar code.

The ballot paper cards shall contain, on the reverse, as shown in the Schedule,

(1) a space intended to receive the initials of the deputy returning officer;

(2) a space intended to receive the number of the polling subdivision;

(3) the name and address of the printer;

(4) the bar code.”.

#### 6.14 Confidentiality sleeve

The Act is amended by inserting the following after section 197:

“**197.1.** The returning officer shall ensure that a sufficient number of confidentiality sleeves are available. Confidentiality sleeves shall be sufficiently opaque to ensure that no mark affixed on the ballot paper may be seen through them.”.

#### 6.15 Withdrawal of a candidate

Section 198 of the Act is amended by adding the following paragraphs at the end:

“Where electronic ballot boxes are used in an election, the returning officer shall ensure that the memory card is adjusted so that it does not take into account the candidates who have withdrawn.

Any vote in favour of those candidates before or after their withdrawal is null.”.

#### 6.16 Withdrawal of authorization or recognition

Section 199 of the Act is amended by adding the following paragraph at the end:

“Where electronic ballot boxes are used in an election, the returning officer shall ensure that the memory card is adjusted so that it does not take into account the party or the ticket from which recognition has been withdrawn.”.

### 6.17 Number of electronic ballot boxes

The following is substituted for section 200 of the Act:

“**200.** The returning officer must ensure that there are as many electronic ballot boxes as polling places available and that a sufficient number of replacement electronic ballot boxes are available in the event of a breakdown or technical deficiency.

The returning officer shall ensure that a sufficient number of recipients for ballot paper cards and, where applicable, of transfer boxes are available for each electronic ballot box.”.

### 6.18 Provision of polling materials

Section 204 of the Act is amended by substituting the word “recipient” for the words “ballot box” in the second line of the first paragraph.

### 6.19 Examination of the electronic ballot box and polling materials

The following is substituted for section 207 of the Act:

“**207.** In the hour preceding the opening of the polling stations, the senior deputy returning officer, before the persons present, shall initialize the electronic ballot box for the polling place. The senior deputy returning officer shall ensure that the electronic ballot box displays a total of zero recorded ballot papers by verifying the printed report of the electronic ballot box.

The senior deputy returning officer shall keep the report and show it to any person present who wishes to examine it.

The senior deputy returning officer shall examine the documents and materials provided by the returning officer.

**207.1.** In the hour preceding the opening of the polling stations, the deputy returning officer and poll clerk shall examine the documents and polling materials provided by the returning officer.”.

The following is substituted for section 209 of the Act:

“**209.** Immediately before the hour fixed for the opening of the polling stations, the senior deputy returning officer, before the deputy returning officers, the poll clerks and the representatives of the candidates present, shall ensure that the recipient of the electronic ballot box is empty.

The recipient shall then be sealed by the senior deputy returning officer. The senior deputy returning officer and the representatives present who wish to do so shall affix their initials to the seal. The electronic ballot box shall be placed in such a way that it is in full view of the polling officers and the electors.”.

## POLLING PROCEDURE

### 6.20 Presence at the polling station

The following is substituted for the third paragraph of section 214 of the Act:

“In addition, only the deputy returning officer, the poll clerk and the representatives assigned to the polling station, together with the returning officer, the election clerk, the assistant to the returning officer, the senior deputy returning officer and the assistant to the senior deputy returning officer may be present at the station. The officer in charge of information and order may be present, at the request of the deputy returning officer for as long as may be required. The poll runner may be present for the time required to perform his duties. Any other person assisting an elector under section 226 may be present for the time required to enable the elector to exercise his right to vote.”.

### 6.21 Initialling of ballot papers

The following is substituted for section 221 of the Act:

“**221.** The deputy returning officer shall give the ballot paper card to which the elector is entitled to each elector admitted to vote, after initialling the ballot paper card in the space reserved for that purpose and entering the number of the polling subdivision. The deputy returning officer shall also give the elector a confidentiality sleeve and a pencil.

The deputy returning officer shall instruct the elector how to insert the ballot paper card in the confidentiality sleeve after having voted.”.

## 6.22 Voting

The following is substituted for section 222 of the Act:

“**222.** The elector shall enter the polling booth and, using the pencil given by the deputy returning officer, mark one of the circles on the ballot paper or papers opposite the indications pertaining to the candidates whom the elector wishes to elect to the offices of mayor, councillor or councillors.

The elector shall insert the ballot paper card, without folding it, into the confidentiality sleeve in such a way that the deputy returning officer’s initials can be seen.”.

## 6.23 Following the vote

The following is substituted for section 223 of the Act:

“**223.** After marking the ballot paper or papers and inserting the ballot paper card in the confidentiality sleeve, the elector shall leave the polling booth and go to the electronic ballot box.

The elector shall allow the senior deputy returning officer to examine the initials of the deputy returning officer.

The elector or, at the elector’s request, the senior deputy returning officer shall insert the ballot paper card on the reverse side into the electronic ballot box without removing it from the confidentiality sleeve.”.

## 6.24 Automatic acceptance

The Act is amended by inserting the following after section 223:

“**223.1.** The electronic ballot box shall be programmed to accept automatically every ballot paper card that is inserted on the reverse side and that was given by the deputy returning officer to an elector.

**223.2.** If a ballot paper card becomes blocked in the recipient for ballot paper cards, the senior deputy returning officer, in the presence of the representatives of the candidates who wish to be present, shall open the recipient, restart the electronic ballot box, close it and seal the recipient again in their presence, before authorizing voting to resume.

The senior deputy returning officer must report to the returning officer the time during which voting was stopped. Mention of that fact shall be made in the poll book.

If a ballot paper card becomes blocked in the tabulator, the senior deputy returning officer, in the presence of the representatives of the candidates who wish to be present, shall unblock the tabulator and restart the electronic ballot box.”.

## 6.25 Cancelled ballots

The following is substituted for section 224 of the Act:

“**224.** The senior deputy returning officer shall prevent the insertion into the electronic ballot box of any ballot paper card that is not initialled or that is initialled by a person other than the deputy returning officer of a polling station. The elector must return to the polling station.

The deputy returning officer of the polling station in question shall, if his initials are not on the ballot paper card, initial it before the persons present, provided that the ballot paper card is *prima facie* a ballot paper card given to the elector by the deputy returning officer that was not initialled by oversight or inadvertence. The elector shall return to insert the ballot paper card into the electronic ballot box.

If the ballot paper card has been initialled by a person other than the deputy returning officer, or if the ballot paper card is not a ballot paper card given to the elector by the deputy returning officer, the deputy returning officer of the polling station in question shall cancel the ballot paper card.

The occurrence shall be recorded in the poll book.”.

## 6.26 Visually impaired person

Section 227 of the Act is amended:

(1) by substituting the following for the second and third paragraphs:

“The assistant to the senior deputy returning officer shall set up the template and the ballot paper card, give them to the elector, and indicate to the elector the order in which the candidates’ names appear on the ballot papers and the particulars entered under their names, where such is the case.

The senior deputy returning officer shall help the elector insert the ballot paper card into the electronic ballot box.”; and

(2) by striking out the fourth paragraph.

## COMPILATION OF RESULTS AND ADDITION OF VOTES

### 6.27 **Compilation of results**

The following is substituted for sections 229 and 230 of the Act:

“**229.** After the closing of the poll, the senior deputy returning officer shall place the electronic ballot box in “end of election” mode and print out the results compiled by the electronic ballot box. The representatives assigned to the polling stations at the polling place may be present.

The report on the compiled results shall indicate the total number of ballot paper cards, the number of rejected ballot papers and the number of valid votes for each office.

**230.** After the closing of the poll, the deputy returning officer of each polling station in the polling place shall complete the partial statement of votes according to section 238 and shall give a copy of it to the senior deputy returning officer.

The poll clerk of the polling station shall enter the following particulars in the poll book:

- (1) the number of ballot paper cards received from the returning officer;
- (2) the number of electors admitted to vote;
- (3) the number of spoiled, refused or cancelled ballot paper cards and the number of unused ballot paper cards;
- (4) the names of the persons who have performed duties as election officers or representatives assigned to that station.”.

The Act is amended by inserting the following after section 230:

“**230.1.** The senior deputy returning officer shall ensure, before the persons present, that the results entered on the printed report of the electronic ballot box and the total number of unused, spoiled, refused and cancelled ballot paper cards entered on the partial statement of votes of each deputy returning officer correspond to the total number of ballot paper cards issued by the returning officer.

**230.2.** Using the partial statement or statements of votes, the senior deputy returning officer shall complete an overall statement of votes in a sufficient number so that each representative assigned to a polling station or each candidate can have a copy of it.”.

### 6.28 **Compiling sheet**

Section 231 of the Act is revoked.

### 6.29 **Counting of the votes**

Section 232 of the Act is revoked.

### 6.30 **Rejected ballot papers**

The following is substituted for section 233 of the Act:

“**233.** The electronic ballot box shall be programmed in such a way as to reject any ballot paper that

- (1) has not been marked;
- (2) has been marked in favour of more than one candidate;
- (3) has been marked in favour of a person who is not a candidate.

For the purposes of the poll, the memory card shall be programmed in such a way as to ensure that the electronic ballot box processes and conserves all the ballot paper cards inserted, in other words both the cards containing valid ballot papers and those containing rejected ballot papers, except any ballot paper cards that have been refused.”.

### 6.31 **Rejected ballot papers, procedural omission, valid ballot papers**

Sections 233 to 236 of the Act, adapted as required, shall apply only in the case of a judicial recount.

### 6.32 **Contested validity**

The following is substituted for section 237 of the Act:

“**237.** The poll clerk, at the request of the senior deputy returning officer, shall enter in the poll book every objection raised by a representative present at the printing out of the results compiled by an electronic ballot box in respect of the validity of the results.”.

### 6.33 Partial statement of votes, overall statement of votes and copy given to representatives of candidates

The following is substituted for section 238 of the Act:

“**238.** The deputy returning officer shall draw up the partial statement of votes, setting out

(1) the number of ballot paper cards received from the returning officer;

(2) the number of spoiled, refused or cancelled ballot paper cards that were not inserted into the electronic ballot box;

(3) the number of unused ballot paper cards.

The deputy returning officer shall make two copies of the partial statement of votes, one of which must be given to the senior deputy returning officer.

Using the partial statements of votes and the results compiled by the electronic ballot box, the senior deputy returning officer shall draw up an overall statement of votes.

The senior deputy returning officer shall immediately give a copy of the overall statement of votes to the representatives.”.

Section 240 of the Act is revoked.

### 6.34 Separate, sealed and initialled envelopes given to the returning officer

The following is substituted for sections 241, 242 and 243 of the Act:

“**241.** After the closing of the poll, each deputy returning officer shall place in separate envelopes the list of electors, the poll book, the forms, the spoiled, refused or cancelled ballot paper cards that were not inserted into the electronic ballot box, the unused ballot paper cards and the partial statement of votes. Each deputy returning officer shall seal the envelopes and place them in a recipient, seal it and give it to the senior deputy returning officer. The deputy returning officer, the poll clerk and the representatives assigned to the polling station who wish to do so shall initial the seals.

**242.** After the results compiled by the electronic ballot box have been printed, in the presence of the candidates or representatives who wish to be present, the senior deputy returning officer:

— if the plastic recipient has been used for the electronic ballot box, place the ballot paper cards from the recipient of the electronic ballot box in a transfer box. Next, he shall remove the memory card from the electronic ballot box and insert it in an envelope with a copy of the report on the results compiled by the electronic ballot box. He shall seal the envelope, initial it, allow the representatives who wish to do so to initial it and place it in the transfer box. He shall seal and initial the transfer box and allow the representatives who wish to do so to initial it;

— if the cardboard recipient is used for the electronic ballot box, remove the cardboard recipient containing the ballot papers. Next, he shall remove the memory card from the electronic ballot box and insert it in an envelope with a copy of the report on the results compiled by the electronic ballot box. He shall seal the envelope, initial it, allow the representatives who wish to do so to initial it and place it in the cardboard recipient. He shall seal and initial the cardboard recipient and allow the representatives who wish to do so to initial it.

The senior deputy returning officer give the transfer boxes or the cardboard recipients to the returning officer or to the person designated by the returning officer.

**243.** The senior deputy returning officer shall place in an envelope a copy of the overall statement of votes stating the results of the election and the partial statements of votes. The senior deputy returning officer shall then seal and initial the envelope and give it to the returning officer.

The representatives assigned to the polling stations may initial the seal.”.

Section 244 of the Act is revoked.

### 6.35 Addition of votes

The following is substituted for section 247 of the Act:

“**247.** The returning officer shall proceed with the addition of the votes using the overall statement of votes drawn up by each senior deputy returning officer.”.

### 6.36 Adjournment of the addition of votes

The following is substituted for section 248 of the Act:

“**248.** The returning officer shall, if unable to obtain an overall statement of votes that should have been provided, adjourn the addition of votes until the statement has been obtained.

Where it is not possible to obtain an overall statement of votes, or the printed report on the results compiled by an electronic ballot box, the returning officer shall, in the presence of the senior deputy returning officer and the candidates concerned or their representatives if they so wish, print out the results using the memory card taken from the transfer box opened in the presence of the persons listed above.”.

### 6.37 Placing in envelope

The following is substituted for section 249 of the Act:

“**249.** After printing and examining the results, the returning officer shall place them in an envelope together with the memory card.

The returning officer shall seal the envelope, put the envelope in the transfer box and then seal the box.

The returning officer, the candidates and the representatives present may initial the seals.”.

### 6.38 New counting of the votes

The following is substituted for section 250 of the Act:

“**250.** Where it is not possible to print a new report on the results compiled using the memory card, the returning officer, on the date, at the time and at the place that he determines, in the presence of the candidates or their representatives who wish to be present, shall recover the ballot paper cards used for the office or offices concerned and shall insert them, one by one, in the opening of the electronic ballot box equipped with a new programmed memory card. He shall then print out the results compiled by the electronic ballot box.”.

### 6.39 Notice to the Minister

Section 251 of the Act is amended by substituting the words “overall statement of votes, the report on the results compiled by the electronic ballot box and the ballot paper cards” for the words “statement of votes and the ballot papers” in the first line of the first paragraph.

### 6.40 Access to ballot papers

The following is substituted for section 261 of the Act:

“**261.** Except for the purposes of an examination of rejected ballot papers pursuant to this agreement, the returning officer or the person responsible for providing

access to the documents held by the municipality may not issue copies of the ballot papers used, or allow any person to examine the ballot papers, without being required to do so by an order issued by a court or judge.”.

### 6.41 Application for a recount

Section 262 of the Act is amended by substituting the words “an electronic ballot box” for the words “a deputy returning officer, a poll clerk or the returning officer” in the first and second lines of the first paragraph.

## 7. EXAMINATION OF REJECTED BALLOT PAPERS

Within 120 days from the date on which an election is declared or contested, the returning officer must, at the request of the Chief Electoral Officer or the Minister, examine the rejected ballot papers to ascertain the grounds for rejection. The returning officer must verify the ballot paper cards contained in the recipients for ballot papers.

The returning officer must notify the candidates or their representatives that they may be present at the examination. The Chief Electoral Officer and the Minister shall be notified and they may delegate their representatives. The representative of the company that sold or rented out the electronic ballot boxes must attend the examination to explain the operation of the mechanism for rejecting ballot papers and to answer questions from the participants.

The programming parameters for rejecting ballot papers must be disclosed to the participants.

The examination of the rejected ballot papers shall in no way change the results of the poll or be used in a court to attempt to change the results of the poll.

A report on the examination must be drawn up by the returning officer and include, in particular, the assessment sheet for the grounds for rejection and a copy of the related ballot paper. Any other relevant comment concerning the conduct of the poll must also be included.

Prior to the examination of the rejected ballot papers, the rejected ballot papers must be separated from the other ballot papers, using the electronic ballot box duly programmed by the representative of the firm, and a sufficient number of photocopies must be made for the participants present. The candidates or their representatives may be present during this operation.



## 8. DURATION AND APPLICATION OF AGREEMENT

The returning officer of the municipality is responsible for the application of this agreement and, consequently, for the proper conduct of the trial application of the new method of voting during general elections and by-elections held before 2005, December 31.

## 9. AMENDMENT

The parties agree that this agreement may be amended if need be to ensure the proper conduct of the general elections or subsequent by-elections provided for in the agreement.

Mention of that fact shall be made in the assessment report.

## 10. ASSESSMENT REPORT

Within 120 days following the municipal election held on 2005, November 6th, the returning officer of the municipality shall forward, in accordance with section 659.3 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2), an assessment report to the Chief Electoral Officer and the Minister setting out relevant ways to improve the trial and addressing, in particular, the following points:

— the preparations for the election (choice of the new method of voting, communications plan, etc.);

— the conduct of the advance poll and the poll;

— the cost of using the electronic voting system;

– the cost of adapting election procedures;

– non-recurrent costs likely to be amortized;

– a comparison between the actual polling costs and the estimated polling costs using the new methods of voting and the projected cost of holding the municipal election on 2005, November 6th using traditional methods;

— the number and duration of incidents during which voting was stopped, if any;

— the advantages and disadvantages of using the new method of voting;

— the results obtained during the addition of the votes and the correspondence between the number of ballot paper cards issued to the deputy returning officers and the number of ballot paper cards returned used and unused;

— the examination of rejected ballot papers, if it has been completed.

## 11. APPLICATION OF THE ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

The Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) shall apply to the municipal election held on 2005, November 6th, in the municipality, subject to the provisions of the Act that this agreement amends or replaces.

## 12. EFFECT OF THE AGREEMENT

This agreement has effect from the time when the returning officer performs the first act for the purposes of an election to which this agreement applies.

## AGREEMENT SIGNED IN SEVEN COPIES

In Sainte-Julienne, on this 9th day of the month of June of the year 2005

### THE MUNICIPALITY OF SAINTE-JULIENNE

By: \_\_\_\_\_  
MARCEL JETTÉ, *Mayor*

\_\_\_\_\_  
CLAUDE ARCORAGI,  
*Clerk or Secretary-Treasurer*

In Granby, on this 9th day of the month of June of the year 2005

### THE MUNICIPALITY OF CANTON OF GRANBY

By: \_\_\_\_\_  
LOUIS CHOINIÈRE, *Mayor*

\_\_\_\_\_  
ROBERT DUVAL,  
*Clerk or Secretary-Treasurer*

In Sainte-Julienne, on this 9th day of the month of June of the year 2005

## THE TOWN OF RIMOUSKI

By: \_\_\_\_\_  
MICHEL TREMBLAY, *Mayor*

\_\_\_\_\_  
MARC DOUCET,  
*Clerk or Secretary-Treasurer*

In Sainte-Julienne, on this 9th day of the month of  
June of the year 2005

## THE TOWN OF DOLBEAU-MISTASSINI

By: \_\_\_\_\_  
GEORGES SIMARD, *Mayor*

\_\_\_\_\_  
M<sup>e</sup> ANDRÉ CÔTÉ,  
*Clerk or Secretary-Treasurer*

In Québec, on this 27th day of the month of June of  
the year 2005

## THE CHIEF ELECTORAL OFFICER

\_\_\_\_\_  
MARCEL BLANCHET

In Québec, on this 14th day of the month of July of  
the year 2005

THE MINISTER OF MUNICIPAL AFFAIRS  
AND REGIONS

\_\_\_\_\_  
DENYS JEAN, *Deputy Minister*



**SCHEDULE**

MODEL BALLOT PAPER HOLDER

**MUNICIPALITY OF MATTEAU**

Municipal Election - November 2, 2003

**“SPÉCIMEN”**

<b>Mayor Office</b>	
<b>Marie BONENFANT</b>	●
<b>Jean-Charles BUREAU</b> <small>Appartenance politique</small>	●
<b>Pierre-A. LARRIVÉE</b>	●

<b>City Councillor District 1</b>	
<b>Luc GAUTHIER</b>	●
<b>Carl LUSSIER</b>	●
<b>Hélène ROCHETTE</b> <small>Appartenance politique</small>	●
<b>Sylvain SAINT-PIERRE</b>	●

<input type="text"/>	<input type="text"/>
<b>Initials of the deputy returning officer</b>	<b>Polling subdivision</b>
Printer name Address City Postal code	

Gouvernement du Québec

## Agreement

An Act respecting elections and referendums in municipalities  
(R.S.Q., c. E-2.2)

### AGREEMENT CONCERNING NEW METHODS OF VOTING FOR AN ELECTION USING “ACCU-VOTE ES 2000” BALLOT BOXES

AGREEMENT ENTERED INTO

BETWEEN

The MUNICIPALITY OF VAL-D’OR, a legal person established in the public interest, having its head office at 855, 2<sup>e</sup> Avenue, Val-d’Or, J9P 1W8, Province de Québec, represented by the mayor, Mr. Fernand Trahan, and the clerk or secretary-treasurer, M<sup>e</sup> Normand Gélinas, under resolution number 2005-27, hereinafter called

THE MUNICIPALITY

AND

M<sup>re</sup> Marcel Blanchet, in his capacity as CHIEF ELECTORAL OFFICER OF QUÉBEC, duly appointed to that office under the Election Act (R.S.Q., c. E-3.3), acting in that capacity and having his main office at 3460, rue de La Pérade, Sainte-Foy, Province de Québec, hereinafter called

THE CHIEF ELECTORAL OFFICER

AND

the Honourable Jean-Marc Fournier, in his capacity as MINISTER OF MUNICIPAL AFFAIRS, SPORTS AND RECREATION, having his main office at 10, rue Pierre-Olivier-Chauveau, Québec, Province de Québec, hereinafter called

THE MINISTER

WHEREAS the council of the MUNICIPALITY, by its resolution No. 2004-410, passed at its meeting of 1 November 2004, expressed the desire to avail itself of the provisions of the Act respecting elections and referendums in municipalities and to enter into an agreement with the CHIEF ELECTORAL OFFICER and the MINISTER in order to allow the use of electronic ballot boxes for the general election of November 6, 2005 in the MUNICIPALITY;

WHEREAS under sections 659.2 and 659.3 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2):

“**659.2.** A municipality may, in accordance with an agreement made with the Minister of Municipal Affairs, Sports and Recreation and the Chief Electoral Officer, test new methods of voting during a poll. The agreement may provide that it also applies to polling held after the poll for which the agreement was entered into; in such case, the agreement shall provide for its period of application.

The agreement must describe the new methods of voting and mention the provisions of this Act it amends or replaces.

The agreement has the effect of law.

**659.3.** After polling during which a test mentioned in section 659.2 is carried out, the municipality shall send a report assessing the test to the Minister of Municipal Affairs, Sports and Recreation and the Chief Electoral Officer.”;

WHEREAS the MUNICIPALITY expressed the desire to avail itself of those provisions to hold a general election on November 6, 2005 and, could, with the necessary adaptations, avail itself of those provisions for elections held after the date of the agreement, the necessary adaptations to be included in an addendum to this agreement;

WHEREAS it is expedient to provide the procedure that applies to the territory of the MUNICIPALITY for that general election;

WHEREAS an agreement must be entered into between the MUNICIPALITY, the CHIEF ELECTORAL OFFICER and the MINISTER;

WHEREAS the MUNICIPALITY is solely responsible for the technological choice elected;

WHEREAS the council of the MUNICIPALITY passed, at its meeting of January 17, 2005, resolution No. 2005-27 approving the text of the agreement and authorizing the mayor and the clerk or secretary-treasurer to sign this agreement;

WHEREAS the returning officer of the MUNICIPALITY is responsible for the application of this agreement and the means necessary to carry it out;

THEREFORE, the parties agree to the following:

#### 1. PREAMBLE

The preamble to this agreement is an integral part of the agreement.

#### 2. INTERPRETATION

Unless stated otherwise, expressly or as a result of the context of a provision, the following expressions, terms and words have, for the purposes of this agreement, the meaning and application given in this section.

2.1 “Electronic ballot box” means an apparatus containing a vote tabulator, a memory card, a printer, a cardboard or, where necessary, plastic recipient for ballot papers and a modem, where necessary.

2.2 “Vote tabulator” means a device that uses an optical scanner to detect a mark made in a circle on a ballot paper by an elector.

2.3 “Memory card” means a memory device that computes and records the marks made by an elector for each of the candidates whose names are printed on the ballot paper and the number of rejected ballot papers according to the subdivisions of the vote tabulator program.

2.4 “Recipient for ballot papers” means a box into which the ballot paper cards fall.

2.5 Where applicable, “transfer box” means the box in which the ballot paper cards are placed when a plastic recipient is used for the electronic ballot box.

2.6 “Ballot paper card” means the card on which the ballot paper or papers are printed.

2.7 “Refused card” means a ballot paper card the insertion of which into the tabulator is refused.

2.8 “Confidentiality sleeve” means a sleeve designed to receive the ballot paper card.

#### 3. ELECTION

3.1 For the purposes of the general election of November 6, 2005 in the municipality, a sufficient number of Accu-Vote ES 2000 model electronic ballot boxes will be used.

3.2 Before the publication of the notice of election, the municipality must take the necessary steps to provide its electors with adequate information concerning the testing of the new method of voting.

#### 4. SECURITY MECHANISMS

The electronic ballot boxes used must include the following security mechanisms:

(1) a report displaying a total of “zero” must be automatically produced by an electronic ballot box upon being turned on the first day of advance polling and on polling day;

(2) a verification report must be generated on a continuous basis and automatically saved on the memory card, and must record each procedural operation;

(3) the electronic ballot box must not be placed in “end of election” mode while the poll is still under way;

(4) the compilation of results must not be affected by any type of interference once the electronic ballot box has been placed in “election” mode;

(5) each electronic ballot box must be equipped with a back-up power source (battery) able to operate for two to five hours, unless all the electronic ballot boxes are connected to a generator;

(6) if a ballot box is defective, the memory card may be removed and transferred immediately into another electronic ballot box in order to allow the procedure to continue.

#### 5. PROGRAMMING

Each memory card used is specially programmed either by the firm Technologies Nexxlink inc., or by the returning officer under the supervision of the firm Technologies Nexxlink inc., to recognize and tally ballot papers in accordance with this agreement.

#### 6. AMENDMENTS TO THE ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

##### 6.1 Election officers

Section 68 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) is amended by inserting the words “senior deputy returning officer, assistant to the senior deputy returning officer” after the word “assistant”.

### **6.2 Senior deputy returning officer, assistant to the senior deputy returning officer, deputy returning officer and poll clerk**

The following is substituted for section 76 of the Act:

“**76.** The returning officer shall appoint the number of senior deputy returning officers and assistants to the senior deputy returning officer that he deems necessary for each polling place.

The returning officer shall appoint a deputy returning officer and a poll clerk for each polling station.”.

### **6.3 Duties of the senior deputy returning officer, assistant to the senior deputy returning officer and deputy returning officer**

The following is substituted for section 80 of the Act:

“**80.** The senior deputy returning officer shall, in particular,

(1) see to the installation and preparation of the electronic ballot box;

(2) ensure that the polling is properly conducted and maintain order in the vicinity of the electronic ballot box;

(3) facilitate the exercise of the right to vote and ensure that voting is secret;

(4) ensure that the electronic ballot box functions correctly;

(5) print out the results compiled by the electronic ballot box at the closing of the poll;

(6) complete an overall statement of votes from the partial statements and the results compiled by the electronic ballot box;

(7) give the returning officer, at the closing of the poll, the results compiled by the electronic ballot box, the overall statement and the partial statement or statements of votes;

(8) when a ballot paper card has been refused by the tabulator, ask the elector to return to the polling booth, mark all the circles and go to the polling station in order to obtain another ballot paper card;

(9) advise the returning officer immediately of any defect in the memory card or the electronic ballot box.

**80.1.** The assistant to the senior deputy returning officer shall, in particular,

(1) assist the senior deputy returning officer in the latter’s duties;

(2) receive any elector referred by the senior deputy returning officer;

(3) verify the polling booths in the polling place;

(4) get the pencils and confidentiality sleeves back from the senior deputy returning officer and redistribute them to each deputy returning officer.

**80.2.** The deputy returning officer shall, in particular,

(1) see to the arrangement of the polling station;

(2) ensure that the polling is properly conducted and maintain order in the polling station;

(3) facilitate the exercise of the right to vote and ensure that voting is secret;

(4) make sure of electors’ identity;

(5) give the electors a ballot paper card, a confidentiality sleeve and a pencil to exercise their right to vote;

(6) receive from electors any ballot paper cards that are refused by the tabulator and give them another ballot paper card, and record the occurrence in the poll book.”.

### **6.4 Discretion of the Chief Electoral Officer upon observing an error, emergency or exceptional circumstance**

The following is substituted for section 90.5 of the Act:

“**90.5.** Where, during the election period, within the meaning of section 364, it comes to the attention of the Chief Electoral Officer that, subsequent to an error, emergency or exceptional circumstance, a provision referred to in section 90.1 or in the agreement provided for in section 659.2 of the Act respecting elections and referendums in municipalities does not meet the demands of the resultant situation, the Chief Electoral Officer may adapt the provision in order to achieve its object.

The Chief Electoral Officer shall first inform the Minister of Municipal Affairs, Sports and Recreation of the decision he intends to make.

Within 30 days following polling day, the Chief Electoral Officer shall transmit to the President or the Secretary General of the National Assembly a report of the decisions made pursuant to the first paragraph. The President shall table the report in the National Assembly within 30 days of receiving it or, if the National Assembly is not sitting, within 30 days of resumption.”.

### 6.5 Notice of election

The following is added after paragraph 7 of section 99 of the Act:

“(8) the fact that the method of voting is voting by means of electronic ballot boxes.”.

### 6.6 Polling subdivisions

The following is substituted for section 104 of the Act:

“**104.** The returning officer shall divide the list of electors into polling subdivisions.

The polling subdivisions shall have a number of electors determined by the returning officer. That number shall not be greater than 750 electors.”.

### 6.7 Verification of electronic ballot box

The Act is amended by inserting the following subdivision after subdivision 1 of Division IV of Chapter VI of Title I:

“**§1.1** *Verification of electronic ballot box*

**173.1.** The returning officer shall, at least five days before the first day fixed for the advance poll and at least three days before the day fixed for the polling, test the electronic ballot box to ensure that the vote tabulator accurately detects the mark made on a ballot paper and that it tallies the number of votes cast accurately and precisely, in the presence of a representative of the firm Technologies Nexxlink inc. and the representatives of the candidates.

**173.2.** During the testing of the electronic ballot box, adequate security measures must be taken by the returning officer to guarantee the integrity of the system as a whole and of each component used to record, compile and memorize results. The returning officer must ensure that no electronic communication that could change the programming of the electronic ballot box, the recording of data, the tallying of votes, the memorization of results or the integrity of the system as a whole may be established.

**173.3.** The returning officer shall conduct the test by performing the following operations:

(1) he shall mark the memory card with the returning officer’s initials and insert it into the electronic ballot box;

(2) he shall insert into the electronic ballot box a pre-determined number of ballot paper cards, previously marked and tallied manually. The ballot paper cards shall include

(a) a sufficient and pre-determined number of ballot papers correctly marked to indicate a vote for each of the candidates;

(b) a sufficient and pre-determined number of ballot papers that are not correctly marked;

(c) a sufficient and pre-determined number of ballot papers marked to indicate a vote for more than one candidate for the same office;

(d) a sufficient and pre-determined number of blank ballot papers;

(3) he shall place the electronic ballot box in “end of election” mode and ensure that the results compiled by the electronic ballot box are consistent with the manually-compiled results;

(4) once the test has been successfully completed, he shall reset the memory card to zero and seal it; the returning officer and the representatives who wish to do so shall note the number entered on the seal;

(5) he shall place the tabulator in the travel case and place a seal on it; the returning officer and the representatives who wish to do so shall note the number entered on the seal;

(6) where an error is detected, the returning officer shall determine with certitude the cause of the error, make the necessary corrections and proceed with a further test, and shall repeat the operation until the optical scanner of the vote tabulator accurately detects the mark made on a ballot paper and until a perfect compilation of results is obtained. Any error or discrepancy observed shall be noted in the test report;

(7) he may not change the programming for the scanning of the mark in a circle without supervision from the firm Technologies Nexxlink inc.”.

## 6.8 Mobile polling station

The said Act is amended by inserting the following sections after section 175:

**“175.1.** The electors shall indicate their vote on the same type of ballot paper as that used in an advance polling station. After marking the ballot paper, each elector shall insert it in the confidentiality sleeve and place it in the ballot box provided for that purpose. At the close of the mobile poll, the deputy returning officer and the mobile poll clerk shall seal the ballot box and affix their initials to it.

**175.2.** The deputy returning officer shall, before the opening of the advance polling station, give the senior deputy returning officer the ballot box containing the ballot papers from the mobile polling station.

The senior deputy returning officer shall, in the presence of the assistant to the senior deputy returning officer, remove from the ballot box the confidentiality sleeves containing the ballot papers and insert the ballot papers, one by one, in the electronic ballot box.”

## 6.9 Advance polling

The following is substituted for sections 182, 183 and 185 of the Act:

**“182.** After the close of the advance polling station, the poll clerk shall enter the following particulars in the poll book:

- (1) the number of ballot paper cards received from the returning officer;
- (2) the number of electors who were given a ballot paper card;
- (3) the number of spoiled, refused or cancelled ballot paper cards and the number of unused ballot paper cards;
- (4) the names of the persons who have performed duties as election officers or as representatives.

The deputy returning officer shall place in separate envelopes the spoiled, refused or cancelled ballot paper cards, the unused ballot paper cards, the forms, the poll book and the list of electors. The deputy returning officer shall then seal the envelopes. The deputy returning officer, the poll clerk and the representatives who wish to do so shall affix their initials to the seals of the envelopes. The envelopes, except those containing the list of electors, shall be given to the senior deputy returning officer for deposit in a box reserved for that purpose.

**182.1.** The senior deputy returning officer, in the presence of the candidates or of their representative who wish to be present, shall seal the recipient for ballot papers, and then place the electronic ballot box in its travel case and place a seal the case. The senior deputy returning officer and the representatives who wish to do so shall note the number entered on the seal.

The senior deputy returning officer shall then give the recipient or recipients for ballot papers, the transfer box and the envelopes containing the list of electors to the returning officer or to the person designated by the returning officer.

The returning officer shall have custody of the recipient or recipients for ballot papers until the results of the advance poll have been compiled and then for the time prescribed for the conservation of electoral documents.

**183.** Immediately before the time fixed for the opening of the polling station on the second day, where applicable, the senior deputy returning officer, before the persons present, shall open the transfer box and give each deputy returning officer the poll books, the envelopes containing unused ballot paper cards and the forms. Each deputy returning officer shall open the envelopes and take possession of their contents. The spoiled, refused or cancelled ballot paper cards shall remain in the transfer boxes, which the senior deputy returning officer shall seal.

The senior deputy returning officer, before the persons present, shall remove the seal from the travel case of the tabulator.

The returning officer, or the person designated by the returning officer, shall give each deputy returning officer the list of electors of the grouped polling station or stations, where applicable.

At the close of the second day of advance polling, where applicable, the senior deputy returning officer, the deputy returning officer and the poll clerk shall perform the same actions as at the close of the first day of advance polling. In addition, the senior deputy returning officer shall withdraw the memory card from the electronic ballot box, place it in an envelope, seal the envelope, place the envelope in the recipient for ballot papers, and seal the recipient.

The spoiled, refused or cancelled ballot paper cards from the second day shall be placed in separate sealed envelope by the deputy returning officer. They shall also be placed in a sealed transfer box.

The deputy returning officer, the poll clerk and the representatives who wish to do so shall affix their initials to the seal.

**185.** From 7:00 p.m. on polling day, the returning officer or the person designated by the returning officer shall print out the results compiled by the electronic ballot box at an advance polling station, in the presence of the deputy returning officers, the poll clerks and the representatives who wish to be present.

The results shall be printed out at the location determined by the returning officer. The print-out shall be performed in accordance with the rules applicable to the printing-out of the results from polling day, adapted as required.”.

#### 6.10 Booths

The following is substituted for section 191 of the Act:

“**191.** Where electronic ballot boxes are used in an election, the polling station shall have the number of polling booths determined by the returning officer.”.

#### 6.11 Ballot papers

The following is substituted for section 193 of the Act:

“**193.** With the exception of the entry stating the office to be filled, the ballot papers shall be printed by reversing process so that, on the obverse, the indications appear in white on a black background and the circles provided to receive the elector’s mark appear in white on an orange vertical strip.”.

Section 195 of the Act is revoked.

#### 6.12 Identification of the candidates

Section 196 of the Act is amended

(1) by substituting the following for the first paragraph:

“**196.** The ballot paper card shall contain a ballot paper for the office of mayor and the ballot papers for the office or offices of councillor. Each ballot paper shall allow each candidate to be identified. It shall contain, on the obverse:”;

(2) by adding the following after subparagraph 3 of the first paragraph:

“(4) the offices in question and, where applicable, the number of the seat to be filled. The indications of the offices in question shall correspond to those contained in the nomination papers.”.

#### 6.13 Ballot paper cards

The following is substituted for section 197 of the Act:

“**197.** The ballot paper cards shall contain on the obverse, as shown in the Schedule,

(1) the name of the municipality;

(2) the indication “municipal election” and the date of the poll;

(3) the ballot papers;

(4) the bar code.

The ballot paper cards shall contain, on the reverse, as shown in the Schedule,

(1) a space intended to receive the initials of the deputy returning officer;

(2) a space intended to receive the number of the polling subdivision;

(3) the name and address of the printer;

(4) the bar code.”.

#### 6.14 Confidentiality sleeve

The Act is amended by inserting the following after section 197:

“**197.1.** The returning officer shall ensure that a sufficient number of confidentiality sleeves are available. Confidentiality sleeves shall be sufficiently opaque to ensure that no mark affixed on the ballot paper may be seen through them.”.

#### 6.15 Withdrawal of a candidate

Section 198 of the Act is amended by adding the following paragraphs at the end:

“Where electronic ballot boxes are used in an election, the returning officer shall ensure that the memory card is adjusted so that it does not take into account the candidates who have withdrawn.



Any vote in favour of those candidates before or after their withdrawal is null.”.

#### 6.16 **Withdrawal of authorization or recognition**

Section 199 of the Act is amended by adding the following paragraph at the end :

“Where electronic ballot boxes are used in an election, the returning officer shall ensure that the memory card is adjusted so that it does not take into account the party or the ticket from which recognition has been withdrawn.”.

#### 6.17 **Number of electronic ballot boxes**

The following is substituted for section 200 of the Act :

“**200.** The returning officer must ensure that there are as many electronic ballot boxes as polling places available and that a sufficient number of replacement electronic ballot boxes are available in the event of a breakdown or technical deficiency.

The returning officer shall ensure that a sufficient number of recipients for ballot paper cards and, where applicable, of transfer boxes are available for each electronic ballot box.”.

#### 6.18 **Provision of polling materials**

Section 204 of the Act is amended by substituting the word “recipient” for the words “ballot box” in the second line of the first paragraph.

#### 6.19 **Examination of the electronic ballot box and polling materials**

The following is substituted for section 207 of the Act :

“**207.** In the hour preceding the opening of the polling stations, the senior deputy returning officer, before the persons present, shall initialize the electronic ballot box for the polling place. The senior deputy returning officer shall ensure that the electronic ballot box displays a total of zero recorded ballot papers by verifying the printed report of the electronic ballot box.

The senior deputy returning officer shall keep the report and show it to any person present who wishes to examine it.

The senior deputy returning officer shall examine the documents and materials provided by the returning officer.

**207.1.** In the hour preceding the opening of the polling stations, the deputy returning officer and poll clerk shall examine the documents and polling materials provided by the returning officer.”.

The following is substituted for section 209 of the Act :

“**209.** Immediately before the hour fixed for the opening of the polling stations, the senior deputy returning officer, before the deputy returning officers, the poll clerks and the representatives of the candidates present, shall ensure that the recipient of the electronic ballot box is empty.

The recipient shall then be sealed by the senior deputy returning officer. The senior deputy returning officer and the representatives present who wish to do so shall affix their initials to the seal. The electronic ballot box shall be placed in such a way that it is in full view of the polling officers and the electors.”.

### POLLING PROCEDURE

#### 6.20 **Presence at the polling station**

The following is substituted for the third paragraph of section 214 of the Act :

“In addition, only the deputy returning officer, the poll clerk and the representatives assigned to the polling station, together with the returning officer, the election clerk, the assistant to the returning officer, the senior deputy returning officer and the assistant to the senior deputy returning officer may be present at the station. The officer in charge of information and order may be present, at the request of the deputy returning officer for as long as may be required. The poll runner may be present for the time required to perform his duties. Any other person assisting an elector under section 226 may be present for the time required to enable the elector to exercise his right to vote.”.

#### 6.21 **Initialling of ballot papers**

The following is substituted for section 221 of the Act :

“**221.** The deputy returning officer shall give the ballot paper card to which the elector is entitled to each elector admitted to vote, after initialling the ballot paper card in the space reserved for that purpose and entering the number of the polling subdivision. The deputy returning officer shall also give the elector a confidentiality sleeve and a pencil.

The deputy returning officer shall instruct the elector how to insert the ballot paper card in the confidentiality sleeve after having voted.”.

## 6.22 Voting

The following is substituted for section 222 of the Act:

“**222.** The elector shall enter the polling booth and, using the pencil given by the deputy returning officer, mark one of the circles on the ballot paper or papers opposite the indications pertaining to the candidates whom the elector wishes to elect to the offices of mayor, councillor or councillors.

The elector shall insert the ballot paper card, without folding it, into the confidentiality sleeve in such a way that the deputy returning officer’s initials can be seen.”.

## 6.23 Following the vote

The following is substituted for section 223 of the Act:

“**223.** After marking the ballot paper or papers and inserting the ballot paper card in the confidentiality sleeve, the elector shall leave the polling booth and go to the electronic ballot box.

The elector shall allow the senior deputy returning officer to examine the initials of the deputy returning officer.

The elector or, at the elector’s request, the senior deputy returning officer shall insert the ballot paper card on the reverse side into the electronic ballot box without removing it from the confidentiality sleeve.”.

## 6.24 Automatic acceptance

The Act is amended by inserting the following after section 223:

“**223.1.** The electronic ballot box shall be programmed to accept automatically every ballot paper card that is inserted on the reverse side and that was given by the deputy returning officer to an elector.

**223.2.** If a ballot paper card becomes blocked in the recipient for ballot paper cards, the senior deputy returning officer, in the presence of the representatives of the candidates who wish to be present, shall open the recipient, restart the electronic ballot box, close it and seal the recipient again in their presence, before authorizing voting to resume.

The senior deputy returning officer must report to the returning officer the time during which voting was stopped. Mention of that fact shall be made in the poll book.

If a ballot paper card becomes blocked in the tabulator, the senior deputy returning officer, in the presence of the representatives of the candidates who wish to be present, shall unblock the tabulator and restart the electronic ballot box.”.

## 6.25 Cancelled ballots

The following is substituted for section 224 of the Act:

“**224.** The senior deputy returning officer shall prevent the insertion into the electronic ballot box of any ballot paper card that is not initialled or that is initialled by a person other than the deputy returning officer of a polling station. The elector must return to the polling station.

The deputy returning officer of the polling station in question shall, if his initials are not on the ballot paper card, initial it before the persons present, provided that the ballot paper card is *prima facie* a ballot paper card given to the elector by the deputy returning officer that was not initialled by oversight or inadvertence. The elector shall return to insert the ballot paper card into the electronic ballot box.

If the ballot paper card has been initialled by a person other than the deputy returning officer, or if the ballot paper card is not a ballot paper card given to the elector by the deputy returning officer, the deputy returning officer of the polling station in question shall cancel the ballot paper card.

The occurrence shall be recorded in the poll book.”.

## 6.26 Visually impaired person

Section 227 of the Act is amended:

(1) by substituting the following for the second and third paragraphs:

“The assistant to the senior deputy returning officer shall set up the template and the ballot paper card, give them to the elector, and indicate to the elector the order in which the candidates’ names appear on the ballot papers and the particulars entered under their names, where such is the case.

The senior deputy returning officer shall help the elector insert the ballot paper card into the electronic ballot box.”; and

(2) by striking out the fourth paragraph.

## COMPILATION OF RESULTS AND ADDITION OF VOTES

### 6.27 **Compilation of results**

The following is substituted for sections 229 and 230 of the Act:

“**229.** After the closing of the poll, the senior deputy returning officer shall place the electronic ballot box in “end of election” mode and print out the results compiled by the electronic ballot box. The representatives assigned to the polling stations at the polling place may be present.

The report on the compiled results shall indicate the total number of ballot paper cards, the number of rejected ballot papers and the number of valid votes for each office.

**230.** After the closing of the poll, the deputy returning officer of each polling station in the polling place shall complete the partial statement of votes according to section 238 and shall give a copy of it to the senior deputy returning officer.

The poll clerk of the polling station shall enter the following particulars in the poll book:

- (1) the number of ballot paper cards received from the returning officer;
- (2) the number of electors admitted to vote;
- (3) the number of spoiled, refused or cancelled ballot paper cards and the number of unused ballot paper cards;
- (4) the names of the persons who have performed duties as election officers or representatives assigned to that station.”.

The Act is amended by inserting the following after section 230:

“**230.1.** The senior deputy returning officer shall ensure, before the persons present, that the results entered on the printed report of the electronic ballot box and the total number of unused, spoiled, refused and cancelled ballot paper cards entered on the partial statement of votes of each deputy returning officer correspond to the total number of ballot paper cards issued by the returning officer.

**230.2.** Using the partial statement or statements of votes, the senior deputy returning officer shall complete an overall statement of votes in a sufficient number so that each representative assigned to a polling station or each candidate can have a copy of it.”.

### 6.28 **Compiling sheet**

Section 231 of the Act is revoked.

### 6.29 **Counting of the votes**

Section 232 of the Act is revoked.

### 6.30 **Rejected ballot papers**

The following is substituted for section 233 of the Act:

“**233.** The electronic ballot box shall be programmed in such a way as to reject any ballot paper that

- (1) has not been marked;
- (2) has been marked in favour of more than one candidate;
- (3) has been marked in favour of a person who is not a candidate.

For the purposes of the poll, the memory card shall be programmed in such a way as to ensure that the electronic ballot box processes and conserves all the ballot paper cards inserted, in other words both the cards containing valid ballot papers and those containing rejected ballot papers, except any ballot paper cards that have been refused.”.

### 6.31 **Rejected ballot papers, procedural omission, valid ballot papers**

Sections 233 to 236 of the Act, adapted as required, shall apply only in the case of a judicial recount.

### 6.32 **Contested validity**

The following is substituted for section 237 of the Act:

“**237.** The poll clerk, at the request of the senior deputy returning officer, shall enter in the poll book every objection raised by a representative present at the printing out of the results compiled by an electronic ballot box in respect of the validity of the results.”.

### 6.33 Partial statement of votes, overall statement of votes and copy given to representatives of candidates

The following is substituted for section 238 of the Act:

“**238.** The deputy returning officer shall draw up the partial statement of votes, setting out

(1) the number of ballot paper cards received from the returning officer;

(2) the number of spoiled, refused or cancelled ballot paper cards that were not inserted into the electronic ballot box;

(3) the number of unused ballot paper cards.

The deputy returning officer shall make two copies of the partial statement of votes, one of which must be given to the senior deputy returning officer.

Using the partial statements of votes and the results compiled by the electronic ballot box, the senior deputy returning officer shall draw up an overall statement of votes.

The senior deputy returning officer shall immediately give a copy of the overall statement of votes to the representatives.”.

Section 240 of the Act is revoked.

### 6.34 Separate, sealed and initialled envelopes given to the returning officer

The following is substituted for sections 241, 242 and 243 of the Act:

“**241.** After the closing of the poll, each deputy returning officer shall place in separate envelopes the list of electors, the poll book, the forms, the spoiled, refused or cancelled ballot paper cards that were not inserted into the electronic ballot box, the unused ballot paper cards and the partial statement of votes. Each deputy returning officer shall seal the envelopes and place them in a recipient, seal it and give it to the senior deputy returning officer. The deputy returning officer, the poll clerk and the representatives assigned to the polling station who wish to do so shall initial the seals.

**242.** After the results compiled by the electronic ballot box have been printed, in the presence of the candidates or representatives who wish to be present, the senior deputy returning officer:

— if the plastic recipient has been used for the electronic ballot box, place the ballot paper cards from the recipient of the electronic ballot box in a transfer box. Next, he shall remove the memory card from the electronic ballot box and insert it in an envelope with a copy of the report on the results compiled by the electronic ballot box. He shall seal the envelope, initial it, allow the representatives who wish to do so to initial it and place it in the transfer box. He shall seal and initial the transfer box and allow the representatives who wish to do so to initial it;

— if the cardboard recipient is used for the electronic ballot box, remove the cardboard recipient containing the ballot papers. Next, he shall remove the memory card from the electronic ballot box and insert it in an envelope with a copy of the report on the results compiled by the electronic ballot box. He shall seal the envelope, initial it, allow the representatives who wish to do so to initial it and place it in the cardboard recipient. He shall seal and initial the cardboard recipient and allow the representatives who wish to do so to initial it.

The senior deputy returning officer give the transfer boxes or the cardboard recipients to the returning officer or to the person designated by the returning officer.

**243.** The senior deputy returning officer shall place in an envelope a copy of the overall statement of votes stating the results of the election and the partial statements of votes. The senior deputy returning officer shall then seal and initial the envelope and give it to the returning officer.

The representatives assigned to the polling stations may initial the seal.”.

Section 244 of the Act is revoked.

### 6.35 Addition of votes

The following is substituted for section 247 of the Act:

“**247.** The returning officer shall proceed with the addition of the votes using the overall statement of votes drawn up by each senior deputy returning officer.”.

### 6.36 Adjournment of the addition of votes

The following is substituted for section 248 of the Act:

“**248.** The returning officer shall, if unable to obtain an overall statement of votes that should have been provided, adjourn the addition of votes until the statement has been obtained.

Where it is not possible to obtain an overall statement of votes, or the printed report on the results compiled by an electronic ballot box, the returning officer shall, in the presence of the senior deputy returning officer and the candidates concerned or their representatives if they so wish, print out the results using the memory card taken from the transfer box opened in the presence of the persons listed above.”.

### 6.37 Placing in envelope

The following is substituted for section 249 of the Act:

“**249.** After printing and examining the results, the returning officer shall place them in an envelope together with the memory card.

The returning officer shall seal the envelope, put the envelope in the transfer box and then seal the box.

The returning officer, the candidates and the representatives present may initial the seals.”.

### 6.38 New counting of the votes

The following is substituted for section 250 of the Act:

“**250.** Where it is not possible to print a new report on the results compiled using the memory card, the returning officer, on the date, at the time and at the place that he determines, in the presence of the candidates or their representatives who wish to be present, shall recover the ballot paper cards used for the office or offices concerned and shall insert them, one by one, in the opening of the electronic ballot box equipped with a new programmed memory card. He shall then print out the results compiled by the electronic ballot box.”.

### 6.39 Notice to the Minister

Section 251 of the Act is amended by substituting the words “overall statement of votes, the report on the results compiled by the electronic ballot box and the ballot paper cards” for the words “statement of votes and the ballot papers” in the first line of the first paragraph.

### 6.40 Access to ballot papers

The following is substituted for section 261 of the Act:

“**261.** Except for the purposes of an examination of rejected ballot papers pursuant to this agreement, the returning officer or the person responsible for providing

access to the documents held by the municipality may not issue copies of the ballot papers used, or allow any person to examine the ballot papers, without being required to do so by an order issued by a court or judge.”.

### 6.41 Application for a recount

Section 262 of the Act is amended by substituting the words “an electronic ballot box” for the words “a deputy returning officer, a poll clerk or the returning officer” in the first and second lines of the first paragraph.

## 7. EXAMINATION OF REJECTED BALLOT PAPERS

Within 120 days from the date on which an election is declared or contested, the returning officer must, at the request of the Chief Electoral Officer or the Minister, examine the rejected ballot papers to ascertain the grounds for rejection. The returning officer must verify the ballot paper cards contained in the recipients for ballot papers.

The returning officer must notify the candidates or their representatives that they may be present at the examination. The Chief Electoral Officer and the Minister shall be notified and they may delegate their representatives. The representative of the company that sold or rented out the electronic ballot boxes must attend the examination to explain the operation of the mechanism for rejecting ballot papers and to answer questions from the participants.

The programming parameters for rejecting ballot papers must be disclosed to the participants.

The examination of the rejected ballot papers shall in no way change the results of the poll or be used in a court to attempt to change the results of the poll.

A report on the examination must be drawn up by the returning officer and include, in particular, the assessment sheet for the grounds for rejection and a copy of the related ballot paper. Any other relevant comment concerning the conduct of the poll must also be included.

Prior to the examination of the rejected ballot papers, the rejected ballot papers must be separated from the other ballot papers, using the electronic ballot box duly programmed by the representative of the firm, and a sufficient number of photocopies must be made for the participants present. The candidates or their representatives may be present during this operation.

## 8. DURATION AND APPLICATION OF AGREEMENT

The returning officer of the municipality is responsible for the application of this agreement and, consequently, for the proper conduct of the trial application of the new method of voting during general elections and by-elections held before November 3, 2013.

## 9. AMENDMENT

The parties agree that this agreement may be amended if need be to ensure the proper conduct of the general elections or subsequent by-elections provided for in the agreement.

Mention of that fact shall be made in the assessment report.

## 10. ASSESSMENT REPORT

Within 120 days following the general election held on November 6, 2005, the returning officer of the municipality shall forward, in accordance with section 659.3 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2), an assessment report to the Chief Electoral Officer and the Minister setting out relevant ways to improve the trial and addressing, in particular, the following points:

— the preparations for the election (choice of the new method of voting, communications plan, etc.);

— the conduct of the advance poll and the poll;

— the cost of using the electronic voting system:

– the cost of adapting election procedures;

– non-recurrent costs likely to be amortized;

– a comparison between the actual polling costs and the estimated polling costs using the new methods of voting and the projected cost of holding the general election on November 6, 2005 using traditional methods;

— the number and duration of incidents during which voting was stopped, if any;

— the advantages and disadvantages of using the new method of voting;

— the results obtained during the addition of the votes and the correspondence between the number of ballot paper cards issued to the deputy returning officers and the number of ballot paper cards returned used and unused;

— the examination of rejected ballot papers, if it has been completed.

## 11. APPLICATION OF THE ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

The Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) shall apply to the general election held on November 6, 2005 in the municipality, subject to the provisions of the Act that this agreement amends or replaces.

## 12. EFFECT OF THE AGREEMENT

This agreement has effect from the time when the returning officer performs the first act for the purposes of an election to which this agreement applies.

## AGREEMENT SIGNED IN THREE COPIES

In Val-d'Or, on this thirty-first day of the month of January of the year 2005

THE MUNICIPALITY OF VAL-D'OR

By: \_\_\_\_\_  
FERNAND TRAHAN, *Mayor*

\_\_\_\_\_  
M<sup>e</sup> NORMAND GÉLINAS,  
*Clerk or Secretary-Treasurer*

In Québec, on this 3rd day of the month of February of the year 2005

THE CHIEF ELECTORAL OFFICER

\_\_\_\_\_  
MARCEL BLANCHET

In Québec, on this 17th day of the month of February of the year 2005

THE MINISTER OF MUNICIPAL AFFAIRS, SPORTS AND RECREATION

\_\_\_\_\_  
DENYS JEAN, *Deputy Minister*

**SCHEDULE**

MODEL BALLOT PAPER HOLDER

**MUNICIPALITY OF MATTEAU**

Municipal Election - November 2, 2003

**“SPÉCIMEN”**

<b>Mayor Office</b>	
<b>Marie BONENFANT</b>	●
<b>Jean-Charles BUREAU</b> <small>Appartenance politique</small>	●
<b>Pierre-A. LARRIVÉE</b>	●

<b>City Councillor District 1</b>	
<b>Luc GAUTHIER</b>	●
<b>Carl LUSSIER</b>	●
<b>Hélène ROCHETTE</b> <small>Appartenance politique</small>	●
<b>Sylvain SAINT-PIERRE</b>	●



Gouvernement du Québec

## Agreement

An Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2)

### AGREEMENT CONCERNING NEW METHODS OF VOTING FOR AN ELECTION USING COMPUTERIZED POLLING STATIONS AND “PERFAS-TAB” BALLOT BOXES

AGREEMENT ENTERED INTO

BETWEEN

The MUNICIPALITY OF LOUISEVILLE, a legal person established in the public interest, having its head office at 105, avenue Saint-Laurent, Louiseville, Province de Québec, represented by the mayor, Mrs. Jocelyne Elliott Leblanc and the clerk, M<sup>e</sup> Martine St-Yves under a resolution bearing number 2005-207

AND

The MUNICIPALITY OF BÉCANCOUR, a legal person established in the public interest, having its head office at 1295, avenue Nicolas-Perrot, Bécancour, Province de Québec, represented by the mayor, Mr. Maurice Richard and the clerk, M<sup>e</sup> France Leclerc under a resolution bearing number 05-205

AND

The MUNICIPALITY OF DEUX-MONTAGNES, a legal person established in the public interest, having its head office at 803, chemin d’Oka, Deux-Montagnes, Province de Québec, represented by the mayor, Mr. Pierre-Benoit Forget and the director general, Mr. Paul Allard under a resolution bearing number 2005.217

AND

The MUNICIPALITY OF RIVIÈRE-ROUGE, a legal person established in the public interest, having its head office at 25, rue Principale Sud, L’Annonciation, Province de Québec, represented by the mayor, Mrs. Déborah Bélanger and the clerk, Mrs. Claire Coulombe under a resolution bearing number 139/11-04-05, hereinafter called

THE MUNICIPALITIES

AND

Mr. Marcel Blanchet, in his capacity as CHIEF ELECTORAL OFFICER OF QUÉBEC, duly appointed to that office under the Election Act (R.S.Q., c. E-3.3), acting in that capacity and having his main office at 3460, rue de La Pérade, in Sainte-Foy, Province de Québec, hereinafter called

THE CHIEF ELECTORAL OFFICER

AND

Mrs. Nathalie Normandeau, in her capacity as MINISTER OF MUNICIPAL AFFAIRS AND REGIONS, having her main office at 10, rue Pierre-Olivier-Chauveau, in Québec, Province de Québec, hereinafter called

THE MINISTER

WHEREAS the Council of the Municipality of Louiseville, by its resolution No. 2005-160, passed at its meeting of May 9th 2005 and modified by resolution No. 2005-189 adopted at a special meeting held May 30th 2005, expressed the desire to avail itself of the provisions of the Act respecting elections and referendums in municipalities to enter into an agreement with the CHIEF ELECTORAL OFFICER and the MINISTER in order to allow the use of electronic ballot boxes for the general election to be held November 6th, 2005 in the Municipality of Louiseville;

WHEREAS the Council of the Municipality of Bécancour, by its resolution No. 05-155, passed at its meeting of May 16th 2005, expressed the desire to avail itself of the provisions of the Act respecting elections and referendums in municipalities to enter into an agreement with the CHIEF ELECTORAL OFFICER and the MINISTER in order to allow the use of electronic ballot boxes for the general election to be held November 6th, 2005 in the Municipality of Bécancour;

WHEREAS the Council of the Municipality of Deux-Montagnes, by its resolution No. 2005.177, passed at its meeting of April 14th 2005, expressed the desire to avail itself of the provisions of the Act respecting elections and referendums in municipalities to enter into an agreement with the CHIEF ELECTORAL OFFICER and the MINISTER in order to allow the use of electronic ballot boxes for the general election to be held November 6th, 2005 in the Municipality of Deux-Montagnes;



WHEREAS the Council of the Municipality of Rivière-Rouge, by its resolution No. 099/14-03-05, passed at its meeting of March 14th 2005, expressed the desire to avail itself of the provisions of the Act respecting elections and referendums in municipalities to enter into an agreement with the CHIEF ELECTORAL OFFICER and the MINISTER in order to allow the use of electronic ballot boxes for the general election to be held November 6th, 2005 in the Municipality of Rivière-Rouge;

WHEREAS sections 659.2 and 659.3 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) provide the following:

“**659.2.** A municipality may, in accordance with an agreement made with the Minister of Municipal Affairs, Sports and Recreation and the Chief Electoral Officer, test new methods of voting during a poll. The agreement may provide that it also applies to polling held after the poll for which the agreement was entered into; in such case, the agreement shall provide for its period of application.

The agreement must describe the new methods of voting and mention the provisions of this Act it amends or replaces.

The agreement has the effect of law.

**659.3.** After polling during which a test mentioned in section 659.2 is carried out, the municipality shall send a report assessing the test to the Minister of Municipal Affairs, Sports and Recreation and the Chief Electoral Officer.”;

WHEREAS the MUNICIPALITIES expressed the desire to avail themselves of those provisions for the general election to be held on November 6th, 2005 and could, with the necessary adaptations, avail themselves of those provisions for elections held after the date of the agreement, the necessary adaptations to be included in an addendum to this agreement;

WHEREAS it is expedient to provide the procedure that applies to the territory of the MUNICIPALITIES for that general election;

WHEREAS an agreement must be entered into between the MUNICIPALITIES, the CHIEF ELECTORAL OFFICER and the MINISTER;

WHEREAS the MUNICIPALITIES are each solely responsible for the technological choice elected;

WHEREAS the Council of the Municipality of Louiseville passed, at its meeting held June 13th 2005, resolution No. 2005-207 approving the text of the agreement and authorizing the mayor and the clerk to sign this agreement;

WHEREAS the Council of the Municipality of Bécancour passed, at its meeting held June 13th 2005, resolution No. 05-205 approving the text of the agreement and authorizing the mayor and the clerk to sign this agreement;

WHEREAS the Council of the Municipality of Deux-Montagnes passed, at its meeting held April 25th 2005, resolution No. 2005.217 approving the text of the agreement and authorizing the mayor and the director general to sign this agreement;

WHEREAS the Council of the Municipality of Rivière-Rouge passed, at its meeting held April 11th 2005, resolution No. 139/11-04-05 approving the text of the agreement and authorizing the mayor and the clerk to sign this agreement;

WHEREAS the returning officers of each MUNICIPALITY are responsible for the application of this agreement and the means necessary to carry it out;

THEREFORE, the parties agree to the following:

## 1. PREAMBLE

The preamble to this agreement is an integral part of the agreement.

## 2. INTERPRETATION

Unless stated otherwise, expressly or as a result of the context of a provision, the following expressions, terms and words have, for the purposes of this agreement, the meaning and application given in this section.

2.1 “Computerized polling station” means an apparatus consisting of the following devices:

— a computer with the list of electors for the polling place stored in its memory (the computers at the same polling place are linked together);

— a card reader for cards with bar codes;

— one or more printers per polling place for printing the list of electors who voted during the advance poll or on polling day.

2.2 “Electronic ballot box” means an apparatus containing a vote tabulator, a memory card, a printer, a recipient for ballot papers and a modem, where necessary.

2.3 “Vote tabulator” means a device that uses an optical scanner to detect a mark made by an elector in the space provided for that purpose on a ballot paper.

2.4 “Memory card” means a memory device that computes and records the marks made by an elector for each of the candidates whose names are printed on the ballot paper and the number of rejected ballot papers according to the subdivisions of the vote tabulator program.

2.5 “Recipient for ballot paper cards” means a box into which the ballot paper cards fall.

2.6 “Transfer box” means the box in which the ballot paper cards are placed once the results of the poll have been compiled.

2.7 “Ballot paper card” means the card on which the ballot papers are printed.

2.8 “Refused ballot paper card” means a ballot paper card the insertion of which in the tabulator is refused.

2.9 “Confidentiality sleeve” means a sleeve designed to receive the ballot paper card.

### 3. ELECTION

3.1 For the purposes of the general election to be held November 6th, 2005 in each municipality, a sufficient number of PerFas-TAB electronic ballot boxes will be used.

3.2 Before the publication of the notice of election, the municipality must take the necessary steps to provide its electors with adequate information concerning the testing of the new method of voting.

### 4. SECURITY MECHANISMS

#### 4.1 Computerized polling stations

The list of electors for a polling place must correspond to the data provided by the returning officer. Access to the computers at a polling place must be secured by a password.

#### 4.2 Electronic ballot boxes

The electronic ballot boxes used must include the following security mechanisms :

(1) a report displaying a total of “zero” must be automatically produced by an electronic ballot box upon being turned on by the senior deputy returning officer on the first day of advance polling and on polling day ;

(2) a verification report must be generated on a continuous basis and automatically saved on the memory card, and must record each procedural operation ;

(3) the electronic ballot box must not be placed in “end of election” mode while the poll is still under way ;

(4) the compilation of results must not be affected by any type of interference once the electronic ballot box has been placed in “election” mode ;

(5) each electronic ballot box must be equipped with a back-up power source (battery) able to operate for two to five hours, unless all the electronic ballot boxes are connected to a generator ;

(6) if a ballot box is defective, the memory card may be removed and transferred immediately into another electronic ballot box in order to allow the procedure to continue.

### 5. PROGRAMMING

Each memory card used is specially programmed by the firm PG Elections inc. to recognize and tally ballot papers in accordance with this agreement.

### 6. AMENDMENTS TO THE ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

#### 6.1 Election officers

Section 68 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) is amended by inserting the words “senior deputy returning officer, assistant to the senior deputy returning officer” after the word “assistant”.

#### 6.2 Senior deputy returning officer, assistant to the senior deputy returning officer, deputy returning officer and poll clerk

The following is substituted for section 76 of the Act :

“76. The returning officer shall appoint the number of senior deputy returning officers and assistants to the senior deputy returning officer that he deems necessary for each polling place.

The returning officer shall appoint a deputy returning officer and a poll clerk for each polling station.”.

### 6.3 Duties of the senior deputy returning officer, assistant to the senior deputy returning officer and deputy returning officer

The following is substituted for section 80 of the Act:

“**80.** The senior deputy returning officer shall, in particular,

(1) see to the installation and preparation of the electronic ballot box;

(2) ensure that the polling is properly conducted and maintain order in the vicinity of the electronic ballot box;

(3) facilitate the exercise of the right to vote and ensure that voting is secret;

(4) ensure that the electronic ballot box functions correctly;

(5) print out the results compiled by the electronic ballot box at the closing of the poll;

(6) complete an overall statement of votes from the partial statements and the results compiled by the electronic ballot box;

(7) give the returning officer, at the closing of the poll, the results compiled by the electronic ballot box and the partial statements of votes;

(8) put the ballot paper cards from the electronic ballot box recipient into the transfer boxes, seal them and give them to the returning officer;

(9) when a ballot paper card has been refused by the tabulator, ask the elector to return to the polling booth, mark all the spaces provided for the affixing of the elector’s mark, and go to the polling station in order to obtain another ballot paper card;

(10) advise the returning officer immediately of any defect in the memory card or the electronic ballot box.

**80.1.** The assistant to the senior deputy returning officer shall, in particular,

(1) assist the senior deputy returning officer in the latter’s duties;

(2) receive any elector referred by the senior deputy returning officer;

(3) verify the polling booths in the polling place;

(4) get the pencils and confidentiality sleeves back from the senior deputy returning officer and redistribute them to each deputy returning officer.

**80.2.** The deputy returning officer shall, in particular,

(1) see to the arrangement of the polling station;

(2) ensure that the polling is properly conducted and maintain order in the polling station;

(3) facilitate the exercise of the right to vote and ensure that voting is secret;

(4) make sure of electors’ identity;

(5) give the electors a ballot paper card, a confidentiality sleeve and a pencil to exercise their right to vote;

(6) receive from electors any ballot paper cards that are refused by the tabulator and give them another ballot paper card, and record the occurrence in the poll book.”.

### 6.4 Duties of the poll clerk

The following is substituted for section 81 of the Act:

“**81.** The poll clerk shall, in particular,

(1) enter in the poll book the particulars relating to the conduct of the polling;

(2) note on the screen and on the paper list of electors “has voted” next to the names of electors to whom the deputy returning officer has given ballot paper cards;

(3) assist the deputy returning officer.”.

### 6.5 Discretion of the chief electoral officer upon observing an error, emergency or exceptional circumstance

The following is substituted for section 90.5 of the Act:

“**90.5.** Where, during the election period, within the meaning of section 364, it comes to the attention of the chief electoral officer that, subsequent to an error, emergency or exceptional circumstance, a provision referred to in section 90.1 or in the agreement provided for in section 659.2 of the Act respecting elections and referendums in municipalities does not meet the demands of the resultant situation, the chief electoral officer may adapt the provision in order to achieve its object.

The chief electoral officer shall first inform the Minister of Municipal Affairs and Regions of the decision he intends to make.

Within 30 days following polling day, the chief electoral officer shall transmit to the President or the Secretary General of the National Assembly a report of the decisions made pursuant to the first paragraph. The President shall table the report in the National Assembly within 30 days of receiving it or, if the National Assembly is not sitting, within 30 days of resumption.”.

## 6.6 Notice of election

The following is added after paragraph 7 of section 99 of the Act:

“(8) the fact that the method of voting is voting by means of electronic ballot boxes.”.

## 6.7 Polling subdivisions

The following is substituted for section 104 of the Act:

“**104.** The returning officer shall divide the list of electors into polling subdivisions.

The polling subdivisions shall have a number of electors determined by the returning officer. That number shall not be greater than 750 electors.”.

## 6.8 Verification of computerized polling stations and electronic ballot box

The Act is amended by inserting the following subdivisions after subdivision 1 of Division IV of Chapter VI of Title I:

### “§1.1 Verification of computerized polling stations

**173.1.** The returning officer shall, at a time considered to be expedient but at the latest before the polling stations open on the first day of advance polling or before the polling stations open on polling day, in cooperation with the firm’s representative and, if necessary, the representatives of the candidates, for all polling places, ensure that all computers contain the list of electors for that place. In particular, the returning officer shall perform the following tests:

(1) searching for an elector using the card with the bar code;

(2) searching for an elector using the keyboard, typing either the elector’s name or address;

(3) indicating to the computer that a certain number of electors have voted and ensuring that each computer in the polling place displays “has voted” for the electors concerned;

(4) printing out the list of electors who have voted, in a non-cumulative way, by elector number and polling subdivision, and ensuring that the results are consistent with the data entered in the computer.

### §1.2 Verification of electronic ballot boxes

**173.2.** The returning officer shall, at least five days before the first day fixed for the advance poll and at least three days before the day fixed for the polling, test the electronic ballot box to ensure that the vote tabulator accurately detects the mark made on a ballot paper and that it tallies the number of votes cast accurately and precisely, in the presence of a representative of the firm PG Elections inc. and the representatives of the candidates.

**173.3.** During the testing of the electronic ballot boxes, adequate security measures must be taken by the returning officer to guarantee the integrity of the system as a whole and of each component used to record, compile and memorize results. The returning officer must ensure that no electronic communication that could change the programming of the electronic ballot box, the recording of data, the tallying of votes, the memorization of results or the integrity of the system as a whole may be established.

**173.4.** The returning officer shall conduct the test by performing the following operations:

(1) he shall mark the memory card with the returning officer’s initials and insert it into the electronic ballot box;

(2) he shall insert into the electronic ballot box a pre-determined number of ballot paper cards, previously marked and tallied manually. The ballot paper cards shall include

(a) a sufficient and pre-determined number of ballot papers correctly marked to indicate a vote for each of the candidates;

(b) a sufficient and pre-determined number of ballot papers that are not correctly marked;

(c) a sufficient and pre-determined number of ballot papers marked to indicate a vote for more than one candidate for the same office;

(d) a sufficient and pre-determined number of blank ballot papers;

(3) he shall place the electronic ballot box in “end of election mode” and ensure that the results compiled by the electronic ballot box are consistent with the manually-compiled results;

(4) once the test has been successfully completed, he shall reset the memory card to zero and seal it; the returning officer and the representatives who wish to do so shall initial the seal;

(5) he shall place the tabulator in the travel case and place a seal on it; the returning officer and the representatives who wish to do so shall note the number entered on the seal;

(6) where an error is detected, the returning officer shall determine with certitude the cause of the error, make the necessary corrections and proceed with a further test, and shall repeat the operation until the optical scanner of the vote tabulator accurately detects the mark made on a ballot paper and until a perfect compilation of results is obtained. Any error or discrepancy observed shall be noted in the test report;

(7) he may not change the programming for the scanning of the mark made by an elector in the space provided for that purpose without supervision from the firm PG Elections inc.”.

## 6.9 Mobile polling station

The said Act is amended by inserting the following sections after section 175:

**“175.1.** The electors shall indicate their vote on the same type of ballot paper as that used in an advance polling station. After marking the ballot paper, each elector shall insert it in the confidentiality sleeve and place it in the ballot box provided for that purpose. At the close of the mobile poll, the deputy returning officer and the mobile poll clerk shall seal the ballot box and affix their initials to it.

**175.2.** The deputy returning officer shall, before the opening of the advance polling station, give the senior deputy returning officer the ballot box containing the ballot papers from the mobile polling station.

The senior deputy returning officer shall, in the presence of the assistant to the senior deputy returning officer, remove from the ballot box the confidentiality sleeves containing the ballot papers and insert the ballot papers, one by one, in the electronic ballot box.”.

## 6.10 Advance polling

The following is substituted for sections 182, 183 and 185 of the Act:

**“182.** After the close of the advance polling station, the poll clerk shall enter the following particulars in the poll book:

(1) the number of ballot paper cards received from the returning officer;

(2) the number of electors who were given a ballot paper card;

(3) the number of spoiled, refused or cancelled ballot paper cards and the number of unused ballot paper cards;

(4) the names of the persons who have performed duties as election officers or as representatives.

The deputy returning officer shall place in separate envelopes the spoiled, refused or cancelled ballot paper cards, the unused ballot paper cards, the forms, the poll book and the list of electors. The deputy returning officer shall then seal the envelopes. The deputy returning officer, the poll clerk and the representatives who wish to do so shall affix their initials to the seals of the envelopes. The envelopes, except the envelope containing the list of electors, shall be given to the senior deputy returning officer for deposit in one of the transfer boxes.

**182.1.** The senior deputy returning officer, in the presence of the candidates or of their representatives who wish to be present, shall open the recipient of the electronic ballot box and place the ballot paper cards from the recipient in one or more transfer boxes, and seal the transfer boxes. The senior deputy returning officer shall then seal the opening of the electronic ballot box. The senior deputy returning officer and the representatives who wish to do so shall affix their initials to the seals. Next, the senior deputy returning officer shall place the electronic ballot box in its travel case and seal it. The senior deputy returning officer and the representatives who wish to do so shall affix their initials to the seals.

The senior deputy returning officer shall then give the transfer boxes and the envelopes containing the list of electors to the returning officer or to the person designated by the returning officer.

The returning officer shall have custody of the transfer box or boxes until the results of the advance poll have been compiled and then for the time prescribed for the conservation of electoral documents.

**183.** Immediately before the time fixed for the opening of the polling station on the second day, where applicable, the senior deputy returning officer, before the persons present, shall open the transfer boxes and give each deputy returning officer the poll books, the envelopes containing unused ballot paper cards and the forms. Each deputy returning officer shall open the envelopes and take possession of their contents. The spoiled, refused or cancelled ballot paper cards from the first day shall remain in the transfer boxes, which the senior deputy returning officer shall seal.

The senior deputy returning officer, before the persons present, shall remove the seal from the travel case of the tabulator.

The returning officer, or the person designated by the returning officer, shall give each deputy returning officer the list of electors of grouped polling stations, where applicable.

At the close of the second day of advance polling, where applicable, the senior deputy returning officer, the deputy returning officer and the poll clerk shall perform the same actions as at the close of the first day of advance polling. In addition, the senior deputy returning officer shall withdraw the memory card from the electronic ballot box, place it in an envelope, seal the envelope, place the envelope in a transfer box and seal the box.

The spoiled, refused or cancelled ballot paper cards from the second day shall be placed in separate sealed envelope by the deputy returning officer. They shall also be placed in a sealed transfer box.

The deputy returning officer, the poll clerk and the representatives who wish to do so shall affix their initials to the seal.

**185.** From 7:00 p.m. on polling day, the returning officer or the person designated by the returning officer shall print out the results compiled by the electronic ballot box at an advance polling station, in the presence of the deputy returning officers, the poll clerks and the representatives who wish to be present.

The results shall be printed out at the location determined by the returning officer. The print-out shall be performed in accordance with the rules applicable to the printing-out of the results from polling day, adapted as required.”

### 6.11 Booths

The following is substituted for section 191 of the Act :

“**191.** Where electronic ballot boxes are used in an election, the polling station shall have the number of polling booths determined by the returning officer.”

### 6.12 Ballot papers

The following is substituted for section 193 of the Act :

“**193.** With the exception of the entry stating the office to be filled, the ballot papers shall be printed in accordance with the model shown in the Schedule, by reversing process so that, on the obverse, the indications appear in white on a dark-coloured background and each circle provided for the affixing of the elector’s mark appears in white inside an coloured circle. Every ballot paper shall contain bar codes.”

Section 195 of the Act is revoked.

### 6.13 Identification of the candidates

Section 196 of the Act is amended

(1) by substituting the following for the first paragraph :

“**196.** The ballot paper cards shall contain a ballot paper for the office of mayor and the ballot papers for the office or offices of Councillor. Each ballot paper shall allow each candidate to be identified. It shall contain, on the obverse :”

(2) by adding the following after subparagraph 3 of the first paragraph :

“(4) the offices in question and, where applicable, the number of the seat to be filled. The indications of the offices in question shall correspond to those contained in the nomination papers.”

### 6.14 Ballot paper cards

“**197.** The ballot paper card shall contain on the obverse, as shown in the attached specimen :

(1) a space for the identification of :

— the name or number of the borough ;

— the name or number of the electoral district, where applicable ;



(2) a space for the identification of the polling subdivision;

(3) the ballot paper card(s);

(4) the bar code.

The ballot paper cards shall contain, on the reverse, as shown on the attached specimen:

(1) arrows indicating the direction of insertion of the ballot paper card in the vote tabulator;

(2) a space for the initials of the deputy returning officer;

(3) the name of the municipality;

(4) the indication “municipal elections” and the polling date;

(5) the name and address of the printer;

(6) the indication of copyright, where applicable;

(7) the bar code, where applicable.”.

#### 6.15 Confidentiality sleeve

The Act is amended by inserting the following after section 197:

“**197.1.** The returning officer shall ensure that a sufficient number of confidentiality sleeves are available. Confidentiality sleeves shall be sufficiently opaque to ensure that no mark affixed on the ballot paper may be seen through it.”.

#### 6.16 Withdrawal of a candidate

Section 198 of the Act is amended by adding the following paragraphs at the end:

“Where electronic ballot boxes are used in an election, the returning officer shall ensure that the memory card is adjusted so that it does not take into account the candidates who have withdrawn.

Any vote in favour of those candidates before or after their withdrawal is null.”.

#### 6.17 Withdrawal of authorization or recognition

Section 199 of the Act is amended by adding the following paragraph at the end:

“Where electronic ballot boxes are used in an election, the returning officer shall ensure that the memory card is adjusted so that it does not take into account the party or the ticket from which recognition has been withdrawn.”.

#### 6.18 Number of electronic ballot boxes

The following is substituted for section 200 of the Act:

“**200.** The returning officer must ensure that there are as many electronic ballot boxes as polling places available and that a sufficient number of replacement electronic ballot boxes are available in the event of a breakdown or technical deficiency.

The returning officer shall ensure that a sufficient number of recipients for ballot paper cards and transfer boxes are available for each electronic ballot box.”.

#### 6.19 Provision of polling materials

Section 204 of the Act is amended by substituting the word “recipient” for the words “ballot box” in the second line of the first paragraph.

#### 6.20 Examination of the electronic ballot box and polling materials

The following is substituted for section 207 of the Act:

“**207.** In the hour preceding the opening of the polling stations, the senior deputy returning officer, before the persons present, shall initialize the electronic ballot box for the polling place. The senior deputy returning officer shall ensure that the electronic ballot box displays a total of zero recorded ballot papers by verifying the printed report of the electronic ballot box.

The senior deputy returning officer shall keep the report and show it to any person present who wishes to examine it.

The senior deputy returning officer shall examine the documents and materials provided by the returning officer.

**207.1.** In the hour preceding the opening of the polling stations, the deputy returning officer and poll clerk shall examine the documents and polling materials provided by the returning officer.”.

The following is substituted for section 209 of the Act:

“**209.** Immediately before the hour fixed for the opening of the poll, the senior deputy returning officer, before the deputy returning officers, the poll clerks and the representatives of the candidates present, shall ensure that the recipient of the electronic ballot box is empty.

The recipient shall then be sealed by the senior deputy returning officer. The senior deputy returning officer and the representatives present who wish to do so shall affix their initials to the seal. The electronic ballot box shall be placed in such a way that it is in full view of the polling officers and the electors.”.

## POLLING PROCEDURE

### 6.21 Presence at the polling station

The following is substituted for the third paragraph of section 214 of the Act:

“In addition, only the deputy returning officer, the poll clerk and the representatives assigned to the polling station, together with the returning officer, the election clerk, the assistant to the returning officer, the senior deputy returning officer and the assistant to the senior deputy returning officer may be present at the station. The officer in charge of information and order may be present, at the request of the deputy returning officer for as long as may be required. The poll runner may be present for the time required to perform his duties. Any other person assisting an elector under section 226 may be present for the time required to enable the elector to exercise his right to vote.”.

### 6.22 Initialling of ballot papers

The following is substituted for section 221 of the Act:

“**221.** The deputy returning officer shall give the ballot paper card to which the elector is entitled to each elector admitted to vote, after initialling the ballot paper card in the space reserved for that purpose and entering the number of the polling subdivision. The deputy returning officer shall also give the elector a confidentiality sleeve and a pencil.

The deputy returning officer shall instruct the elector how to insert the ballot paper card in the confidentiality sleeve after having voted.”.

### 6.23 Voting

The following is substituted for section 222 of the Act:

“**222.** The elector shall enter the polling booth and, using the pencil given by the deputy returning officer, mark the ballot paper or papers in the space provided for that purpose opposite the indications pertaining to the candidates whom the elector wishes to elect to the offices of mayor, Councillor or Councillors.

The elector shall insert the ballot paper card, without folding it, into the confidentiality sleeve in such a way that the deputy returning officer’s initials can be seen.”.

### 6.24 Following the vote

The following is substituted for section 223 of the Act:

“**223.** After marking the ballot paper or papers and inserting the ballot paper card in the confidentiality sleeve, the elector shall leave the polling booth and go to the electronic ballot box.

The elector shall allow the senior deputy returning officer to examine the initials of the deputy returning officer.

The elector or, at the elector’s request, the senior deputy returning officer shall insert the ballot paper card into the electronic ballot box without removing it from the confidentiality sleeve.”.

### 6.25 Automatic acceptance

The Act is amended by inserting the following after section 223:

“**223.1.** The electronic ballot box shall be programmed to accept automatically every ballot paper card that is inserted and that has been given by the deputy returning officer to an elector.

**223.2.** If a ballot paper card becomes blocked in the recipient receiving ballot paper cards, the senior deputy returning officer, in the presence of the representatives of the candidates who wish to be present, shall open the recipient, restart the electronic ballot box, close it and seal the recipient again in their presence, before authorizing voting to resume. The senior deputy returning officer and the representatives who wish to do so shall affix their initials to the seal.



The senior deputy returning officer must report to the returning officer the time during which voting was stopped. Mention of that fact shall be made in the poll book.

If a ballot paper card becomes blocked in the tabulator, the senior deputy returning officer, in the presence of the representatives of the candidates who wish to be present, shall unblock the tabulator and restart the electronic ballot box.”.

#### 6.26 Cancelled ballots

The following is substituted for section 224 of the Act :

“**224.** The senior deputy returning officer shall prevent the insertion into the electronic ballot box of any ballot paper card that is not initialled or that is initialled by a person other than the deputy returning officer of a polling station. The elector must return to the polling station.

The deputy returning officer of the polling station in question shall, if his initials are not on the ballot paper, initial it before the persons present, provided that the ballot paper card is *prima facie* a ballot paper card given to the elector by the deputy returning officer that was not initialled by oversight or inadvertence. The elector shall return to insert the ballot paper card into the electronic ballot box.

If the ballot paper card has been initialled by a person other than the deputy returning officer, or if the ballot paper card is not a ballot paper card given to the elector by the deputy returning officer, the deputy returning officer of the polling station in question shall cancel the ballot paper card.

The occurrence shall be recorded in the poll book.”.

#### 6.27 Visually impaired person

Section 227 of the Act is amended :

(1) by substituting the following for the second and third paragraphs :

“The assistant to the senior deputy returning officer shall set up the template and the ballot paper card, give them to the elector, and indicate to the elector the order in which the candidates’ names appear on the ballot papers and the particulars entered under their names, where such is the case.

The senior deputy returning officer shall help the elector insert the ballot paper card into the electronic ballot box.”; and

(2) by striking out the fourth paragraph.

### COMPILATION OF RESULTS AND ADDITION OF VOTES

#### 6.28 Compilation of results

The following is substituted for sections 229 and 230 of the Act :

“**229.** After the closing of the poll, the senior deputy returning officer shall place the electronic ballot box in “end of election” mode and print the results compiled by the electronic ballot box. The representatives assigned to the polling stations at the polling place may be present.

The report on the compiled results shall indicate the total number of ballot paper cards, the number of rejected ballot papers and the number of valid votes for each office.

**230.** After the closing of the poll, the deputy returning officer of each polling station the in polling place shall complete the partial statement of votes according to section 238 and shall give a copy of it to the senior deputy returning officer.

The poll clerk of the polling station shall enter the following information in the poll book :

(1) the number of ballot paper cards received from the returning officer ;

(2) the number of electors admitted to vote ;

(3) the number of spoiled, refused or cancelled ballot paper cards and the number of unused ballot paper cards ;

(4) the names of the persons who have performed duties as election officers or representatives assigned to that station.”.

The Act is amended by inserting the following after section 230 :

“**230.1.** The senior deputy returning officer shall ensure, before the persons present, that the results entered on the printed report of the electronic ballot box and the total number of unused, spoiled, refused and cancelled ballot paper cards entered on the partial statement of votes of

each deputy returning officer correspond to the total number of ballot paper cards issued by the returning officer.

**230.2.** Using the partial statement or statements of votes, the senior deputy returning officer shall complete an overall statement of votes in a sufficient number so that each representative assigned to a polling station or each candidate can have a copy of it.”.

#### 6.29 Manual counting of the votes

Sections 231 to 244 of the Act, adapted as required, apply if a manual counting of the votes is necessary.

#### 6.30 Compiling sheet

Section 231 of the Act is revoked.

#### 6.31 Electronic counting of the votes

Section 232 of the Act is revoked.

#### 6.32 Rejected ballot papers

The following is substituted for section 233 of the Act :

“**233.** The electronic ballot box shall be programmed in such a way as to reject any ballot paper that

- (1) has not been marked;
- (2) has been marked in favour of more than one candidate;
- (3) has been marked in favour of a person who is not a candidate.

For the purposes of the poll, the memory card shall be programmed in such a way as to ensure that the electronic ballot box processes and conserves all the ballot paper cards inserted, in other words those containing valid ballot papers and those containing rejected ballot papers, except any ballot paper cards that have been refused.”.

#### 6.33 Rejected ballot papers, procedural omission, valid ballot papers

Sections 233 to 236 of the Act, adapted as required, shall apply only in the case of a judicial recount.

#### 6.34 Contested validity

The following is substituted for section 237 of the Act :

“**237.** The poll clerk, at the request of the senior deputy returning officer, shall enter in the poll book every objection raised by a representative present at the poll in respect of the validity of the results following the printing of the results compiled by an electronic ballot box.”.

#### 6.35 Partial statement of votes, overall statement of votes and copy given to representatives of candidates

The following is substituted for section 238 of the Act :

“**238.** The deputy returning officer shall draw up the partial statement of votes, setting out

- (1) the number of ballot paper cards received from the returning officer;
- (2) the number of spoiled, refused or cancelled ballot paper cards or those that were not inserted into the electronic ballot box;
- (3) the number of unused ballot paper cards.

The deputy returning officer shall make two copies of the partial statement of votes, including a copy that must be given to the senior deputy returning officer.

Using the partial statements of votes, and the results compiled by the electronic ballot box, the senior deputy returning officer shall draw up an overall statement of votes.

The senior deputy returning officer shall immediately give a copy of the overall statement of votes to the representatives.”.

Section 240 of the Act is revoked.

#### 6.36 Separate, sealed and initialled envelopes given to the returning officer

The following is substituted for sections 241, 242 and 243 of the Act :

“**241.** After the closing of the poll, each deputy returning officer shall place in separate envelopes the list of electors, the poll book, the forms, the spoiled, refused or cancelled ballot paper cards and those that were not

inserted into the electronic ballot box, the unused ballot paper cards and the partial statement of votes. Each deputy returning officer shall seal the envelopes and place them in a large envelope, seal it and give it to the senior deputy returning officer. The deputy returning officer, the poll clerk and the representatives assigned to the polling station who wish to do so shall initial the seals.

**242.** After the results compiled by the electronic ballot box have been printed, in the presence of the candidates or their representatives who wish to be present, the senior deputy returning officer shall place the ballot paper cards from the electronic ballot box recipient in one or more envelopes, and then seal and initial the envelope or envelopes. Any representatives or candidates who wish to do so may initial the seal or seals.

The senior deputy returning officer shall place the envelope or envelopes in a transfer box. He shall remove the memory card from the electronic ballot box and insert it in an envelope with a copy of the report on the results compiled by the electronic ballot box. The senior deputy returning officer shall seal the envelope, initial it and place it in one of the transfer boxes.

The senior deputy returning officer shall place the large envelope received from the deputy returning officers in one of the transfer boxes.

The senior deputy returning officer shall then seal and initial the transfer boxes, allow the representatives who wish to do so to initial them, and give the boxes to the returning officer.

**243.** The senior deputy returning officer shall place in an envelope a copy of the overall statement of votes stating the results of the election and the partial statements of votes. The senior deputy returning officer shall then seal and initial the envelope and give it to the returning officer.

The representatives assigned to the polling stations may initial the seal.”.

Section 244 of the Act is revoked.

### 6.37 Addition of votes

The following is substituted for section 247 of the Act :

“**247.** The returning officer shall proceed with the addition of the votes using the overall statement of votes drawn up by each senior deputy returning officer.”.

### 6.38 Adjournment of the addition of votes

The following is substituted for section 248 of the Act :

“**248.** The returning officer shall, if unable to obtain an overall statement of votes that should have been provided, adjourn the addition of votes until the statement has been obtained.

Where it is not possible to obtain an overall statement of votes, or the printed report on the results compiled by an electronic ballot box, the returning officer shall, in the presence of the senior deputy returning officer and the candidates concerned or their representatives if they so wish, print out the results using the memory card taken from the transfer box opened in the presence of the persons listed above.”.

### 6.39 Placing in envelope

The following is substituted for section 249 of the Act :

“**249.** After printing and examining the results, the returning officer shall place them in an envelope together with the memory card.

The returning officer shall seal the envelope, put the envelope in the transfer box and then seal the box.

The returning officer, the candidates and the representatives present may initial the seals.”.

### 6.40 New counting of the votes

The following is substituted for section 250 of the Act :

“**250.** Where it is not possible to print a new report on the results compiled using the memory card, the returning officer, on the date, at the time and at the place that he determines, in the presence of the candidates or their representatives who wish to be present, shall recover the ballot paper cards used for the office or offices concerned and shall insert them, one by one, in the opening of the electronic ballot box that includes a new programmed memory card. He shall then print out the results compiled by the electronic ballot box.”.

### 6.41 Notice to the Minister

Section 251 of the Act is amended by substituting the words “overall statement of votes, the report on the results compiled by the electronic ballot box and the ballot paper cards” for the words “statement of votes and the ballot papers” in the first line of the first paragraph.

#### 6.42 Access to ballot papers

The following is substituted for section 261 of the Act :

“**261.** Except for the purposes of an examination of rejected ballot papers pursuant to this agreement, the returning officer or the person responsible for providing access to the documents held by the municipality may not issue copies of the ballot papers used, or allow any person to examine the ballot papers, without being required to do so by an order issued by a court or magistrate.”

#### 6.43 Application for a recount

Section 262 of the Act is amended by substituting the words “an electronic ballot box” for the words “a deputy returning officer, a poll clerk or the returning officer” in the first and second lines of the first paragraph.

### 7. EXAMINATION OF REJECTED BALLOT PAPERS

Within 120 days from the date on which an election is declared or contested, the returning officer must, at the request of the chief electoral officer or the Minister, examine the rejected ballot papers to ascertain the grounds for rejection. The returning officer must verify the ballot paper cards contained in the transfer boxes.

The returning officer must notify the candidates or their representatives that they may be present at the examination. The Chief Electoral Officer and the Minister shall be notified and they may delegate their representatives. The representative of the company that sold or rented out the electronic ballot boxes must attend the examination to explain the operation of the mechanism for rejecting ballot papers and to answer questions from the participants.

The programming parameters for rejecting ballot papers must be disclosed to the participants.

The examination of the rejected ballot papers shall in no way change the results of the poll or be used in a court to attempt to change the results of the poll.

A report on the examination must be drawn up by the returning officer and include, in particular, the assessment sheet for the grounds for rejection and a copy of the related ballot paper. Any other relevant comment concerning the conduct of the poll must also be included.

Prior to the examination of the rejected ballot papers, the rejected ballot papers must be separated from the other ballot papers, using the electronic ballot box duly programmed by the representative of the firm, and a

sufficient number of photocopies must be made for the participants present. The candidates or their representatives may be present during this operation.

### 8. DURATION AND APPLICATION OF AGREEMENT

The returning officer of the municipality is responsible for the application of this agreement and, consequently, for the proper conduct of the trial application of the new method of voting during general elections and by-elections held until December 31, 2013.

### 9. AMENDMENT

The parties agree that this agreement may be amended if need be to ensure the proper conduct of the general elections or subsequent by-elections provided for in the agreement.

Mention of that fact shall be made in the assessment report.

### 10. ASSESSMENT REPORT

Within 120 days following the general election held on November 6, 2005, the returning officers of each municipality shall forward, in accordance with section 659.3 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2), an assessment report to the chief electoral officer and the Minister setting out relevant ways to improve the trial and addressing, in particular, the following points :

- the preparations for the election (choice of the new method of voting, communications plan, etc.);
- the conduct of the advance poll and the poll;
- the cost of using the electronic voting system :
  - the cost of adapting election procedures;
  - non-recurrent costs likely to be amortized;
  - a comparison between the actual polling costs and the estimated polling costs using the new methods of voting and the projected costs of holding the general election on November 6, 2005 using traditional methods;
- the number and duration of incidents during which voting was stopped, if any;
- the advantages and disadvantages of using the new method of voting;

— the results obtained during the addition of the votes and the correspondence between the number of ballot papers given out to the deputy returning officers and the number of ballot paper cards returned used and unused;

— a survey of rejected ballot papers, if the survey has been completed.

#### 11. APPLICATION OF THE ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

The Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) shall apply to the general election held on November 6th, 2005 in the municipality, subject to the provisions of the Act that this agreement amends or replaces.

#### 12. EFFECT OF THE AGREEMENT

This agreement has effect from the time when the returning officer performs the first act for the purposes of an election to which this agreement applies.

#### AGREEMENT SIGNED IN SIX COPIES :

In Louiseville, this 20th day of the month of June 2005

#### MUNICIPALITY OF LOUISEVILLE

By: \_\_\_\_\_  
JOCELYNE ELLIOTT LEBLANC, *Mayor*

\_\_\_\_\_  
M<sup>e</sup> MARTINE ST-YVES, *Clerck*

In Bécancour, this 15th day of the month of June 2005

#### MUNICIPALITY OF BÉCANCOUR

By: \_\_\_\_\_  
MAURICE RICHARD, *Mayor*

\_\_\_\_\_  
M<sup>e</sup> FRANCE LECLERC, *Clerck*

In Deux-Montagnes, this 22nd day of the month of June 2005

#### MUNICIPALITY OF DEUX-MONTAGNES

By: \_\_\_\_\_  
PIERRE-BENOIT FORGET, *Mayor*

\_\_\_\_\_  
PAUL ALLARD, *Director general*

In Rivière Rouge, this 16th day of the month of June 2005

#### MUNICIPALITY OF RIVIÈRE-ROUGE

By: \_\_\_\_\_  
DÉBORAH BÉLANGER, *Mayor*

\_\_\_\_\_  
CLAIRE COULOMBE, *Clerck*

In Québec, on this 29th day of June 2005

#### THE CHIEF ELECTORAL OFFICER

\_\_\_\_\_  
MARCEL BLANCHET

In Québec, on this 19th day of July 2005

#### THE MINISTER OF MUNICIPAL AFFAIRS AND REGIONS

\_\_\_\_\_  
DENYS JEAN, *Deputy Minister*

**SCHEDULE**

**MODEL BALLOT PAPER CARD**

**Arrondissement**  
 xxxxxxxxxxxxxxxxxxxx  
**Borough**  
**District** xxxxxxxxxxxxxx

**Numéro de section de vote - Poll subdivision**  
 01 02 03 04 05 06 07 08 09 10 11

**Conseiller d'arrondissement**  
**Borough councillor**

Xxxxxx XXXXXXXX

Xxxxxx XXXXXXXX   
 xxxxxxxxxxxx

Xxxxxx XXXXXXXX   
 xxxxxxxxxxxx



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**Initiales du scrutateur**  
**Initials of DRO**

# Ville de Gestiville

**Élections municipales**  
**Municipal Elections**

le 2 novembre 2003 / November 2, 2003

Droits d'auteur Solutions Nixsoft Inc. 2003

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 Gestiville, Qc. A1A 1A1

**M.O., 2005**

**Order number 2005-012 of the Minister of Health and Social Services dated 25 August 2005**

An Act respecting health services and social services (R.S.Q., c. S-4.2)

Amendments to the Classification of services offered by family-type resources and the rates of compensation applicable to each type of service

WHEREAS, under sections 303 and 314 of the Act respecting health services and social services (R.S.Q., c. S-4.2), the Minister of Health and Social Services shall propose a classification of the services offered by family-type resources based on the degree of support or assistance required by users;

WHEREAS, under those same sections, the Minister shall also determine the rates or the scale of rates of compensation applicable to each type of service provided for in the classification;

WHEREAS the Minister made the Classification of services offered by family-type resources and the rates of compensation applicable to each type of service by Minister's Order 93-04 dated 30 November 1993 (1993, *G.O.* 2, 6781);

WHEREAS it is expedient to adjust the amount paid to foster families to cover the personal expenses of children in foster care;

WHEREAS, to that end and in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Amendments to the Classification of services offered by family-type resources and the rates of compensation applicable to each type of service was published on page 1139 of the *Gazette officielle du Québec* of 4 May 2005, with a notice that it could be made by the Minister on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Amendments to the Classification without amendment;

THEREFORE, the Minister of Health and Social Services hereby makes the Amendments to the Classification of services offered by family-type resources and the rates of compensation applicable to each type of service, the text of which is attached to this Order.

PHILIPPE COUILLARD,  
*Minister of Health and Social Services*

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**Amendments to the Classification of services offered by family-type resources and the rates of compensation applicable to each type of service\***

An Act respecting health services and social services (R.S.Q., c. S-4.2, ss. 303 and 314)

**1.** The Classification of services offered by family-type resources and the rates of compensation applicable to each type of service is amended by replacing the amount of "\$3" in section 20.1 by "\$4".

**2.** These Amendments come into force on the fifteenth day following the date of their publication in the *Gazette officielle du Québec*.

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\* The Classification of services offered by family-type resources and the rates of compensation applicable to each type of service, made by Order 93-04 of the Minister of Health and Social Services on 30 November 1993 (1993, *G.O.* 2, 6781), was last amended by the Amendments made by Order 2004-001 of the Minister of Health and Social Services on 15 January 2004 (2004, *G.O.* 2, 827).





## Draft Regulations

### Draft Regulation

An Act to amend the Act respecting parental insurance and other legislative provisions (2005, c. 13)

#### Calculation of average insurable earnings and earnings threshold

##### — Certain transitional measures

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting certain transitional measures relating to the calculation of average insurable earnings and to the earnings threshold for the purposes of parental insurance, adopted by the Conseil de gestion de l'assurance parentale and appearing below, may be approved by the Government with or without amendment on the expiry of 45 days following this publication.

The Regulation provides for transitional measures necessary to calculate the average insurable earnings used to determine benefits under the Act respecting parental insurance (2001, c. 9) with a view to ensuring certain types of recipients are paid the equivalent of what they would receive under the plan established by the Employment Insurance Act (Statutes of Canada, 1996, c. 23).

The Regulation also contains transitional measures that concern a person's earnings threshold over which benefits will be deducted.

The Regulation will have no impact on enterprises.

Further information may be obtained by contacting Jean-François Bernier, 1122, chemin Saint-Louis, 1<sup>er</sup> étage, bureau 104, Sillery (Québec) G1S 1E5; telephone: (418) 528-8818; fax: (418) 643-6738.

Any person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the President and Director General of the Conseil de gestion de l'assurance parentale, 1122, chemin Saint-Louis, 1<sup>er</sup> étage, bureau 104, Sillery (Québec) G1S 1E5; telephone: (418) 643-1052; fax: (418) 643-6738.

DENIS LATULIPPE,  
*President and Director General*  
*Conseil de gestion de l'assurance parentale*

### Regulation respecting certain transitional measures relating to the calculation of average insurable earnings and to the earnings threshold for the purposes of parental insurance

An Act to amend the Act respecting parental insurance and other legislative provisions (2005, c. 13, ss. 102 and 105)

**1.** A person who, for the purposes of the payment of the benefits provided for in the Act respecting parental insurance (2001, c. 9), requests that the Minister of Employment and Social Solidarity determine the average of the person's insurable earnings on the basis of a period of not more than 26 consecutive weeks preceding the beginning of the person's qualifying period, pursuant to the first paragraph of section 102 of the Act to amend the Act respecting parental insurance and other legislative provisions (2005, c. 13), excluding the weeks where insurable earnings are below \$225, must meet the conditions set out in section 24.2 of the Employment Insurance Regulations (SOR/96-332) in order for that method of calculation of the rate of weekly benefits to apply.

The amount of the benefits established under sections 18 and 21 of the Act respecting parental insurance and the Regulation under the Act respecting parental insurance, made by Order in Council ..... dated ..... 2005, is then increased by any amount necessary to enable the person to receive the equivalent of the aggregate amount of benefits to which the person would have been entitled under section 24.2 of the Employment Insurance Regulations.

**2.** A person who, for the purposes of the payment of the benefits provided for in the Act respecting parental insurance, requests that the Minister determine the average of the person's insurable earnings on the basis of the 14 weeks involving the highest amount of insurable earnings from employment, pursuant to the second paragraph of section 102 of the Act to amend the Act respecting parental insurance and other legislative provisions, must meet the conditions set out in the Employment Insurance Act (Statutes of Canada, 1996, c. 23) or its regulations in order for that method of calculation of the rate of weekly benefits to apply.

The amount of the benefits established under sections 18 and 21 of the Act respecting parental insurance and the Regulation under the Act respecting parental insurance is then increased by any amount necessary to enable the person to receive the equivalent of the aggregate amount of benefits to which the person would have been entitled under the Employment Insurance Act or its regulations.

**3.** For the purposes of section 105 of the Act to amend the Act respecting parental insurance and other legislative provisions, a recipient who receives earnings during a week of benefits may apply to the Minister for a deduction from the benefits payable of an amount corresponding to the fraction of the earnings received during that week in excess of \$75, or in excess of 40% of the weekly benefits if they amount to \$200 or more, whichever amount is greater.

If the recipient would have been entitled to a raise in his or her earnings threshold under the Employment Insurance Act or its regulations, the amount of the benefits established under sections 18 and 21 of the Act respecting parental insurance and sections 41 to 43 of the Regulation under the Act respecting parental insurance is increased by any amount necessary to enable the recipient to receive the equivalent of the aggregate amount of benefits to which the recipient would have been entitled under the Employment Insurance Act or its regulations.

**4.** This Regulation comes into force on 1 January 2006.

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## Draft Regulation

An Act respecting parental insurance  
(2001, c. 9; 2005, c. 13)

### Regulation

Notice is hereby given, in accordance with section 10 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation under the Act respecting parental insurance, adopted by the Conseil de gestion de l'assurance parentale and appearing below, may be approved by the Government with or without amendment on the expiry of 15 days following this publication.

Notice is also given, in accordance with section 13 of the Regulations Act, that the Regulation is published with a consultation period shorter than the period prescribed by section 11 of that Act, pursuant to section 107 of the Act to amend the Act respecting parental insurance and other legislative provisions (2005, c. 13).

To determine eligibility under the parental insurance plan established under the Act respecting parental insurance (2001, c. 9), the Regulation specifies the extent to which a person must contribute under the plan established under the Employment Insurance Act (Statutes of Canada, 1996, chapter 23), defines an interruption in earnings and determines the work that comes within the scope of the Act and the work that is excluded.

The Regulation specifies the manner in which applications, including claims for benefits, are to be made with the Minister of Employment and Social Solidarity, and enumerates exemptions. It prescribes the information to be provided by an employer to employees for the purpose of determining whether an employee is entitled to benefits.

The Regulation determines the rules for allocating benefit weeks if both parents take the weeks concurrently, do not agree on how they should be allocated, or do not reside in the same province.

The Regulation provides for the cases in which a person's qualifying period may be extended or differ from the period set out in section 20 of the Act respecting parental insurance.

The Regulation specifies, in relation to the benefit period, the time at which the qualifying period ends and the reasons that may justify an extension of the qualifying period.

The Regulation prescribes the manner in which insurable earnings from employment, from a business or from both sources are to be apportioned for the purpose of calculating average weekly earnings.

The Regulation includes provisions relevant to the payment of benefits and the recovery of amounts owing to the Minister. It sets out the conditions on which benefit payment may be suspended and the duration of the suspension. It also determines the circumstances and manner in which a person's benefits are reduced if, while receiving benefits, the person also receives income replacement indemnities or other benefits, or work income.

The Regulation contains provisions relating to increased benefits in cases where the recipient's family income is below the determined threshold.

Lastly, the Regulation contains transitional provisions that pertain to the qualifying period of certain self-employed workers and to deferral of coverage in the case of persons holding the office of judge or presiding justice of the peace.

The Regulation will have no significant financial impact on enterprises. Administrative implications will involve a requirement for employers to furnish various information necessary to determine employees' entitlement to benefits if no record of employment has been issued pursuant to the Employment Insurance Regulations (SOR/96-332).

Further information may be obtained by contacting Jean-François Bernier, 1122, chemin Saint-Louis, 1<sup>er</sup> étage, bureau 104, Sillery (Québec) G1S 1E5; telephone: (418) 528-8818; fax: (418) 643-6738.

Any person having comments to make on the matter is asked to send them in writing, before the expiry of the 15-day period, to the President and Director General of the Conseil de gestion de l'assurance parentale, 1122, chemin Saint-Louis, 1<sup>er</sup> étage, bureau 104, Sillery (Québec) G1S 1E5; telephone: (418) 643-1052; fax: (418) 643-6738.

DENIS LATULIPPE,  
*President and Director General*  
*Conseil de gestion de l'assurance parentale*

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## Regulation under the Act respecting parental insurance

An Act respecting parental insurance (2001, c. 9, s. 3, 1st par., subpars. 1 and 4, ss. 4, 7 and 8, 13, 16, 17.1, 18 to 21, 23, 26, 30, 34, 38, 83, 88, 1st par., subpars. 1 to 4 and 6; 2005, c. 13, s. 2, par. 1, ss. 5 and 6, 10, 15, 20, 47 and 50)

### DIVISION I GENERAL

**1.** Every application made to the Minister of Employment and Social Solidarity may be made in writing, by telephone or by any other electronic means, subject to section 9. The applicant must provide any information required by the Minister in support of the application. The application is deemed to be made on the day it is received by the Ministère de l'Emploi et de la Solidarité sociale, duly signed and accompanied by any required documents.

**2.** A person who provides his or her personal identification number and password by telephone or by any other electronic means is deemed to have signed the application.

**3.** Any information or document must be communicated to the Minister in writing, by telephone or by any other electronic means.

**4.** Any notice given directly to a person or sent to the last known address is validly given.

### DIVISION II ELIGIBILITY UNDER THE PLAN

**5.** For the purposes of subparagraph 1 of the first paragraph of section 3 of the Act, a person who, in respect of benefits related to a pregnancy, a birth or an adoption, is required to pay premiums under the plan established under the Employment Insurance Act (Statutes of Canada, 1996, chapter 23) is eligible under the parental insurance plan.

**6.** For the purposes of subparagraph 4 of the first paragraph of section 3 of the Act, a person whose income is derived from employment has an interruption of earnings if his or her usual weekly income is reduced by at least 40%.

The same applies in the case of a person whose income is derived from a business and who declares having reduced the time devoted to his or her business activities by at least 40%.

A person whose income taken into account is derived from both employment and a business has an interruption of earnings if the reductions described in the first and second paragraphs apply to the person at the same time.

**7.** Employment covered by the plan is employment in the service of Her Majesty in Right of Canada or of an agent of Her Majesty in Right of Canada if the Government of Canada agrees with the Conseil de gestion that the employment is covered.

**8.** Employment excluded from the plan is

(1) the employment of a member of a religious order who has taken a vow of poverty and whose remuneration is paid directly or by the member to the order;

(2) employment for which no cash remuneration is paid where the person employed is the child of, or is maintained by, the employer;

(3) employment as a teacher on exchange from a country other than Canada; and

(4) employment that constitutes an exchange of work or services;

(5) employment in agriculture, an agricultural enterprise, horticulture, fishing, hunting, trapping, forestry, logging or lumbering either by an employer who pays

the employee less than \$250 in cash remuneration in a year or employs the employee in the year for cash remuneration, for fewer than 7 working days;

(6) casual or short-term employment by the Government, a municipality or a school board with respect to any referendum or election, if the employee is not in the regular employment of the employer and is so employed by the employer for fewer than 35 hours with respect to such referendum or election;

(7) casual or short-term employment, other than as an entertainer, in a circus, show, fair, parade, carnival, exposition, exhibition or other like activity, if the employee is not in the regular employment of the employer and is so employed by the employer for fewer than 7 days in the year;

(8) employment in abating a disaster or effecting a rescue, if the employee is not in the regular employment of the employer;

(9) employment as part of an exchange program, if the employee receives remuneration from an employer not resident in Canada; and

(10) employment not performed in the course of the employer's business or usual trade.

Despite subparagraph 6 or 7 of the first paragraph, employment is included employment from its commencement if the employment is performed for the benefit of a single employer during one or more periods whose total duration exceeds, in the course of a year,

(a) 34 hours, in the case of employment described in subparagraph 6; and

(b) 6 days, in the case of employment described in subparagraph 7.

### **DIVISION III** **CLAIM FOR BENEFITS**

**9.** A person wishing to receive benefits under the parental insurance plan must file a claim in writing or by any electronic means, excluding the telephone, using the form made available by the Minister and must provide the Minister with the information required under the second paragraph of section 13 of the Act, particularly any information on the net family income required to determine the amount of the increase in benefits provided for in Division IX.

**10.** A person who files a claim for benefits by any electronic means is deemed to have provided, in response to the questions asked, the information appearing on the dated form produced by the Department's automated benefit allocation system.

**11.** A person who files a claim on behalf of the succession of a person who is deceased or unable to manage his or her affairs must declare his or her quality and, on request by the Minister of Employment and Social Solidarity, prove his or her title.

**12.** The liquidator of a succession may file a claim for the weeks of benefits payable on the date of death provided that the deceased person had filed a claim for benefits.

**13.** The following persons are exempt from filing an initial claim for benefits:

(1) a person who files a claim for maternity, paternity or parental benefits and who, at the time of the claim or during the benefit period referred to in section 23 of the Act, informs the Minister of his or her intent to receive paternity or parental benefits, the intended number of weeks of benefits and the time elected;

(2) a parent who, pursuant to section 17 of the Act, is entitled to have the number of weeks of maternity or paternity benefits of the deceased parent that were not used on the date of the parent's death added to the total number of weeks of parental benefits, and who, at the time of the death, had filed an initial claim for benefits;

(3) a person who suspends the payment of his or her benefits or who terminates his or her benefit period;

(4) a person who modifies the intended number of weeks of benefits; and

(5) a parent already eligible for parental or adoption benefits for a previous event, with respect to the weeks of parental or adoption benefits provided for in section 15 of the Act.

### **DIVISION IV** **GRANTING OF BENEFITS**

**14.** If there is no agreement between the parents on the division of the weeks of parental or adoption benefits, the unused weeks are divided equally between the parents.

If applicable, the remaining week at a higher rate or the last week is granted to the first parent who received benefits in connection with the birth or adoption. That

week is allocated to the parent with the higher average weekly earnings if both parents began to receive their benefits in the same week.

**15.** Where both parents take weeks of parental or adoption benefits concurrently, in whole or in part, the remaining week at a higher rate or the last week is granted in the manner provided in the second paragraph of section 14.

**16.** Despite the second paragraph of section 17.1 of the Act, the application to a parent of the plan established under the Act respecting parental insurance does not entail the application of that plan to the parent who is not resident in Québec at the time a first claim for benefits is filed under the parental insurance plan.

In that case, each week of parental or adoption benefits taken by the other parent under the employment insurance plan is subtracted from the maximum number of benefit weeks provided for in sections 10 and 11 of the Act.

If there is no agreement between the parents, the number of unused weeks is reduced by half. If that number is odd, the remaining week is allocated to the parent who is resident in Québec if that parent was the first to file a claim for benefits.

## **DIVISION V** **EMPLOYERS' OBLIGATIONS**

**17.** In this Division, "employer" includes any person vested with the rights and obligations incumbent on an employer, such as a trustee, a court appointed receiver, a monitor under the Companies' Creditors Arrangement Act (R.S.C. 1985, c. C-36) or a liquidator.

**18.** Where an employee has an interruption in earnings in connection with a pregnancy, a birth or an adoption, the employer must provide the following information using the information statement form made available by the Minister which will be used to establish the employee's entitlement to benefits:

- (1) the employer's name, address and telephone number;
- (2) where applicable, the employer's business number in Québec obtained from the enterprise registrar;
- (3) the employee's name, address and social insurance number;
- (4) the date on which the employee's earnings were interrupted and the reasons therefor;

(5) the dates of the first and last days of paid work;

(6) the end date of the last pay period;

(7) the total insurable earnings during the 52 weeks preceding the interruption of earnings and, where applicable, during the qualifying period as extended;

(8) the frequency of the pay periods during the 52 weeks preceding the interruption of earnings and, for each, the amount of the employee's insurable earnings;

(9) any pay period without earnings;

(10) any amount payable to the employee after the last payday and the reason for the payment;

(11) any amount paid to the employee as salary insurance; and

(12) the name of the contact person for more information.

**19.** Within 5 days of an interruption of earnings in connection with a pregnancy, a birth or an adoption, the employer must deliver the information statement required by section 18 to the employee, using the form.

If the employer is unable to deliver the statement to the employee within that time for reasons beyond the employer's control, the employer must mail the statement to the employee if the employer knows the employee's mailing address; otherwise, the employer must retain the statement until whichever of the following events occurs first:

(1) the statement is requested by the Minister;

(2) the statement is requested by the employee; or

(3) 52 weeks have elapsed since the statement was completed.

**20.** An employer who complies with subsections 2 to 4 of section 19 of the Employment Insurance Regulations (SOR/96-332) respecting the completion and distribution of a record of employment is deemed to have fulfilled the obligations incumbent on the employer under sections 18 and 19.

**21.** Where a person has an interruption of earnings for a reason not referred to in section 18, the employer or former employer must, on request by the person, deliver to the person the statement referred to in that section used to establish the person's entitlement to benefits under the plan within 10 days of the request.



**22.** On request by the Minister, an employer to whom section 18 or 21 applies must provide the Minister within 10 days with the information statement referred to in section 18.

#### **DIVISION VI** CALCULATION FOR THE PURPOSES OF ELIGIBILITY FOR OR PAYMENT OF BENEFITS

**23.** For the purposes of section 21 of the Act, the average weekly earnings of a person is the average of the person's insurable earnings apportioned over a week.

**24.** A person who wishes to elect for weekly benefits equal to 75% of the person's average weekly earnings must so declare in the initial claim for benefits. In the absence of a declaration, the amount of weekly benefits is calculated in accordance with the first paragraph of section 18 of the Act.

**25.** In the case of a birth or adoption occurring while at least one parent is entitled to parental or adoption benefits for a previous event, the parent wishing to have a different method of calculation applied to his or her weekly benefits added pursuant to the second paragraph of 15 of the Act, must so inform the Minister. If the Minister is not so informed, the amount of weekly benefits is calculated according to the method used for the benefits payable in respect of the first event.

**26.** A person who earned income from employment after an interruption in the benefit period may, if the person is entitled to parental benefits in respect of the same event or in the case referred to in the second paragraph of section 15 of the Act, file an initial claim for benefits so that his or her average weekly earnings may be recalculated.

The foregoing applies to a person who earned income from a business if the person is entitled to parental benefits in the case referred to in the second paragraph of section 15 of the Act.

**27.** Where insurable earnings from employment and insurable earnings from a business are considered, the average of the insurable earnings is equal to  $\frac{1}{52}$  of the total of the insurable earnings from employment and the insurable earnings from a business for the calendar year preceding the benefit period.

**28.** In the case provided for in section 30, where only earnings from a business are considered, the average of the insurable earnings is equal to  $\frac{1}{52}$  of the insurable earnings established for the qualifying year.

If insurable earnings from employment and insurable earnings from a business are considered, the average of the insurable earnings is equal to  $\frac{1}{52}$  of the total of the insurable earnings from employment and the insurable earnings from a business established for the qualifying year.

**29.** If the qualifying year of a person is the calendar year preceding the benefit period and that qualifying period is extended in accordance with section 31, the average of the insurable earnings is established

(1) by determining the average of the weekly insurable earnings for the calendar year preceding the person's qualifying year;

(2) by multiplying the amount obtained under paragraph 1 by the number of weeks for which the qualifying period is extended; and

(3) by adding to the income of the qualifying year the amount obtained under paragraph 2 and by dividing the total by 52.

**30.** Despite the first paragraph of section 20 of the Act, the qualifying period of a person whose earnings are derived from a business is the same year as the year in which the person's benefit period begins if the person's business is in its first calendar year of operation.

**31.** The qualifying period of a person may be extended by the number of full weeks comprised in that period and for which the person proves to the Minister's satisfaction that he or she was unable to have insurable earnings for any of the following reasons:

(1) the person was unable to work, provided that the inability

(a) results from illness, injury, quarantine or pregnancy, even if the person received income replacement indemnities under a statute or a group wage-loss indemnity plan, paid solely by a third person during that period;

(b) results from detention in a prison, a penitentiary or another similar institution; or

(c) has given the person entitlement to assistance in the form of employment benefits under a plan established by the Employment Insurance Act or under an employment assistance measure implemented by Emploi-Québec;

(2) the person was receiving benefits under the parental insurance plan or the employment insurance plan in respect of the arrival of a child, or would have received such benefits had there been no waiting period, and was not receiving other insurable earnings during that period;

(3) the person was receiving indemnities under the Act respecting occupational health and safety (R.S.Q., c. S-2.1) by reason of the fact that the person had ceased to work because continuation of work entailed physical dangers for the person, the person's unborn child or the child the person was breast-feeding;

(4) the person was receiving regular employment insurance benefits or special benefits under the Employment Insurance Act; or

(5) the person was receiving income replacement indemnities.

The qualifying period of a person who, during the extension of the person's qualifying period, is again in a situation referred to in the preceding paragraph is extended by the number of weeks that the situation lasts, subject to the second paragraph of section 20 of the Act.

This section does not apply to the qualifying period referred to in section 30.

#### **DIVISION VII** **BENEFIT PERIOD**

**32.** The benefit period ends on the date of the earliest of the following occurrences:

(1) the recipient is no longer entitled to benefits during his or her benefit period, in particular because they were paid for the number of weeks provided for in sections 7 to 11, 15 or 17 of the Act;

(2) the benefit period is over; and

(3) the recipient requests that the benefit period be ended.

**33.** The period during which paternity, parental or adoption benefits may be paid is extended if

(1) the person's child is hospitalized;

(2) the person is ill or injured in an accident;

(3) the person's presence is required with the person's child, spouse, spouse's child, father, mother, father's or mother's spouse, brother, sister or a grandparent because of a serious illness or a serious accident; or

(4) the person is entitled to the benefits that were not used by the other parent on the date of the other parent's death, pursuant to section 17 of the Act.

The benefit period is extended by the number of full weeks that the situation lasts, except that that number may not exceed 15 weeks in the case provided for in subparagraph 2 of the first paragraph or 6 weeks in the case provided for in subparagraph 3 of the first paragraph.

In the case provided for in subparagraph 4 of the first paragraph, the benefit period is extended by the number of weeks required to attain the maximum number of weeks of benefits to which the parent is entitled, subject to the parent's right to request an extension of that period pursuant to the first and second paragraphs.

If a person is again in the situation referred to in subparagraph 1 of the first paragraph during the extension of the benefit period, the benefit period is extended by the number of weeks that the situation lasts, subject to the third paragraph of section 23 of the Act.

**34.** On request, a person must provide the Minister with any document justifying an extension of the benefit period for the reasons referred to in the first paragraph of section 33.

#### **DIVISION VIII** **PAYMENT OF BENEFITS**

**35.** For the purposes of the third paragraph of section 7 of the Act, the payment of maternity benefits may end after the expiry of the period provided for in the first paragraph of that section, if the person so requests and if

(1) the person has an accident or an illness unrelated to pregnancy; or

(2) the person's presence is required with the person's child, spouse, spouse's child, father, mother, father's or mother's spouse, brother, sister or a grandparent because of a serious illness or a serious accident.

The payment of benefits is suspended for the number of full weeks that the situation lasts, except that that number may not exceed 15 weeks in the case provided for in subparagraph 1 of the first paragraph or 6 weeks in the case provided for in subparagraph 2 of the first paragraph.

**36.** For the purposes of section 8 of the Act, the payment of benefits may end after the expiry of the prescribed 18 weeks if the person who so requests is in one of the situations referred to in the first paragraph of section 35.

Payment is suspended for the time referred to in the second paragraph of section 35, but it must end on the expiry of the thirty-ninth week following a termination of pregnancy.

**37.** On request, a person must provide the Minister with any document justifying a suspension of benefit payments for the reasons referred to in the first paragraph of section 35.

**38.** Payment for a week of benefits is made by cheque or by direct deposit into the bank account of the recipient.

The recipient must inform the Minister should he or she wish to terminate the direct deposit of benefits.

No payment is made if the amount payable is \$1 or less.

**39.** Where a claim for benefits is filed on behalf of a person unable to manage his or her affairs, the Minister shall authorize the payment of the benefits to the person acting in the name of the unable person if that latter person meets the requirements of the law.

Where a claim for benefits is made by the liquidator of the succession of a deceased person, the Minister shall authorize payment of the benefits to the liquidator.

**40.** A week is a period of seven consecutive days beginning on Sunday.

**41.** If the recipient receives earnings during a week of benefits, an amount corresponding to the fraction of the earnings received during the week in excess of \$50, or in excess of 25% of the weekly benefits if they are \$200 or more, whichever amount is greater, is deducted from the benefits payable.

Despite the first paragraph, all the earnings payable to a female recipient are deducted from maternity benefits.

**42.** For the purposes of section 41, “earnings” means the amounts payable to recipients and derived from the following sources :

(1) work income within the meaning of section 43 of the Act;

(2) amounts payable in respect of wages, benefits or other remuneration;

(3) full income replacement indemnities received or to be received by a recipient for an industrial accident or an occupational disease, other than a lump sum or pension paid in full and final settlement of a claim;

(4) full income replacement indemnities that a recipient has received or, on application, is entitled to receive under the plan established by the Automobile Insurance Act (R.S.Q., c. A-25) in respect of the actual or presumed loss of income from employment income due to injury;

(5) the moneys paid or payable on a periodic basis or in a lump sum on account of or in lieu of a pension;

(6) an amount received because of the complete severance of the relationship with the employer if the amount is considered in calculating the average weekly earnings; and

(7) a retroactive increase in wages or salary if the increase is considered in calculating the average weekly earnings.

**43.** For the purposes of section 41, the following are not taken into account :

(1) compensation paid to a victim of a criminal act;

(2) a pension not resulting from employment;

(3) support payments;

(4) disease, disability, maternity or adoption indemnities paid under a group or individual wage-loss indemnity plan;

(5) relief grants;

(6) last resort financial assistance;

(7) transportation allowances for handicapped persons;

(8) strike benefits; and

(9) an employment assistance allowance paid by Emploi-Québec under the “Support for Self-Employment” measure.

#### DIVISION IX BENEFIT INCREASES

**44.** For the purposes of this Division,

(1) “spouse” has the meaning assigned by the Taxation Act (R.S.Q., c. I-3). It includes the person who will be the father or mother of the child to be born or adopted and who, at the time the first claim for benefits is filed under the plan, cohabits with the person who files the claim;



(2) the family is composed only of the parent and that parent's spouse at the time the first claim for benefits under the plan is filed in respect of the same event;

(3) "net family income", for a year, is equal to the total income for the year, calculated in accordance with Part I of the Taxation Act, of the parent and the parent's spouse at the time the first claim referred to in subparagraph 2 is filed.

However, if at the time the first claim referred to in subparagraph 2 is filed, the persons who are or will be the father and mother of the child to be born or adopted are not spouses, the net family income of those persons is established taking into account the family of each of those persons at the time they respectively file their first claim for benefits in respect of the same event.

**45.** Where the net family income is lower than \$25,921, the weekly benefits are, on request, increased by the lump sum in respect of the net family income determined under this section.

If the claim for maternity, paternity, parental or adoption benefits is filed within the first 6 months of the year, the net family income considered is that of the second taxation year preceding the claim.

If the claim for benefits is filed within the six last months of the year, the net family income considered is that of the taxation year preceding the claim.

Net family income	Weekly lump sum
\$20,921.00	\$67.00
\$20,921.01 to \$21,250.00	\$66.80
\$21,250.01 to \$21,500.00	\$61.30
\$21,500.01 to \$21,750.00	\$57.20
\$21,750.01 to \$22,000.00	\$53.15
\$22,000.01 to \$22,250.00	\$49.20
\$22,250.01 to \$22,500.00	\$45.40
\$22,500.01 to \$22,750.00	\$41.55
\$22,750.01 to \$23,000.00	\$37.90
\$23,000.01 to \$23,250.00	\$34.35
\$23,250.01 to \$23,500.00	\$30.90
\$23,500.01 to \$23,750.00	\$27.55

Net family income	Weekly lump sum
\$23,750.01 to \$24,000.00	\$24.30
\$24,000.01 to \$24,250.00	\$21.15
\$24,250.01 to \$24,500.00	\$18.10
\$24,500.01 to \$24,750.00	\$15.15
\$24,750.01 to \$25,000.00	\$12.25
\$25,000.01 to \$25,250.00	\$9.40
\$25,250.01 to \$25,500.00	\$6.75
\$25,500.01 to \$25,750.00	\$4.15
\$25,750.01 to \$25,920.99	\$1.70

**46.** Despite section 45, the increased weekly benefits may not exceed 80% of the average weekly earnings of the person who filed a claim for benefits.

**47.** The increase is paid to either parent, as they choose. If they make no choice or disagree, the increase for the unused weeks is paid to the parent who first receives benefits in connection with the birth or adoption. If both parents receive their benefits beginning in the same week, the increase is paid to the parent with the higher average weekly earnings.

Despite the first paragraph, the increase is paid to each parent if custody of the child is shared, provided that each parent is entitled to the increase and receives benefits.

**48.** The net family income considered for the increase applies to all benefits regardless of any change in the composition of the family.

#### DIVISION X CHANGE OF SITUATION

**49.** The Minister considers having been informed of a change of situation if the Minister receives information likely to affect a person's eligibility, communicated pursuant to section 84 of the Act.

#### DIVISION XI RECOVERY

**50.** Subject to an agreement or deduction under section 30 of the Act, the debtor of a recoverable amount must repay to the Minister every month, as of the date of issue of the certificate provided for in section 31 of the Act, an amount sufficient to repay the debt within not more than 36 months.

The amount repaid every month may not be lower than \$56.

However, if the recoverable amount is owing because of a false statement, the amount to be repaid may not be less than \$112 per month or, in the case of more than one false statement, \$224 per month.

**51.** The recoverable amount must be repaid in full, without delay or further formality or notice, as soon as the debtor fails to comply with section 50 or with the agreement reached with the Minister pursuant to section 30 of the Act.

**52.** For the purposes of section 30 of the Act, the Minister shall deduct from each payment an amount equal to 20% of the amount of the benefits to be paid to the debtor. That amount corresponds to the benefits established under Division II of the Act, with the necessary modifications, less the income tax deductions payable under the Taxation Act and the Income Tax Act (R.S.C. 1985, c. 1, 5th Supp.).

However, where an amount is owing because of a false statement, the Minister shall deduct from each payment an amount equal to 50% of the amount of the benefits to be paid to the debtor.

## DIVISION XII TRANSITIONAL AND FINAL

**53.** Despite the second paragraph of section 20 of the Act, the qualifying period of a self-employed worker whose qualifying period is the 2005 calendar year may not be extended.

**54.** Despite section 4 of the Act respecting the parental insurance plan, the office of judge or presiding justice of the peace appointed in accordance with the Courts of Justice Act (R.S.Q., c. T-16) or the Act respecting municipal courts (R.S.Q., c. C-72.01) will become covered by the parental insurance plan only upon the requirements of Part VI.4 of the Courts of Justice Act being met as regards the inclusion in the judges' conditions of employment of a parental insurance plan providing for indemnities or benefits supplementary to the basic plan established by the Act respecting parental insurance.

The Order in Council establishing such a supplementary plan will determine a date as of which that office is to become covered by the Act respecting parental insurance.

**55.** This Regulation comes into force on 1 January 2006.

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## Draft Regulation

An Act respecting parental insurance  
(2001, c. 9; 2005, c. 13)

### Parental insurance plan — Premium rates

Notice is hereby given, in accordance with section 10 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting premium rates under the parental insurance plan, the text of which appears below, may be made by the Government with or without amendment on the expiry of 15 days following this publication.

Notice is also given, in accordance with section 13 of the Regulations Act, that the Regulation is published with a consultation period shorter than the period set out in section 11 of that Act, pursuant to section 107 of the Act to amend the Act respecting parental insurance and other legislative provisions (2005, c. 13).

The Conseil de gestion de l'assurance parentale having failed to make a regulation on the premium rates under the parental insurance plan within a period the Government considers reasonable, the Government may make the regulation pursuant to section 88 of the Act respecting parental insurance, amended by section 50 of the Act to amend the Act respecting parental insurance and other legislative provisions (2005, c. 13).

The Regulation determines the premium rates that will apply to employees, persons referred to in section 51 of the Parental Insurance Act (2001, c. 9), employers and self-employed workers, as of 1 January 2006.

The majority of persons and all businesses in Québec will be affected by the proposed premium rates which will have financial and administrative consequences. The financial implications of the parental insurance premium rate retained for 2006 for the purposes of the parental insurance plan will be in the order of 298 million dollars in additional costs reflecting the increase in maximum insurable earnings, the enhancements to the plan and the extension of the plan to self-employed workers. As for the administrative implications, the creation of the plan will require modification of payroll systems and supporting documents and tools.

Further information may be obtained by contacting Anne Gosselin, Direction des politiques du marché du travail, 425, rue Saint-Amable, Québec (Québec) G1R 4Z1; telephone: (418) 646-2546; fax: (418) 644-1299.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 15-day period, to the Minister of Employment and Social Solidarity, 425, rue Saint-Amable, Québec (Québec) G1R 4Z1.

MICHELLE COURCHESNE,  
*Minister of Employment and Social Solidarity*

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### **Regulation respecting premium rates under the parental insurance plan**

An Act respecting parental insurance  
(2001, c. 9, ss. 6 and 88; 2005, c. 13, ss. 4 and 50)

**1.** The premium rate applicable to an employee and to a person referred to in section 51 of the Act is 0.416%.

The premium rate applicable to a self-employed worker is 0.737%.

The premium rate applicable to an employer is 0.583%.

**2.** This Regulation comes into force on 1 January 2006.

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## Decisions

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### Decision

An Act respecting school elections  
(R.S.Q., c. E-2.3)

#### Chief electoral officer

##### — Holding of a by-election in the Portneuf School Board

Decision of the chief electoral officer pursuant to the powers conferred upon him by section 30.8 of the Act respecting school elections, concerning the holding of a by-election in the Portneuf School Board

WHEREAS a by-election is to be held on September 18, 2005, in electoral division number 9 of the Portneuf School Board in accordance with sections 191 and 200 of the Act respecting school elections (R.S.Q., c. E-2.3);

WHEREAS the second paragraph of section 200 of the Act respecting school elections provides that the provisions of Chapters IV to XII of the said Act shall apply to by-elections;

WHEREAS some of the said provisions have been adapted by means of special decisions of the chief electoral officer made on October 3, 2003, pursuant to section 30.8 of the Act respecting school elections, concerning the power to swear in election staff, acceptance of nominations by an assistant to the returning officer, the ballot, the poll book and the statement of votes;

WHEREAS it is necessary for these special decisions to apply to the by-election in the Portneuf School Board;

WHEREAS section 30.8 of the Act respecting school elections allows the chief electoral officer to adapt a provision of the Act where it comes to his attention that, subsequent to an error or an exceptional circumstance, the provision does not meet the demands of the resultant situation;

WHEREAS the chief electoral officer has first informed the Minister of Education, Recreation and Sports of the decision he intends to make;

The chief electoral officer, pursuant to the powers conferred upon him by section 30.8 of the Act respecting school elections, has decided to adapt the provisions of the Act respecting school elections as follows:

— The following decisions made by the chief electoral officer during the election period ending on November 16, 2003, shall apply, adapted as required, to the by-election in the Portneuf School Board:

– Decision of October 3, 2003 concerning the power of election officers to administer oaths;

– Decision of October 3, 2003 concerning acceptance of nomination papers by an assistant of the returning officer;

– Decision of October 3, 2003 concerning the ballot paper, the poll book and the statement of votes.

This decision has been in force from the time the returning officer of the Portneuf School Board first took action in respect of the by-election to which it applies.

Québec, 24 August 2005

MARCEL BLANCHET,  
*Chief Electoral Officer and  
Chairman of the Commission  
de la représentation électorale*

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## Notices

### Notice

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

#### Temporary protection status assigned to three land areas as a proposed aquatic reserve and to fifteen land areas as a proposed biodiversity reserve

#### Amendment to the land plans and conservation plans of four existing proposed biodiversity reserves

Notice is hereby given, in accordance with section 29 of the Natural Heritage Conservation Act (R.S.Q., c. C-61.01):

(1) that the Minister of Sustainable Development, Environment and Parks by Minister's Order dated July 27, 2005 has assigned temporary protection status as a proposed aquatic reserve to the three land areas whose names and locations appear in Schedule I, for a period of four years beginning on the date of publication of the notice in the *Gazette officielle du Québec*;

(2) that the Minister of Sustainable Development, Environment and Parks by Minister's Order dated July 27, 2005 has assigned temporary protection status as a proposed biodiversity reserve to the fifteen land areas whose names and locations appear in Schedule II, for a period of four years beginning on the date of publication of the notice in the *Gazette officielle du Québec*;

(3) that the permanent protection status considered for the land areas is respectively that of aquatic reserve and biodiversity reserve, as an extension of the status already assigned, the granting of such permanent status being governed by the Natural Heritage Conservation Act.

Notice is further given, in accordance with sections 29 and 31 of the Natural Heritage Conservation Act:

(1) that the Minister of Sustainable Development, Environment and Parks with the Government's approval has amended the land plan and conservation plan for the proposed Pasteur lake biodiversity reserve, the proposed Parent lake marshlands biodiversity reserve, the proposed Missisicabi plain biodiversity reserve and the proposed Muskuuchii hills biodiversity reserve to expand their boundaries, pursuant to Order in Council 637-2005 dated

23 June 2005, the amended plans taking effect on the date of their publication in the *Gazette officielle du Québec* as a Schedule to that Order;

(2) that, as provided in section 31 of the Natural Heritage Conservation Act, the amendments to the land plans and conservation plans of the four proposed biodiversity reserves do not affect the period of time for which the land was set aside, that period being 4 years beginning on 14 July 2004 for the Parent lake marshlands biodiversity reserve, and beginning on 7 May 2003 for the other three amended biodiversity reserves. The amendments do not affect the permanent protection status considered for the proposed reserves as stated in the preceding notices published in the *Gazette officielle du Québec*.

A copy of the plan of the three new proposed aquatic reserves and of the fifteen new proposed biodiversity reserves, and a copy of the amended land plans and conservation plans of the four existing proposed biodiversity reserves may be obtained on payment of a fee from Léopold Gaudreau, Direction du développement durable, du patrimoine écologique et des parcs, Ministère du Développement durable, de l'Environnement et des Parcs, 675, boulevard René-Lévesque Est, 4<sup>e</sup> étage, boîte 21, Québec (Québec) G1R 5V7; telephone (418) 521-3907, extension 4783; fax (418) 646-6169; or e-mail at leopold.gaudreau@mddep.gouv.qc.ca

MADELEINE PAULIN,  
*Deputy Minister*

### SCHEDULE I PROPOSED AQUATIC RESERVES

#### Proposed Lac au Foin aquatic reserve

Location: The proposed Lac au Foin aquatic reserve is located in the Saguenay-Lac-Saint-Jean administrative region, between 49°50' and 50°18' north latitude and 72°03' and 72°13' west longitude.

#### Proposed Sainte-Marguerite river valley aquatic reserve

Location: The proposed Sainte-Marguerite river valley aquatic reserve is located in the Saguenay-Lac-Saint-Jean administrative region, between 48°18' and 48°33' north latitude and 70° and 70°44' west longitude.

**Proposed Bonaventure river estuary aquatic reserve**

Location: The proposed Bonaventure river estuary aquatic reserve is located in the Gaspésie–Îles-de-la-Madeleine administrative region between 48°01' and 48°03' north latitude and 65°27' and 65°29' west longitude.

**SCHEDULE II****PROPOSED BIODIVERSITY RESERVES****Proposed Niquet stream biodiversity reserve**

Location: The proposed Niquet stream biodiversity reserve is located in the Nord-du-Québec administrative region, between 50°04' and 50°14' north latitude and 78°53' and 79°10' west longitude.

**Proposed Saint-Cyr lake biodiversity reserve**

Location: The proposed Saint-Cyr lake biodiversity reserve is located in the Abitibi-Témiscamingue administrative region, between 48°37' and 48°52' north latitude and 75°36' and 75°49' west longitude.

**Proposed Wetetnagami lake biodiversity reserve**

Location: The proposed Wetetnagami lake biodiversity reserve is located in the Abitibi-Témiscamingue administrative region, between 48°35' and 49°00' north latitude and 76°11' and 76°23' west longitude.

**Proposed Plétipi lake biodiversity reserve**

Location: The western portion of the proposed Plétipi lake biodiversity reserve is located in the Saguenay–Lac-Saint-Jean administrative region and the eastern portion is located in the Côte-Nord region. The proposed biodiversity reserve is situated between 51°30' and 52°00' north latitude and 69°31' and 70°27' west longitude.

**Proposed Onistagane lake biodiversity reserve**

Location: The proposed Onistagane lake biodiversity reserve is located in the Saguenay–Lac-Saint-Jean administrative region, between 50°17' and 51°13' north latitude and 71°08' and 71°29' west longitude.

**Proposed Berté lake biodiversity reserve**

Location: The proposed Berté lake biodiversity reserve is located in the Côte-Nord administrative region, between 50°41' and 50°58' north latitude and 68°11' and 68°36' west longitude.

**Proposed Paul-Provencher biodiversity reserve**

Location: The proposed Paul-Provencher biodiversity reserve is located in the Côte-Nord administrative region, between 49°59' and 50°16' north latitude and 68°05' and 68°23' west longitude.

**Proposed Godbout river valley biodiversity reserve**

Location: The proposed Godbout river valley biodiversity reserve is located in the Côte-Nord administrative region, between 49°32' and 49°45' north latitude and 67°39' and 67°59' west longitude.

**Proposed Frégate lake burn area biodiversity reserve**

Location: The proposed Frégate lake burn area biodiversity reserve is located in the Côte-Nord administrative region, between 49°23' and 49°38' north latitude and 69°07' and 69°24' west longitude.

**Proposed Pipmuacan east islands biodiversity reserve**

Location: The proposed Pipmuacan east islands biodiversity reserve is located almost entirely in the Saguenay–Lac-Saint-Jean administrative region, having a small portion lying within the Côte-Nord administrative region. The proposed biodiversity reserve is between 49°28' and 49°37' north latitude and 70° and 70°11' west longitude.

**Proposed Akumunan biodiversity reserve**

Location: The proposed Akumunan biodiversity reserve is located almost entirely in the Saguenay–Lac-Saint-Jean administrative region, having a small portion in the east that lies within the Côte-Nord administrative region. The proposed biodiversity reserve is between 48°34' and 48°47' north latitude and 70° and 70°16' west longitude.

**Proposed Ménistouc lake biodiversity reserve**

Location: The proposed Ménistouc lake biodiversity reserve is located in the Côte-Nord administrative region, between 52°43' and 53°04' north latitude and 66°15' and 66°38' west longitude.



### **Proposed Racine de Bouleau river biodiversity reserve**

Location: The proposed Racine de Bouleau river biodiversity reserve is located in the Côte-Nord administrative region, between 52°05' and 52°28' north latitude and 68°19' and 68°42' west longitude.

### **Proposed Clérac lake drumlins biodiversity reserve**

Location: The proposed Clérac lake drumlins biodiversity reserve is located in the Saguenay–Lac-Saint-Jean administrative region, between 50°26' and 50°44' north latitude and 72°42' and 73°06' west longitude.

### **Proposed Saint-Elzéar karst biodiversity reserve**

Location: The proposed Saint-Elzéar karst biodiversity reserve is located in the Gaspésie–Îles-de-la-Madeleine administrative region between 48°13' and 48°19' north latitude and 65°17' and 65°25' west longitude.

## **PROPOSED LAC AU FOIN AQUATIC RESERVE (provisional name)**

### **CONSERVATION PLAN**

June 2005

#### **1. Protection status and toponym**

The legal status of the reserve described below is that of proposed aquatic reserve under the Natural Heritage Conservation Act (R.S.Q., c. C-61.01).

The proposed reserve is to have the name “Réserve aquatique projetée du lac au Foin”. The official toponym will be determined at the time of the assignment of permanent protection status to the land.

#### **2. Plan and description**

##### **2.1. Location, boundaries and dimensions**

The boundaries and location of the proposed Lac au Foin aquatic reserve are shown on the plan.

The proposed Lac au Foin aquatic reserve is located in the Saguenay-Lac-Saint-Jean administrative region, between 49°50' and 50°18' north latitude and 72°03' and 72°13' west longitude. It is situated some 120 km north of Lac Saint-Jean. The proposed aquatic reserve covers an area of 172.4 km<sup>2</sup> and lies within the unorganized territories of Rivière-Mistassini and Chute-des-Passes in Municipalité régionale de comté de Maria-Chapdelaine.

#### **2.2. Geography**

The proposed Lac au Foin aquatic reserve is in the Girardville Hills, Manouane Lake Depression and Péribonka Lake Hills natural regions in the Central Laurentian natural province. The proposed aquatic reserve ensures the protection of exceptional landscapes of the Mistassibi river characterized by an encased valley where numerous meanders wind through the northern portion to then become Lac au Foin in the southern portion. Several waterfalls over 150 m high flow into the Lac au Foin canyon. The territory is covered mainly by black spruce stands and mixed stands dominated by white birch. There are also some balsam fir, jack pine and poplar stands and peat bogs. Some areas west of the river are regenerating after a fire.

#### **2.3. Occupation, rights and land uses**

Nine land rights have been granted in the proposed aquatic reserve: 7 for vacation resort purposes, 1 for a rough shelter and 1 authorization for the construction or reconstruction of a landing strip (heliport).

The Mistassibi river is a recognized canoe-kayak route. A local snowmobile trail runs through the territory over a distance of 3 km in the southern portion. Recent logging has created forest roads, including numerous winter roads.

The proposed Lac au Foin aquatic reserve lies within the Roberval beaver reserve, in which the Innu community of Mashteuiatsh has special rights regarding the hunting and trapping of fur-bearing animals. Lac au Foin is an important heritage site as a historic gathering place for Native populations.

The territory is part of the Nitassinan of Mashteuiatsh.

The Rivière-aux-Rats controlled zone is contiguous to the southwest boundaries of the proposed aquatic reserve over a distance of more than 4 km.

#### **3. Activities within the reserve**

##### **§1. Introduction**

The activities carried on within the proposed reserve are governed for the most part by the provisions of the Natural Heritage Conservation Act.

This Division prohibits activities in addition to those prohibited under the Act and provides a framework for the carrying on of certain permitted activities so as to better ensure the protection of the natural environment.

Accordingly, certain activities require the prior authorization of the Minister and compliance with the conditions determined by the Minister.

As provided in the Natural Heritage Conservation Act, the main activities prohibited in an area to which status as a proposed biodiversity or aquatic reserve has been assigned 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.

*§2. Prohibitions, prior authorizations and conditions on which certain activities may be carried on in the proposed reserve*

*§2.1. Protection of resources and the natural environment*

3.1. No person may introduce non-native species of flora or fauna into the proposed reserve.

3.2. No person may stock a watercourse or body of water

(1) for aquaculture, sports or commercial fishing or any other commercial purpose;

(2) for any other purpose, if the fish stocked are not from a genetic strain originating from the proposed reserve.

3.3. No person may bury, abandon or dispose of waste, snow or other residual materials other than in waste disposal containers, facilities or sites determined by the Minister or elsewhere, with the authorization of the Minister and in compliance with the conditions the Minister determines.

Despite the first paragraph, no authorization need be obtained by an outfitting operation to use a disposal facility or site in compliance with the Environment Quality Act and its regulations if the outfitting operation was already using the facility or site on the date on which the protection status as a proposed reserve takes effect.

3.4. No person may, unless the person has been authorized by the Minister and carries on the activity in compliance with the conditions the Minister determines,

(1) carry on any activity likely to severely degrade the banks or shores or to otherwise seriously affect the integrity of a watercourse, body of water or other wetland area, in particular by discharging or dumping waste or other pollutant into the watercourse, body of water or wetland area; or

(2) dig, fill, obstruct or divert a watercourse or body of water.

*§2.2. Rules of conduct for users*

3.5. Every person staying, carrying on an activity or travelling about within the proposed reserve is required to maintain the premises in a satisfactory state and before leaving, return the premises to their natural state to the extent possible.

3.6. Every person who makes a campfire must

(1) clear an area around the fire site sufficient to prevent the fire from spreading by removing all branches, scrub, dry leaves and other combustible materials;

(2) see that there is always a person on the premises to attend the fire; and

(3) ensure that the fire is completely extinguished before leaving the premises.

3.7. In the proposed reserve, no person may

(1) cause any excessive noise; or

(2) behave in a manner that unduly disturbs other persons in the reserve or interferes with their enjoyment of the reserve.

3.8. No person may destroy, remove, move or damage any poster, sign, notice or other type of signage posted by the Minister within the proposed reserve.

3.9. No person may enter, carry on an activity in or operate a vehicle in a given sector of the proposed reserve unless the person has been authorized by the Minister and complies with the conditions determined, if the signage erected by the Minister restricts access, traffic or certain activities in order to protect the public from a danger or to avoid placing the fauna, flora or other components of the natural environment at risk.

### §2.3. Activities requiring an authorization

3.10. No person may, unless the person has been authorized by the Minister and complies with the conditions the Minister determines, stay or reside on or otherwise occupy the same site within the proposed reserve for a period of more than three months in the same year. No authorization need be obtained by a person who,

(1) on the date on which the protection status as a proposed reserve takes effect, was a party to a lease or had already obtained another form of permit or authorization allowing the person to occupy the land under the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) or, if applicable, the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), and whose right to occupy the land is renewed or extended;

(2) in accordance with the applicable provisions of law, has entitlement under a sublease, an assignment of a lease or a transfer of an authorization, as referred to in paragraph 1, and whose right to occupy the land is renewed or extended;

(3) avails himself or herself of the possibility of acquiring the land the person legally occupies on the date on which the protection status as a proposed reserve takes effect, pursuant to the Act respecting the lands in the domain of the State.

3.11. (1) No person may carry on forest management activities to meet domestic needs or for the purpose of maintaining biodiversity, unless the person has been authorized by the Minister and carries on the activities in compliance with the conditions the Minister determines.

The conditions of that authorization may pertain, among other things, to species of trees or shrubs, the size of the stems that may be cut, the quantities authorized and the places where the activities may be carried on.

(2) Despite subsection 1, the authorization of the Minister under this plan need not be obtained by a person staying or residing in the proposed reserve who collects wood to make a campfire.

No such authorization need be obtained by a person to collect wood to meet domestic needs

(a) if the wood is collected within a sector reserved by the Minister of Natural Resources and Wildlife as a sector for which a permit for the harvest of firewood for domestic purposes under the Forest Act (R.S.Q.,

c. F-4.1) may be issued and which has already been reserved as such by the Minister on the date on which the protection status as a proposed reserve takes effect;

(b) if the wood is collected by a person who, on the date on which the protection status as a proposed reserve takes effect or in any of the three preceding years, held a permit for the harvest of firewood for domestic purposes allowing the person to harvest firewood within the proposed reserve; or

(c) if the wood is collected by a person in accordance with the conditions set out in the permit for the harvest of firewood for domestic purposes issued by the Minister of Natural Resources and Wildlife under the Forest Act.

(3) Despite subsection 1, no authorization need be obtained by a person authorized by lease to occupy land within the proposed reserve, pursuant to this plan, to carry on a forest management activity for the purpose of

(a) clearing permitted harvested areas, maintaining them or creating visual openings, and any other similar removal purposes permitted under the regulation that applies to the sale, lease and granting of immovable rights made under the Act respecting the lands in the domain of the State;

(b) creating and maintaining access roads, stairways or other trails permitted under that regulation; or

(c) clearing the necessary area for the installation, connection, maintenance and repair of power, water, sewer or telecommunication lines, facilities and mains.

When the work referred to in subparagraph *c* of subsection 3 is carried out for or under the responsibility of an enterprise providing any of those services, the work requires the prior authorization of the Minister, other than in the case of the exemptions provided for in sections 3.13 and 3.14.

(4) Despite subsection 1, no authorization need be obtained by a person to carry on a forest management activity to maintain a sugar bush and harvest maple products for domestic purposes

(a) if the activity is carried on by a person who, on the date on which the protection status as a proposed reserve takes effect or in any of the three preceding years, held a sugar bush management permit issued by the Minister of Natural Resources and Wildlife under the Forest Act allowing the person to carry on the activities of a sugar bush operator within the proposed reserve;

(b) if the activity is carried on within a zone for which the permit obtained allowed the carrying on of sugar bush operations on the date on which the protection status as a proposed reserve takes effect or in any of the three preceding years; or

(c) if the activity is carried on by a person in compliance with the conditions set out in the sugar bush management permit issued by the Minister of Natural Resources and Wildlife under the Forest Act.

3.12. No person may, unless the person has been authorized by the Minister and carries on the activity in compliance with the conditions the Minister determines,

(1) carry out soil development work, including any fill, burial, earthwork, removal or displacement of surface materials or vegetation cover, for any purpose including recreational and tourism purposes such as the development of trails;

(2) install or construct a new structure, infrastructure or works;

(3) reconstruct or demolish an existing structure, infrastructure or works;

(4) use a pesticide, although no authorization is required for the use of insect repellent for personal purposes;

(5) carry on an activity that is likely to severely degrade the soil or a geological formation or damage the vegetation cover, such as stripping, the digging of trenches or excavation work; or

(6) carry on educational or research-related activities if the activities are likely to significantly damage or disturb the natural environment, in particular by the extent of the moving or removal of natural resources or by the use of explosives.

The conditions of the Minister's authorization for the work may pertain to the location of the authorized activity, the methods used, the areas that may be cleared or deforested, the types of material that may be used including the material taken from the site, and the presence of ancillary works or facilities. The conditions may also include a requirement to ensure periodic follow-up or to report to the Minister, in particular as regards the results obtained from the research to which subparagraph 6 of the first paragraph refers.

Subject to the conditions determined in the authorization, work to repair or maintain trails authorized by the Minister or trails existing on the date on which the

protection status as a proposed reserve takes effect may be carried on without an authorization under subparagraph 1 of the first paragraph.

Work to repair or maintain forest roads or roads authorized under the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) carried on in accordance with the Forest Act and its regulations that concern standards of forest management may be carried on without an authorization under subparagraph 1 of the first paragraph.

#### §2.4. Authorization exemptions

3.13. Despite the preceding provisions, no authorization need be obtained by a person to carry on an activity or for any other form of intervention within the proposed reserve if urgent action is required to prevent harm to the health or safety of persons, or to repair or prevent damage caused by a real or apprehended catastrophe. The person concerned must, however, immediately inform the Minister of the activity or intervention that has taken place.

3.14. Despite the preceding provisions, the following activities and interventions involving the production, transmission and distribution of electricity carried out by Hydro-Québec (Société) or by any other person for Hydro-Québec do not require the prior authorization of the Minister under this plan:

(1) any activity or intervention required within the proposed reserve to complete a project which was previously expressly authorized by the Government and the Minister, or only by the latter, in accordance with the requirements of the Environment Quality Act (R.S.Q., c. Q-2), if the activity or intervention is carried out in compliance with the authorizations issued;

(2) any activity or intervention necessary for the preparation and presentation of a pre-project report for a project requiring an authorization under the Environment Quality Act;

(3) any activity or intervention relating to a project requiring the prior authorization of the Minister under the Environment Quality Act, if the activity or intervention is in response to a request for a clarification or for additional information made by the Minister to the Société and it is carried out in accordance with the request;

(4) any activity or intervention by the Société, if the conditions for the carrying out of the activity or intervention have been determined in an agreement between the Minister and the Société and the activity or intervention is carried out in compliance with those conditions.

For the purposes of this section, the activities and interventions of the Société include pre-project studies, analysis work or field research, work required to study and monitor the impact of power transmission and distribution line corridors and rights-of-way, geological or geophysical surveys and survey lines, and the opening and maintenance of roads required for the purpose of access, construction or equipment movement necessary for the carrying on of such work.

### §2.5. General provisions

3.15. Every person who applies to the Minister for an individual authorization or for an authorization for a group or for a number of persons must provide any information or document requested by the Minister for the examination of the application.

3.16. The Minister's authorization, which is general and can be used by more than one person, may be communicated to the persons concerned by any appropriate means including by a posted notice or appropriate signage at the reception centre or any other location within the proposed reserve that is readily accessible to the public. The Minister is to provide a copy to any person requesting a copy.

### §3. Activities governed by other statutes

Certain activities likely to be carried on within the proposed reserve are also governed by 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 reserve.

A special legal framework may govern permitted and prohibited activities within the proposed reserve in connection with the following matters :

— Environmental protection : measures set out in particular in the Environment Quality Act (R.S.Q., c. Q-2);

— Archaeological research : measures set out in particular in the Cultural Property Act (R.S.Q., c. B-4);

— Development of wildlife resources : measures set out in particular in the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), including the provisions pertaining to outfitting operations and beaver reserves and the measures contained in applicable federal legislation, including the fishery regulations ;

— Removal of species of fauna or flora that are threatened or vulnerable or are likely to be designated as such : measures prohibiting the removal of the species under the Act respecting threatened or vulnerable species (R.S.Q., c. E-12.01);

— Access and land rights : measures set out in particular in the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1);

— Operation of vehicles : measures set out in particular in the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) and in the regulation on motor vehicle traffic in certain fragile environments made under the Environment Quality Act (R.S.Q., c. Q-2).

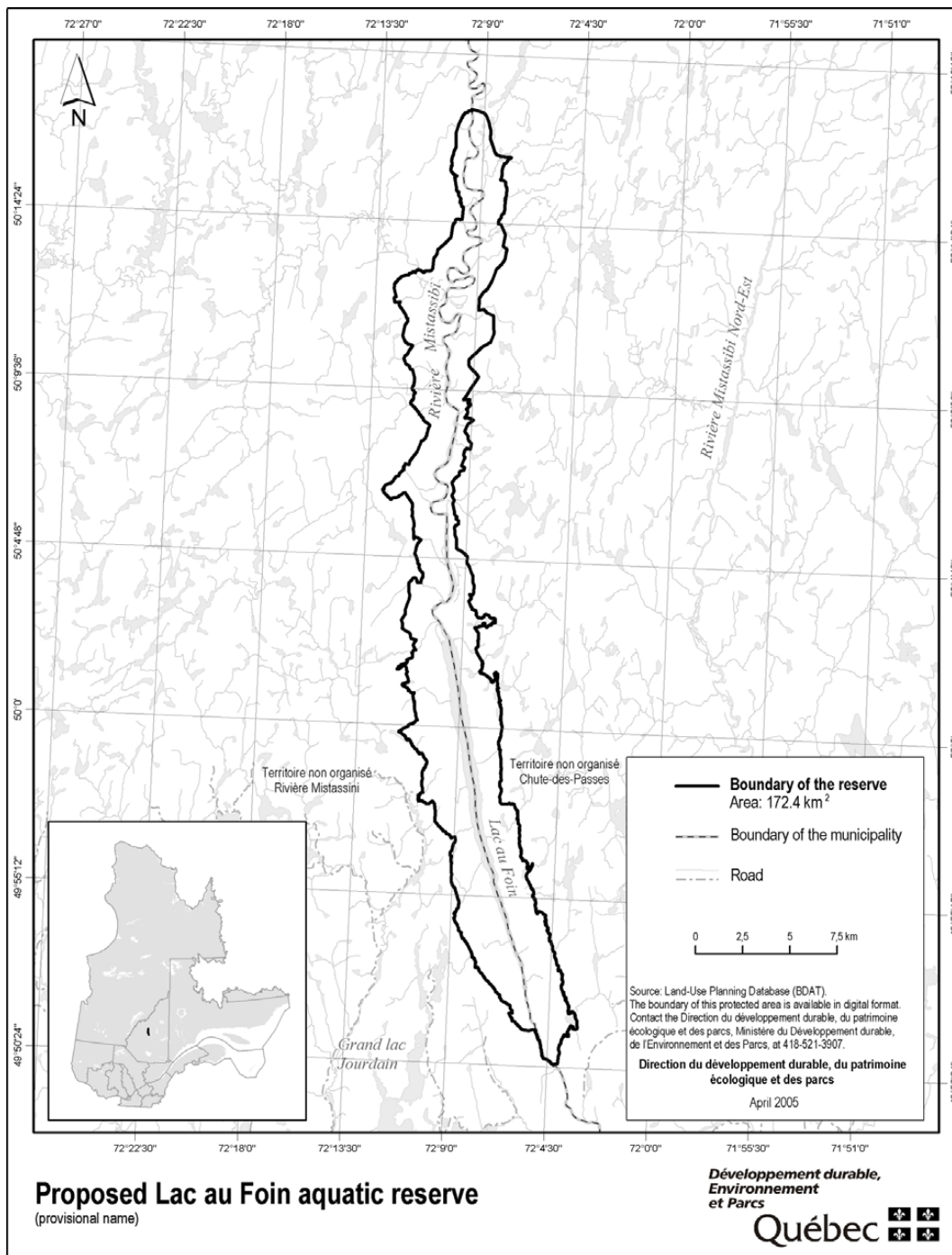
### 4. Responsibilities of the Minister of Sustainable Development, Environment and Parks

The Minister of Sustainable Development, Environment and Parks is responsible for the management of the proposed Lac au Foin aquatic reserve and is therefore responsible for the supervision and monitoring of the activities that may be carried on within the reserve. The Minister in the management of the reserve works collaboratively with other government representatives having specific responsibilities within the boundaries of the reserve or on adjoining land, such as the Minister of Natural Resources and Wildlife. In the exercise of their powers and functions, the Ministers will take into consideration the protection sought for these natural environments and the protection status that has been granted.



## Schedule

### Map of the proposed Lac au Foin aquatic reserve (provisional name)



PROPOSED SAINTE-MARGUERITE RIVER  
VALLEY AQUATIC RESERVE  
(provisional name)

CONSERVATION PLAN

June 2005

1. Protection status and toponym

The legal status of the reserve described below is that of proposed aquatic reserve under the Natural Heritage Conservation Act (R.S.Q., c. C-61.01).

The proposed reserve is to have the name “Réserve aquatique projetée de la vallée de la rivière Sainte-Marguerite”. The official toponym will be determined at the time of the assignment of permanent protection status to the land.

2. Plan and description

2.1. Location, boundaries and dimensions

The boundaries and location of the proposed Sainte-Marguerite river valley aquatic reserve are shown on the plan.

The proposed Sainte-Marguerite river valley aquatic reserve is located in the Saguenay-Lac-Saint-Jean administrative region, between 48°18' and 48°33' north latitude and 70° and 70°44' west longitude. It is situated a few kilometres north of the Saguenay river and approximately 35 km from the mouth of that river. The proposed aquatic reserve covers an area of 293.1 km<sup>2</sup> apportioned in the unorganized territories of Mont-Valin in Municipalité de Saint-Fulgence, and in Municipalité de Sainte-Rose-du-Nord in Municipalité régionale de comté de Fjord-du-Saguenay.

Route 172 crosses the proposed aquatic reserve and is excluded from the reserve with a total right-of-way of 70 m. Electric power transmission line 7004 of 735 kV is also excluded from the proposed aquatic reserve with a total right-of-way of 90 m.

The site covered by operating leases of sand and gravel bearing numbers BN0018957, BNE0018946 and BNE0018467 is excluded from the territory of the proposed aquatic reserve.

2.2. Geography

The proposed Sainte-Marguerite river valley aquatic reserve is in the Central Laurentian natural province. It protects natural environments characteristic of the Fjord

du Saguenay and Monts Valin natural regions. The proposed Sainte-Marguerite river valley aquatic reserve ensures the protection of the spectacular landscapes of the Sainte-Marguerite river valley characterized by low and high hills that attain some 500 m in altitude south of the river and 800 m to the north. Mixed stands, mainly dominated by yellow birch and white birch, account for almost half of the forest cover. Dominant stands of black spruce and fir are also prevalent. The area is dotted with white pines, red pines, jack pines and cedars.

The Sainte-Marguerite river is a recognized salmon river and includes anadromous brook trout. Numerous lakes without fish may be found within the boundaries of the proposed aquatic reserve and present an interest for amphibians and the Barrow's goldeneye.

2.3. Occupation, rights and land uses

Fifty-eight land rights have been granted in the territory of the proposed aquatic reserve: 28 for vacation resort purposes, 20 for rough shelters, 1 for a municipal waste disposal site, 2 for community purposes, 1 for community recreational activities (forest interpretation centre), 1 for community wilderness camping, 1 authorization for individual telephone and/or power lines, and 4 for trapping camps. There are also 5 controlled zone reception stations and 3 various controlled zone infrastructures (1 fish farm and 2 guard camps). Those eight occupations are not subject to land rights.

The Martin-Valin and Chauvin controlled zones cover part of the proposed aquatic reserve and the Sainte-Marguerite River controlled zone runs through the proposed aquatic reserve.

The Sainte-Marguerite river is a recognized canoe-kayak route. There is a hiking trail in the lac de la Roche sector. A Trans-Québec snowmobile trail crosses the proposed aquatic reserve in the southeast tip sector.

A sand and gravel pit is currently in operation.

The proposed aquatic reserve overlaps lands of non-Native trappers holding an exclusive lease.

Part of the exceptional forest ecosystem of the old-growth forest of Rivière-Sainte-Marguerite is in the proposed aquatic reserve which ensures continuity between several surrounding protected areas, namely Parc national du Saguenay, Parc national des Monts-Valin, the G.-Oscar-Villeneuve ecological reserve and the Marcelle-Gauvreau ecological reserve.

The territory is also part of the Nitassinan of Essipit.



### 3. Activities within the reserve

#### §1. Introduction

The activities carried on within the proposed reserve are governed for the most part by the provisions of the Natural Heritage Conservation Act.

This Division prohibits activities in addition to those prohibited under the Act and provides a framework for the carrying on of certain permitted activities so as to better ensure the protection of the natural environment. Accordingly, certain activities require the prior authorization of the Minister and compliance with the conditions determined by the Minister.

As provided in the Natural Heritage Conservation Act, the main activities prohibited in an area to which status as a proposed biodiversity or aquatic reserve has been assigned 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.

#### §2. Prohibitions, prior authorizations and conditions on which certain activities may be carried on in the proposed reserve

##### §2.1. Protection of resources and the natural environment

3.1. No person may introduce non-native species of flora or fauna into the proposed reserve.

3.2. No person may stock a watercourse or body of water

(1) for aquaculture, sports or commercial fishing or any other commercial purpose;

(2) for any other purpose, if the fish stocked are not from a genetic strain originating from the proposed reserve.

3.3. No person may bury, abandon or dispose of waste, snow or other residual materials other than in waste disposal containers, facilities or sites determined by the Minister or elsewhere, with the authorization of the Minister and in compliance with the conditions the Minister determines.

Despite the first paragraph, no authorization need be obtained by an outfitting operation to use a disposal facility or site in compliance with the Environment Quality Act and its regulations if the outfitting operation was already using the facility or site on the date on which the protection status as a proposed reserve takes effect.

3.4. No person may, unless the person has been authorized by the Minister and carries on the activity in compliance with the conditions the Minister determines,

(1) carry on any activity likely to severely degrade the banks or shores or to otherwise seriously affect the integrity of a watercourse, body of water or other wetland area, in particular by discharging or dumping waste or other pollutant into the watercourse, body of water or wetland area; or

(2) dig, fill, obstruct or divert a watercourse or body of water.

##### §2.2. Rules of conduct for users

3.5. Every person staying, carrying on an activity or travelling about within the proposed reserve is required to maintain the premises in a satisfactory state and before leaving, return the premises to their natural state to the extent possible.

3.6. Every person who makes a campfire must

(1) clear an area around the fire site sufficient to prevent the fire from spreading by removing all branches, scrub, dry leaves and other combustible materials;

(2) see that there is always a person on the premises to attend the fire; and

(3) ensure that the fire is completely extinguished before leaving the premises.

3.7. In the proposed reserve, no person may

(1) cause any excessive noise; or

(2) behave in a manner that unduly disturbs other persons in the reserve or interferes with their enjoyment of the reserve.

3.8. No person may destroy, remove, move or damage any poster, sign, notice or other type of signage posted by the Minister within the proposed reserve.

3.9. No person may enter, carry on an activity in or operate a vehicle in a given sector of the proposed reserve unless the person has been authorized by the Minister and complies with the conditions determined, if the signage erected by the Minister restricts access, traffic or certain activities in order to protect the public from a danger or to avoid placing the fauna, flora or other components of the natural environment at risk.

### §2.3. Activities requiring an authorization

3.10. No person may, unless the person has been authorized by the Minister and complies with the conditions the Minister determines, stay or reside on or otherwise occupy the same site within the proposed reserve for a period of more than three months in the same year. No authorization need be obtained by a person who,

(1) on the date on which the protection status as a proposed reserve takes effect, was a party to a lease or had already obtained another form of permit or authorization allowing the person to occupy the land under the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) or, if applicable, the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), and whose right to occupy the land is renewed or extended;

(2) in accordance with the applicable provisions of law, has entitlement under a sublease, an assignment of a lease or a transfer of an authorization, as referred to in paragraph 1, and whose right to occupy the land is renewed or extended;

(3) avails himself or herself of the possibility of acquiring the land the person legally occupies on the date on which the protection status as a proposed reserve takes effect, pursuant to the Act respecting the lands in the domain of the State.

3.11. (1) No person may carry on forest management activities to meet domestic needs or for the purpose of maintaining biodiversity, unless the person has been authorized by the Minister and carries on the activities in compliance with the conditions the Minister determines.

The conditions of that authorization may pertain, among other things, to species of trees or shrubs, the size of the stems that may be cut, the quantities authorized and the places where the activities may be carried on.

(2) Despite subsection 1, the authorization of the Minister under this plan need not be obtained by a person staying or residing in the proposed reserve who collects wood to make a campfire.

No such authorization need be obtained by a person to collect wood to meet domestic needs

(a) if the wood is collected within a sector reserved by the Minister of Natural Resources and Wildlife as a sector for which a permit for the harvest of firewood for domestic purposes under the Forest Act (R.S.Q., c. F-4.1) may be issued and which has already been reserved as such by the Minister on the date on which the protection status as a proposed reserve takes effect;

(b) if the wood is collected by a person who, on the date on which the protection status as a proposed reserve takes effect or in any of the three preceding years, held a permit for the harvest of firewood for domestic purposes allowing the person to harvest firewood within the proposed reserve; or

(c) if the wood is collected by a person in accordance with the conditions set out in the permit for the harvest of firewood for domestic purposes issued by the Minister of Natural Resources and Wildlife under the Forest Act.

(3) Despite subsection 1, no authorization need be obtained by a person authorized by lease to occupy land within the proposed reserve, pursuant to this plan, to carry on a forest management activity for the purpose of

(a) clearing permitted harvested areas, maintaining them or creating visual openings, and any other similar removal purposes permitted under the regulation that applies to the sale, lease and granting of immovable rights made under the Act respecting the lands in the domain of the State;

(b) creating and maintaining access roads, stairways or other trails permitted under that regulation; or

(c) clearing the necessary area for the installation, connection, maintenance and repair of power, water, sewer or telecommunication lines, facilities and mains.

When the work referred to in subparagraph *c* of subsection 3 is carried out for or under the responsibility of an enterprise providing any of those services, the work requires the prior authorization of the Minister, other than in the case of the exemptions provided for in sections 3.13 and 3.14.

(4) Despite subsection 1, no authorization need be obtained by a person to carry on a forest management activity to maintain a sugar bush and harvest maple products for domestic purposes

(a) if the activity is carried on by a person who, on the date on which the protection status as a proposed reserve takes effect or in any of the three preceding years, held a sugar bush management permit issued by the Minister of Natural Resources and Wildlife under the Forest Act allowing the person to carry on the activities of a sugar bush operator within the proposed reserve ;

(b) if the activity is carried on within a zone for which the permit obtained allowed the carrying on of sugar bush operations on the date on which the protection status as a proposed reserve takes effect or in any of the three preceding years ; or

(c) if the activity is carried on by a person in compliance with the conditions set out in the sugar bush management permit issued by the Minister of Natural Resources and Wildlife under the Forest Act.

3.12. No person may, unless the person has been authorized by the Minister and carries on the activity in compliance with the conditions the Minister determines,

(1) carry out soil development work, including any fill, burial, earthwork, removal or displacement of surface materials or vegetation cover, for any purpose including recreational and tourism purposes such as the development of trails ;

(2) install or construct a new structure, infrastructure or works ;

(3) reconstruct or demolish an existing structure, infrastructure or works ;

(4) use a pesticide, although no authorization is required for the use of insect repellent for personal purposes ;

(5) carry on an activity that is likely to severely degrade the soil or a geological formation or damage the vegetation cover, such as stripping, the digging of trenches or excavation work ; or

(6) carry on educational or research-related activities if the activities are likely to significantly damage or disturb the natural environment, in particular by the extent of the moving or removal of natural resources or by the use of explosives.

The conditions of the Minister's authorization for the work may pertain to the location of the authorized activity, the methods used, the areas that may be cleared or deforested, the types of material that may be used including the material taken from the site, and the presence of ancillary works or facilities. The conditions may also

include a requirement to ensure periodic follow-up or to report to the Minister, in particular as regards the results obtained from the research to which subparagraph 6 of the first paragraph refers.

Subject to the conditions determined in the authorization, work to repair or maintain trails authorized by the Minister or trails existing on the date on which the protection status as a proposed reserve takes effect may be carried on without an authorization under subparagraph 1 of the first paragraph.

Work to repair or maintain forest roads or roads authorized under the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) carried on in accordance with the Forest Act and its regulations that concern standards of forest management may be carried on without an authorization under subparagraph 1 of the first paragraph.

#### §2.4. Authorization exemptions

3.13. Despite the preceding provisions, no authorization need be obtained by a person to carry on an activity or for any other form of intervention within the proposed reserve if urgent action is required to prevent harm to the health or safety of persons, or to repair or prevent damage caused by a real or apprehended catastrophe. The person concerned must, however, immediately inform the Minister of the activity or intervention that has taken place.

3.14. Despite the preceding provisions, the following activities and interventions involving the production, transmission and distribution of electricity carried out by Hydro-Québec (Société) or by any other person for Hydro-Québec do not require the prior authorization of the Minister under this plan :

(1) any activity or intervention required within the proposed reserve to complete a project which was previously expressly authorized by the Government and the Minister, or only by the latter, in accordance with the requirements of the Environment Quality Act (R.S.Q., c. Q-2), if the activity or intervention is carried out in compliance with the authorizations issued ;

(2) any activity or intervention necessary for the preparation and presentation of a pre-project report for a project requiring an authorization under the Environment Quality Act ;

(3) any activity or intervention relating to a project requiring the prior authorization of the Minister under the Environment Quality Act, if the activity or intervention is in response to a request for a clarification or for

additional information made by the Minister to the Société and it is carried out in accordance with the request;

(4) any activity or intervention by the Société, if the conditions for the carrying out of the activity or intervention have been determined in an agreement between the Minister and the Société and the activity or intervention is carried out in compliance with those conditions.

For the purposes of this section, the activities and interventions of the Société include pre-project studies, analysis work or field research, work required to study and monitor the impact of power transmission and distribution line corridors and rights-of-way, geological or geophysical surveys and survey lines, and the opening and maintenance of roads required for the purpose of access, construction or equipment movement necessary for the carrying on of such work.

### §2.5. *General provisions*

3.15. Every person who applies to the Minister for an individual authorization or for an authorization for a group or for a number of persons must provide any information or document requested by the Minister for the examination of the application.

3.16. The Minister's authorization, which is general and can be used by more than one person, may be communicated to the persons concerned by any appropriate means including by a posted notice or appropriate signage at the reception centre or any other location within the proposed reserve that is readily accessible to the public. The Minister is to provide a copy to any person requesting a copy.

### §3. *Activities governed by other statutes*

Certain activities likely to be carried on within the proposed reserve are also governed by 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 reserve.

A special legal framework may govern permitted and prohibited activities within the proposed reserve in connection with the following matters :

— Environmental protection : measures set out in particular in the Environment Quality Act (R.S.Q., c. Q-2);

— Archaeological research : measures set out in particular in the Cultural Property Act (R.S.Q., c. B-4);

— Development of wildlife resources : measures set out in particular in the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), including the provisions pertaining to outfitting operations and beaver reserves and the measures contained in applicable federal legislation, including the fishery regulations ;

— Removal of species of fauna or flora that are threatened or vulnerable or are likely to be designated as such : measures prohibiting the removal of the species under the Act respecting threatened or vulnerable species (R.S.Q., c. E-12.01);

— Access and land rights : measures set out in particular in the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1);

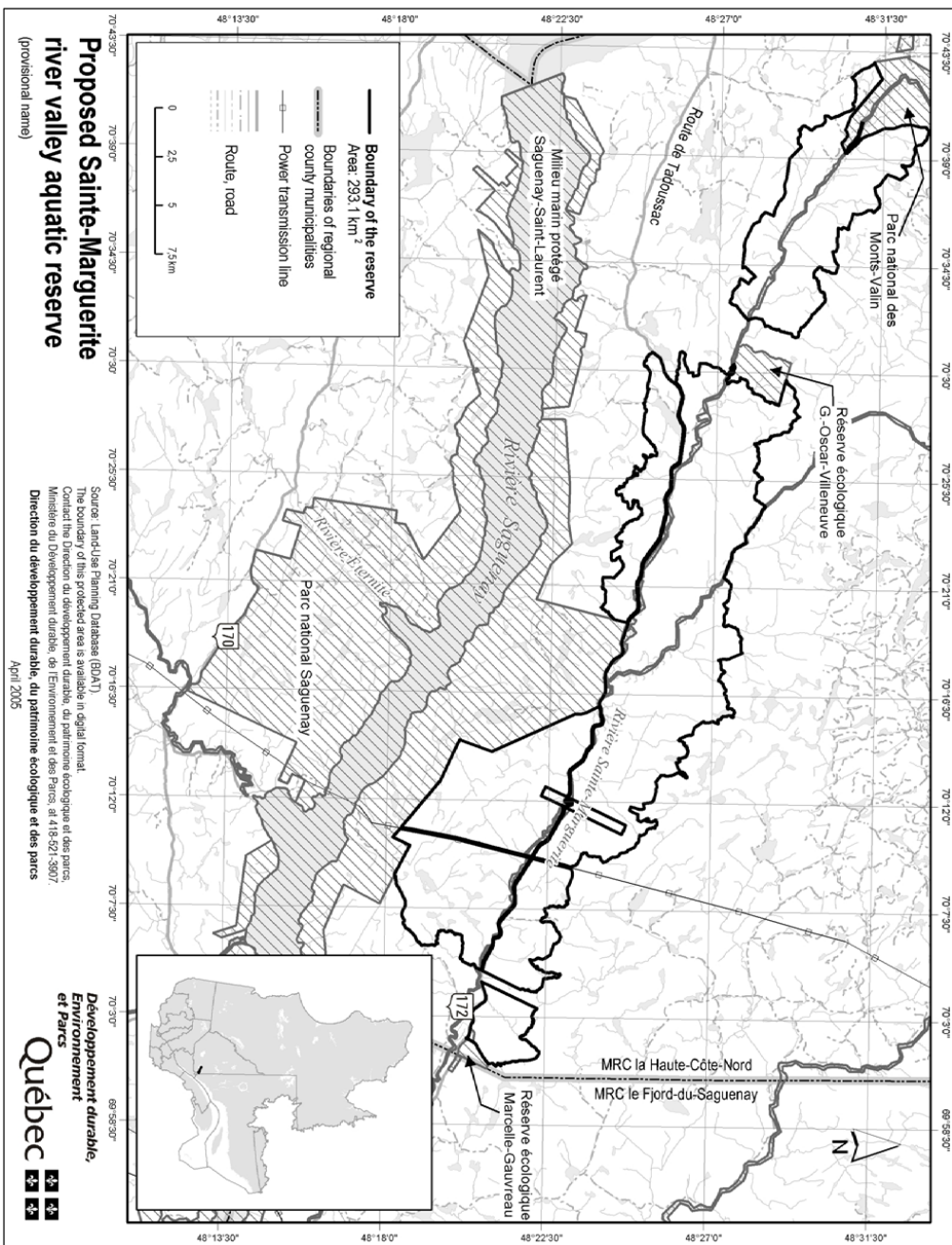
— Operation of vehicles : measures set out in particular in the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) and in the regulation on motor vehicle traffic in certain fragile environments made under the Environment Quality Act (R.S.Q., c. Q-2).

### 4. Responsibilities of the Minister of Sustainable Development, Environment and Parks

The Minister of Sustainable Development, Environment and Parks is responsible for the management of the proposed Sainte-Marguerite river valley aquatic reserve and is therefore responsible for the supervision and monitoring of the activities that may be carried on within the reserve. The Minister in the management of the reserve works collaboratively with other government representatives having specific responsibilities within the boundaries of the reserve or on adjoining land, such as the Minister of Natural Resources and Wildlife. In the exercise of their powers and functions, the Ministers will take into consideration the protection sought for these natural environments and the protection status that has been granted.

**Schedule**

**Map of the proposed Sainte-Marguerite river valley aquatic reserve (provisional name)**





PROPOSED BONAVENTURE RIVER ESTUARY  
AQUATIC RESERVE  
(provisional name)

CONSERVATION PLAN

June 2005

1. Protection status and toponym

The legal status of the reserve described below is that of proposed aquatic reserve under the Natural Heritage Conservation Act (R.S.Q., c. C-61.01).

The proposed reserve is to have the name “Réserve aquatique projetée de l’estuaire de la rivière Bonaventure”. The official toponym will be determined at the time of the assignment of permanent protection status to the land.

The proposed aquatic reserve protects the estuary of one of the largest watercourses in the Appalachians natural province. It also ensures the protection of a wide diversity of aquatic ecosystems, riparian ecotones, marine and estuarine environments and land habitats.

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

- conservation of an outstanding estuary in the Appalachians natural province;
- preservation of the biodiversity in the aquatic ecosystems and riparian ecotones;
- increased protection of flora habitats;
- acquisition of additional knowledge about the natural heritage.

2. Plan and description

2.1. Location, boundaries and dimensions

The boundaries and location of the proposed Bonaventure river estuary aquatic reserve are shown on the attached plan.

The proposed Bonaventure river estuary aquatic reserve is located between 48°01' and 48°03' north latitude and 65°27' and 65°29' west longitude. It is situated in Ville de Bonaventure, in Municipalité régionale de comté de Bonaventure, in the Gaspésie–Îles-de-la-Madeleine administrative region.

The proposed aquatic reserve covers an area of 2.4 km<sup>2</sup> and lies within the estuary of the Bonaventure river, formed at the mouth of the river. The proposed aquatic reserve comprises the bodies of water up to the high water mark and the bed of the river, the adjacent shallow basins, lagoons and delta shoals. It includes the islands located in the estuary, of deltaic origin, particularly Île des Prés, Île Arsenault, Île aux Sapins and Île des Chardons. Île des Prés is fragmented by a number of channels creating a mosaic of islets. Two barrier beaches, or sand spits, oriented north-west – south-east separate the estuary from the marine environment; the sand spit located to the south-east, referred to locally as Île aux Pirates, and the beach adjacent to the sand spit located to the north-west form part of the proposed aquatic reserve. The proposed aquatic reserve extends in two places into Chaleur Bay, bordering the two sand spits.

All the land included in the proposed aquatic reserve was obtained by the Ministère de l'Environnement in November 2001 within the context of a “donation of land with ecological value” from Emballages Smurfit-Stone Canada inc. The Ministère du Développement durable, de l'Environnement et des Parcs has authority in the territory.

Route 132 crossing the southern portion of the proposed aquatic reserve, the foot bridge and the three decommissioned bridges across the proposed aquatic reserve at the location of the former Route 132 as well as the marina and the electric power distribution equipment, having a 9-metre wide right-of-way, are excluded from the protection perimeter.

2.2. Geography

The area is in the Appalachians natural province. The estuary is one of the most studied estuaries in Chaleur Bay for its geomorphology, hydrodynamics and biology. It is considered one of the most outstanding estuaries in Gaspésie although it has been partially deteriorated by a number of human activities. Marshlands and wetlands are also found on the islands. The estuary is recognized as a site of interest for its flora because of the presence of threatened or vulnerable species. A wide variety of avian species are present and the estuary is a major fish habitat. The dominant landscape is a delta oriented to the south-west which is influenced by the tidal movement. The maximum elevation reaches a few metres above sea level.

The hydrodynamics, geomorphologic evolution and the barchois in the Bonaventure river have been greatly disturbed by human activities: log driving until 1967; dredging, the construction of a channel and the installa-

tion of a log pond for a sawmill built before 1963 that no longer exists; dredging for the port facility and construction of a marina; the construction of Route 132 that began in 1972.

### 2.2.1. Representative elements

**Climate:** The proposed aquatic reserve is characterized by a moderate, subhumid continental climate, with a long growing season. It borders land that forms part of the balsam fir-yellow birch bioclimatic domain.

**Geology and geomorphology:** The proposed aquatic reserve is part of the Appalachians geologic province and contains Carboniferous rocks (350 to 325 million years) that rest unconformably on older Ordovician to Devonian rocks (500 to 360 million years). The bedrock consists of clastic rocks (conglomerates). The proposed aquatic reserve is bordered by lowlands slightly sloping westwards. The river cuts through marine sediments composed of silt and clay. The islands consist of coarser deltaic deposits.

**Hydrography:** The Bonaventure river is one of the longest watercourses in the natural province, having its source in the Chic-Chocs mountains. The river and its numerous tributaries drain an area of some 2,391 km<sup>2</sup>. The main course of the river flows for 125 km to the south-east and has an average slope of 3.3 m/km. At its mouth, in the proposed aquatic reserve, the river ends its course in a south-west direction. A barachois formed on contact with Chaleur Bay is fed by freshwater at an annual average rate of 46 m<sup>3</sup>/s.

Influenced by the semi-daily and seasonal tides, the estuary is subject to variations of currents, water level and salinity. The surface water salinity in the proposed aquatic reserve ranges in the summer from 0.0% upstream to 26.5% downstream.

**Vegetation:** The vegetation in the Bonaventure estuary is characterized by sea coast cover, stands of aquatic plants present in tidal zones, freshwater, brackish or salt water marshes, wetlands and parcels of forest. Grasslands, shrub communities and tree formations are also found in the estuary.

Plants and vegetation communities typical of the Chaleur Bay sea coast grow on the barrier beaches: beachgrass prairie (*Ammophila breviligulata*), lyme grass (*Elymus arenarius*), etc. The aquatic vegetation consisting of submerged plants covers some 6% of the barachois basins strongly influenced by the tides, between Route 132 and the sea, in a salt or brackish water environment. Eelgrass (*Zostera marina*) dominates the shallow sea

water and basins. Green string lettuce (*Enteromorpha* sp.), green stringy algae tolerant to salinity changes, grows in all the basins of the estuary, but it is more abundant in the basin bordering Île aux Pirates; at low tide, the green colour of the algae characterizes the mouth of the river. Sea lettuce (*Ulva* sp.), also an algae, ditch grass (*Ruppia maritima*) and horned pondweed (*Zannichellia palustris*) are the other aquatic plants in the salt and brackish water environments, although they are not abundant.

A dozen species dominate the salt and brackish marshes bordering the lagoons, basins and the southern portion of the islands; the marshes are located mainly north of Route 132. Smooth cordgrass (*Spartina alterniflora*) communities grow in the area of the marshes that is most often flooded. Baltic rush (*Juncus balticus*), scaly sedge (*Carex paleacea*), red fescue (*Festuca rubra*), freshwater cordgrass (*Spartina pectinata*), New York aster (*Symphiotrichum novi-belgii*) and saltmarsh spikerush (*Eleocharis uniglumis*) dominate in all the salt and brackish marshes. Herbaceous meadows and scrublands of diversified flora characterize the freshwater marshes on the islands. Marshes having a peat facies cover the southern portion of the islands located north of Île des Prés.

The portion of the islands located north-east of the former Route 132 is covered in the wetland segment by wooded swamps of black spruce (*Picea mariana*), American elm (*Ulmus americana*) and balsam poplar (*Populus balsamifera*), and in the mesic environment at the centre of the islands, by shrublands of white spruce (*Picea glauca*) and eastern white cedar (*Thuja occidentalis*).

### 2.2.2. Outstanding elements

The islands in the Bonaventure river estuary, in the proposed aquatic reserve, are home to Macoun's fringed gentian (*Gentianopsis procera* subsp. *macounii* var. *macounii*) and Anticosti aster (*Symphiotrichum anticostense*), two plants designated as threatened species, and to mat mulhy (*Muhlenbergia richardsonis*) and Gaspé peninsula arrow-grass (*Triglochin gaspense*), two plants likely to be designated as threatened or vulnerable species. The distribution of the four riparian and estuarine species is limited. The fringed gentian, found mainly in western Canada, grows only on the superior hydrolittoral of the Bonaventure and certain James Bay rivers. The global distribution of the aster and arrow-grass is centred around the Gulf of St. Lawrence. Mulhy grass is found sporadically in North America; in Québec, it is found around the Gulf of St. Lawrence. The presence of uncommon habitats in the estuary, in particular gravel and limestone flats, explains the abundance of the rare plants.



The proposed aquatic reserve is, in the spring and in the fall, a major staging area for aquatic birds. It is a resting and feeding site for a number of species of shorebirds and birds that live in the marine and estuarine environment. The bald eagle (*Haliaeetus leucocephalus*), a species designated as vulnerable, is present in the territory. A few birds likely to be designated as threatened or vulnerable in Québec have reportedly been observed in the proposed aquatic reserve: the harlequin duck (*Historionicus historionicus*), Barrow's goldeneye (*Bucephala islandica*) and the red-headed woodpecker (*Melanerpes erythrocephalus*). Approximately fifteen species of fish are present in the Bonaventure river estuary. Soft-shell clams (*Mya arenaria*) are found along the north-western barrier beach. The zooplanktonic species are mainly represented by copepods and nauplii. Fourteen species of benthic fauna have been observed; the sandworm (*Nereis diversicolor*), a polychaete, and a small snail (*Hydrobia minuta*), a gastropod mollusc, dominate.

### 2.3. Occupation, rights and land uses

The area of the proposed aquatic reserve is a major site for birdwatching and sports fishing grounds for Atlantic salmon (*Salmo salar*), brook trout (*Salvelinus fontinalis*) and rainbow smelt (*Osmerus mordax*). Fishing takes place from the shore or using motorized craft and, in the winter, in huts set up on the ice. The ZEC de la rivière Bonaventure, offering sport salmon fishing, lies north of the boundary of Canton de Hamilton, outside the proposed aquatic reserve. Canoeing and kayaking is possible on the Bonaventure river, the canoists and kayakers ending their trip in the estuary in the proposed reserve or in the marina area; they rarely set foot on the shores of the proposed aquatic reserve. In the winter, a snowmobile trail crosses the western side of the basin (Lot A-2). Other activities are occasionally carried on in the territory, in particular migratory bird hunting, swimming and off-highway vehicle outings on Île aux Pirates.

The proposed aquatic reserve is bisected by Route 132. In the northern portion of the area, a foot bridge and three decommissioned bridges span the proposed aquatic reserve at the location of the former Route 132. A marina and fishing harbour border the proposed aquatic reserve at the mouth of the river, and a municipal camping site is present on the sand spit located to the north-west.

All the land immediately adjacent to the proposed aquatic reserve is privately owned. The private land is mainly occupied by residences and businesses.

## 3. Activities within the reserve

### §1. Introduction

The activities carried on within the proposed reserve are governed for the most part by the provisions of the Natural Heritage Conservation Act.

This Division prohibits activities in addition to those prohibited under the Act and provides a framework for the carrying on of certain permitted activities so as to better ensure the protection of the natural environment. Accordingly, certain activities require the prior authorization of the Minister and compliance with the conditions determined by the Minister.

As provided in the Natural Heritage Conservation Act, the main activities prohibited in an area to which status as a proposed biodiversity or aquatic reserve has been assigned 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.

### §2. Prohibitions, prior authorizations and conditions on which certain activities may be carried on in the proposed reserve

#### §2.1. Protection of resources and the natural environment

3.1. No person may introduce non-native species of flora or fauna into the proposed reserve.

3.2. No person may stock a watercourse or body of water

(1) for aquaculture, sports or commercial fishing or any other commercial purpose;

(2) for any other purpose, if the fish stocked are not from a genetic strain originating from the proposed reserve.

3.3. No person may bury, abandon or dispose of waste, snow or other residual materials other than in waste disposal containers, facilities or sites determined by the Minister or elsewhere, with the authorization of the Minister and in compliance with the conditions the Minister determines.

3.4. No person may, unless the person has been authorized by the Minister and carries on the activity in compliance with the conditions the Minister determines,

(1) carry on any activity likely to severely degrade the banks or shores or to otherwise seriously affect the integrity of a watercourse, body of water or other wetland area, in particular by discharging or dumping waste or other pollutant into the watercourse, body of water or wetland area; or

(2) dig, fill, obstruct or divert a watercourse or body of water.

### §2.2. Rules of conduct for users

3.5. Every person staying, carrying on an activity or travelling about within the proposed reserve is required to maintain the premises in a satisfactory state and before leaving, return the premises to their natural state to the extent possible.

3.6. No person may make a fire in the proposed reserve, including a campfire and a beach fire.

3.7. In the proposed reserve, no person may

(1) cause any excessive noise; or

(2) behave in a manner that unduly disturbs other persons in the reserve or interferes with their enjoyment of the reserve.

3.8. No person may destroy, remove, move or damage any poster, sign, notice or other type of signage posted by the Minister within the proposed reserve.

3.9. No person may enter, carry on an activity in or operate a vehicle in a given sector of the proposed reserve unless the person has been authorized by the Minister and complies with the conditions determined, if the signage erected by the Minister restricts access, traffic or certain activities in order to protect the public from a danger or to avoid placing the fauna, flora or other components of the natural environment at risk.

### §2.3. Activities requiring an authorization

3.10. No person may establish a campsite, a shelter or otherwise stay in the proposed reserve, or occupy a site by installing property, unless the person has been authorized by the Minister and complies with the conditions the Minister determines.

3.11. No person may carry on forest management activities to meet domestic needs or for the purpose of maintaining biodiversity, unless the person has been authorized by the Minister and complies with the conditions the Minister determines.

The conditions of that authorization may pertain, among other things, to species of trees or shrubs, the size of the stems that may be cut, the authorized amounts and where the activities may be carried on.

3.12. No person may, unless the person has been authorized by the Minister and carries on the activity in compliance with the conditions the Minister determines,

(1) carry out soil development work, including any fill, burial, earthwork, removal or displacement of surface materials or vegetation cover, for any purpose including recreational and tourism purposes such as the development of trails;

(2) install or construct a new structure, infrastructure or works;

(3) reconstruct or demolish an existing structure, infrastructure or works;

(4) use a pesticide, although no authorization is required for the use of insect repellent for personal purposes;

(5) carry on an activity that is likely to severely degrade the soil or a geological formation or damage the vegetation cover, such as stripping, the digging of trenches or excavation work;

(6) carry on educational or research-related activities if the activities are likely to significantly damage or disturb the natural environment, in particular by the extent of the moving or removal of natural resources or by the use of explosives; or

(7) remove the following flora or fauna species:

— Anticosti aster (*Symphyotrichum anticostense*);

— Macoun's fringed gentian (*Gentianopsis procera* subsp. *macounii* var. *macounii*);

— mat muhly (*Muhlenbergia richardsonis*);

— Gaspé peninsula arrow-grass (*Triglochin gaspensis*);

— harlequin duck (*Historionicus historionicus*);

- Barrow's goldeneye (*Bucephala islandica*);
- red-headed woodpecker (*Melanerpes erythrocephalus*);
- bald eagle (*Haliaeetus leucocephalus*).

The conditions of the Minister's authorization for the work may pertain to the location of the authorized activity, the methods used, the areas that may be cleared or deforested, the types of material that may be used including the material taken from the site, and the presence of ancillary works or facilities. The conditions may also include a requirement to ensure periodic follow-up or to report to the Minister, in particular as regards the results obtained from the research to which subparagraph 6 of the first paragraph refers.

Subject to the conditions determined in the authorization, work to repair or maintain trails authorized by the Minister or trails existing on the date on which the protection status as a proposed reserve takes effect may be carried on without an authorization under subparagraph 1 of the first paragraph.

#### §2.4. Authorization exemptions

3.13. Despite the preceding provisions, no authorization need be obtained by a person to carry on an activity or for any other form of intervention within the proposed reserve if urgent action is required to prevent harm to the health or safety of persons, or to repair or prevent damage caused by a real or apprehended catastrophe. The person concerned must, however, immediately inform the Minister of the activity or intervention that has taken place.

3.14. Despite the preceding provisions, the following activities and interventions involving the production, transmission and distribution of electricity carried out by Hydro-Québec (Société) or by any other person for Hydro-Québec do not require the prior authorization of the Minister under this plan:

(1) any activity or intervention required within the proposed reserve to complete a project which was previously expressly authorized by the Government and the Minister, or only by the latter, in accordance with the requirements of the Environment Quality Act (R.S.Q., c. Q-2), if the activity or intervention is carried out in compliance with the authorizations issued;

(2) any activity or intervention necessary for the preparation and presentation of a pre-project report for a project requiring an authorization under the Environment Quality Act;

(3) any activity or intervention relating to a project requiring the prior authorization of the Minister under the Environment Quality Act, if the activity or intervention is in response to a request for a clarification or for additional information made by the Minister to the Société and it is carried out in accordance with the request;

(4) any activity or intervention by the Société, if the conditions for the carrying out of the activity or intervention have been determined in an agreement between the Minister and the Société and the activity or intervention is carried out in compliance with those conditions.

For the purposes of this section, the activities and interventions of the Société include pre-project studies, analysis work or field research, work required to study and monitor the impact of power transmission and distribution line corridors and rights-of-way, geological or geophysical surveys and survey lines, and the opening and maintenance of roads required for the purpose of access, construction or equipment movement necessary for the carrying on of such work.

3.15. Despite the preceding provisions, no authorization need be obtained by Ville de Bonaventure to carry out an activity, work or any other form of intervention requiring the maintenance and cleaning of the beach adjacent to the municipal camping site (Lot A-4).

#### §2.5. General provisions

3.16. Every person who applies to the Minister for an individual authorization or for an authorization for a group or for a number of persons must provide any information or document requested by the Minister for the examination of the application.

3.17. The Minister's authorization, which is general and can be used by more than one person, may be communicated to the persons concerned by any appropriate means including by a posted notice or appropriate signage at the reception centre or any other location within the proposed reserve that is readily accessible to the public. The Minister is to provide a copy to any person requesting a copy.

#### §3. Activities governed by other statutes

Certain activities likely to be carried on within the proposed reserve are also governed by 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 reserve.

A special legal framework may govern permitted and prohibited activities within the proposed reserve in connection with the following matters :

— Environmental protection : measures set out in particular in the Environment Quality Act (R.S.Q., c. Q-2) ;

— Archaeological research : measures set out in particular in the Cultural Property Act (R.S.Q., c. B-4) ;

— Development of wildlife resources : measures set out in particular in the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), including the provisions pertaining to outfitting operations and beaver reserves and the measures contained in applicable federal legislation, including the fishery regulations ;

— Removal of species of fauna or flora that are threatened or vulnerable or are likely to be designated as such : measures prohibiting the removal of the species under the Act respecting threatened or vulnerable species (R.S.Q., c. E-12.01) ;

— Access and land rights : measures set out in particular in the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) ;

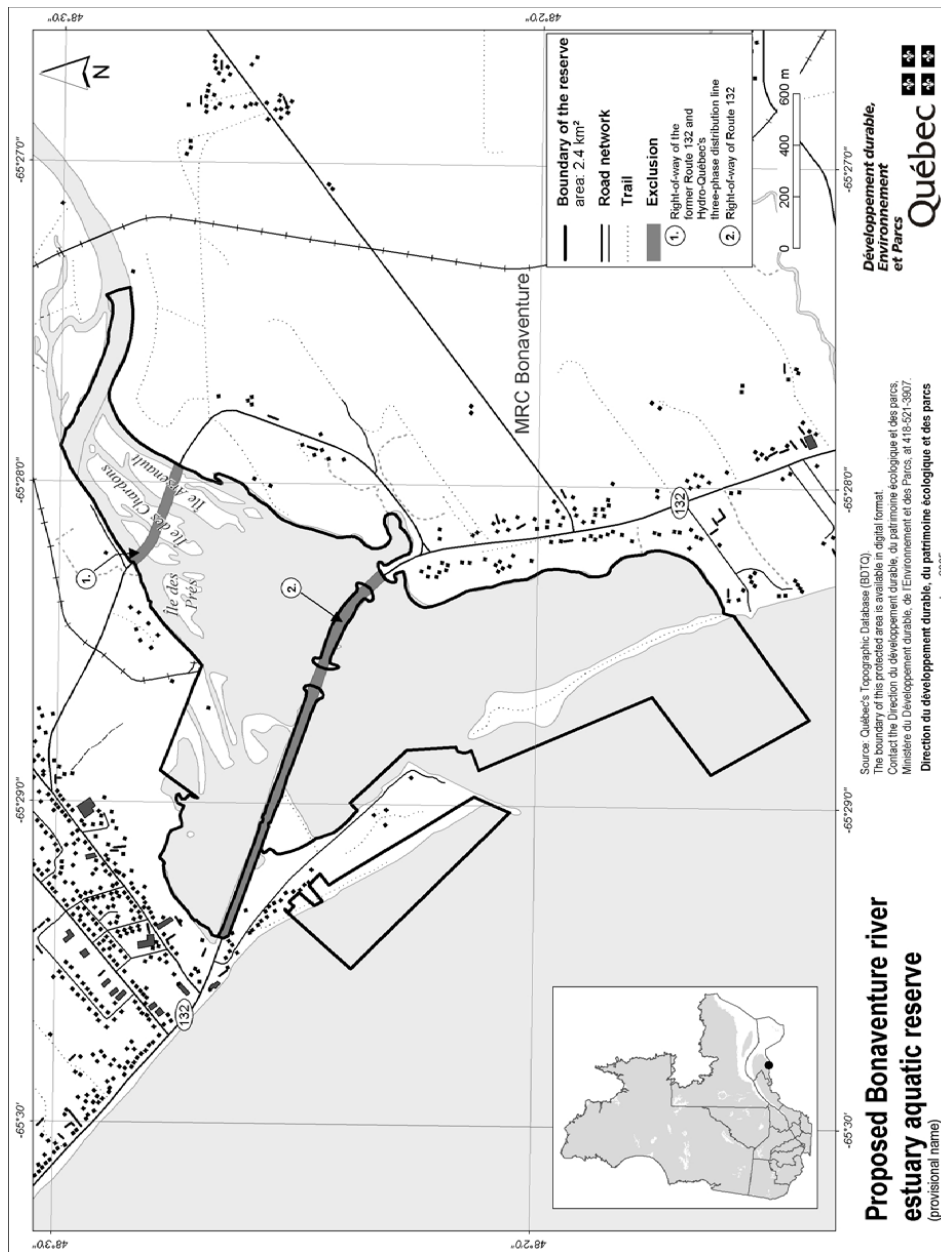
— Operation of vehicles : measures set out in particular in the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) and in the regulation on motor vehicle traffic in certain fragile environments made under the Environment Quality Act (R.S.Q., c. Q-2).

#### 4. Responsibilities of the Minister of Sustainable Development, Environment and Parks

The Minister of Sustainable Development, Environment and Parks is responsible for the management of the proposed Bonaventure river estuary aquatic reserve and is therefore responsible for the supervision and monitoring of the activities that may be carried on within the reserve. The Minister in the management of the reserve works collaboratively with other government representatives having specific responsibilities within the boundaries of the reserve or on adjoining land, such as the Minister of Natural Resources and Wildlife. In the exercise of their powers and functions, the Ministers will take into consideration the protection sought for these natural environments and the protection status that has been granted.

**Schedule**

Map of the proposed Bonaventure river estuary aquatic reserve (provisional name)



## PROPOSED NIQUET STREAM BIODIVERSITY RESERVE

(provisional name)

### CONSERVATION PLAN

June 2005

#### 1. Protection status and toponym

The legal status of the reserve described below is that of proposed biodiversity reserve under the Natural Heritage Conservation Act (R.S.Q., c. C-61.01).

The proposed reserve is to have the name “Réserve de biodiversité projetée du ruisseau Niquet”. The official toponym will be determined at the time of the assignment of permanent protection status to the land.

#### 2. Plan and description

##### 2.1. Geographic location, boundaries and dimensions

The boundaries and location of the proposed Niquet stream biodiversity reserve are shown on the plan.

The proposed Niquet stream biodiversity reserve is located in the Nord-du-Québec administrative region, between 50°04' and 50°14' north latitude and 78°53' and 79°10' west longitude. It is situated some 93 km north-west of Ville de Matagami and some 110 km south of the Cree village of Waskaganish. The proposed biodiversity reserve covers an area of 164.6 km<sup>2</sup> and lies within the territory of Municipalité de Baie-James.

##### 2.2. Ecological overview

The proposed Niquet stream biodiversity reserve is in the Abitibi and James Bay Lowlands natural province. It protects natural environments characteristic of the Turgeon River Plain natural region. In the plain, the bedrock is covered with organic deposits and poorly drained Cochrane till. The terraces and hills are covered with well-drained Cochrane till, well-drained sand and fine sediments. The higher land constitutes one segment of the northern portion of the interlobate Harricana moraine. It forms a unique, remarkable feature in the surrounding clayey plain. Cochrane till is a clayey, limestone deposit of glacial origin that covers almost 40% of the area and is almost exclusively found in the natural region of the Turgeon River Plain. The average altitude is 241 m, varying between 197 m and 316 m.

Almost half of the area of the proposed biodiversity reserve is covered by oligotrophic and minerotrophic peat bogs. They are established on organic deposits,

which are also home to stands of black spruce of varying density. On mesic sites and rocky outcrops, dry heaths have developed with groves of black spruce (*Picea mariana*) and balsam fir (*Abies balsamea*). The presence of jack pine (*Pinus banksiana*), white birch (*Betula papyrifera*) and trembling aspen (*Populus tremuloides*) reveals that the area has been affected by forest fires, the main natural disturbance in the region.

#### 2.3. Occupation and land uses

One right for vacation resort purposes has been granted within the perimeter of the proposed biodiversity reserve.

The land of 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 lies wholly within the Abitibi beaver reserve. The Cree community of Waskaganish has special rights regarding hunting, fishing and trapping. Most of the proposed biodiversity reserve is covered by the Paix des Braves Agreement signed on February 7, 2002 between the Government of Québec and the Crees.

#### 3. Activities within the reserve

##### §1. Introduction

The activities carried on within the proposed reserve are governed for the most part by the provisions of the Natural Heritage Conservation Act.

This Division prohibits activities in addition to those prohibited under the Act and provides a framework for the carrying on of certain permitted activities so as to better ensure the protection of the natural environment. Accordingly, certain activities require the prior authorization of the Minister and compliance with the conditions determined by the Minister.

As provided in the Natural Heritage Conservation Act, the main activities prohibited in an area to which status as a proposed biodiversity or aquatic reserve has been assigned 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.



*§2. Prohibitions, prior authorizations and conditions on which certain activities may be carried on in the proposed reserve*

*§2.1. Protection of resources and the natural environment*

3.1. No person may introduce non-native species of flora or fauna into the proposed reserve.

3.2. No person may stock a watercourse or body of water

(1) for aquaculture, sports or commercial fishing or any other commercial purpose;

(2) for any other purpose, if the fish stocked are not from a genetic strain originating from the proposed reserve.

3.3. No person may bury, abandon or dispose of waste, snow or other residual materials other than in waste disposal containers, facilities or sites determined by the Minister or elsewhere, with the authorization of the Minister and in compliance with the conditions the Minister determines.

Despite the first paragraph, no authorization need be obtained by an outfitting operation to use a disposal facility or site in compliance with the Environment Quality Act and its regulations if the outfitting operation was already using the facility or site on the date on which the protection status as a proposed reserve takes effect.

3.4. No person may, unless the person has been authorized by the Minister and carries on the activity in compliance with the conditions the Minister determines,

(1) carry on any activity likely to severely degrade the banks or shores or to otherwise seriously affect the integrity of a watercourse, body of water or other wetland area, in particular by discharging or dumping waste or other pollutant into the watercourse, body of water or wetland area; or

(2) dig, fill, obstruct or divert a watercourse or body of water.

*§2.2. Rules of conduct for users*

3.5. Every person staying, carrying on an activity or travelling about within the proposed reserve is required to maintain the premises in a satisfactory state and before leaving, return the premises to their natural state to the extent possible.

3.6. Every person who makes a campfire must

(1) clear an area around the fire site sufficient to prevent the fire from spreading by removing all branches, scrub, dry leaves and other combustible materials;

(2) see that there is always a person on the premises to attend the fire; and

(3) ensure that the fire is completely extinguished before leaving the premises.

3.7. In the proposed reserve, no person may

(1) cause any excessive noise; or

(2) behave in a manner that unduly disturbs other persons in the reserve or interferes with their enjoyment of the reserve.

3.8. No person may destroy, remove, move or damage any poster, sign, notice or other type of signage posted by the Minister within the proposed reserve.

3.9. No person may enter, carry on an activity in or operate a vehicle in a given sector of the proposed reserve unless the person has been authorized by the Minister and complies with the conditions determined, if the signage erected by the Minister restricts access, traffic or certain activities in order to protect the public from a danger or to avoid placing the fauna, flora or other components of the natural environment at risk.

*§2.3. Activities requiring an authorization*

3.10. No person may, unless the person has been authorized by the Minister and complies with the conditions the Minister determines, stay or reside on or otherwise occupy the same site within the proposed reserve for a period of more than three months in the same year. No authorization need be obtained by a person who,

(1) on the date on which the protection status as a proposed reserve takes effect, was a party to a lease or had already obtained another form of permit or authorization allowing the person to occupy the land under the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) or, if applicable, the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), and whose right to occupy the land is renewed or extended;



(2) in accordance with the applicable provisions of law, has entitlement under a sublease, an assignment of a lease or a transfer of an authorization, as referred to in paragraph 1, and whose right to occupy the land is renewed or extended;

(3) avails himself or herself of the possibility of acquiring the land the person legally occupies on the date on which the protection status as a proposed reserve takes effect, pursuant to the Act respecting the lands in the domain of the State.

3.11. (1) No person may carry on forest management activities to meet domestic needs or for the purpose of maintaining biodiversity, unless the person has been authorized by the Minister and carries on the activities in compliance with the conditions the Minister determines.

The conditions of that authorization may pertain, among other things, to species of trees or shrubs, the size of the stems that may be cut, the quantities authorized and the places where the activities may be carried on.

(2) Despite subsection 1, the authorization of the Minister under this plan need not be obtained by a person staying or residing in the proposed reserve who collects wood to make a campfire.

No such authorization need be obtained by a person to collect wood to meet domestic needs

(a) if the wood is collected within a sector reserved by the Minister of Natural Resources and Wildlife as a sector for which a permit for the harvest of firewood for domestic purposes under the Forest Act (R.S.Q., c. F-4.1) may be issued and which has already been reserved as such by the Minister on the date on which the protection status as a proposed reserve takes effect;

(b) if the wood is collected by a person who, on the date on which the protection status as a proposed reserve takes effect or in any of the three preceding years, held a permit for the harvest of firewood for domestic purposes allowing the person to harvest firewood within the proposed reserve; or

(c) if the wood is collected by a person in accordance with the conditions set out in the permit for the harvest of firewood for domestic purposes issued by the Minister of Natural Resources and Wildlife under the Forest Act.

(3) Despite subsection 1, no authorization need be obtained by a person authorized by lease to occupy land within the proposed reserve, pursuant to this plan, to carry on a forest management activity for the purpose of

(a) clearing permitted harvested areas, maintaining them or creating visual openings, and any other similar removal purposes permitted under the regulation that applies to the sale, lease and granting of immovable rights made under the Act respecting the lands in the domain of the State;

(b) creating and maintaining access roads, stairways or other trails permitted under that regulation; or

(c) clearing the necessary area for the installation, connection, maintenance and repair of power, water, sewer or telecommunication lines, facilities and mains.

When the work referred to in subparagraph *c* of subsection 3 is carried out for or under the responsibility of an enterprise providing any of those services, the work requires the prior authorization of the Minister, other than in the case of the exemptions provided for in sections 3.13 and 3.14.

(4) Despite subsection 1, no authorization need be obtained by a person to carry on a forest management activity to maintain a sugar bush and harvest maple products for domestic purposes

(a) if the activity is carried on by a person who, on the date on which the protection status as a proposed reserve takes effect or in any of the three preceding years, held a sugar bush management permit issued by the Minister of Natural Resources and Wildlife under the Forest Act allowing the person to carry on the activities of a sugar bush operator within the proposed reserve;

(b) if the activity is carried on within a zone for which the permit obtained allowed the carrying on of sugar bush operations on the date on which the protection status as a proposed reserve takes effect or in any of the three preceding years; or

(c) if the activity is carried on by a person in compliance with the conditions set out in the sugar bush management permit issued by the Minister of Natural Resources and Wildlife under the Forest Act.

3.12. No person may, unless the person has been authorized by the Minister and carries on the activity in compliance with the conditions the Minister determines,

(1) carry out soil development work, including any fill, burial, earthwork, removal or displacement of surface materials or vegetation cover, for any purpose including recreational and tourism purposes such as the development of trails;

(2) install or construct a new structure, infrastructure or works;

(3) reconstruct or demolish an existing structure, infrastructure or works;

(4) use a pesticide, although no authorization is required for the use of insect repellent for personal purposes;

(5) carry on an activity that is likely to severely degrade the soil or a geological formation or damage the vegetation cover, such as stripping, the digging of trenches or excavation work; or

(6) carry on educational or research-related activities if the activities are likely to significantly damage or disturb the natural environment, in particular by the extent of the moving or removal of natural resources or by the use of explosives.

The conditions of the Minister's authorization for the work may pertain to the location of the authorized activity, the methods used, the areas that may be cleared or deforested, the types of material that may be used including the material taken from the site, and the presence of ancillary works or facilities. The conditions may also include a requirement to ensure periodic follow-up or to report to the Minister, in particular as regards the results obtained from the research to which subparagraph 6 of the first paragraph refers.

Subject to the conditions determined in the authorization, work to repair or maintain trails authorized by the Minister or trails existing on the date on which the protection status as a proposed reserve takes effect may be carried on without an authorization under subparagraph 1 of the first paragraph.

Work to repair or maintain forest roads or roads authorized under the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) carried on in accordance with the Forest Act and its regulations that concern standards of forest management may be carried on without an authorization under subparagraph 1 of the first paragraph.

#### §2.4. Authorization exemptions

3.13. Despite the preceding provisions, no authorization need be obtained by a person to carry on an activity or for any other form of intervention within the proposed reserve if urgent action is required to prevent harm to the health or safety of persons, or to repair or prevent damage caused by a real or apprehended catastrophe. The person concerned must, however, immediately inform the Minister of the activity or intervention that has taken place.

3.14. Despite the preceding provisions, the following activities and interventions involving the production, transmission and distribution of electricity carried out by Hydro-Québec (Société) or by any other person for Hydro-Québec do not require the prior authorization of the Minister under this plan:

(1) any activity or intervention required within the proposed reserve to complete a project which was previously expressly authorized by the Government and the Minister, or only by the latter, in accordance with the requirements of the Environment Quality Act (R.S.Q., c. Q-2), if the activity or intervention is carried out in compliance with the authorizations issued;

(2) any activity or intervention necessary for the preparation and presentation of a pre-project report for a project requiring an authorization under the Environment Quality Act;

(3) any activity or intervention relating to a project requiring the prior authorization of the Minister under the Environment Quality Act, if the activity or intervention is in response to a request for a clarification or for additional information made by the Minister to the Société and it is carried out in accordance with the request;

(4) any activity or intervention by the Société, if the conditions for the carrying out of the activity or intervention have been determined in an agreement between the Minister and the Société and the activity or intervention is carried out in compliance with those conditions.

For the purposes of this section, the activities and interventions of the Société include pre-project studies, analysis work or field research, work required to study and monitor the impact of power transmission and distribution line corridors and rights-of-way, geological or geophysical surveys and survey lines, and the opening and maintenance of roads required for the purpose of access, construction or equipment movement necessary for the carrying on of such work.

### §2.5. General provisions

3.15. Every person who applies to the Minister for an individual authorization or for an authorization for a group or for a number of persons must provide any information or document requested by the Minister for the examination of the application.

3.16. The Minister's authorization, which is general and can be used by more than one person, may be communicated to the persons concerned by any appropriate means including by a posted notice or appropriate signage at the reception centre or any other location within the proposed reserve that is readily accessible to the public. The Minister is to provide a copy to any person requesting a copy.

### §3. Activities governed by other statutes

Certain activities likely to be carried on within the proposed reserve are also governed by 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 reserve.

A special legal framework may govern permitted and prohibited activities within the proposed reserve in connection with the following matters :

— Environmental protection : measures set out in particular in the Environment Quality Act (R.S.Q., c. Q-2);

— Archaeological research : measures set out in particular in the Cultural Property Act (R.S.Q., c. B-4);

— Development of wildlife resources: measures set out in particular in the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), including the provisions pertaining to outfitting operations and beaver reserves and the measures contained in applicable federal legislation, including the fishery regulations;

— Removal of species of fauna or flora that are threatened or vulnerable or are likely to be designated as such : measures prohibiting the removal of the species under the Act respecting threatened or vulnerable species (R.S.Q., c. E-12.01);

— Access and land rights : measures set out in particular in the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1);

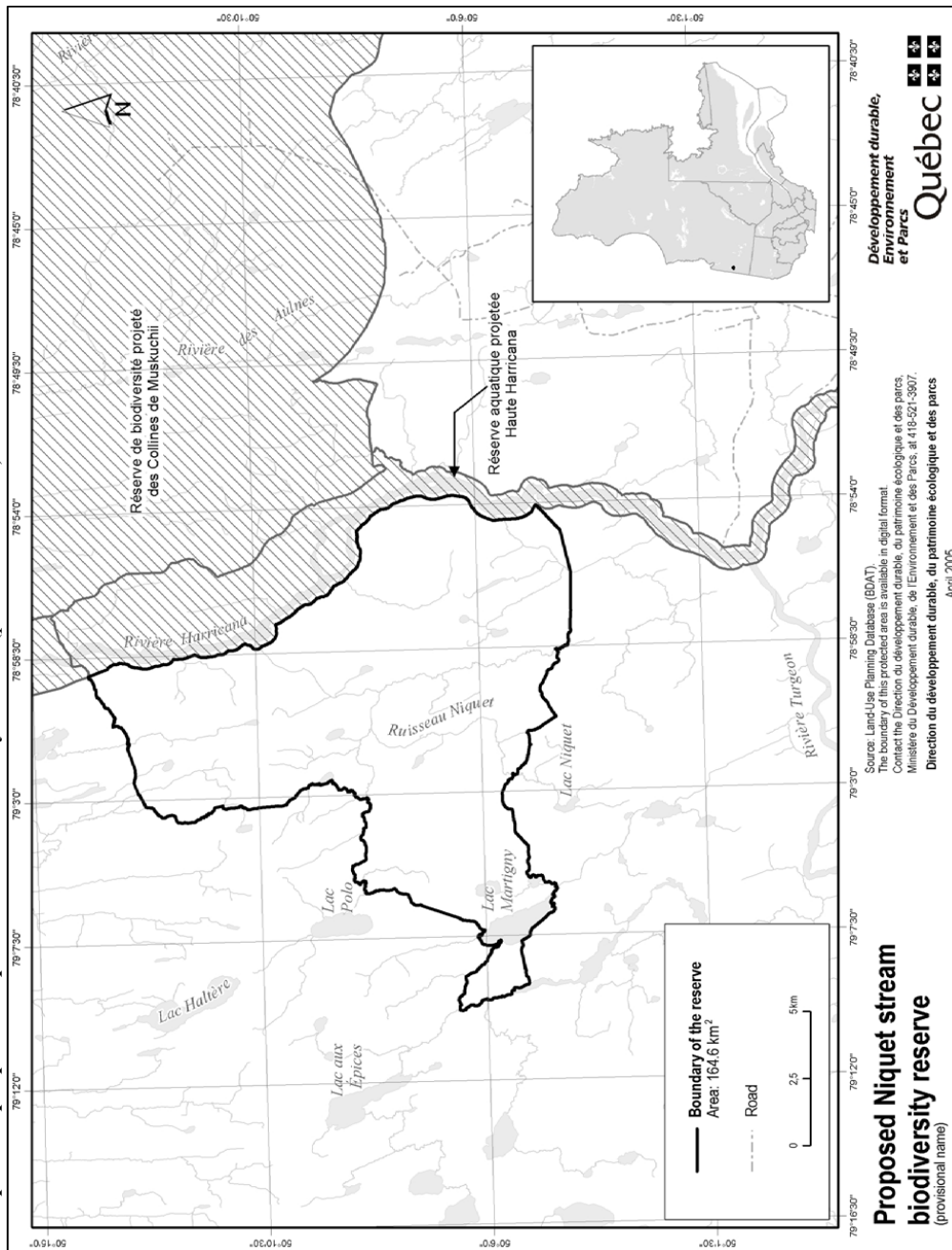
— Operation of vehicles : measures set out in particular in the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) and in the regulation on motor vehicle traffic in certain fragile environments made under the Environment Quality Act (R.S.Q., c. Q-2).

### 4. Responsibilities of the Minister of Sustainable Development, Environment and Parks

The Minister of Sustainable Development, Environment and Parks is responsible for the management of the proposed Niquet stream biodiversity reserve and is therefore responsible for the supervision and monitoring of the activities that may be carried on within the reserve. The Minister in the management of the reserve works collaboratively with other government representatives having specific responsibilities within the boundaries of the reserve or on adjoining land, such as the Minister of Natural Resources and Wildlife. In the exercise of their powers and functions, the Ministers will take into consideration the protection sought for these natural environments and the protection status that has been granted.

**Schedule**

**Map of the proposed Niquet stream biodiversity reserve (provisional name)**



**Proposed Niquet stream biodiversity reserve**  
(provisional name)

Source: Land-Use Planning Database (BDAT).  
The boundary of this protected area is available in digital format.  
Contact the Direction du développement durable, du patrimoine écologique et des parcs,  
Ministère du Développement durable, de l'Environnement et des Parcs, at 418-521-3807.  
Direction du développement durable, du patrimoine écologique et des parcs  
April 2005

**Développement durable,  
Environnement  
et Parcs**  
**Québec**

## PROPOSED SAINT-CYR LAKE BIODIVERSITY RESERVE

(provisional name)

### CONSERVATION PLAN

June 2005

#### 1. Protection status and toponym

The legal status of the reserve described below is that of proposed biodiversity reserve under the Natural Heritage Conservation Act (R.S.Q., c. C-61.01).

The proposed reserve is to have the name “Réserve de biodiversité projetée du lac Saint-Cyr”. The official toponym will be determined at the time of the assignment of permanent protection status to the land.

#### 2. Plan and description

##### 2.1. Geographic location, boundaries and dimensions

The boundaries and location of the proposed Saint-Cyr lake biodiversity reserve are shown on the plan.

The proposed Saint-Cyr lake biodiversity reserve is located in the Abitibi-Témiscamingue administrative region, between 48°37' and 48°52' north latitude and 75°36' and 75°49' west longitude. It is situated some 50 km west of the Native village of Obedjiwan, some 57 km east-north-east of Municipalité de Senneterre and some 90 km east-south-east of Municipalité de Lebel-sur-Quévillon. The proposed reserve covers an area of 143.7 km<sup>2</sup> and lies within the territory of Municipalité de Senneterre, in Municipalité régionale de comté de La Vallée-de-l'Or.

The boundaries of the proposed biodiversity reserve run along the 391-metre point.

##### 2.2. Ecological overview

The proposed Saint-Cyr lake biodiversity reserve is in the Mégiscane Lake Hills natural region in the Mistassini River Highlands natural province. The average elevation is 397 m and ranges from 391 m to 463 m. The proposed Saint-Cyr lake biodiversity reserve consists mainly of mounds of drumlinized till with good to moderate drainage. Thick till knolls with good to moderate drainage are found north of Mesplet lake. The vegetation is characterized by softwood forests dominated by black spruce. Peat bogs are also found in the protected area.

#### 2.3. Occupation and land uses

Three land rights have been granted in the territory of the proposed biodiversity reserve: 1 for vacation resort purposes and 2 for rough shelters.

The proposed Saint-Cyr lake biodiversity reserve covers a portion of the territory of the Club Kapitachuan (21%) and Pourvoirie St-Cyr (70%) outfitting operations which hold exclusive rights for hunting and fishing. Therefore, 91% of the area of the proposed biodiversity reserve comprises outfitting operations with exclusive rights.

The land in 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 biodiversity 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 proposed Saint-Cyr lake biodiversity reserve lies within the Abitibi beaver reserve, in which the Atikamekw community of Obedjiwan has special rights regarding the hunting and trapping of fur-bearing animals.

The Saint-Cyr river is a recognized canoe-kayak route.

#### 3. Activities within the reserve

##### §1. Introduction

The activities carried on within the proposed reserve are governed for the most part by the provisions of the Natural Heritage Conservation Act.

This Division prohibits activities in addition to those prohibited under the Act and provides a framework for the carrying on of certain permitted activities so as to better ensure the protection of the natural environment. Accordingly, certain activities require the prior authorization of the Minister and compliance with the conditions determined by the Minister.

As provided in the Natural Heritage Conservation Act, the main activities prohibited in an area to which status as a proposed biodiversity or aquatic reserve has been assigned 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.

*§2. Prohibitions, prior authorizations and conditions on which certain activities may be carried on in the proposed reserve*

*§2.1. Protection of resources and the natural environment*

3.1. No person may introduce non-native species of flora or fauna into the proposed reserve.

3.2. No person may stock a watercourse or body of water

(1) for aquaculture, sports or commercial fishing or any other commercial purpose;

(2) for any other purpose, if the fish stocked are not from a genetic strain originating from the proposed reserve.

3.3. No person may bury, abandon or dispose of waste, snow or other residual materials other than in waste disposal containers, facilities or sites determined by the Minister or elsewhere, with the authorization of the Minister and in compliance with the conditions the Minister determines.

Despite the first paragraph, no authorization need be obtained by an outfitting operation to use a disposal facility or site in compliance with the Environment Quality Act and its regulations if the outfitting operation was already using the facility or site on the date on which the protection status as a proposed reserve takes effect.

3.4. No person may, unless the person has been authorized by the Minister and carries on the activity in compliance with the conditions the Minister determines,

(1) carry on any activity likely to severely degrade the banks or shores or to otherwise seriously affect the integrity of a watercourse, body of water or other wetland area, in particular by discharging or dumping waste or other pollutant into the watercourse, body of water or wetland area; or

(2) dig, fill, obstruct or divert a watercourse or body of water.

*§2.2. Rules of conduct for users*

3.5. Every person staying, carrying on an activity or travelling about within the proposed reserve is required to maintain the premises in a satisfactory state and before leaving, return the premises to their natural state to the extent possible.

3.6. Every person who makes a campfire must

(1) clear an area around the fire site sufficient to prevent the fire from spreading by removing all branches, scrub, dry leaves and other combustible materials;

(2) see that there is always a person on the premises to attend the fire; and

(3) ensure that the fire is completely extinguished before leaving the premises.

3.7. In the proposed reserve, no person may

(1) cause any excessive noise; or

(2) behave in a manner that unduly disturbs other persons in the reserve or interferes with their enjoyment of the reserve.

3.8. No person may destroy, remove, move or damage any poster, sign, notice or other type of signage posted by the Minister within the proposed reserve.

3.9. No person may enter, carry on an activity in or operate a vehicle in a given sector of the proposed reserve unless the person has been authorized by the Minister and complies with the conditions determined, if the signage erected by the Minister restricts access, traffic or certain activities in order to protect the public from a danger or to avoid placing the fauna, flora or other components of the natural environment at risk.

*§2.3. Activities requiring an authorization*

3.10. No person may, unless the person has been authorized by the Minister and complies with the conditions the Minister determines, stay or reside on or otherwise occupy the same site within the proposed reserve for a period of more than three months in the same year. No authorization need be obtained by a person who,

(1) on the date on which the protection status as a proposed reserve takes effect, was a party to a lease or had already obtained another form of permit or authorization allowing the person to occupy the land under the

Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) or, if applicable, the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), and whose right to occupy the land is renewed or extended;

(2) in accordance with the applicable provisions of law, has entitlement under a sublease, an assignment of a lease or a transfer of an authorization, as referred to in paragraph 1, and whose right to occupy the land is renewed or extended;

(3) avails himself or herself of the possibility of acquiring the land the person legally occupies on the date on which the protection status as a proposed reserve takes effect, pursuant to the Act respecting the lands in the domain of the State.

3.11. (1) No person may carry on forest management activities to meet domestic needs or for the purpose of maintaining biodiversity, unless the person has been authorized by the Minister and carries on the activities in compliance with the conditions the Minister determines.

The conditions of that authorization may pertain, among other things, to species of trees or shrubs, the size of the stems that may be cut, the quantities authorized and the places where the activities may be carried on.

(2) Despite subsection 1, the authorization of the Minister under this plan need not be obtained by a person staying or residing in the proposed reserve who collects wood to make a campfire.

No such authorization need be obtained by a person to collect wood to meet domestic needs

(a) if the wood is collected within a sector reserved by the Minister of Natural Resources and Wildlife as a sector for which a permit for the harvest of firewood for domestic purposes under the Forest Act (R.S.Q., c. F-4.1) may be issued and which has already been reserved as such by the Minister on the date on which the protection status as a proposed reserve takes effect;

(b) if the wood is collected by a person who, on the date on which the protection status as a proposed reserve takes effect or in any of the three preceding years, held a permit for the harvest of firewood for domestic purposes allowing the person to harvest firewood within the proposed reserve; or

(c) if the wood is collected by a person in accordance with the conditions set out in the permit for the harvest of firewood for domestic purposes issued by the Minister of Natural Resources and Wildlife under the Forest Act.

(3) Despite subsection 1, no authorization need be obtained by a person authorized by lease to occupy land within the proposed reserve, pursuant to this plan, to carry on a forest management activity for the purpose of

(a) clearing permitted harvested areas, maintaining them or creating visual openings, and any other similar removal purposes permitted under the regulation that applies to the sale, lease and granting of immovable rights made under the Act respecting the lands in the domain of the State;

(b) creating and maintaining access roads, stairways or other trails permitted under that regulation; or

(c) clearing the necessary area for the installation, connection, maintenance and repair of power, water, sewer or telecommunication lines, facilities and mains.

When the work referred to in subparagraph *c* of subsection 3 is carried out for or under the responsibility of an enterprise providing any of those services, the work requires the prior authorization of the Minister, other than in the case of the exemptions provided for in sections 3.13 and 3.14.

(4) Despite subsection 1, no authorization need be obtained by a person to carry on a forest management activity to maintain a sugar bush and harvest maple products for domestic purposes

(a) if the activity is carried on by a person who, on the date on which the protection status as a proposed reserve takes effect or in any of the three preceding years, held a sugar bush management permit issued by the Minister of Natural Resources and Wildlife under the Forest Act allowing the person to carry on the activities of a sugar bush operator within the proposed reserve;

(b) if the activity is carried on within a zone for which the permit obtained allowed the carrying on of sugar bush operations on the date on which the protection status as a proposed reserve takes effect or in any of the three preceding years; or

(c) if the activity is carried on by a person in compliance with the conditions set out in the sugar bush management permit issued by the Minister of Natural Resources and Wildlife under the Forest Act.



3.12. No person may, unless the person has been authorized by the Minister and carries on the activity in compliance with the conditions the Minister determines,

(1) carry out soil development work, including any fill, burial, earthwork, removal or displacement of surface materials or vegetation cover, for any purpose including recreational and tourism purposes such as the development of trails;

(2) install or construct a new structure, infrastructure or works;

(3) reconstruct or demolish an existing structure, infrastructure or works;

(4) use a pesticide, although no authorization is required for the use of insect repellent for personal purposes;

(5) carry on an activity that is likely to severely degrade the soil or a geological formation or damage the vegetation cover, such as stripping, the digging of trenches or excavation work; or

(6) carry on educational or research-related activities if the activities are likely to significantly damage or disturb the natural environment, in particular by the extent of the moving or removal of natural resources or by the use of explosives.

The conditions of the Minister's authorization for the work may pertain to the location of the authorized activity, the methods used, the areas that may be cleared or deforested, the types of material that may be used including the material taken from the site, and the presence of ancillary works or facilities. The conditions may also include a requirement to ensure periodic follow-up or to report to the Minister, in particular as regards the results obtained from the research to which subparagraph 6 of the first paragraph refers.

Subject to the conditions determined in the authorization, work to repair or maintain trails authorized by the Minister or trails existing on the date on which the protection status as a proposed reserve takes effect may be carried on without an authorization under subparagraph 1 of the first paragraph.

Work to repair or maintain forest roads or roads authorized under the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) carried on in accordance with the Forest Act and its regulations that concern standards of forest management may be carried on without an authorization under subparagraph 1 of the first paragraph.

#### §2.4. Authorization exemptions

3.13. Despite the preceding provisions, no authorization need be obtained by a person to carry on an activity or for any other form of intervention within the proposed reserve if urgent action is required to prevent harm to the health or safety of persons, or to repair or prevent damage caused by a real or apprehended catastrophe. The person concerned must, however, immediately inform the Minister of the activity or intervention that has taken place.

3.14. Despite the preceding provisions, the following activities and interventions involving the production, transmission and distribution of electricity carried out by Hydro-Québec (Société) or by any other person for Hydro-Québec do not require the prior authorization of the Minister under this plan:

(1) any activity or intervention required within the proposed reserve to complete a project which was previously expressly authorized by the Government and the Minister, or only by the latter, in accordance with the requirements of the Environment Quality Act (R.S.Q., c. Q-2), if the activity or intervention is carried out in compliance with the authorizations issued;

(2) any activity or intervention necessary for the preparation and presentation of a pre-project report for a project requiring an authorization under the Environment Quality Act;

(3) any activity or intervention relating to a project requiring the prior authorization of the Minister under the Environment Quality Act, if the activity or intervention is in response to a request for a clarification or for additional information made by the Minister to the Société and it is carried out in accordance with the request;

(4) any activity or intervention by the Société, if the conditions for the carrying out of the activity or intervention have been determined in an agreement between the Minister and the Société and the activity or intervention is carried out in compliance with those conditions.

For the purposes of this section, the activities and interventions of the Société include pre-project studies, analysis work or field research, work required to study and monitor the impact of power transmission and distribution line corridors and rights-of-way, geological or geophysical surveys and survey lines, and the opening and maintenance of roads required for the purpose of access, construction or equipment movement necessary for the carrying on of such work.

### §2.5. General provisions

3.15. Every person who applies to the Minister for an individual authorization or for an authorization for a group or for a number of persons must provide any information or document requested by the Minister for the examination of the application.

3.16. The Minister's authorization, which is general and can be used by more than one person, may be communicated to the persons concerned by any appropriate means including by a posted notice or appropriate signage at the reception centre or any other location within the proposed reserve that is readily accessible to the public. The Minister is to provide a copy to any person requesting a copy.

### §3. Activities governed by other statutes

Certain activities likely to be carried on within the proposed reserve are also governed by 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 reserve.

A special legal framework may govern permitted and prohibited activities within the proposed reserve in connection with the following matters:

— Environmental protection: measures set out in particular in the Environment Quality Act (R.S.Q., c. Q-2);

— Archaeological research: measures set out in particular in the Cultural Property Act (R.S.Q., c. B-4);

— Development of wildlife resources: measures set out in particular in the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), including the provisions pertaining to outfitting operations and beaver reserves and the measures contained in applicable federal legislation, including the fishery regulations;

— Removal of species of fauna or flora that are threatened or vulnerable or are likely to be designated as such: measures prohibiting the removal of the species under the Act respecting threatened or vulnerable species (R.S.Q., c. E-12.01);

— Access and land rights: measures set out in particular in the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1);

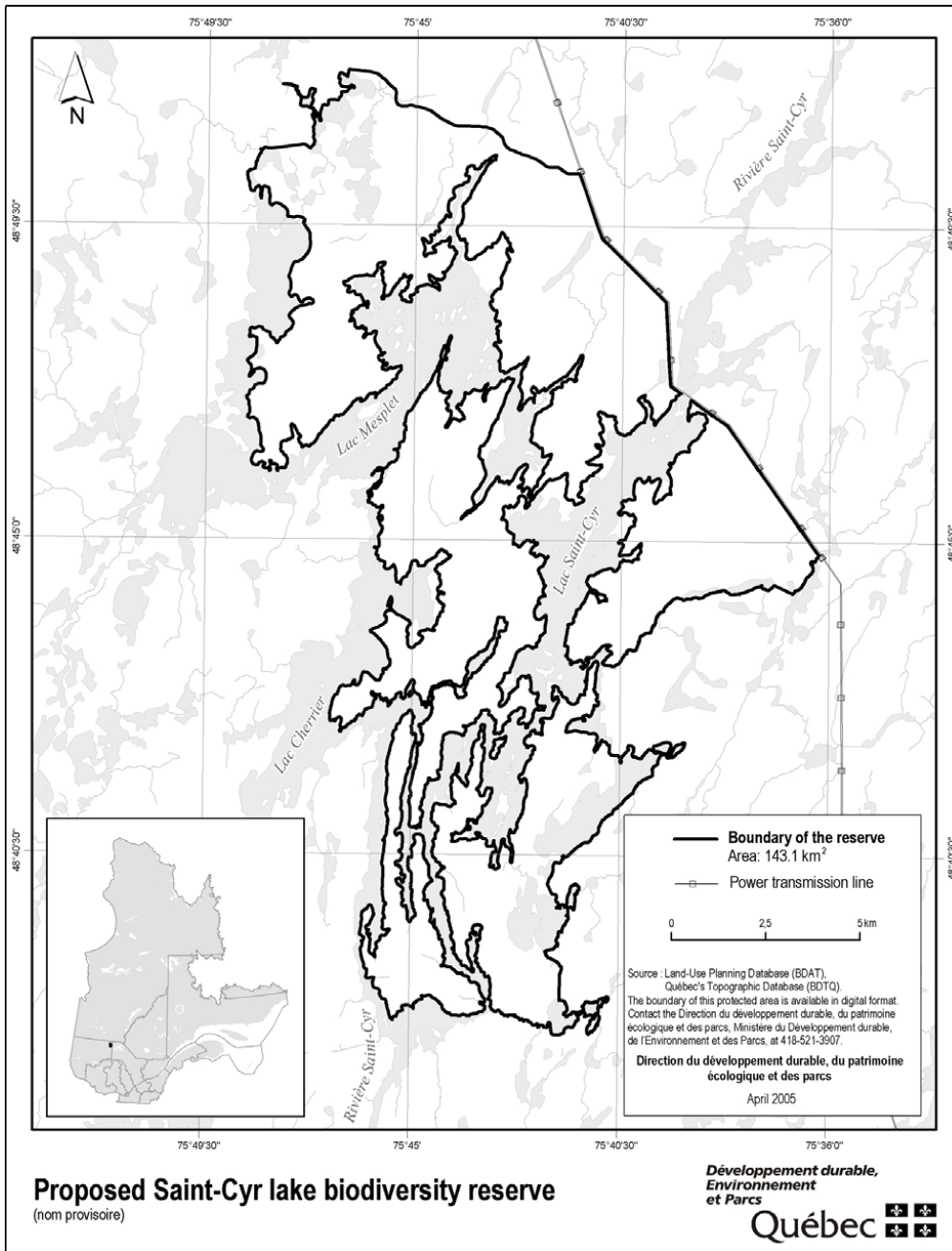
— Operation of vehicles: measures set out in particular in the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) and in the regulation on motor vehicle traffic in certain fragile environments made under the Environment Quality Act (R.S.Q., c. Q-2).

### 4. Responsibilities of the Minister of Sustainable Development, Environment and Parks

The Minister of Sustainable Development, Environment and Parks is responsible for the management of the proposed Saint-Cyr lake biodiversity reserve and is therefore responsible for the supervision and monitoring of the activities that may be carried on within the reserve. The Minister in the management of the reserve works collaboratively with other government representatives having specific responsibilities within the boundaries of the reserve or on adjoining land, such as the Minister of Natural Resources and Wildlife. In the exercise of their powers and functions, the Ministers will take into consideration the protection sought for these natural environments and the protection status that has been granted.

### Schedule

Map of the proposed Saint-Cyr lake biodiversity reserve (provisional name)



PROPOSED WETETNAGAMI LAKE  
BIODIVERSITY RESERVE  
(provisional name)

CONSERVATION PLAN

June 2005

1. Protection status and toponym

The legal status of the reserve described below is that of proposed biodiversity reserve under the Natural Heritage Conservation Act (R.S.Q. c. C-61.01).

The proposed reserve is to have the name “Réserve de biodiversité projetée du lac Wetetnagami”. The official toponym will be determined at the time of the assignment of permanent protection status to the land.

2. Plan and description

2.1. Geographic location, boundaries and dimensions

The boundaries and location of the proposed Wetetnagami lake biodiversity reserve are shown on the plan.

The proposed Wetetnagami lake biodiversity reserve is located in the Abitibi-Témiscamingue administrative region, between 48°35' and 49°00' north latitude and 76°11' and 76°23' west longitude. It is situated some 19 km north-east of Municipalité de Senneterre and some 55 km east-south-east of Municipalité de Lebel-sur-Quévillon. The proposed reserve covers an area of 234.3 km<sup>2</sup> and lies within Municipalité de Senneterre in Municipalité régionale de comté de La Vallée-de-l'Or.

A forest road crosses the southern portion of the proposed biodiversity reserve. A 40-metre right-of-way for that road is excluded from the proposed biodiversity reserve, as shown on the attached map.

2.2. Geography

The proposed Wetetnagami lake biodiversity reserve is in the Mégiscane Lake Hills natural region in the Mistassini River Highlands natural province. The average elevation is 415 m and ranges from 362 m to 552 m. In its northern half, the proposed Wetetnagami biodiversity reserve is formed of thick till mounds with good to moderate drainage. The southern half of the proposed biodiversity reserve is formed of thick till low hills with good to moderate drainage. The vegetation is characterized by softwood forests of black spruce and jack pine and mixed forests dominated by white birch and jack pine.

2.3. Occupation and land uses

Twenty-seven land rights have been granted in the territory of the proposed biodiversity reserve: 3 for vacation resort purposes, 19 for rough shelters and 5 for commercial outfitting operations (outfitting operations without exclusive rights).

The Wetetnagami river and lake are recognized canoe-kayak routes.

The land in 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 proposed biodiversity reserve is included in the land under the Paix des Braves Agreement.

The Wetetnagami lake biodiversity reserve lies almost wholly within the Abitibi beaver reserve, in which the Atikamekw community of Obedjiwan has special rights regarding the hunting and trapping of fur-bearing animals. The northern portion of the proposed biodiversity reserve adjoins part of the Abitibi beaver reserve, in which the Cree community of Waswanipi has special rights regarding the hunting and trapping of fur-bearing animals.

Four traplines are present in the proposed Wetetnagami lake biodiversity reserve.

3. Activities within the reserve

§1. Introduction

The activities carried on within the proposed reserve are governed for the most part by the provisions of the Natural Heritage Conservation Act.

This Division prohibits activities in addition to those prohibited under the Act and provides a framework for the carrying on of certain permitted activities so as to better ensure the protection of the natural environment. Accordingly, certain activities require the prior authorization of the Minister and compliance with the conditions determined by the Minister.

As provided in the Natural Heritage Conservation Act, the main activities prohibited in an area to which status as a proposed biodiversity or aquatic reserve has been assigned 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.

*§2. Prohibitions, prior authorizations and conditions on which certain activities may be carried on in the proposed reserve*

*§2.1. Protection of resources and the natural environment*

3.1. No person may introduce non-native species of flora or fauna into the proposed reserve.

3.2. No person may stock a watercourse or body of water

(1) for aquaculture, sports or commercial fishing or any other commercial purpose;

(2) for any other purpose, if the fish stocked are not from a genetic strain originating from the proposed reserve.

3.3. No person may bury, abandon or dispose of waste, snow or other residual materials other than in waste disposal containers, facilities or sites determined by the Minister or elsewhere, with the authorization of the Minister and in compliance with the conditions the Minister determines.

Despite the first paragraph, no authorization need be obtained by an outfitting operation to use a disposal facility or site in compliance with the Environment Quality Act and its regulations if the outfitting operation was already using the facility or site on the date on which the protection status as a proposed reserve takes effect.

3.4. No person may, unless the person has been authorized by the Minister and carries on the activity in compliance with the conditions the Minister determines,

(1) carry on any activity likely to severely degrade the banks or shores or to otherwise seriously affect the integrity of a watercourse, body of water or other wetland area, in particular by discharging or dumping waste or other pollutant into the watercourse, body of water or wetland area; or

(2) dig, fill, obstruct or divert a watercourse or body of water.

*§2.2. Rules of conduct for users*

3.5. Every person staying, carrying on an activity or travelling about within the proposed reserve is required to maintain the premises in a satisfactory state and before leaving, return the premises to their natural state to the extent possible.

3.6. Every person who makes a campfire must

(1) clear an area around the fire site sufficient to prevent the fire from spreading by removing all branches, scrub, dry leaves and other combustible materials;

(2) see that there is always a person on the premises to attend the fire; and

(3) ensure that the fire is completely extinguished before leaving the premises.

3.7. In the proposed reserve, no person may

(1) cause any excessive noise; or

(2) behave in a manner that unduly disturbs other persons in the reserve or interferes with their enjoyment of the reserve.

3.8. No person may destroy, remove, move or damage any poster, sign, notice or other type of signage posted by the Minister within the proposed reserve.

3.9. No person may enter, carry on an activity in or operate a vehicle in a given sector of the proposed reserve unless the person has been authorized by the Minister and complies with the conditions determined, if the signage erected by the Minister restricts access, traffic or certain activities in order to protect the public from a danger or to avoid placing the fauna, flora or other components of the natural environment at risk.

*§2.3. Activities requiring an authorization*

3.10. No person may, unless the person has been authorized by the Minister and complies with the conditions the Minister determines, stay or reside on or otherwise occupy the same site within the proposed reserve for a period of more than three months in the same year. No authorization need be obtained by a person who,

(1) on the date on which the protection status as a proposed reserve takes effect, was a party to a lease or had already obtained another form of permit or authori-

zation allowing the person to occupy the land under the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) or, if applicable, the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), and whose right to occupy the land is renewed or extended;

(2) in accordance with the applicable provisions of law, has entitlement under a sublease, an assignment of a lease or a transfer of an authorization, as referred to in paragraph 1, and whose right to occupy the land is renewed or extended;

(3) avails himself or herself of the possibility of acquiring the land the person legally occupies on the date on which the protection status as a proposed reserve takes effect, pursuant to the Act respecting the lands in the domain of the State.

3.11. (1) No person may carry on forest management activities to meet domestic needs or for the purpose of maintaining biodiversity, unless the person has been authorized by the Minister and carries on the activities in compliance with the conditions the Minister determines.

The conditions of that authorization may pertain, among other things, to species of trees or shrubs, the size of the stems that may be cut, the quantities authorized and the places where the activities may be carried on.

(2) Despite subsection 1, the authorization of the Minister under this plan need not be obtained by a person staying or residing in the proposed reserve who collects wood to make a campfire.

No such authorization need be obtained by a person to collect wood to meet domestic needs

(a) if the wood is collected within a sector reserved by the Minister of Natural Resources and Wildlife as a sector for which a permit for the harvest of firewood for domestic purposes under the Forest Act (R.S.Q., c. F-4.1) may be issued and which has already been reserved as such by the Minister on the date on which the protection status as a proposed reserve takes effect;

(b) if the wood is collected by a person who, on the date on which the protection status as a proposed reserve takes effect or in any of the three preceding years, held a permit for the harvest of firewood for domestic purposes allowing the person to harvest firewood within the proposed reserve; or

(c) if the wood is collected by a person in accordance with the conditions set out in the permit for the harvest of firewood for domestic purposes issued by the Minister of Natural Resources and Wildlife under the Forest Act.

(3) Despite subsection 1, no authorization need be obtained by a person authorized by lease to occupy land within the proposed reserve, pursuant to this plan, to carry on a forest management activity for the purpose of

(a) clearing permitted harvested areas, maintaining them or creating visual openings, and any other similar removal purposes permitted under the regulation that applies to the sale, lease and granting of immovable rights made under the Act respecting the lands in the domain of the State;

(b) creating and maintaining access roads, stairways or other trails permitted under that regulation; or

(c) clearing the necessary area for the installation, connection, maintenance and repair of power, water, sewer or telecommunication lines, facilities and mains.

When the work referred to in subparagraph *c* of subsection 3 is carried out for or under the responsibility of an enterprise providing any of those services, the work requires the prior authorization of the Minister, other than in the case of the exemptions provided for in sections 3.13 and 3.14.

(4) Despite subsection 1, no authorization need be obtained by a person to carry on a forest management activity to maintain a sugar bush and harvest maple products for domestic purposes

(a) if the activity is carried on by a person who, on the date on which the protection status as a proposed reserve takes effect or in any of the three preceding years, held a sugar bush management permit issued by the Minister of Natural Resources and Wildlife under the Forest Act allowing the person to carry on the activities of a sugar bush operator within the proposed reserve;

(b) if the activity is carried on within a zone for which the permit obtained allowed the carrying on of sugar bush operations on the date on which the protection status as a proposed reserve takes effect or in any of the three preceding years; or

(c) if the activity is carried on by a person in compliance with the conditions set out in the sugar bush management permit issued by the Minister of Natural Resources and Wildlife under the Forest Act.



3.12. No person may, unless the person has been authorized by the Minister and carries on the activity in compliance with the conditions the Minister determines,

(1) carry out soil development work, including any fill, burial, earthwork, removal or displacement of surface materials or vegetation cover, for any purpose including recreational and tourism purposes such as the development of trails;

(2) install or construct a new structure, infrastructure or works;

(3) reconstruct or demolish an existing structure, infrastructure or works;

(4) use a pesticide, although no authorization is required for the use of insect repellent for personal purposes;

(5) carry on an activity that is likely to severely degrade the soil or a geological formation or damage the vegetation cover, such as stripping, the digging of trenches or excavation work;

(6) carry on educational or research-related activities if the activities are likely to significantly damage or disturb the natural environment, in particular by the extent of the moving or removal of natural resources or by the use of explosives.

The conditions of the Minister's authorization for the work may pertain to the location of the authorized activity, the methods used, the areas that may be cleared or deforested, the types of material that may be used including the material taken from the site, and the presence of ancillary works or facilities. The conditions may also include a requirement to ensure periodic follow-up or to report to the Minister, in particular as regards the results obtained from the research to which subparagraph 6 of the first paragraph refers.

Subject to the conditions determined in the authorization, work to repair or maintain trails authorized by the Minister or trails existing on the date on which the protection status as a proposed reserve takes effect may be carried on without an authorization under subparagraph 1 of the first paragraph.

Work to repair or maintain forest roads or roads authorized under the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) carried on in accordance with the Forest Act and its regulations that concern standards of forest management may be carried on without an authorization under subparagraph 1 of the first paragraph.

#### §2.4. Authorization exemptions

3.13. Despite the preceding provisions, no authorization need be obtained by a person to carry on an activity or for any other form of intervention within the proposed reserve if urgent action is required to prevent harm to the health or safety of persons, or to repair or prevent damage caused by a real or apprehended catastrophe. The person concerned must, however, immediately inform the Minister of the activity or intervention that has taken place.

3.14. Despite the preceding provisions, the following activities and interventions involving the production, transmission and distribution of electricity carried out by Hydro-Québec (Société) or by any other person for Hydro-Québec do not require the prior authorization of the Minister under this plan:

(1) any activity or intervention required within the proposed reserve to complete a project which was previously expressly authorized by the Government and the Minister, or only by the latter, in accordance with the requirements of the Environment Quality Act (R.S.Q., c. Q-2), if the activity or intervention is carried out in compliance with the authorizations issued;

(2) any activity or intervention necessary for the preparation and presentation of a pre-project report for a project requiring an authorization under the Environment Quality Act;

(3) any activity or intervention relating to a project requiring the prior authorization of the Minister under the Environment Quality Act, if the activity or intervention is in response to a request for a clarification or for additional information made by the Minister to the Société and it is carried out in accordance with the request;

(4) any activity or intervention by the Société, if the conditions for the carrying out of the activity or intervention have been determined in an agreement between the Minister and the Société and the activity or intervention is carried out in compliance with those conditions.

For the purposes of this section, the activities and interventions of the Société include pre-project studies, analysis work or field research, work required to study and monitor the impact of power transmission and distribution line corridors and rights-of-way, geological or geophysical surveys and survey lines, and the opening and maintenance of roads required for the purpose of access, construction or equipment movement necessary for the carrying on of such work.



### §2.5. General provisions

3.15. Every person who applies to the Minister for an individual authorization or for an authorization for a group or for a number of persons must provide any information or document requested by the Minister for the examination of the application.

3.16. The Minister's authorization, which is general and can be used by more than one person, may be communicated to the persons concerned by any appropriate means including by a posted notice or appropriate signage at the reception centre or any other location within the proposed reserve that is readily accessible to the public. The Minister is to provide a copy to any person requesting a copy.

### §3. Activities governed by other statutes

Certain activities likely to be carried on within the proposed reserve are also governed by 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 reserve.

A special legal framework may govern permitted and prohibited activities within the proposed reserve in connection with the following matters:

— Environmental protection: measures set out in particular in the Environment Quality Act (R.S.Q., c. Q-2);

— Archaeological research: measures set out in particular in the Cultural Property Act (R.S.Q., c. B-4);

— Development of wildlife resources: measures set out in particular in the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), including the provisions pertaining to outfitting operations and beaver reserves and the measures contained in applicable federal legislation, including the fishery regulations;

— Removal of species of fauna or flora that are threatened or vulnerable or are likely to be designated as such: measures prohibiting the removal of the species under the Act respecting threatened or vulnerable species (R.S.Q., c. E-12.01);

— Access and land rights: measures set out in particular in the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1);

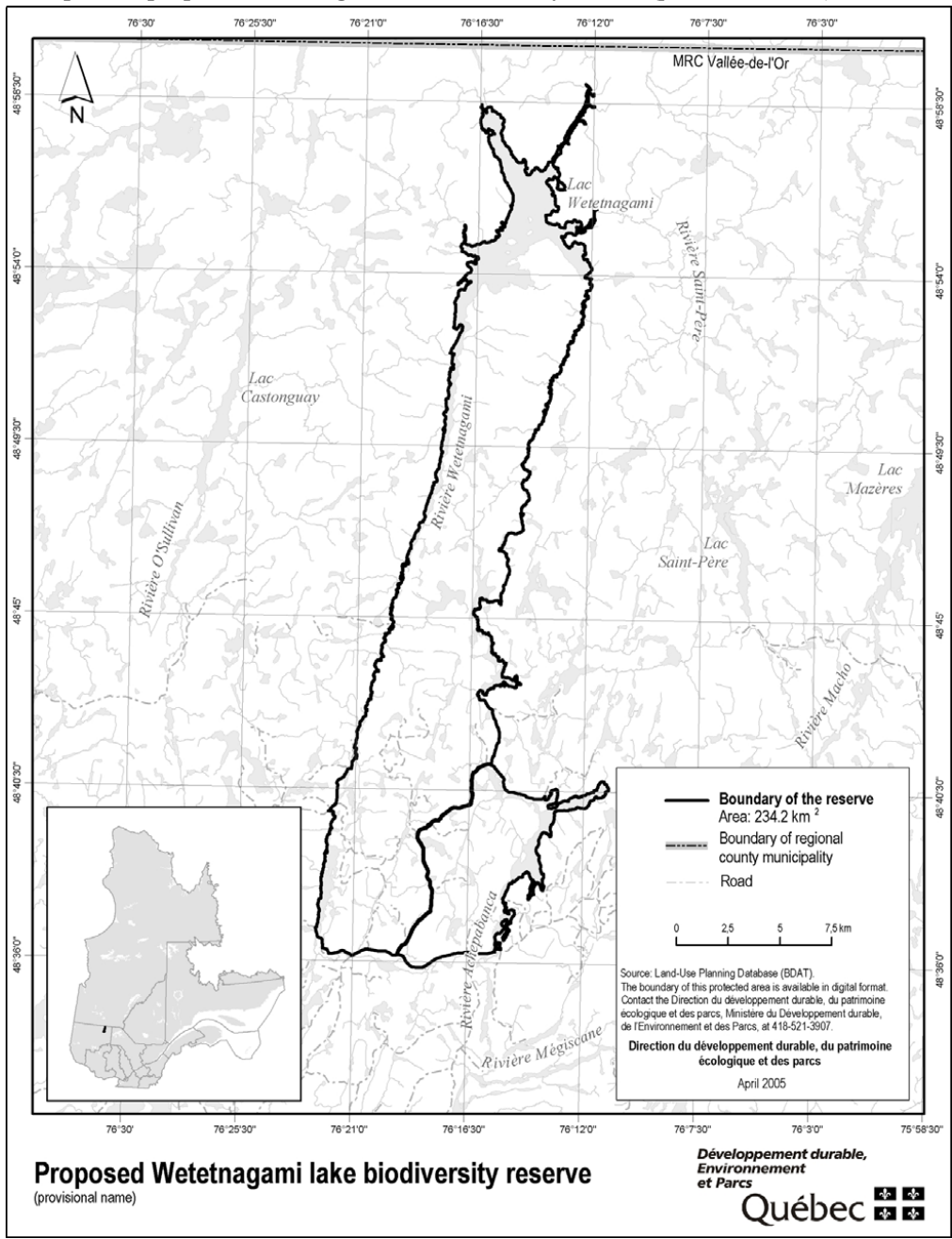
— Operation of vehicles: measures set out in particular in the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) and in the regulation on motor vehicle traffic in certain fragile environments made under the Environment Quality Act (R.S.Q., c. Q-2).

### 4. Responsibilities of the Minister of Sustainable Development, Environment and Parks

The Minister of Sustainable Development, Environment and Parks is responsible for the management of the proposed Wetetnagami biodiversity reserve and is therefore responsible for the supervision and monitoring of the activities that may be carried on within the reserve. The Minister in the management of the reserve works collaboratively with other government representatives having specific responsibilities within the boundaries of the reserve or on adjoining land, such as the Minister of Natural Resources and Wildlife. In the exercise of their powers and functions, the Ministers will take into consideration the protection sought for these natural environments and the protection status that has been granted.

### Schedule

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



**Proposed Wetetnagami lake biodiversity reserve**  
(provisional name)

**Développement durable,  
Environnement  
et Parcs**  
**Québec**

## PROPOSED PLÉTIPI LAKE BIODIVERSITY RESERVE

(provisional name)

### CONSERVATION PLAN

June 2005

#### 1. Protection status and toponym

The legal status of the reserve described below is that of proposed biodiversity reserve under the Natural Heritage Conservation Act (R.S.Q., c. C-61.01).

The proposed reserve is to have the name “Réserve de biodiversité projetée du lac Plétiipi”. The official toponym will be determined at the time of the assignment of permanent protection status to the land.

#### 2. Plan and description

##### 2.1. Location, boundaries and dimensions

The boundaries and location of the proposed Plétiipi lake biodiversity reserve are shown on the plan.

The western portion of the proposed Plétiipi lake biodiversity reserve is located in the Saguenay–Lac-Saint-Jean administrative region and the eastern portion is located in the Côte-Nord region. The proposed biodiversity reserve is situated some 40 km west of the Manicouagan reservoir, between 51°30' and 52°00' north latitude and 69°31' and 70°27' west longitude. The proposed biodiversity reserve covers an area of 1,733.4 km<sup>2</sup> within the unorganized territories of Mont-Valin, Rivière-Mouchalagane and Rivières-aux-Outardes located respectively in the regional county municipalities of Fjord-du-Saguenay, Caniapiscau and Manicouagan.

##### 2.2. Geography

The major part of the proposed biodiversity reserve is in the Central Laurentian natural province. It protects ecosystems characteristic of the Manicouagan reservoir basin natural region. To the north, part of the proposed biodiversity reserve is in the Monts Otish natural region which forms part of the Mistassini River Highlands natural province.

The proposed biodiversity reserve consists of a well-developed drainage system of lakes and rivers. Plétiipi lake (339 km<sup>2</sup>) covers a large portion of the territory. The major part of the proposed biodiversity reserve consists of low hills and mounds of well-drained till. The heterogeneous vegetation is composed mainly of heaths, inter-

persed with black spruce stands, peat bogs and a few jack pine and white birch stands. Several areas have been affected by fire.

Woodland caribou are present in the territory. Plétiipi, Matonipi and Matonipis lakes are home to lake trout, a unique fish species. The reserve also overlaps sectors of allopatric distribution of brook trout.

#### 2.3. Occupation, rights and land uses

Three land rights have been granted in the territory of the proposed biodiversity reserve: one for commercial purposes for establishing an outfitting operation without exclusive rights (Cépal Aventure), one for vacation resort purposes and an authorization for various sustainable infrastructures (hydrometric station). A road not suitable for vehicles links the buildings on the banks of Matonipi and Matonipis lakes. The outfitting operation with exclusive rights, Lac Matonipi inc., is entirely within the proposed biodiversity reserve.

The proposed Plétiipi lake biodiversity reserve lies within the Bersimis beaver reserve and a small portion of the proposed biodiversity reserve adjoins the Roberval beaver reserve. The Innu communities have special rights regarding the hunting and trapping of fur-bearing animals in the beaver reserves. The territory is part of the Nitassinan of Betsiamites and adjoins the proposed Monts Otish Native park appearing in the General Agreement in Principle.

#### 3. Activities within the reserve

##### *§1. Introduction*

The activities carried on within the proposed reserve are governed for the most part by the provisions of the Natural Heritage Conservation Act.

This Division prohibits activities in addition to those prohibited under the Act and provides a framework for the carrying on of certain permitted activities so as to better ensure the protection of the natural environment. Accordingly, certain activities require the prior authorization of the Minister and compliance with the conditions determined by the Minister.

As provided in the Natural Heritage Conservation Act, the main activities prohibited in an area to which status as a proposed biodiversity or aquatic reserve has been assigned 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.

*§2. Prohibitions, prior authorizations and conditions on which certain activities may be carried on in the proposed reserve*

*§2.1. Protection of resources and the natural environment*

3.1. No person may introduce non-native species of flora or fauna into the proposed reserve.

3.2. No person may stock a watercourse or body of water

(1) for aquaculture, sports or commercial fishing or any other commercial purpose;

(2) for any other purpose, if the fish stocked are not from a genetic strain originating from the proposed reserve.

3.3. No person may bury, abandon or dispose of waste, snow or other residual materials other than in waste disposal containers, facilities or sites determined by the Minister or elsewhere, with the authorization of the Minister and in compliance with the conditions the Minister determines.

Despite the first paragraph, no authorization need be obtained by an outfitting operation to use a disposal facility or site in compliance with the Environment Quality Act and its regulations if the outfitting operation was already using the facility or site on the date on which the protection status as a proposed reserve takes effect.

3.4. No person may, unless the person has been authorized by the Minister and carries on the activity in compliance with the conditions the Minister determines,

(1) carry on any activity likely to severely degrade the banks or shores or to otherwise seriously affect the integrity of a watercourse, body of water or other wetland area, in particular by discharging or dumping waste or other pollutant into the watercourse, body of water or wetland area; or

(2) dig, fill, obstruct or divert a watercourse or body of water.

*§2.2. Rules of conduct for users*

3.5. Every person staying, carrying on an activity or travelling about within the proposed reserve is required to maintain the premises in a satisfactory state and before leaving, return the premises to their natural state to the extent possible.

3.6. Every person who makes a campfire must

(1) clear an area around the fire site sufficient to prevent the fire from spreading by removing all branches, scrub, dry leaves and other combustible materials;

(2) see that there is always a person on the premises to attend the fire; and

(3) ensure that the fire is completely extinguished before leaving the premises.

3.7. In the proposed reserve, no person may

(1) cause any excessive noise; or

(2) behave in a manner that unduly disturbs other persons in the reserve or interferes with their enjoyment of the reserve.

3.8. No person may destroy, remove, move or damage any poster, sign, notice or other type of signage posted by the Minister within the proposed reserve.

3.9. No person may enter, carry on an activity in or operate a vehicle in a given sector of the proposed reserve unless the person has been authorized by the Minister and complies with the conditions determined, if the signage erected by the Minister restricts access, traffic or certain activities in order to protect the public from a danger or to avoid placing the fauna, flora or other components of the natural environment at risk.

*§2.3. Activities requiring an authorization*

3.10. No person may, unless the person has been authorized by the Minister and complies with the conditions the Minister determines, stay or reside on or otherwise occupy the same site within the proposed reserve for a period of more than three months in the same year. No authorization need be obtained by a person who,

(1) on the date on which the protection status as a proposed reserve takes effect, was a party to a lease or had already obtained another form of permit or authorization allowing the person to occupy the land under the Act respecting the lands in the domain of the State

(R.S.Q., c. T-8.1) or, if applicable, the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), and whose right to occupy the land is renewed or extended;

(2) in accordance with the applicable provisions of law, has entitlement under a sublease, an assignment of a lease or a transfer of an authorization, as referred to in paragraph 1, and whose right to occupy the land is renewed or extended;

(3) avails himself or herself of the possibility of acquiring the land the person legally occupies on the date on which the protection status as a proposed reserve takes effect, pursuant to the Act respecting the lands in the domain of the State.

3.11. (1) No person may carry on forest management activities to meet domestic needs or for the purpose of maintaining biodiversity, unless the person has been authorized by the Minister and carries on the activities in compliance with the conditions the Minister determines.

The conditions of that authorization may pertain, among other things, to species of trees or shrubs, the size of the stems that may be cut, the quantities authorized and the places where the activities may be carried on.

(2) Despite subsection 1, the authorization of the Minister under this plan need not be obtained by a person staying or residing in the proposed reserve who collects wood to make a campfire.

No such authorization need be obtained by a person to collect wood to meet domestic needs

(a) if the wood is collected within a sector reserved by the Minister of Natural Resources and Wildlife as a sector for which a permit for the harvest of firewood for domestic purposes under the Forest Act (R.S.Q., c. F-4.1) may be issued and which has already been reserved as such by the Minister on the date on which the protection status as a proposed reserve takes effect;

(b) if the wood is collected by a person who, on the date on which the protection status as a proposed reserve takes effect or in any of the three preceding years, held a permit for the harvest of firewood for domestic purposes allowing the person to harvest firewood within the proposed reserve; or

(c) if the wood is collected by a person in accordance with the conditions set out in the permit for the harvest of firewood for domestic purposes issued by the Minister of Natural Resources and Wildlife under the Forest Act.

(3) Despite subsection 1, no authorization need be obtained by a person authorized by lease to occupy land within the proposed reserve, pursuant to this plan, to carry on a forest management activity for the purpose of

(a) clearing permitted harvested areas, maintaining them or creating visual openings, and any other similar removal purposes permitted under the regulation that applies to the sale, lease and granting of immovable rights made under the Act respecting the lands in the domain of the State;

(b) creating and maintaining access roads, stairways or other trails permitted under that regulation; or

(c) clearing the necessary area for the installation, connection, maintenance and repair of power, water, sewer or telecommunication lines, facilities and mains.

When the work referred to in subparagraph *c* of subsection 3 is carried out for or under the responsibility of an enterprise providing any of those services, the work requires the prior authorization of the Minister, other than in the case of the exemptions provided for in sections 3.13 and 3.14.

(4) Despite subsection 1, no authorization need be obtained by a person to carry on a forest management activity to maintain a sugar bush and harvest maple products for domestic purposes

(a) if the activity is carried on by a person who, on the date on which the protection status as a proposed reserve takes effect or in any of the three preceding years, held a sugar bush management permit issued by the Minister of Natural Resources and Wildlife under the Forest Act allowing the person to carry on the activities of a sugar bush operator within the proposed reserve;

(b) if the activity is carried on within a zone for which the permit obtained allowed the carrying on of sugar bush operations on the date on which the protection status as a proposed reserve takes effect or in any of the three preceding years; or

(c) if the activity is carried on by a person in compliance with the conditions set out in the sugar bush management permit issued by the Minister of Natural Resources and Wildlife under the Forest Act.

3.12. No person may, unless the person has been authorized by the Minister and carries on the activity in compliance with the conditions the Minister determines,

(1) carry out soil development work, including any fill, burial, earthwork, removal or displacement of surface materials or vegetation cover, for any purpose including recreational and tourism purposes such as the development of trails;

(2) install or construct a new structure, infrastructure or works;

(3) reconstruct or demolish an existing structure, infrastructure or works;

(4) use a pesticide, although no authorization is required for the use of insect repellent for personal purposes;

(5) carry on an activity that is likely to severely degrade the soil or a geological formation or damage the vegetation cover, such as stripping, the digging of trenches or excavation work;

(6) carry on educational or research-related activities if the activities are likely to significantly damage or disturb the natural environment, in particular by the extent of the moving or removal of natural resources or by the use of explosives.

The conditions of the Minister's authorization for the work may pertain to the location of the authorized activity, the methods used, the areas that may be cleared or deforested, the types of material that may be used including the material taken from the site, and the presence of ancillary works or facilities. The conditions may also include a requirement to ensure periodic follow-up or to report to the Minister, in particular as regards the results obtained from the research to which subparagraph 6 of the first paragraph refers.

Subject to the conditions determined in the authorization, work to repair or maintain trails authorized by the Minister or trails existing on the date on which the protection status as a proposed reserve takes effect may be carried on without an authorization under subparagraph 1 of the first paragraph.

Work to repair or maintain forest roads or roads authorized under the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) carried on in accordance with the Forest Act and its regulations that concern standards of forest management may be carried on without an authorization under subparagraph 1 of the first paragraph.

#### §2.4. Authorization exemptions

3.13. Despite the preceding provisions, no authorization need be obtained by a person to carry on an activity or for any other form of intervention within the proposed reserve if urgent action is required to prevent harm to the health or safety of persons, or to repair or prevent damage caused by a real or apprehended catastrophe. The person concerned must, however, immediately inform the Minister of the activity or intervention that has taken place.

3.14. Despite the preceding provisions, the following activities and interventions involving the production, transmission and distribution of electricity carried out by Hydro-Québec (Société) or by any other person for Hydro-Québec do not require the prior authorization of the Minister under this plan:

(1) any activity or intervention required within the proposed reserve to complete a project which was previously expressly authorized by the Government and the Minister, or only by the latter, in accordance with the requirements of the Environment Quality Act (R.S.Q., c. Q-2), if the activity or intervention is carried out in compliance with the authorizations issued;

(2) any activity or intervention necessary for the preparation and presentation of a pre-project report for a project requiring an authorization under the Environment Quality Act;

(3) any activity or intervention relating to a project requiring the prior authorization of the Minister under the Environment Quality Act, if the activity or intervention is in response to a request for a clarification or for additional information made by the Minister to the Société and it is carried out in accordance with the request;

(4) any activity or intervention by the Société, if the conditions for the carrying out of the activity or intervention have been determined in an agreement between the Minister and the Société and the activity or intervention is carried out in compliance with those conditions.

For the purposes of this section, the activities and interventions of the Société include pre-project studies, analysis work or field research, work required to study and monitor the impact of power transmission and distribution line corridors and rights-of-way, geological or geophysical surveys and survey lines, and the opening and maintenance of roads required for the purpose of access, construction or equipment movement necessary for the carrying on of such work.



### §2.5. General provisions

3.15. Every person who applies to the Minister for an individual authorization or for an authorization for a group or for a number of persons must provide any information or document requested by the Minister for the examination of the application.

3.16. The Minister's authorization, which is general and can be used by more than one person, may be communicated to the persons concerned by any appropriate means including by a posted notice or appropriate signage at the reception centre or any other location within the proposed reserve that is readily accessible to the public. The Minister is to provide a copy to any person requesting a copy.

### §3. Activities governed by other statutes

Certain activities likely to be carried on within the proposed reserve are also governed by 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 reserve.

A special legal framework may govern permitted and prohibited activities within the proposed reserve in connection with the following matters :

— Environmental protection : measures set out in particular in the Environment Quality Act (R.S.Q., c. Q-2);

— Archaeological research : measures set out in particular in the Cultural Property Act (R.S.Q., c. B-4);

— Development of wildlife resources: measures set out in particular in the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), including the provisions pertaining to outfitting operations and beaver reserves and the measures contained in applicable federal legislation, including the fishery regulations;

— Removal of species of fauna or flora that are threatened or vulnerable or are likely to be designated as such: measures prohibiting the removal of the species under the Act respecting threatened or vulnerable species (R.S.Q., c. E-12.01);

— Access and land rights : measures set out in particular in the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1);

— Operation of vehicles : measures set out in particular in the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) and in the regulation on motor vehicle traffic in certain fragile environments made under the Environment Quality Act (R.S.Q., c. Q-2).

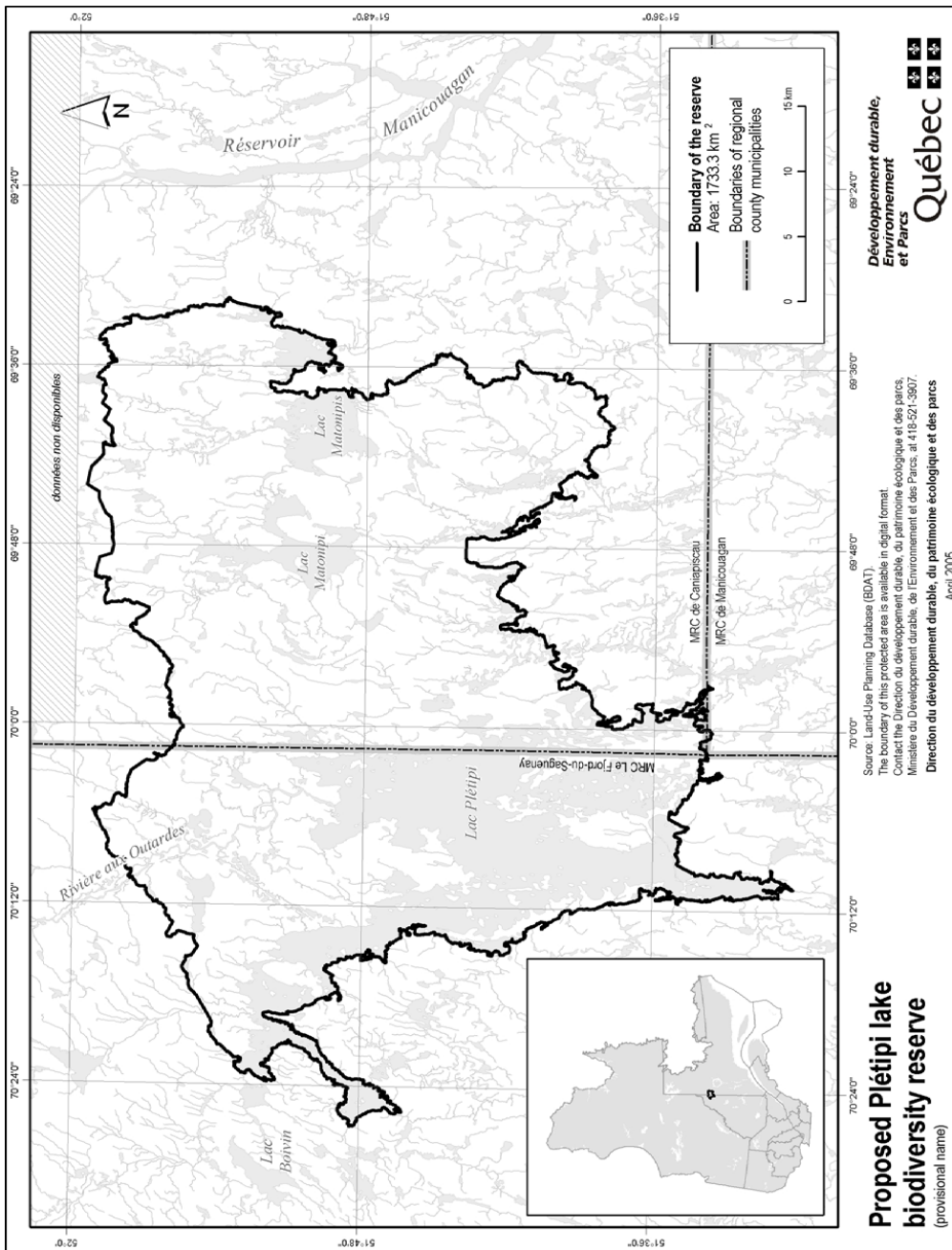
### 4. Responsibilities of the Minister of Sustainable Development, Environment and Parks

The Minister of Sustainable Development, Environment and Parks is responsible for the management of the proposed Plétipi lake biodiversity reserve and is therefore responsible for the supervision and monitoring of the activities that may be carried on within the reserve. The Minister in the management of the reserve works collaboratively with other government representatives having specific responsibilities within the boundaries of the reserve or on adjoining land, such as the Minister of Natural Resources and Wildlife. In the exercise of their powers and functions, the Ministers will take into consideration the protection sought for these natural environments and the protection status that has been granted.



**Schedule**

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



**Proposed Plétiipi lake biodiversity reserve**  
(provisional name)

Source: Land-Use Planning Database (BDAT).  
The boundary of this protected area is available in digital format.  
Contact the Direction du développement durable, du patrimoine écologique et des parcs,  
Ministère du Développement durable, de l'Environnement et des Parcs, at 418-521-3907.  
Direction du développement durable, du patrimoine écologique et des parcs  
April 2005



## PROPOSED ONISTAGANE LAKE BIODIVERSITY RESERVE

(provisional name)

### CONSERVATION PLAN

June 2005

#### 1. Protection status and toponym

The legal status of the reserve described below is that of proposed biodiversity reserve under the Natural Heritage Conservation Act (R.S.Q., c. C-61.01).

The proposed reserve is to have the name “Réserve de biodiversité projetée du lac Onistagane”. The official toponym will be determined at the time of the assignment of permanent protection status to the land.

#### 2. Plan and description

##### 2.1. Location, boundaries and dimensions

The boundaries and location of the proposed Onistagane lake biodiversity reserve are shown on the plan.

The proposed Onistagane lake biodiversity reserve is located in the Saguenay-Lac-Saint-Jean administrative region, between 50°17' and 51°13' north latitude and 71°08' and 71°29' west longitude. It is situated some 45 km north of the Chute-des-Passes hydro-electric dam. It covers an area of 674.5 km<sup>2</sup>. The Péribonka river, Onistagane lake, Manouane lake and Bernard canal that run through the proposed biodiversity reserve are excluded from the protected area because they are influenced by the drawdown of the Chute-des-Passes dam located downstream. The proposed biodiversity reserve lies partially within the unorganized territories of Chute-des-Passes and Mont-Valin which form part of the regional county municipalities of Maria-Chapdelaine and Fjord-du-Saguenay respectively.

##### 2.2. Geography

The proposed Onistagane lake biodiversity reserve is in the Manouane Lake Depression and the Péribonka Lake Hills natural regions in the Central Laurentian natural province. The proposed Onistagane lake biodiversity reserve is characterized to the south by low hills and to the north by a glaciolacustrine plain interspersed with a few scattered mounds. The vegetation cover in the northern portion consists of jack pine stands, peat bogs, dry heaths and black spruce stands, and the southern portion consists mainly of stands affected by fire, black spruce and balsam fir stands.

The territory contains a sensitive area for woodland caribou. Bald eagles are also found in the sector of Onistagane lake, as well as lake trout, a unique fish species.

#### 2.3. Occupation, rights and land uses

Seven land rights have been granted in the territory of the proposed biodiversity reserve: 5 for vacation resort purposes and 2 for rough shelters.

The proposed Onistagane lake biodiversity reserve lies partially within the Roberval beaver reserve in which the Innu community of Mashteuiatsh has special rights regarding the hunting and trapping of fur-bearing animals. Onistagane lake is an east-west historical link for Natives. The proposed biodiversity reserve touches an Onistagane heritage site and the Innu Assi Onistagane.

Several archaeological sites showing the historical presence of Amerindians have been identified on the shore of Onistagane lake. The Onistagane lake and Péribonka river constitute an important historical route for Natives who used those watercourses to reach their winter territory.

The Péribonka river, although excluded from the proposed biodiversity reserve, is a recognized canoe-kayak route.

A road is used for industrial purposes by Alcan in the southern portion and the eastern boundary of the proposed biodiversity reserve. The land is part of the Nitassinan of Mashteuiatsh.

#### 3. Activities within the reserve

##### §1. Introduction

The activities carried on within the proposed reserve are governed for the most part by the provisions of the Natural Heritage Conservation Act.

This Division prohibits activities in addition to those prohibited under the Act and provides a framework for the carrying on of certain permitted activities so as to better ensure the protection of the natural environment. Accordingly, certain activities require the prior authorization of the Minister and compliance with the conditions determined by the Minister.

As provided in the Natural Heritage Conservation Act, the main activities prohibited in an area to which status as a proposed biodiversity or aquatic reserve has been assigned 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.

*§2. Prohibitions, prior authorizations and conditions on which certain activities may be carried on in the proposed reserve*

*§2.1. Protection of resources and the natural environment*

3.1. No person may introduce non-native species of flora or fauna into the proposed reserve.

3.2. No person may stock a watercourse or body of water

(1) for aquaculture, sports or commercial fishing or any other commercial purpose;

(2) for any other purpose, if the fish stocked are not from a genetic strain originating from the proposed reserve.

3.3. No person may bury, abandon or dispose of waste, snow or other residual materials other than in waste disposal containers, facilities or sites determined by the Minister or elsewhere, with the authorization of the Minister and in compliance with the conditions the Minister determines.

Despite the first paragraph, no authorization need be obtained by an outfitting operation to use a disposal facility or site in compliance with the Environment Quality Act and its regulations if the outfitting operation was already using the facility or site on the date on which the protection status as a proposed reserve takes effect.

3.4. No person may, unless the person has been authorized by the Minister and carries on the activity in compliance with the conditions the Minister determines,

(1) carry on any activity likely to severely degrade the banks or shores or to otherwise seriously affect the integrity of a watercourse, body of water or other wetland area, in particular by discharging or dumping waste or other pollutant into the watercourse, body of water or wetland area; or

(2) dig, fill, obstruct or divert a watercourse or body of water.

*§2.2. Rules of conduct for users*

3.5. Every person staying, carrying on an activity or travelling about within the proposed reserve is required to maintain the premises in a satisfactory state and before leaving, return the premises to their natural state to the extent possible.

3.6. Every person who makes a campfire must

(1) clear an area around the fire site sufficient to prevent the fire from spreading by removing all branches, scrub, dry leaves and other combustible materials;

(2) see that there is always a person on the premises to attend the fire; and

(3) ensure that the fire is completely extinguished before leaving the premises.

3.7. In the proposed reserve, no person may

(1) cause any excessive noise; or

(2) behave in a manner that unduly disturbs other persons in the reserve or interferes with their enjoyment of the reserve.

3.8. No person may destroy, remove, move or damage any poster, sign, notice or other type of signage posted by the Minister within the proposed reserve.

3.9. No person may enter, carry on an activity in or operate a vehicle in a given sector of the proposed reserve unless the person has been authorized by the Minister and complies with the conditions determined, if the signage erected by the Minister restricts access, traffic or certain activities in order to protect the public from a danger or to avoid placing the fauna, flora or other components of the natural environment at risk.

*§2.3. Activities requiring an authorization*

3.10. No person may, unless the person has been authorized by the Minister and complies with the conditions the Minister determines, stay or reside on or otherwise occupy the same site within the proposed reserve for a period of more than three months in the same year. No authorization need be obtained by a person who,

(1) on the date on which the protection status as a proposed reserve takes effect, was a party to a lease or had already obtained another form of permit or authorization allowing the person to occupy the land under the Act respecting the lands in the domain of the State

(R.S.Q., c. T-8.1) or, if applicable, the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), and whose right to occupy the land is renewed or extended;

(2) in accordance with the applicable provisions of law, has entitlement under a sublease, an assignment of a lease or a transfer of an authorization, as referred to in paragraph 1, and whose right to occupy the land is renewed or extended;

(3) avails himself or herself of the possibility of acquiring the land the person legally occupies on the date on which the protection status as a proposed reserve takes effect, pursuant to the Act respecting the lands in the domain of the State.

3.11. (1) No person may carry on forest management activities to meet domestic needs or for the purpose of maintaining biodiversity, unless the person has been authorized by the Minister and carries on the activities in compliance with the conditions the Minister determines.

The conditions of that authorization may pertain, among other things, to species of trees or shrubs, the size of the stems that may be cut, the quantities authorized and the places where the activities may be carried on.

(2) Despite subsection 1, the authorization of the Minister under this plan need not be obtained by a person staying or residing in the proposed reserve who collects wood to make a campfire.

No such authorization need be obtained by a person to collect wood to meet domestic needs

(a) if the wood is collected within a sector reserved by the Minister of Natural Resources and Wildlife as a sector for which a permit for the harvest of firewood for domestic purposes under the Forest Act (R.S.Q., c. F-4.1) may be issued and which has already been reserved as such by the Minister on the date on which the protection status as a proposed reserve takes effect;

(b) if the wood is collected by a person who, on the date on which the protection status as a proposed reserve takes effect or in any of the three preceding years, held a permit for the harvest of firewood for domestic purposes allowing the person to harvest firewood within the proposed reserve; or

(c) if the wood is collected by a person in accordance with the conditions set out in the permit for the harvest of firewood for domestic purposes issued by the Minister of Natural Resources and Wildlife under the Forest Act.

(3) Despite subsection 1, no authorization need be obtained by a person authorized by lease to occupy land within the proposed reserve, pursuant to this plan, to carry on a forest management activity for the purpose of

(a) clearing permitted harvested areas, maintaining them or creating visual openings, and any other similar removal purposes permitted under the regulation that applies to the sale, lease and granting of immovable rights made under the Act respecting the lands in the domain of the State;

(b) creating and maintaining access roads, stairways or other trails permitted under that regulation; or

(c) clearing the necessary area for the installation, connection, maintenance and repair of power, water, sewer or telecommunication lines, facilities and mains.

When the work referred to in subparagraph *c* of subsection 3 is carried out for or under the responsibility of an enterprise providing any of those services, the work requires the prior authorization of the Minister, other than in the case of the exemptions provided for in sections 3.13 and 3.14.

(4) Despite subsection 1, no authorization need be obtained by a person to carry on a forest management activity to maintain a sugar bush and harvest maple products for domestic purposes

(a) if the activity is carried on by a person who, on the date on which the protection status as a proposed reserve takes effect or in any of the three preceding years, held a sugar bush management permit issued by the Minister of Natural Resources and Wildlife under the Forest Act allowing the person to carry on the activities of a sugar bush operator within the proposed reserve;

(b) if the activity is carried on within a zone for which the permit obtained allowed the carrying on of sugar bush operations on the date on which the protection status as a proposed reserve takes effect or in any of the three preceding years; or

(c) if the activity is carried on by a person in compliance with the conditions set out in the sugar bush management permit issued by the Minister of Natural Resources and Wildlife under the Forest Act.

3.12. No person may, unless the person has been authorized by the Minister and carries on the activity in compliance with the conditions the Minister determines,

(1) carry out soil development work, including any fill, burial, earthwork, removal or displacement of surface materials or vegetation cover, for any purpose including recreational and tourism purposes such as the development of trails;

(2) install or construct a new structure, infrastructure or works;

(3) reconstruct or demolish an existing structure, infrastructure or works;

(4) use a pesticide, although no authorization is required for the use of insect repellent for personal purposes;

(5) carry on an activity that is likely to severely degrade the soil or a geological formation or damage the vegetation cover, such as stripping, the digging of trenches or excavation work; or

(6) carry on educational or research-related activities if the activities are likely to significantly damage or disturb the natural environment, in particular by the extent of the moving or removal of natural resources or by the use of explosives.

The conditions of the Minister's authorization for the work may pertain to the location of the authorized activity, the methods used, the areas that may be cleared or deforested, the types of material that may be used including the material taken from the site, and the presence of ancillary works or facilities. The conditions may also include a requirement to ensure periodic follow-up or to report to the Minister, in particular as regards the results obtained from the research to which subparagraph 6 of the first paragraph refers.

Subject to the conditions determined in the authorization, work to repair or maintain trails authorized by the Minister or trails existing on the date on which the protection status as a proposed reserve takes effect may be carried on without an authorization under subparagraph 1 of the first paragraph.

Work to repair or maintain forest roads or roads authorized under the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) carried on in accordance with the Forest Act and its regulations that concern standards of forest management may be carried on without an authorization under subparagraph 1 of the first paragraph.

#### §2.4. Authorization exemptions

3.13. Despite the preceding provisions, no authorization need be obtained by a person to carry on an activity or for any other form of intervention within the proposed reserve if urgent action is required to prevent harm to the health or safety of persons, or to repair or prevent damage caused by a real or apprehended catastrophe. The person concerned must, however, immediately inform the Minister of the activity or intervention that has taken place.

3.14. Despite the preceding provisions, the following activities and interventions involving the production, transmission and distribution of electricity carried out by Hydro-Québec (Société) or by any other person for Hydro-Québec do not require the prior authorization of the Minister under this plan:

(1) any activity or intervention required within the proposed reserve to complete a project which was previously expressly authorized by the Government and the Minister, or only by the latter, in accordance with the requirements of the Environment Quality Act (R.S.Q., c. Q-2), if the activity or intervention is carried out in compliance with the authorizations issued;

(2) any activity or intervention necessary for the preparation and presentation of a pre-project report for a project requiring an authorization under the Environment Quality Act;

(3) any activity or intervention relating to a project requiring the prior authorization of the Minister under the Environment Quality Act, if the activity or intervention is in response to a request for a clarification or for additional information made by the Minister to the Société and it is carried out in accordance with the request;

(4) any activity or intervention by the Société, if the conditions for the carrying out of the activity or intervention have been determined in an agreement between the Minister and the Société and the activity or intervention is carried out in compliance with those conditions.

For the purposes of this section, the activities and interventions of the Société include pre-project studies, analysis work or field research, work required to study and monitor the impact of power transmission and distribution line corridors and rights-of-way, geological or geophysical surveys and survey lines, and the opening and maintenance of roads required for the purpose of access, construction or equipment movement necessary for the carrying on of such work.



### §2.5. General provisions

3.15. Every person who applies to the Minister for an individual authorization or for an authorization for a group or for a number of persons must provide any information or document requested by the Minister for the examination of the application.

3.16. The Minister's authorization, which is general and can be used by more than one person, may be communicated to the persons concerned by any appropriate means including by a posted notice or appropriate signage at the reception centre or any other location within the proposed reserve that is readily accessible to the public. The Minister is to provide a copy to any person requesting a copy.

### §3. Activities governed by other statutes

Certain activities likely to be carried on within the proposed reserve are also governed by 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 reserve.

A special legal framework may govern permitted and prohibited activities within the proposed reserve in connection with the following matters:

— Environmental protection: measures set out in particular in the Environment Quality Act (R.S.Q., c. Q-2);

— Archaeological research: measures set out in particular in the Cultural Property Act (R.S.Q., c. B-4);

— Development of wildlife resources: measures set out in particular in the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), including the provisions pertaining to outfitting operations and beaver reserves and the measures contained in applicable federal legislation, including the fishery regulations;

— Removal of species of fauna or flora that are threatened or vulnerable or are likely to be designated as such: measures prohibiting the removal of the species under the Act respecting threatened or vulnerable species (R.S.Q., c. E-12.01);

— Access and land rights: measures set out in particular in the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1);

— Operation of vehicles: measures set out in particular in the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) and in the regulation on motor vehicle traffic in certain fragile environments made under the Environment Quality Act (R.S.Q., c. Q-2).

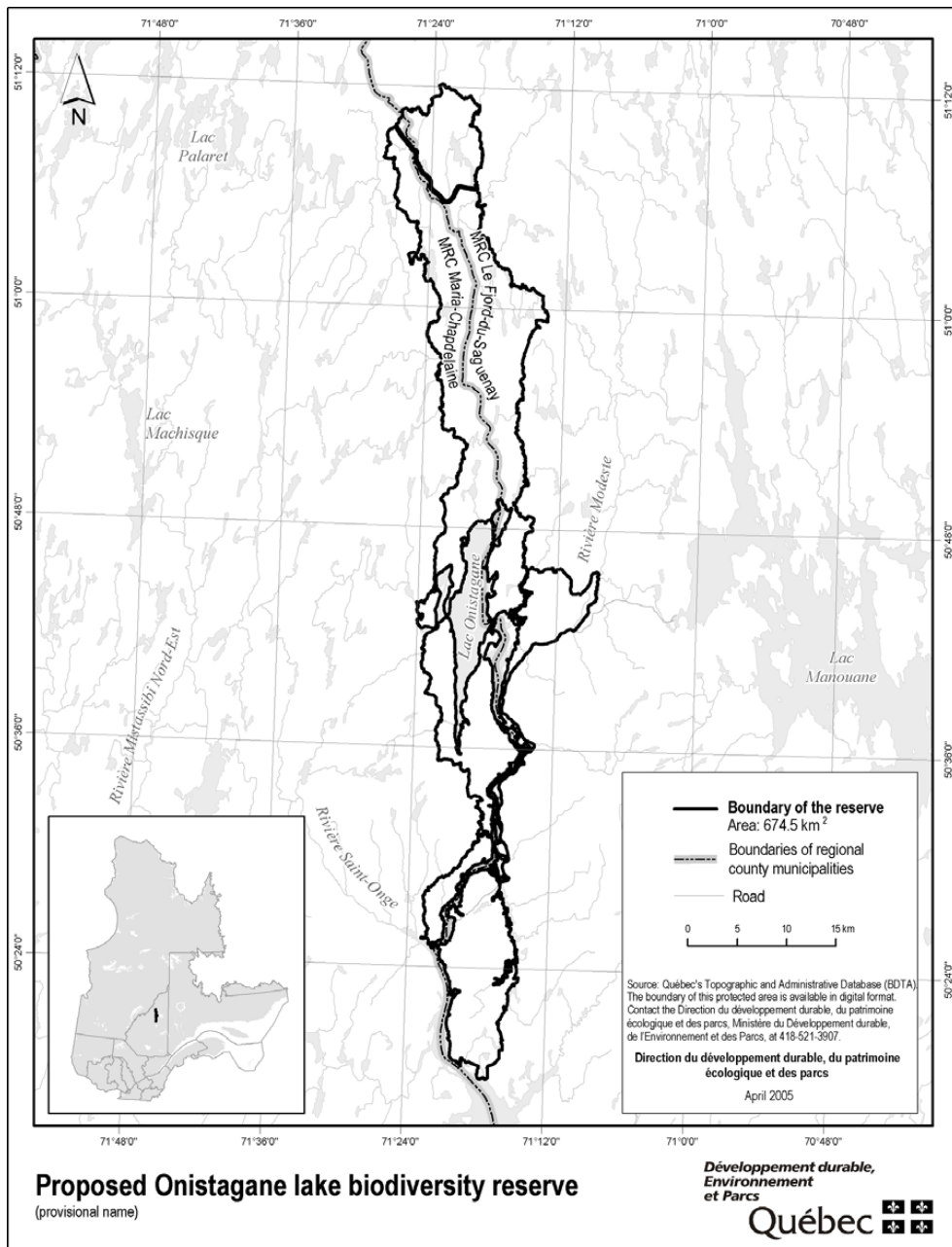
### 4. Responsibilities of the Minister of Sustainable Development, Environment and Parks

The Minister of Sustainable Development, Environment and Parks is responsible for the management of the proposed Onistagane lake biodiversity reserve and is therefore responsible for the supervision and monitoring of the activities that may be carried on within the reserve. The Minister in the management of the reserve works collaboratively with other government representatives having specific responsibilities within the boundaries of the reserve or on adjoining land, such as the Minister of Natural Resources and Wildlife. In the exercise of their powers and functions, the Ministers will take into consideration the protection sought for these natural environments and the protection status that has been granted.



### Schedule

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



PROPOSED BERTÉ LAKE BIODIVERSITY  
RESERVE  
(provisional name)

CONSERVATION PLAN

June 2005

1. Protection status and toponym

The legal status of the reserve described below is proposed biodiversity reserve under the Natural Heritage Conservation Act (R.S.Q., c. C-61.01).

The proposed reserve is to have the name “Réserve de biodiversité projetée du lac Berté”. The official toponym will be determined at the time of the assignment of permanent protection status to the land.

2. Plan and description

2.1. Location, boundaries and dimensions

The boundaries and location of the proposed Berté lake biodiversity reserve are shown on the plan.

The proposed Berté lake biodiversity reserve is located in the Côte-Nord administrative region, between 50°41' and 50°58' north latitude and 68°11' and 68°36' west longitude. It is situated some 15 km northeast of the Daniel-Johnson dam. The proposed biodiversity reserve covers an area of 482.4 km<sup>2</sup> in the unorganized territory of Rivière-aux-Outardes in Municipalité régionale de comté de Manicouagan.

2.2. Geography

The proposed Berté lake biodiversity reserve is in the Manicouagan Plateau natural region in the Central Laurentian natural province. It is formed mainly of hills covered with till. The altitude varies from 320 to 900 m. Berté lake which covers more than 67 km<sup>2</sup> is an important headwater lake. The vegetation consists mainly of old-growth black spruce stands, mixed with balsam fir stands. The proposed biodiversity reserve is dotted with heaths and peat bogs. The territory includes an area of interest for woodland caribou. Berté lake is home to only one species of fish, brook trout.

2.3. Occupation, rights and land uses

Four land rights have been granted in the territory of the proposed biodiversity reserve: 2 for vacation resort purposes and 2 for rough shelters. An outfitting opera-

tion with exclusive rights (Pourvoirie Manicouagan inc.) is also found within the limits of the proposed biodiversity reserve.

The proposed Berté lake biodiversity reserve lies within the Bersimis beaver reserve, in which the Innu communities have special rights regarding the hunting and trapping of fur-bearing animals.

3. Activities within the reserve

§1. Introduction

The activities carried on within the proposed reserve are governed for the most part by the provisions of the Natural Heritage Conservation Act.

This Division prohibits activities in addition to those prohibited under the Act and provides a framework for the carrying on of certain permitted activities so as to better ensure the protection of the natural environment. Accordingly, certain activities require the prior authorization of the Minister and compliance with the conditions determined by the Minister.

As provided in the Natural Heritage Conservation Act, the main activities prohibited in an area to which status as a proposed biodiversity or aquatic reserve has been assigned 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.

§2. Prohibitions, prior authorizations and conditions on which certain activities may be carried on in the proposed reserve

§2.1. Protection of resources and the natural environment

- 3.1. No person may introduce non-native species of flora or fauna into the proposed reserve.
- 3.2. No person may stock a watercourse or body of water
  - (1) for aquaculture, sports or commercial fishing or any other commercial purpose;

(2) for any other purpose, if the fish stocked are not from a genetic strain originating from the proposed reserve.

3.3. No person may bury, abandon or dispose of waste, snow or other residual materials other than in waste disposal containers, facilities or sites determined by the Minister or elsewhere, with the authorization of the Minister and in compliance with the conditions the Minister determines.

Despite the first paragraph, no authorization need be obtained by an outfitting operation to use a disposal facility or site in compliance with the Environment Quality Act and its regulations if the outfitting operation was already using the facility or site on the date on which the protection status as a proposed reserve takes effect.

3.4. No person may, unless the person has been authorized by the Minister and carries on the activity in compliance with the conditions the Minister determines,

(1) carry on any activity likely to severely degrade the banks or shores or to otherwise seriously affect the integrity of a watercourse, body of water or other wetland area, in particular by discharging or dumping waste or other pollutant into the watercourse, body of water or wetland area; or

(2) dig, fill, obstruct or divert a watercourse or body of water.

### §2.2. *Rules of conduct for users*

3.5. Every person staying, carrying on an activity or travelling about within the proposed reserve is required to maintain the premises in a satisfactory state and before leaving, return the premises to their natural state to the extent possible.

3.6. Every person who makes a campfire must

(1) clear an area around the fire site sufficient to prevent the fire from spreading by removing all branches, scrub, dry leaves and other combustible materials;

(2) see that there is always a person on the premises to attend the fire; and

(3) ensure that the fire is completely extinguished before leaving the premises.

3.7. In the proposed reserve, no person may

(1) cause any excessive noise; or

(2) behave in a manner that unduly disturbs other persons in the reserve or interferes with their enjoyment of the reserve.

3.8. No person may destroy, remove, move or damage any poster, sign, notice or other type of signage posted by the Minister within the proposed reserve.

3.9. No person may enter, carry on an activity in or operate a vehicle in a given sector of the proposed reserve unless the person has been authorized by the Minister and complies with the conditions determined, if the signage erected by the Minister restricts access, traffic or certain activities in order to protect the public from a danger or to avoid placing the fauna, flora or other components of the natural environment at risk.

### §2.3. *Activities requiring an authorization*

3.10. No person may, unless the person has been authorized by the Minister and complies with the conditions the Minister determines, stay or reside on or otherwise occupy the same site within the proposed reserve for a period of more than three months in the same year. No authorization need be obtained by a person who,

(1) on the date on which the protection status as a proposed reserve takes effect, was a party to a lease or had already obtained another form of permit or authorization allowing the person to occupy the land under the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) or, if applicable, the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), and whose right to occupy the land is renewed or extended;

(2) in accordance with the applicable provisions of law, has entitlement under a sublease, an assignment of a lease or a transfer of an authorization, as referred to in paragraph 1, and whose right to occupy the land is renewed or extended;

(3) avails himself or herself of the possibility of acquiring the land the person legally occupies on the date on which the protection status as a proposed reserve takes effect, pursuant to the Act respecting the lands in the domain of the State.

3.11. (1) No person may carry on forest management activities to meet domestic needs or for the purpose of maintaining biodiversity, unless the person has been authorized by the Minister and carries on the activities in compliance with the conditions the Minister determines.

The conditions of that authorization may pertain, among other things, to species of trees or shrubs, the size of the stems that may be cut, the quantities authorized and the places where the activities may be carried on.

(2) Despite subsection 1, the authorization of the Minister under this plan need not be obtained by a person staying or residing in the proposed reserve who collects wood to make a campfire.

No such authorization need be obtained by a person to collect wood to meet domestic needs

(a) if the wood is collected within a sector reserved by the Minister of Natural Resources and Wildlife as a sector for which a permit for the harvest of firewood for domestic purposes under the Forest Act (R.S.Q., c. F-4.1) may be issued and which has already been reserved as such by the Minister on the date on which the protection status as a proposed reserve takes effect;

(b) if the wood is collected by a person who, on the date on which the protection status as a proposed reserve takes effect or in any of the three preceding years, held a permit for the harvest of firewood for domestic purposes allowing the person to harvest firewood within the proposed reserve; or

(c) if the wood is collected by a person in accordance with the conditions set out in the permit for the harvest of firewood for domestic purposes issued by the Minister of Natural Resources and Wildlife under the Forest Act.

(3) Despite subsection 1, no authorization need be obtained by a person authorized by lease to occupy land within the proposed reserve, pursuant to this plan, to carry on a forest management activity for the purpose of

(a) clearing permitted harvested areas, maintaining them or creating visual openings, and any other similar removal purposes permitted under the regulation that applies to the sale, lease and granting of immovable rights made under the Act respecting the lands in the domain of the State;

(b) creating and maintaining access roads, stairways or other trails permitted under that regulation; or

(c) clearing the necessary area for the installation, connection, maintenance and repair of power, water, sewer or telecommunication lines, facilities and mains.

When the work referred to in subparagraph *c* of subsection 3 is carried out for or under the responsibility of an enterprise providing any of those services, the work requires the prior authorization of the Minister, other than in the case of the exemptions provided for in sections 3.13 and 3.14.

(4) Despite subsection 1, no authorization need be obtained by a person to carry on a forest management activity to maintain a sugar bush and harvest maple products for domestic purposes

(a) if the activity is carried on by a person who, on the date on which the protection status as a proposed reserve takes effect or in any of the three preceding years, held a sugar bush management permit issued by the Minister of Natural Resources and Wildlife under the Forest Act allowing the person to carry on the activities of a sugar bush operator within the proposed reserve;

(b) if the activity is carried on within a zone for which the permit obtained allowed the carrying on of sugar bush operations on the date on which the protection status as a proposed reserve takes effect or in any of the three preceding years; or

(c) if the activity is carried on by a person in compliance with the conditions set out in the sugar bush management permit issued by the Minister of Natural Resources and Wildlife under the Forest Act.

3.12. No person may, unless the person has been authorized by the Minister and carries on the activity in compliance with the conditions the Minister determines,

(1) carry out soil development work, including any fill, burial, earthwork, removal or displacement of surface materials or vegetation cover, for any purpose including recreational and tourism purposes such as the development of trails;

(2) install or construct a new structure, infrastructure or works;

(3) reconstruct or demolish an existing structure, infrastructure or works;

(4) use a pesticide, although no authorization is required for the use of insect repellent for personal purposes;

(5) carry on an activity that is likely to severely degrade the soil or a geological formation or damage the vegetation cover, such as stripping, the digging of trenches or excavation work; or

(6) carry on educational or research-related activities if the activities are likely to significantly damage or disturb the natural environment, in particular by the extent of the moving or removal of natural resources or by the use of explosives.

The conditions of the Minister's authorization for the work may pertain to the location of the authorized activity, the methods used, the areas that may be cleared or deforested, the types of material that may be used including the material taken from the site, and the presence of ancillary works or facilities. The conditions may also include a requirement to ensure periodic follow-up or to report to the Minister, in particular as regards the results obtained from the research to which subparagraph 6 of the first paragraph refers.

Subject to the conditions determined in the authorization, work to repair or maintain trails authorized by the Minister or trails existing on the date on which the protection status as a proposed reserve takes effect may be carried on without an authorization under subparagraph 1 of the first paragraph.

Work to repair or maintain forest roads or roads authorized under the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) carried on in accordance with the Forest Act and its regulations that concern standards of forest management may be carried on without an authorization under subparagraph 1 of the first paragraph.

#### §2.4. Authorization exemptions

3.13. Despite the preceding provisions, no authorization need be obtained by a person to carry on an activity or for any other form of intervention within the proposed reserve if urgent action is required to prevent harm to the health or safety of persons, or to repair or prevent damage caused by a real or apprehended catastrophe. The person concerned must, however, immediately inform the Minister of the activity or intervention that has taken place.

3.14. Despite the preceding provisions, the following activities and interventions involving the production, transmission and distribution of electricity carried out by Hydro-Québec (Société) or by any other person for Hydro-Québec do not require the prior authorization of the Minister under this plan:

(1) any activity or intervention required within the proposed reserve to complete a project which was previously expressly authorized by the Government and the Minister, or only by the latter, in accordance with the

requirements of the Environment Quality Act (R.S.Q., c. Q-2), if the activity or intervention is carried out in compliance with the authorizations issued;

(2) any activity or intervention necessary for the preparation and presentation of a pre-project report for a project requiring an authorization under the Environment Quality Act;

(3) any activity or intervention relating to a project requiring the prior authorization of the Minister under the Environment Quality Act, if the activity or intervention is in response to a request for a clarification or for additional information made by the Minister to the Société and it is carried out in accordance with the request;

(4) any activity or intervention by the Société, if the conditions for the carrying out of the activity or intervention have been determined in an agreement between the Minister and the Société and the activity or intervention is carried out in compliance with those conditions.

For the purposes of this section, the activities and interventions of the Société include pre-project studies, analysis work or field research, work required to study and monitor the impact of power transmission and distribution line corridors and rights-of-way, geological or geophysical surveys and survey lines, and the opening and maintenance of roads required for the purpose of access, construction or equipment movement necessary for the carrying on of such work.

#### §2.5. General provisions

3.15. Every person who applies to the Minister for an individual authorization or for an authorization for a group or for a number of persons must provide any information or document requested by the Minister for the examination of the application.

3.16. The Minister's authorization, which is general and can be used by more than one person, may be communicated to the persons concerned by any appropriate means including by a posted notice or appropriate signage at the reception centre or any other location within the proposed reserve that is readily accessible to the public. The Minister is to provide a copy to any person requesting a copy.

#### §3. Activities governed by other statutes

Certain activities likely to be carried on within the proposed reserve are also governed by 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 reserve.

A special legal framework may govern permitted and prohibited activities within the proposed reserve in connection with the following matters :

— Environmental protection : measures set out in particular in the Environment Quality Act (R.S.Q., c. Q-2) ;

— Archaeological research : measures set out in particular in the Cultural Property Act (R.S.Q., c. B-4) ;

— Development of wildlife resources : measures set out in particular in the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), including the provisions pertaining to outfitting operations and beaver reserves and the measures contained in applicable federal legislation, including the fishery regulations ;

— Removal of species of fauna or flora that are threatened or vulnerable or are likely to be designated as such : measures prohibiting the removal of the species under the Act respecting threatened or vulnerable species (R.S.Q., c. E-12.01) ;

— Access and land rights : measures set out in particular in the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) ;

— Operation of vehicles : measures set out in particular in the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) and in the regulation on motor vehicle traffic in certain fragile environments made under the Environment Quality Act (R.S.Q., c. Q-2).

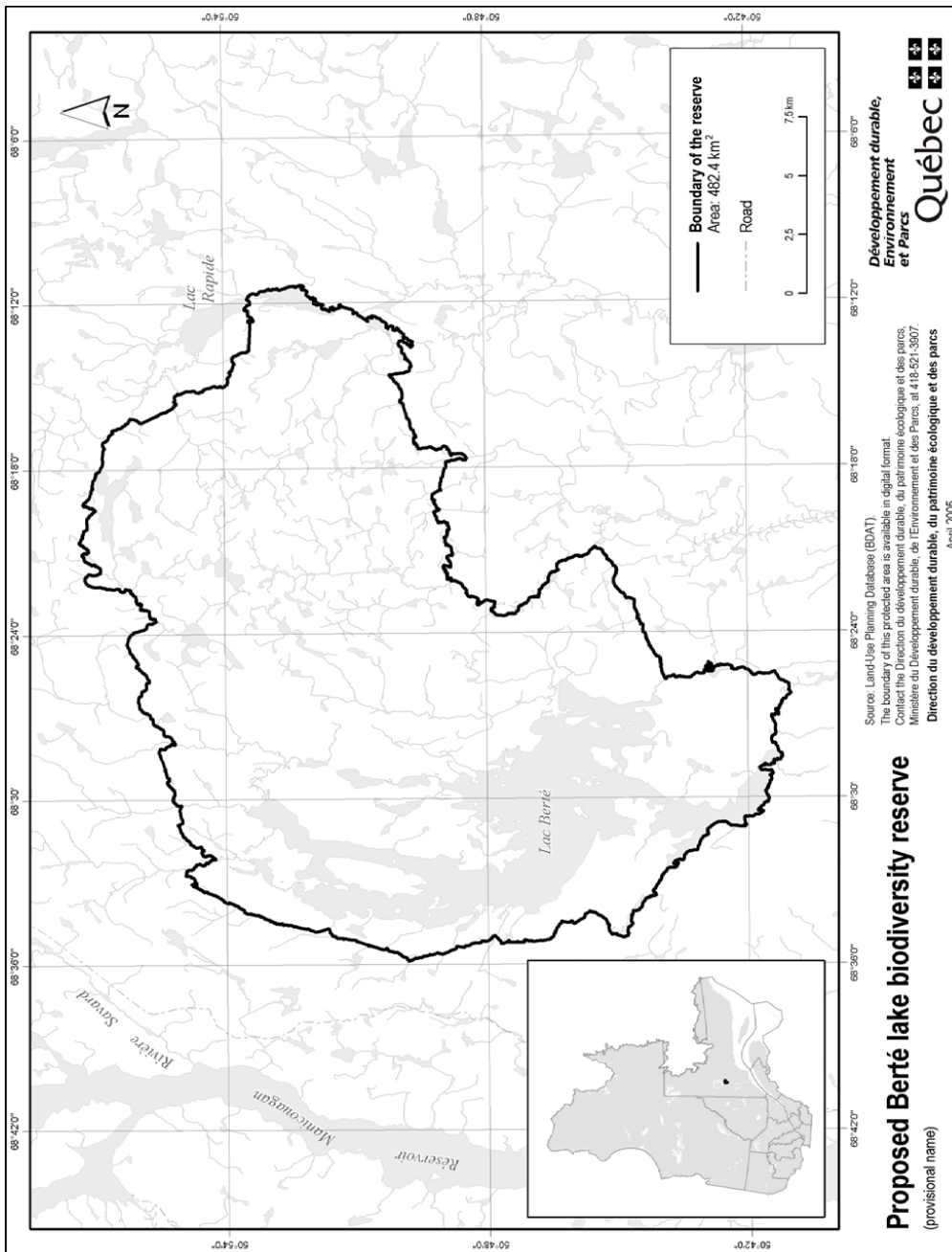
#### 4. Responsibilities of the Minister of Sustainable Development, Environment and Parks

The Minister of Sustainable Development, Environment and Parks is responsible for the management of the proposed Berté lake biodiversity reserve and is therefore responsible for the supervision and monitoring of the activities that may be carried on within the reserve. The Minister in the management of the reserve works collaboratively with other government representatives having specific responsibilities within the boundaries of the reserve or on adjoining land, such as the Minister of Natural Resources and Wildlife. In the exercise of their powers and functions, the Ministers will take into consideration the protection sought for these natural environments and the protection status that has been granted.



**Schedule**

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



**Développement durable,  
Environnement  
et Parcs**



Source: Land-Use Planning Database (BDAT).  
The boundary of this protected area is available in digital format.  
Contact the Direction du développement durable, du patrimoine écologique et des parcs,  
Ministère du Développement durable, de l'Environnement et des Parcs, at 418-521-3907  
**Direction du développement durable, du patrimoine écologique et des parcs**  
April 2005

## PROPOSED PAUL-PROVENCHER BIODIVERSITY RESERVE

(provisional name)

### CONSERVATION PLAN

June 2005

#### 1. Protection status and toponym

The legal status of the reserve described below is that of proposed biodiversity reserve under the Natural Heritage Conservation Act (R.S.Q., c. C-61.01).

The proposed reserve is to have the name “Réserve de biodiversité projetée Paul-Provencher”. The official toponym will be determined at the time of the assignment of permanent protection status to the land.

#### 2. Plan and description

##### 2.1. Location, boundaries and dimensions

The boundaries and location of the proposed Paul-Provencher biodiversity reserve are shown on the plan.

The proposed Paul-Provencher biodiversity reserve is located in the Côte-Nord administrative region, between 49°59' and 50°16' north latitude and 68°05' and 68°23' west longitude. It is situated some 100 km north of Baie-Comeau. The proposed biodiversity reserve covers an area of 112.8 km<sup>2</sup> in the unorganized territory of Rivière-aux-Outardes in Municipalité régionale de comté de Manicouagan.

The proposed biodiversity reserve is divided into two sectors by the proposed Paul-Provencher ecological reserve. The western boundary of the northern sector and the western boundary of the Fléché lake sector are determined essentially by the boundary of the right-of-way of an unpaved road.

##### 2.2. Geography

The proposed Paul-Provencher biodiversity reserve is in the Manicouagan Plateau natural region in the Central Laurentian natural province. It protects a landscape characteristic of hills of till and rock covered by old-growth forests of black spruce and balsam fir. The northern sector of the protected area has been identified by the Ministère des Ressources naturelles et de la Faune as an exceptional forest ecosystem project for its old-growth black spruce stands.

The proposed biodiversity reserve coincides with a protection barrier for woodland caribou habitats. The Barrow's goldeneye has reportedly been observed in that sector. Fléché lake, southeast of the proposed biodiversity reserve, is home to lake trout, a unique fish species.

#### 2.3. Occupation, rights and land uses

Seven land rights have been granted in the territory of the proposed biodiversity reserve: 1 for vacation resort purposes and 6 for rough shelters.

The proposed Paul-Provencher biodiversity reserve lies within the Bersimis beaver reserve, in which the Innu communities have special rights regarding the hunting and trapping of fur-bearing animals. It includes a portion of an Innu heritage site (river).

A major forest road runs through a portion of that land.

#### 3. Activities within the reserve

##### §1. Introduction

The activities carried on within the proposed reserve are governed for the most part by the provisions of the Natural Heritage Conservation Act.

This Division prohibits activities in addition to those prohibited under the Act and provides a framework for the carrying on of certain permitted activities so as to better ensure the protection of the natural environment. Accordingly, certain activities require the prior authorization of the Minister and compliance with the conditions determined by the Minister.

As provided in the Natural Heritage Conservation Act, the main activities prohibited in an area to which status as a proposed biodiversity or aquatic reserve has been assigned 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.

*§2. Prohibitions, prior authorizations and conditions on which certain activities may be carried on in the proposed reserve*

*§2.1. Protection of resources and the natural environment*

3.1. No person may introduce non-native species of flora or fauna into the proposed reserve.

3.2. No person may stock a watercourse or body of water

(1) for aquaculture, sports or commercial fishing or any other commercial purpose;

(2) for any other purpose, if the fish stocked are not from a genetic strain originating from the proposed reserve.

3.3. No person may bury, abandon or dispose of waste, snow or other residual materials other than in waste disposal containers, facilities or sites determined by the Minister or elsewhere, with the authorization of the Minister and in compliance with the conditions the Minister determines.

Despite the first paragraph, no authorization need be obtained by an outfitting operation to use a disposal facility or site in compliance with the Environment Quality Act and its regulations if the outfitting operation was already using the facility or site on the date on which the protection status as a proposed reserve takes effect.

3.4. No person may, unless the person has been authorized by the Minister and carries on the activity in compliance with the conditions the Minister determines,

(1) carry on any activity likely to severely degrade the banks or shores or to otherwise seriously affect the integrity of a watercourse, body of water or other wetland area, in particular by discharging or dumping waste or other pollutant into the watercourse, body of water or wetland area; or

(2) dig, fill, obstruct or divert a watercourse or body of water.

*§2.2. Rules of conduct for users*

3.5. Every person staying, carrying on an activity or travelling about within the proposed reserve is required to maintain the premises in a satisfactory state and before leaving, return the premises to their natural state to the extent possible.

3.6. Every person who makes a campfire must

(1) clear an area around the fire site sufficient to prevent the fire from spreading by removing all branches, scrub, dry leaves and other combustible materials;

(2) see that there is always a person on the premises to attend the fire; and

(3) ensure that the fire is completely extinguished before leaving the premises.

3.7. In the proposed reserve, no person may

(1) cause any excessive noise; or

(2) behave in a manner that unduly disturbs other persons in the reserve or interferes with their enjoyment of the reserve.

3.8. No person may destroy, remove, move or damage any poster, sign, notice or other type of signage posted by the Minister within the proposed reserve.

3.9. No person may enter, carry on an activity in or operate a vehicle in a given sector of the proposed reserve unless the person has been authorized by the Minister and complies with the conditions determined, if the signage erected by the Minister restricts access, traffic or certain activities in order to protect the public from a danger or to avoid placing the fauna, flora or other components of the natural environment at risk.

*§2.3. Activities requiring an authorization*

3.10. No person may, unless the person has been authorized by the Minister and complies with the conditions the Minister determines, stay or reside on or otherwise occupy the same site within the proposed reserve for a period of more than three months in the same year. No authorization need be obtained by a person who,

(1) on the date on which the protection status as a proposed reserve takes effect, was a party to a lease or had already obtained another form of permit or authorization allowing the person to occupy the land under the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) or, if applicable, the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), and whose right to occupy the land is renewed or extended;

(2) in accordance with the applicable provisions of law, has entitlement under a sublease, an assignment of a lease or a transfer of an authorization, as referred to in paragraph 1, and whose right to occupy the land is renewed or extended;

(3) avails himself or herself of the possibility of acquiring the land the person legally occupies on the date on which the protection status as a proposed reserve takes effect, pursuant to the Act respecting the lands in the domain of the State.

3.11. (1) No person may carry on forest management activities to meet domestic needs or for the purpose of maintaining biodiversity, unless the person has been authorized by the Minister and carries on the activities in compliance with the conditions the Minister determines.

The conditions of that authorization may pertain, among other things, to species of trees or shrubs, the size of the stems that may be cut, the quantities authorized and the places where the activities may be carried on.

(2) Despite subsection 1, the authorization of the Minister under this plan need not be obtained by a person staying or residing in the proposed reserve who collects wood to make a campfire.

No such authorization need be obtained by a person to collect wood to meet domestic needs

(a) if the wood is collected within a sector reserved by the Minister of Natural Resources and Wildlife as a sector for which a permit for the harvest of firewood for domestic purposes under the Forest Act (R.S.Q., c. F-4.1) may be issued and which has already been reserved as such by the Minister on the date on which the protection status as a proposed reserve takes effect;

(b) if the wood is collected by a person who, on the date on which the protection status as a proposed reserve takes effect or in any of the three preceding years, held a permit for the harvest of firewood for domestic purposes allowing the person to harvest firewood within the proposed reserve; or

(c) if the wood is collected by a person in accordance with the conditions set out in the permit for the harvest of firewood for domestic purposes issued by the Minister of Natural Resources and Wildlife under the Forest Act.

(3) Despite subsection 1, no authorization need be obtained by a person authorized by lease to occupy land within the proposed reserve, pursuant to this plan, to carry on a forest management activity for the purpose of

(a) clearing permitted harvested areas, maintaining them or creating visual openings, and any other similar removal purposes permitted under the regulation that applies to the sale, lease and granting of immovable rights made under the Act respecting the lands in the domain of the State;

(b) creating and maintaining access roads, stairways or other trails permitted under that regulation; or

(c) clearing the necessary area for the installation, connection, maintenance and repair of power, water, sewer or telecommunication lines, facilities and mains.

When the work referred to in subparagraph *c* of subsection 3 is carried out for or under the responsibility of an enterprise providing any of those services, the work requires the prior authorization of the Minister, other than in the case of the exemptions provided for in sections 3.13 and 3.14.

(4) Despite subsection 1, no authorization need be obtained by a person to carry on a forest management activity to maintain a sugar bush and harvest maple products for domestic purposes

(a) if the activity is carried on by a person who, on the date on which the protection status as a proposed reserve takes effect or in any of the three preceding years, held a sugar bush management permit issued by the Minister of Natural Resources and Wildlife under the Forest Act allowing the person to carry on the activities of a sugar bush operator within the proposed reserve;

(b) if the activity is carried on within a zone for which the permit obtained allowed the carrying on of sugar bush operations on the date on which the protection status as a proposed reserve takes effect or in any of the three preceding years; or

(c) if the activity is carried on by a person in compliance with the conditions set out in the sugar bush management permit issued by the Minister of Natural Resources and Wildlife under the Forest Act.

3.12. No person may, unless the person has been authorized by the Minister and carries on the activity in compliance with the conditions the Minister determines,

(1) carry out soil development work, including any fill, burial, earthwork, removal or displacement of surface materials or vegetation cover, for any purpose including recreational and tourism purposes such as the development of trails;

(2) install or construct a new structure, infrastructure or works;

(3) reconstruct or demolish an existing structure, infrastructure or works;

(4) use a pesticide, although no authorization is required for the use of insect repellent for personal purposes;

(5) carry on an activity that is likely to severely degrade the soil or a geological formation or damage the vegetation cover, such as stripping, the digging of trenches or excavation work; or

(6) carry on educational or research-related activities if the activities are likely to significantly damage or disturb the natural environment, in particular by the extent of the moving or removal of natural resources or by the use of explosives.

The conditions of the Minister's authorization for the work may pertain to the location of the authorized activity, the methods used, the areas that may be cleared or deforested, the types of material that may be used including the material taken from the site, and the presence of ancillary works or facilities. The conditions may also include a requirement to ensure periodic follow-up or to report to the Minister, in particular as regards the results obtained from the research to which subparagraph 6 of the first paragraph refers.

Subject to the conditions determined in the authorization, work to repair or maintain trails authorized by the Minister or trails existing on the date on which the protection status as a proposed reserve takes effect may be carried on without an authorization under subparagraph 1 of the first paragraph.

Work to repair or maintain forest roads or roads authorized under the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) carried on in accordance with the Forest Act and its regulations that concern standards of forest management may be carried on without an authorization under subparagraph 1 of the first paragraph.

#### §2.4. Authorization exemptions

3.13. Despite the preceding provisions, no authorization need be obtained by a person to carry on an activity or for any other form of intervention within the proposed reserve if urgent action is required to prevent harm to the health or safety of persons, or to repair or prevent damage caused by a real or apprehended catastrophe. The person concerned must, however, immediately inform the Minister of the activity or intervention that has taken place.

3.14. Despite the preceding provisions, the following activities and interventions involving the production, transmission and distribution of electricity carried out by Hydro-Québec (Société) or by any other person for Hydro-Québec do not require the prior authorization of the Minister under this plan :

(1) any activity or intervention required within the proposed reserve to complete a project which was previously expressly authorized by the Government and the Minister, or only by the latter, in accordance with the requirements of the Environment Quality Act (R.S.Q., c. Q-2), if the activity or intervention is carried out in compliance with the authorizations issued;

(2) any activity or intervention necessary for the preparation and presentation of a pre-project report for a project requiring an authorization under the Environment Quality Act;

(3) any activity or intervention relating to a project requiring the prior authorization of the Minister under the Environment Quality Act, if the activity or intervention is in response to a request for a clarification or for additional information made by the Minister to the Société and it is carried out in accordance with the request;

(4) any activity or intervention by the Société, if the conditions for the carrying out of the activity or intervention have been determined in an agreement between the Minister and the Société and the activity or intervention is carried out in compliance with those conditions.

For the purposes of this section, the activities and interventions of the Société include pre-project studies, analysis work or field research, work required to study and monitor the impact of power transmission and distribution line corridors and rights-of-way, geological or geophysical surveys and survey lines, and the opening and maintenance of roads required for the purpose of access, construction or equipment movement necessary for the carrying on of such work.

### §2.5. General provisions

3.15. Every person who applies to the Minister for an individual authorization or for an authorization for a group or for a number of persons must provide any information or document requested by the Minister for the examination of the application.

3.16. The Minister's authorization, which is general and can be used by more than one person, may be communicated to the persons concerned by any appropriate means including by a posted notice or appropriate signage at the reception centre or any other location within the proposed reserve that is readily accessible to the public. The Minister is to provide a copy to any person requesting a copy.

### §3. Activities governed by other statutes

Certain activities likely to be carried on within the proposed reserve are also governed by 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 reserve.

A special legal framework may govern permitted and prohibited activities within the proposed reserve in connection with the following matters:

— Environmental protection: measures set out in particular in the Environment Quality Act (R.S.Q., c. Q-2);

— Archaeological research: measures set out in particular in the Cultural Property Act (R.S.Q., c. B-4);

— Development of wildlife resources: measures set out in particular in the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), including the provisions pertaining to outfitting operations and beaver reserves and the measures contained in applicable federal legislation, including the fishery regulations;

— Removal of species of fauna or flora that are threatened or vulnerable or are likely to be designated as such: measures prohibiting the removal of the species under the Act respecting threatened or vulnerable species (R.S.Q., c. E-12.01);

— Access and land rights: measures set out in particular in the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1);

— Operation of vehicles: measures set out in particular in the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) and in the regulation on motor vehicle traffic in certain fragile environments made under the Environment Quality Act (R.S.Q., c. Q-2).

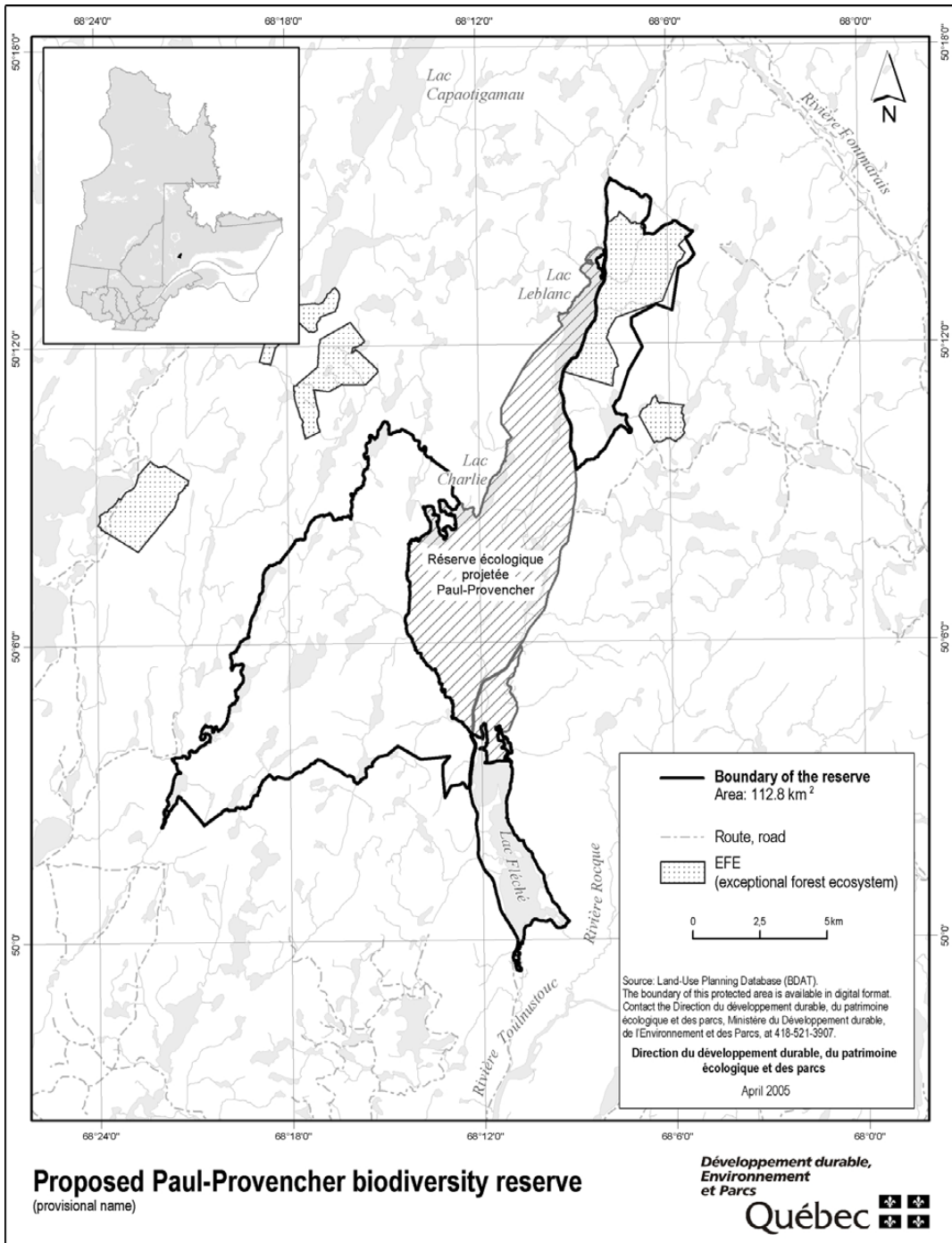
### 4. Responsibilities of the Minister of Sustainable Development, Environment and Parks

The Minister of Sustainable Development, Environment and Parks is responsible for the management of the proposed Paul-Provencher biodiversity reserve and is therefore responsible for the supervision and monitoring of the activities that may be carried on within the reserve. The Minister in the management of the reserve works collaboratively with other government representatives having specific responsibilities within the boundaries of the reserve or on adjoining land, such as the Minister of Natural Resources and Wildlife. In the exercise of their powers and functions, the Ministers will take into consideration the protection sought for these natural environments and the protection status that has been granted.



# Schedule

## Map of the proposed Paul-Provencher biodiversity reserve (provisional name)



**Proposed Paul-Provencher biodiversity reserve**  
(provisional name)

PROPOSED GODBOUT RIVER VALLEY  
BIODIVERSITY RESERVE  
(provisional name)

CONSERVATION PLAN

June 2005

1. Protection status and toponym

The legal status of the reserve described below is that of proposed biodiversity reserve under the Natural Heritage Conservation Act (R.S.Q., c. C-61.01).

The proposed reserve is to have the name “Réserve de biodiversité projetée de la vallée de la rivière Godbout”. The official toponym will be determined at the time of the assignment of permanent protection status to the land.

2. Plan and description

2.1. Location, boundaries and dimensions

The boundaries and location of the proposed Godbout river valley biodiversity reserve are shown on the plan.

The proposed Godbout river valley biodiversity reserve is located in the Côte-Nord administrative region, between 49°32' and 49°45' north latitude and 67°39' and 67°59' west longitude. It is situated some 25 km north of Godbout. The proposed biodiversity reserve covers an area of 147.5 km<sup>2</sup> in the unorganized territory of Rivière-aux-Outardes in Municipalité régionale de comté de Manicouagan.

Electric power transmission lines 7028-7029 and line 7027 are excluded from the proposed biodiversity reserve with a respective 162 m and 93 m right-of-way.

2.2. Geography

The proposed Godbout river valley biodiversity reserve is in the Betsiamites Plateau natural region in the Central Laurentian natural province. It is formed of low hills covered with till and a river valley bottom through which the Godbout river flows. The vegetation consists mainly of virgin stands dominated by softwood, namely black spruce and fir stands, with mixed stands dominated by white birch. Also present are an old-growth black spruce – balsam fir stand and some jack pine stands. The north-eastern sector of the proposed biodiversity reserve has been identified by the Ministère des Ressources naturelles et de la Faune as an exceptional forest ecosystem project for its black spruce *Pleurozium* stands. Godbout river, which runs east of the proposed biodiversity reserve, is a salmon river.

2.3. Occupation, rights and land uses

The proposed Godbout river valley biodiversity reserve is accessible from Municipalité de Godbout by an unpaved road suitable for road vehicles. Seven land rights have been granted in the territory: 1 for vacation resort purposes and 6 for rough shelters.

The Cyprès lake outfitting operation occupies the northern part and a reception station of the Rivières-Godbout-et-Mistassini controlled zone, manager of the “salmon” resource of the Godbout river, is within the southern part.

The proposed Godbout river valley biodiversity reserve lies entirely within the Bersimis beaver reserve, in which the Innu communities have special rights regarding the hunting and trapping of fur-bearing animals. An Innu heritage site is found within the boundaries of the proposed biodiversity reserve.

The Godbout river is recognized as a canoe-kayak route.

3. Activities within the reserve

§1. Introduction

The activities carried on within the proposed reserve are governed for the most part by the provisions of the Natural Heritage Conservation Act.

This Division prohibits activities in addition to those prohibited under the Act and provides a framework for the carrying on of certain permitted activities so as to better ensure the protection of the natural environment. Accordingly, certain activities require the prior authorization of the Minister and compliance with the conditions determined by the Minister.

As provided in the Natural Heritage Conservation Act, the main activities prohibited in an area to which status as a proposed biodiversity or aquatic reserve has been assigned 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.

*§2. Prohibitions, prior authorizations and conditions on which certain activities may be carried on in the proposed reserve*

*§2.1. Protection of resources and the natural environment*

3.1. No person may introduce non-native species of flora or fauna into the proposed reserve.

3.2. No person may stock a watercourse or body of water

(1) for aquaculture, sports or commercial fishing or any other commercial purpose;

(2) for any other purpose, if the fish stocked are not from a genetic strain originating from the proposed reserve.

3.3. No person may bury, abandon or dispose of waste, snow or other residual materials other than in waste disposal containers, facilities or sites determined by the Minister or elsewhere, with the authorization of the Minister and in compliance with the conditions the Minister determines.

Despite the first paragraph, no authorization need be obtained by an outfitting operation to use a disposal facility or site in compliance with the Environment Quality Act and its regulations if the outfitting operation was already using the facility or site on the date on which the protection status as a proposed reserve takes effect.

3.4. No person may, unless the person has been authorized by the Minister and carries on the activity in compliance with the conditions the Minister determines,

(1) carry on any activity likely to severely degrade the banks or shores or to otherwise seriously affect the integrity of a watercourse, body of water or other wetland area, in particular by discharging or dumping waste or other pollutant into the watercourse, body of water or wetland area; or

(2) dig, fill, obstruct or divert a watercourse or body of water.

*§2.2. Rules of conduct for users*

3.5. Every person staying, carrying on an activity or travelling about within the proposed reserve is required to maintain the premises in a satisfactory state and before leaving, return the premises to their natural state to the extent possible.

3.6. Every person who makes a campfire must

(1) clear an area around the fire site sufficient to prevent the fire from spreading by removing all branches, scrub, dry leaves and other combustible materials;

(2) see that there is always a person on the premises to attend the fire; and

(3) ensure that the fire is completely extinguished before leaving the premises.

3.7. In the proposed reserve, no person may

(1) cause any excessive noise; or

(2) behave in a manner that unduly disturbs other persons in the reserve or interferes with their enjoyment of the reserve.

3.8. No person may destroy, remove, move or damage any poster, sign, notice or other type of signage posted by the Minister within the proposed reserve.

3.9. No person may enter, carry on an activity in or operate a vehicle in a given sector of the proposed reserve unless the person has been authorized by the Minister and complies with the conditions determined, if the signage erected by the Minister restricts access, traffic or certain activities in order to protect the public from a danger or to avoid placing the fauna, flora or other components of the natural environment at risk.

*§2.3. Activities requiring an authorization*

3.10. No person may, unless the person has been authorized by the Minister and complies with the conditions the Minister determines, stay or reside on or otherwise occupy the same site within the proposed reserve for a period of more than three months in the same year. No authorization need be obtained by a person who,

(1) on the date on which the protection status as a proposed reserve takes effect, was a party to a lease or had already obtained another form of permit or authorization allowing the person to occupy the land under the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) or, if applicable, the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), and whose right to occupy the land is renewed or extended;

(2) in accordance with the applicable provisions of law, has entitlement under a sublease, an assignment of a lease or a transfer of an authorization, as referred to in paragraph 1, and whose right to occupy the land is renewed or extended;

(3) avails himself or herself of the possibility of acquiring the land the person legally occupies on the date on which the protection status as a proposed reserve takes effect, pursuant to the Act respecting the lands in the domain of the State.

3.11. (1) No person may carry on forest management activities to meet domestic needs or for the purpose of maintaining biodiversity, unless the person has been authorized by the Minister and carries on the activities in compliance with the conditions the Minister determines.

The conditions of that authorization may pertain, among other things, to species of trees or shrubs, the size of the stems that may be cut, the quantities authorized and the places where the activities may be carried on.

(2) Despite subsection 1, the authorization of the Minister under this plan need not be obtained by a person staying or residing in the proposed reserve who collects wood to make a campfire.

No such authorization need be obtained by a person to collect wood to meet domestic needs

(a) if the wood is collected within a sector reserved by the Minister of Natural Resources and Wildlife as a sector for which a permit for the harvest of firewood for domestic purposes under the Forest Act (R.S.Q., c. F-4.1) may be issued and which has already been reserved as such by the Minister on the date on which the protection status as a proposed reserve takes effect;

(b) if the wood is collected by a person who, on the date on which the protection status as a proposed reserve takes effect or in any of the three preceding years, held a permit for the harvest of firewood for domestic purposes allowing the person to harvest firewood within the proposed reserve; or

(c) if the wood is collected by a person in accordance with the conditions set out in the permit for the harvest of firewood for domestic purposes issued by the Minister of Natural Resources and Wildlife under the Forest Act.

(3) Despite subsection 1, no authorization need be obtained by a person authorized by lease to occupy land within the proposed reserve, pursuant to this plan, to carry on a forest management activity for the purpose of

(a) clearing permitted harvested areas, maintaining them or creating visual openings, and any other similar removal purposes permitted under the regulation that applies to the sale, lease and granting of immovable rights made under the Act respecting the lands in the domain of the State;

(b) creating and maintaining access roads, stairways or other trails permitted under that regulation; or

(c) clearing the necessary area for the installation, connection, maintenance and repair of power, water, sewer or telecommunication lines, facilities and mains.

When the work referred to in subparagraph *c* of subsection 3 is carried out for or under the responsibility of an enterprise providing any of those services, the work requires the prior authorization of the Minister, other than in the case of the exemptions provided for in sections 3.13 and 3.14.

(4) Despite subsection 1, no authorization need be obtained by a person to carry on a forest management activity to maintain a sugar bush and harvest maple products for domestic purposes

(a) if the activity is carried on by a person who, on the date on which the protection status as a proposed reserve takes effect or in any of the three preceding years, held a sugar bush management permit issued by the Minister of Natural Resources and Wildlife under the Forest Act allowing the person to carry on the activities of a sugar bush operator within the proposed reserve;

(b) if the activity is carried on within a zone for which the permit obtained allowed the carrying on of sugar bush operations on the date on which the protection status as a proposed reserve takes effect or in any of the three preceding years; or

(c) if the activity is carried on by a person in compliance with the conditions set out in the sugar bush management permit issued by the Minister of Natural Resources and Wildlife under the Forest Act.

3.12. No person may, unless the person has been authorized by the Minister and carries on the activity in compliance with the conditions the Minister determines,

(1) carry out soil development work, including any fill, burial, earthwork, removal or displacement of surface materials or vegetation cover, for any purpose including recreational and tourism purposes such as the development of trails;

(2) install or construct a new structure, infrastructure or works;

(3) reconstruct or demolish an existing structure, infrastructure or works;

(4) use a pesticide, although no authorization is required for the use of insect repellent for personal purposes;

(5) carry on an activity that is likely to severely degrade the soil or a geological formation or damage the vegetation cover, such as stripping, the digging of trenches or excavation work; or

(6) carry on educational or research-related activities if the activities are likely to significantly damage or disturb the natural environment, in particular by the extent of the moving or removal of natural resources or by the use of explosives.

The conditions of the Minister's authorization for the work may pertain to the location of the authorized activity, the methods used, the areas that may be cleared or deforested, the types of material that may be used including the material taken from the site, and the presence of ancillary works or facilities. The conditions may also include a requirement to ensure periodic follow-up or to report to the Minister, in particular as regards the results obtained from the research to which subparagraph 6 of the first paragraph refers.

Subject to the conditions determined in the authorization, work to repair or maintain trails authorized by the Minister or trails existing on the date on which the protection status as a proposed reserve takes effect may be carried on without an authorization under subparagraph 1 of the first paragraph.

Work to repair or maintain forest roads or roads authorized under the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) carried on in accordance with the Forest Act and its regulations that concern standards of forest management may be carried on without an authorization under subparagraph 1 of the first paragraph.

#### §2.4. Authorization exemptions

3.13. Despite the preceding provisions, no authorization need be obtained by a person to carry on an activity or for any other form of intervention within the proposed reserve if urgent action is required to prevent harm to the health or safety of persons, or to repair or prevent damage caused by a real or apprehended catastrophe. The person concerned must, however, immediately inform the Minister of the activity or intervention that has taken place.

3.14. Despite the preceding provisions, the following activities and interventions involving the production, transmission and distribution of electricity carried out by Hydro-Québec (Société) or by any other person for Hydro-Québec do not require the prior authorization of the Minister under this plan :

(1) any activity or intervention required within the proposed reserve to complete a project which was previously expressly authorized by the Government and the Minister, or only by the latter, in accordance with the requirements of the Environment Quality Act (R.S.Q., c. Q-2), if the activity or intervention is carried out in compliance with the authorizations issued;

(2) any activity or intervention necessary for the preparation and presentation of a pre-project report for a project requiring an authorization under the Environment Quality Act;

(3) any activity or intervention relating to a project requiring the prior authorization of the Minister under the Environment Quality Act, if the activity or intervention is in response to a request for a clarification or for additional information made by the Minister to the Société and it is carried out in accordance with the request;

(4) any activity or intervention by the Société, if the conditions for the carrying out of the activity or intervention have been determined in an agreement between the Minister and the Société and the activity or intervention is carried out in compliance with those conditions.

For the purposes of this section, the activities and interventions of the Société include pre-project studies, analysis work or field research, work required to study and monitor the impact of power transmission and distribution line corridors and rights-of-way, geological or geophysical surveys and survey lines, and the opening and maintenance of roads required for the purpose of access, construction or equipment movement necessary for the carrying on of such work.

### §2.5. *General provisions*

3.15. Every person who applies to the Minister for an individual authorization or for an authorization for a group or for a number of persons must provide any information or document requested by the Minister for the examination of the application.

3.16. The Minister's authorization, which is general and can be used by more than one person, may be communicated to the persons concerned by any appropriate means including by a posted notice or appropriate signage at the reception centre or any other location within the proposed reserve that is readily accessible to the public. The Minister is to provide a copy to any person requesting a copy.

### §3. *Activities governed by other statutes*

Certain activities likely to be carried on within the proposed reserve are also governed by 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 reserve.

A special legal framework may govern permitted and prohibited activities within the proposed reserve in connection with the following matters:

— Environmental protection: measures set out in particular in the Environment Quality Act (R.S.Q., c. Q-2);

— Archaeological research: measures set out in particular in the Cultural Property Act (R.S.Q., c. B-4);

— Development of wildlife resources: measures set out in particular in the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), including the provisions pertaining to outfitting operations and beaver reserves and the measures contained in applicable federal legislation, including the fishery regulations;

— Removal of species of fauna or flora that are threatened or vulnerable or are likely to be designated as such: measures prohibiting the removal of the species under the Act respecting threatened or vulnerable species (R.S.Q., c. E-12.01);

— Access and land rights: measures set out in particular in the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1);

— Operation of vehicles: measures set out in particular in the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) and in the regulation on motor vehicle traffic in certain fragile environments made under the Environment Quality Act (R.S.Q., c. Q-2).

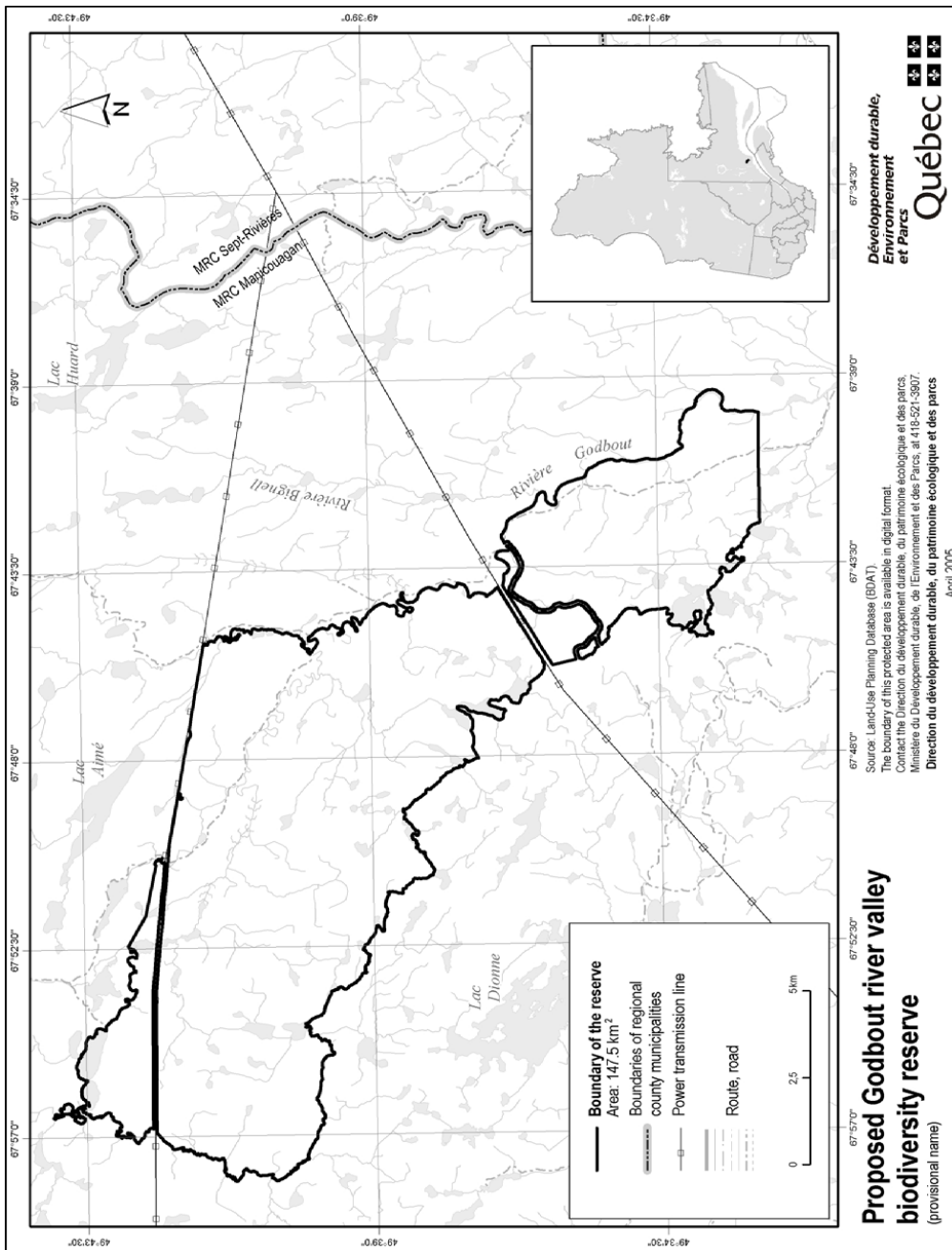
### 4. Responsibilities of the Minister of Sustainable Development, Environment and Parks

The Minister of Sustainable Development, Environment and Parks is responsible for the management of the proposed Godbout river valley biodiversity reserve and is therefore responsible for the supervision and monitoring of the activities that may be carried on within the reserve. The Minister in the management of the reserve works collaboratively with other government representatives having specific responsibilities within the boundaries of the reserve or on adjoining land, such as the Minister of Natural Resources and Wildlife. In the exercise of their powers and functions, the Ministers will take into consideration the protection sought for these natural environments and the protection status that has been granted.



**Schedule**

Map of the proposed Godbout river valley biodiversity reserve (provisional name)



PROPOSED FRÉGATE LAKE BURN AREA  
BIODIVERSITY RESERVE  
(provisional name)

CONSERVATION PLAN

June 2005

1. Protection status and toponym

The legal status of the reserve described below is that of proposed biodiversity reserve under the Natural Heritage Conservation Act (R.S.Q., c. C-61.01).

The proposed reserve is to have the name “Réserve de biodiversité projetée du brûlis du lac Frégate”. The official toponym will be determined at the time of the assignment of permanent protection status to the land.

2. Plan and description

2.1. Location, boundaries and dimensions

The boundaries and location of the proposed Frégate lake burn area biodiversity reserve are shown on the plan.

The proposed Frégate lake burn area biodiversity reserve is located in the Côte-Nord administrative region, between 49°23' and 49°38' north latitude and 69°07' and 69°24' west longitude. It is situated some 75 km north of Forestville. The proposed biodiversity reserve covers an area of 268.1 km<sup>2</sup> in the unorganized territories of Lac-au-Brochet and Rivières-aux-Outardes in the regional county municipalities of La Haute-Côte-Nord and Manicouagan, respectively.

Electric power transmission lines 7004-7019 bisect the proposed biodiversity reserve. Those lines are excluded from the proposed biodiversity reserve with a 160 m right-of-way.

2.2. Geography

The proposed Frégate lake burn area biodiversity reserve is in the Central Laurentian natural province. It protects natural environments characteristic of the Betsiamites Plateau natural region. The proposed biodiversity reserve is formed mainly of low hills covered by rock and till. The altitude varies from 330 m to 575 m. Almost the entire territory was burned in a fire in 1991. A sector northeast of the proposed biodiversity reserve was not affected by the fire and is formed of old-growth black spruce and balsam fir stands. Cutting took place in 1993 on less than 2% of the land. Boucher river which runs through the northern part of the proposed biodiversity reserve is home to lake trout, a unique fish species.

2.3. Occupation, rights and land uses

Thirteen land rights have been granted in the territory of the proposed biodiversity reserve: 9 for vacation resort purposes and 4 for rough shelters.

The proposed Frégate lake burn area biodiversity reserve lies within the Bersimis beaver reserve, in which the Innu communities have special rights regarding the hunting and trapping of fur-bearing animals.

3. Activities within the reserve

*§1. Introduction*

The activities carried on within the proposed reserve are governed for the most part by the provisions of the Natural Heritage Conservation Act.

This Division prohibits activities in addition to those prohibited under the Act and provides a framework for the carrying on of certain permitted activities so as to better ensure the protection of the natural environment. Accordingly, certain activities require the prior authorization of the Minister and compliance with the conditions determined by the Minister.

As provided in the Natural Heritage Conservation Act, the main activities prohibited in an area to which status as a proposed biodiversity or aquatic reserve has been assigned 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.

*§2. Prohibitions, prior authorizations and conditions on which certain activities may be carried on in the proposed reserve*

*§2.1. Protection of resources and the natural environment*

- 3.1. No person may introduce non-native species of flora or fauna into the proposed reserve.
- 3.2. No person may stock a watercourse or body of water
  - (1) for aquaculture, sports or commercial fishing or any other commercial purpose;

(2) for any other purpose, if the fish stocked are not from a genetic strain originating from the proposed reserve.

3.3. No person may bury, abandon or dispose of waste, snow or other residual materials other than in waste disposal containers, facilities or sites determined by the Minister or elsewhere, with the authorization of the Minister and in compliance with the conditions the Minister determines.

Despite the first paragraph, no authorization need be obtained by an outfitting operation to use a disposal facility or site in compliance with the Environment Quality Act and its regulations if the outfitting operation was already using the facility or site on the date on which the protection status as a proposed reserve takes effect.

3.4. No person may, unless the person has been authorized by the Minister and carries on the activity in compliance with the conditions the Minister determines,

(1) carry on any activity likely to severely degrade the banks or shores or to otherwise seriously affect the integrity of a watercourse, body of water or other wetland area, in particular by discharging or dumping waste or other pollutant into the watercourse, body of water or wetland area; or

(2) dig, fill, obstruct or divert a watercourse or body of water.

### §2.2. *Rules of conduct for users*

3.5. Every person staying, carrying on an activity or travelling about within the proposed reserve is required to maintain the premises in a satisfactory state and before leaving, return the premises to their natural state to the extent possible.

3.6. Every person who makes a campfire must

(1) clear an area around the fire site sufficient to prevent the fire from spreading by removing all branches, scrub, dry leaves and other combustible materials;

(2) see that there is always a person on the premises to attend the fire; and

(3) ensure that the fire is completely extinguished before leaving the premises.

3.7. In the proposed reserve, no person may

(1) cause any excessive noise; or

(2) behave in a manner that unduly disturbs other persons in the reserve or interferes with their enjoyment of the reserve.

3.8. No person may destroy, remove, move or damage any poster, sign, notice or other type of signage posted by the Minister within the proposed reserve.

3.9. No person may enter, carry on an activity in or operate a vehicle in a given sector of the proposed reserve unless the person has been authorized by the Minister and complies with the conditions determined, if the signage erected by the Minister restricts access, traffic or certain activities in order to protect the public from a danger or to avoid placing the fauna, flora or other components of the natural environment at risk.

### §2.3. *Activities requiring an authorization*

3.10. No person may, unless the person has been authorized by the Minister and complies with the conditions the Minister determines, stay or reside on or otherwise occupy the same site within the proposed reserve for a period of more than three months in the same year. No authorization need be obtained by a person who,

(1) on the date on which the protection status as a proposed reserve takes effect, was a party to a lease or had already obtained another form of permit or authorization allowing the person to occupy the land under the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) or, if applicable, the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), and whose right to occupy the land is renewed or extended;

(2) in accordance with the applicable provisions of law, has entitlement under a sublease, an assignment of a lease or a transfer of an authorization, as referred to in paragraph 1, and whose right to occupy the land is renewed or extended;

(3) avails himself or herself of the possibility of acquiring the land the person legally occupies on the date on which the protection status as a proposed reserve takes effect, pursuant to the Act respecting the lands in the domain of the State.

3.11. (1) No person may carry on forest management activities to meet domestic needs or for the purpose of maintaining biodiversity, unless the person has been authorized by the Minister and carries on the activities in compliance with the conditions the Minister determines.

The conditions of that authorization may pertain, among other things, to species of trees or shrubs, the size of the stems that may be cut, the quantities authorized and the places where the activities may be carried on.

(2) Despite subsection 1, the authorization of the Minister under this plan need not be obtained by a person staying or residing in the proposed reserve who collects wood to make a campfire.

No such authorization need be obtained by a person to collect wood to meet domestic needs

(a) if the wood is collected within a sector reserved by the Minister of Natural Resources and Wildlife as a sector for which a permit for the harvest of firewood for domestic purposes under the Forest Act (R.S.Q., c. F-4.1) may be issued and which has already been reserved as such by the Minister on the date on which the protection status as a proposed reserve takes effect;

(b) if the wood is collected by a person who, on the date on which the protection status as a proposed reserve takes effect or in any of the three preceding years, held a permit for the harvest of firewood for domestic purposes allowing the person to harvest firewood within the proposed reserve; or

(c) if the wood is collected by a person in accordance with the conditions set out in the permit for the harvest of firewood for domestic purposes issued by the Minister of Natural Resources and Wildlife under the Forest Act.

(3) Despite subsection 1, no authorization need be obtained by a person authorized by lease to occupy land within the proposed reserve, pursuant to this plan, to carry on a forest management activity for the purpose of

(a) clearing permitted harvested areas, maintaining them or creating visual openings, and any other similar removal purposes permitted under the regulation that applies to the sale, lease and granting of immovable rights made under the Act respecting the lands in the domain of the State;

(b) creating and maintaining access roads, stairways or other trails permitted under that regulation; or

(c) clearing the necessary area for the installation, connection, maintenance and repair of power, water, sewer or telecommunication lines, facilities and mains.

When the work referred to in subparagraph *c* of subsection 3 is carried out for or under the responsibility of an enterprise providing any of those services, the work requires the prior authorization of the Minister, other than in the case of the exemptions provided for in sections 3.13 and 3.14.

(4) Despite subsection 1, no authorization need be obtained by a person to carry on a forest management activity to maintain a sugar bush and harvest maple products for domestic purposes

(a) if the activity is carried on by a person who, on the date on which the protection status as a proposed reserve takes effect or in any of the three preceding years, held a sugar bush management permit issued by the Minister of Natural Resources and Wildlife under the Forest Act allowing the person to carry on the activities of a sugar bush operator within the proposed reserve;

(b) if the activity is carried on within a zone for which the permit obtained allowed the carrying on of sugar bush operations on the date on which the protection status as a proposed reserve takes effect or in any of the three preceding years; or

(c) if the activity is carried on by a person in compliance with the conditions set out in the sugar bush management permit issued by the Minister of Natural Resources and Wildlife under the Forest Act.

3.12. No person may, unless the person has been authorized by the Minister and carries on the activity in compliance with the conditions the Minister determines,

(1) carry out soil development work, including any fill, burial, earthwork, removal or displacement of surface materials or vegetation cover, for any purpose including recreational and tourism purposes such as the development of trails;

(2) install or construct a new structure, infrastructure or works;

(3) reconstruct or demolish an existing structure, infrastructure or works;

(4) use a pesticide, although no authorization is required for the use of insect repellent for personal purposes;

(5) carry on an activity that is likely to severely degrade the soil or a geological formation or damage the vegetation cover, such as stripping, the digging of trenches or excavation work; or

(6) carry on educational or research-related activities if the activities are likely to significantly damage or disturb the natural environment, in particular by the extent of the moving or removal of natural resources or by the use of explosives.

The conditions of the Minister's authorization for the work may pertain to the location of the authorized activity, the methods used, the areas that may be cleared or deforested, the types of material that may be used including the material taken from the site, and the presence of ancillary works or facilities. The conditions may also include a requirement to ensure periodic follow-up or to report to the Minister, in particular as regards the results obtained from the research to which subparagraph 6 of the first paragraph refers.

Subject to the conditions determined in the authorization, work to repair or maintain trails authorized by the Minister or trails existing on the date on which the protection status as a proposed reserve takes effect may be carried on without an authorization under subparagraph 1 of the first paragraph.

Work to repair or maintain forest roads or roads authorized under the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) carried on in accordance with the Forest Act and its regulations that concern standards of forest management may be carried on without an authorization under subparagraph 1 of the first paragraph.

#### §2.4. Authorization exemptions

3.13. Despite the preceding provisions, no authorization need be obtained by a person to carry on an activity or for any other form of intervention within the proposed reserve if urgent action is required to prevent harm to the health or safety of persons, or to repair or prevent damage caused by a real or apprehended catastrophe. The person concerned must, however, immediately inform the Minister of the activity or intervention that has taken place.

3.14. Despite the preceding provisions, the following activities and interventions involving the production, transmission and distribution of electricity carried out by Hydro-Québec (Société) or by any other person for Hydro-Québec do not require the prior authorization of the Minister under this plan:

(1) any activity or intervention required within the proposed reserve to complete a project which was previously expressly authorized by the Government and the Minister, or only by the latter, in accordance with the requirements of the Environment Quality Act (R.S.Q., c. Q-2), if the activity or intervention is carried out in compliance with the authorizations issued;

(2) any activity or intervention necessary for the preparation and presentation of a pre-project report for a project requiring an authorization under the Environment Quality Act;

(3) any activity or intervention relating to a project requiring the prior authorization of the Minister under the Environment Quality Act, if the activity or intervention is in response to a request for a clarification or for additional information made by the Minister to the Société and it is carried out in accordance with the request;

(4) any activity or intervention by the Société, if the conditions for the carrying out of the activity or intervention have been determined in an agreement between the Minister and the Société and the activity or intervention is carried out in compliance with those conditions.

For the purposes of this section, the activities and interventions of the Société include pre-project studies, analysis work or field research, work required to study and monitor the impact of power transmission and distribution line corridors and rights-of-way, geological or geophysical surveys and survey lines, and the opening and maintenance of roads required for the purpose of access, construction or equipment movement necessary for the carrying on of such work.

#### §2.5. General provisions

3.15. Every person who applies to the Minister for an individual authorization or for an authorization for a group or for a number of persons must provide any information or document requested by the Minister for the examination of the application.

3.16. The Minister's authorization, which is general and can be used by more than one person, may be communicated to the persons concerned by any appropriate means including by a posted notice or appropriate signage at the reception centre or any other location within the proposed reserve that is readily accessible to the public. The Minister is to provide a copy to any person requesting a copy.

### §3. *Activities governed by other statutes*

Certain activities likely to be carried on within the proposed reserve are also governed by 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 reserve.

A special legal framework may govern permitted and prohibited activities within the proposed reserve in connection with the following matters:

— Environmental protection: measures set out in particular in the Environment Quality Act (R.S.Q., c. Q-2);

— Archaeological research: measures set out in particular in the Cultural Property Act (R.S.Q., c. B-4);

— Development of wildlife resources: measures set out in particular in the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), including the provisions pertaining to outfitting operations and beaver reserves and the measures contained in applicable federal legislation, including the fishery regulations;

— Removal of species of fauna or flora that are threatened or vulnerable or are likely to be designated as such: measures prohibiting the removal of the species under the Act respecting threatened or vulnerable species (R.S.Q., c. E-12.01);

— Access and land rights: measures set out in particular in the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1);

— Operation of vehicles: measures set out in particular in the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) and in the regulation on motor vehicle traffic in certain fragile environments made under the Environment Quality Act (R.S.Q., c. Q-2).

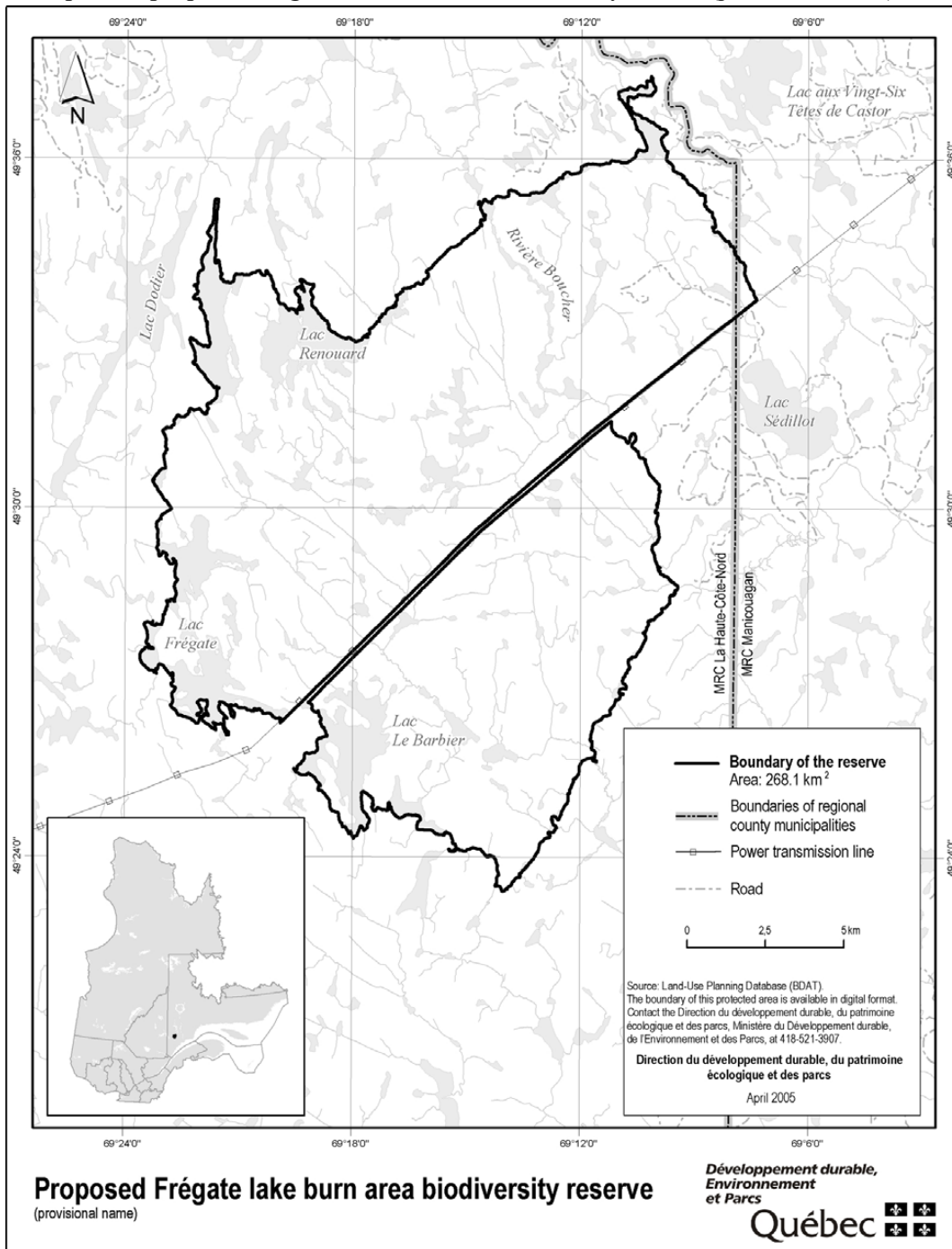
### 4. Responsibilities of the Minister of Sustainable Development, Environment and Parks

The Minister of Sustainable Development, Environment and Parks is responsible for the management of the proposed Frégate lake burn area biodiversity reserve and is therefore responsible for the supervision and monitoring of the activities that may be carried on within the reserve. The Minister in the management of the reserve works collaboratively with other government representatives having specific responsibilities within the boundaries of the reserve or on adjoining land, such as the Minister of Natural Resources and Wildlife. In the exercise of their powers and functions, the Ministers will take into consideration the protection sought for these natural environments and the protection status that has been granted.



## Schedule

Map of the proposed Frégate lake burn area biodiversity reserve (provisional name)



**Proposed Frégate lake burn area biodiversity reserve**  
(provisional name)

PROPOSED PIPMUACAN EAST ISLANDS  
BIODIVERSITY RESERVE  
(provisional name)

CONSERVATION PLAN

June 2005

1. Protection status and toponym

The legal status of the reserve described below is that of proposed biodiversity reserve under the Natural Heritage Conservation Act (R.S.Q., c. C-61.01).

The proposed reserve is to have the name “Réserve de biodiversité projetée des îles de l’est du Pipmuacan”. The official toponym will be determined at the time of the assignment of permanent protection status to the land.

2. Plan and description

2.1. Location, boundaries and dimensions

The boundaries and location of the proposed Pipmuacan east islands biodiversity reserve are shown on the plan.

The proposed Pipmuacan east islands biodiversity reserve is located primarily in the Saguenay-Lac-Saint-Jean administrative region and lies partially within the unorganized territory of Mont-Valin which is part of Municipalité régionale de comté de Fjord-du-Saguenay. A small portion in the east is within the Côte-Nord administrative region, in the unorganized territory of Lac-au-Brochet, in Municipalité régionale de comté de La Haute-Côte-Nord. The proposed biodiversity reserve is some 115 km northwest of Forestville, between 49°28' and 49°37' north latitude and 70° and 70°11' west longitude. The proposed biodiversity reserve covers an area of 88.4 km<sup>2</sup>.

The boundaries of the proposed biodiversity reserve are based on the tidal range of the Pipmuacan reservoir that is 400.30 m.

2.2. Geography

The proposed Pipmuacan east islands biodiversity reserve is in the Betsiamites Plateau and Péribonka Lake Hills natural regions in the Central Laurentian natural province. The proposed Pipmuacan east islands biodiversity reserve is divided into four islands formed of low hills on rock and till. The forest cover is characterized mainly by black spruce stands and by a few stands dominated by jack pine, trembling aspen or white birch.

Inventories have confirmed the presence of woodland caribou around the Pipmuacan reservoir. The forest massifs of the area are of great importance for the maintenance of woodland caribou.

2.3. Occupation, rights and land uses

Five land rights have been granted in the territory of the proposed biodiversity reserve: 3 for rough shelters, 1 for vacation resort purposes and 1 authorization for various sustainable infrastructures (Hydro-Québec hydrometric station).

The Betsiamites river is a recognized canoe-kayak route and salmon river.

The proposed Pipmuacan east islands biodiversity reserve lies within the Bersimis beaver reserve, in which the Innu community of Betsiamites has special rights regarding the hunting and trapping of fur-bearing animals.

The territory is part of the Nitassinan of Betsiamites.

3. Activities within the reserve

§1. Introduction

The activities carried on within the proposed reserve are governed for the most part by the provisions of the Natural Heritage Conservation Act.

This Division prohibits activities in addition to those prohibited under the Act and provides a framework for the carrying on of certain permitted activities so as to better ensure the protection of the natural environment. Accordingly, certain activities require the prior authorization of the Minister and compliance with the conditions determined by the Minister.

As provided in the Natural Heritage Conservation Act, the main activities prohibited in an area to which status as a proposed biodiversity or aquatic reserve has been assigned 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.

*§2. Prohibitions, prior authorizations and conditions on which certain activities may be carried on in the proposed reserve*

*§2.1. Protection of resources and the natural environment*

3.1. No person may introduce non-native species of flora or fauna into the proposed reserve.

3.2. No person may stock a watercourse or body of water

(1) for aquaculture, sports or commercial fishing or any other commercial purpose;

(2) for any other purpose, if the fish stocked are not from a genetic strain originating from the proposed reserve.

3.3. No person may bury, abandon or dispose of waste, snow or other residual materials other than in waste disposal containers, facilities or sites determined by the Minister or elsewhere, with the authorization of the Minister and in compliance with the conditions the Minister determines.

Despite the first paragraph, no authorization need be obtained by an outfitting operation to use a disposal facility or site in compliance with the Environment Quality Act and its regulations if the outfitting operation was already using the facility or site on the date on which the protection status as a proposed reserve takes effect.

3.4. No person may, unless the person has been authorized by the Minister and carries on the activity in compliance with the conditions the Minister determines,

(1) carry on any activity likely to severely degrade the banks or shores or to otherwise seriously affect the integrity of a watercourse, body of water or other wetland area, in particular by discharging or dumping waste or other pollutant into the watercourse, body of water or wetland area; or

(2) dig, fill, obstruct or divert a watercourse or body of water.

*§2.2. Rules of conduct for users*

3.5. Every person staying, carrying on an activity or travelling about within the proposed reserve is required to maintain the premises in a satisfactory state and before leaving, return the premises to their natural state to the extent possible.

3.6. Every person who makes a campfire must

(1) clear an area around the fire site sufficient to prevent the fire from spreading by removing all branches, scrub, dry leaves and other combustible materials;

(2) see that there is always a person on the premises to attend the fire; and

(3) ensure that the fire is completely extinguished before leaving the premises.

3.7. In the proposed reserve, no person may

(1) cause any excessive noise; or

(2) behave in a manner that unduly disturbs other persons in the reserve or interferes with their enjoyment of the reserve.

3.8. No person may destroy, remove, move or damage any poster, sign, notice or other type of signage posted by the Minister within the proposed reserve.

3.9. No person may enter, carry on an activity in or operate a vehicle in a given sector of the proposed reserve unless the person has been authorized by the Minister and complies with the conditions determined, if the signage erected by the Minister restricts access, traffic or certain activities in order to protect the public from a danger or to avoid placing the fauna, flora or other components of the natural environment at risk.

*§2.3. Activities requiring an authorization*

3.10. No person may, unless the person has been authorized by the Minister and complies with the conditions the Minister determines, stay or reside on or otherwise occupy the same site within the proposed reserve for a period of more than three months in the same year. No authorization need be obtained by a person who,

(1) on the date on which the protection status as a proposed reserve takes effect, was a party to a lease or had already obtained another form of permit or authorization allowing the person to occupy the land under the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) or, if applicable, the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), and whose right to occupy the land is renewed or extended;

(2) in accordance with the applicable provisions of law, has entitlement under a sublease, an assignment of a lease or a transfer of an authorization, as referred to in paragraph 1, and whose right to occupy the land is renewed or extended;

(3) avails himself or herself of the possibility of acquiring the land the person legally occupies on the date on which the protection status as a proposed reserve takes effect, pursuant to the Act respecting the lands in the domain of the State.

3.11. (1) No person may carry on forest management activities to meet domestic needs or for the purpose of maintaining biodiversity, unless the person has been authorized by the Minister and carries on the activities in compliance with the conditions the Minister determines.

The conditions of that authorization may pertain, among other things, to species of trees or shrubs, the size of the stems that may be cut, the quantities authorized and the places where the activities may be carried on.

(2) Despite subsection 1, the authorization of the Minister under this plan need not be obtained by a person staying or residing in the proposed reserve who collects wood to make a campfire.

No such authorization need be obtained by a person to collect wood to meet domestic needs

(a) if the wood is collected within a sector reserved by the Minister of Natural Resources and Wildlife as a sector for which a permit for the harvest of firewood for domestic purposes under the Forest Act (R.S.Q., c. F-4.1) may be issued and which has already been reserved as such by the Minister on the date on which the protection status as a proposed reserve takes effect;

(b) if the wood is collected by a person who, on the date on which the protection status as a proposed reserve takes effect or in any of the three preceding years, held a permit for the harvest of firewood for domestic purposes allowing the person to harvest firewood within the proposed reserve; or

(c) if the wood is collected by a person in accordance with the conditions set out in the permit for the harvest of firewood for domestic purposes issued by the Minister of Natural Resources and Wildlife under the Forest Act.

(3) Despite subsection 1, no authorization need be obtained by a person authorized by lease to occupy land within the proposed reserve, pursuant to this plan, to carry on a forest management activity for the purpose of

(a) clearing permitted harvested areas, maintaining them or creating visual openings, and any other similar removal purposes permitted under the regulation that applies to the sale, lease and granting of immovable rights made under the Act respecting the lands in the domain of the State;

(b) creating and maintaining access roads, stairways or other trails permitted under that regulation; or

(c) clearing the necessary area for the installation, connection, maintenance and repair of power, water, sewer or telecommunication lines, facilities and mains.

When the work referred to in subparagraph *c* of subsection 3 is carried out for or under the responsibility of an enterprise providing any of those services, the work requires the prior authorization of the Minister, other than in the case of the exemptions provided for in sections 3.13 and 3.14.

(4) Despite subsection 1, no authorization need be obtained by a person to carry on a forest management activity to maintain a sugar bush and harvest maple products for domestic purposes

(a) if the activity is carried on by a person who, on the date on which the protection status as a proposed reserve takes effect or in any of the three preceding years, held a sugar bush management permit issued by the Minister of Natural Resources and Wildlife under the Forest Act allowing the person to carry on the activities of a sugar bush operator within the proposed reserve;

(b) if the activity is carried on within a zone for which the permit obtained allowed the carrying on of sugar bush operations on the date on which the protection status as a proposed reserve takes effect or in any of the three preceding years; or

(c) if the activity is carried on by a person in compliance with the conditions set out in the sugar bush management permit issued by the Minister of Natural Resources and Wildlife under the Forest Act.

3.12. No person may, unless the person has been authorized by the Minister and carries on the activity in compliance with the conditions the Minister determines,

(1) carry out soil development work, including any fill, burial, earthwork, removal or displacement of surface materials or vegetation cover, for any purpose including recreational and tourism purposes such as the development of trails;

(2) install or construct a new structure, infrastructure or works;

(3) reconstruct or demolish an existing structure, infrastructure or works;

(4) use a pesticide, although no authorization is required for the use of insect repellent for personal purposes;

(5) carry on an activity that is likely to severely degrade the soil or a geological formation or damage the vegetation cover, such as stripping, the digging of trenches or excavation work; or

(6) carry on educational or research-related activities if the activities are likely to significantly damage or disturb the natural environment, in particular by the extent of the moving or removal of natural resources or by the use of explosives.

The conditions of the Minister's authorization for the work may pertain to the location of the authorized activity, the methods used, the areas that may be cleared or deforested, the types of material that may be used including the material taken from the site, and the presence of ancillary works or facilities. The conditions may also include a requirement to ensure periodic follow-up or to report to the Minister, in particular as regards the results obtained from the research to which subparagraph 6 of the first paragraph refers.

Subject to the conditions determined in the authorization, work to repair or maintain trails authorized by the Minister or trails existing on the date on which the protection status as a proposed reserve takes effect may be carried on without an authorization under subparagraph 1 of the first paragraph.

Work to repair or maintain forest roads or roads authorized under the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) carried on in accordance with the Forest Act and its regulations that concern standards of forest management may be carried on without an authorization under subparagraph 1 of the first paragraph.

#### §2.4. Authorization exemptions

3.13. Despite the preceding provisions, no authorization need be obtained by a person to carry on an activity or for any other form of intervention within the proposed reserve if urgent action is required to prevent harm to the health or safety of persons, or to repair or prevent damage caused by a real or apprehended catastrophe. The person concerned must, however, immediately inform the Minister of the activity or intervention that has taken place.

3.14. Despite the preceding provisions, the following activities and interventions involving the production, transmission and distribution of electricity carried out by Hydro-Québec (Société) or by any other person for Hydro-Québec do not require the prior authorization of the Minister under this plan :

(1) any activity or intervention required within the proposed reserve to complete a project which was previously expressly authorized by the Government and the Minister, or only by the latter, in accordance with the requirements of the Environment Quality Act (R.S.Q., c. Q-2), if the activity or intervention is carried out in compliance with the authorizations issued;

(2) any activity or intervention necessary for the preparation and presentation of a pre-project report for a project requiring an authorization under the Environment Quality Act;

(3) any activity or intervention relating to a project requiring the prior authorization of the Minister under the Environment Quality Act, if the activity or intervention is in response to a request for a clarification or for additional information made by the Minister to the Société and it is carried out in accordance with the request;

(4) any activity or intervention by the Société, if the conditions for the carrying out of the activity or intervention have been determined in an agreement between the Minister and the Société and the activity or intervention is carried out in compliance with those conditions.

For the purposes of this section, the activities and interventions of the Société include pre-project studies, analysis work or field research, work required to study and monitor the impact of power transmission and distribution line corridors and rights-of-way, geological or geophysical surveys and survey lines, and the opening and maintenance of roads required for the purpose of access, construction or equipment movement necessary for the carrying on of such work.

### §2.5. *General provisions*

3.15. Every person who applies to the Minister for an individual authorization or for an authorization for a group or for a number of persons must provide any information or document requested by the Minister for the examination of the application.

3.16. The Minister's authorization, which is general and can be used by more than one person, may be communicated to the persons concerned by any appropriate means including by a posted notice or appropriate signage at the reception centre or any other location within the proposed reserve that is readily accessible to the public. The Minister is to provide a copy to any person requesting a copy.

### §3. *Activities governed by other statutes*

Certain activities likely to be carried on within the proposed reserve are also governed by 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 reserve.

A special legal framework may govern permitted and prohibited activities within the proposed reserve in connection with the following matters:

— Environmental protection: measures set out in particular in the Environment Quality Act (R.S.Q., c. Q-2);

— Archaeological research: measures set out in particular in the Cultural Property Act (R.S.Q., c. B-4);

— Development of wildlife resources: measures set out in particular in the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), including the provisions pertaining to outfitting operations and beaver reserves and the measures contained in applicable federal legislation, including the fishery regulations;

— Removal of species of fauna or flora that are threatened or vulnerable or are likely to be designated as such: measures prohibiting the removal of the species under the Act respecting threatened or vulnerable species (R.S.Q., c. E-12.01);

— Access and land rights: measures set out in particular in the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1);

— Operation of vehicles: measures set out in particular in the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) and in the regulation on motor vehicle traffic in certain fragile environments made under the Environment Quality Act (R.S.Q., c. Q-2).

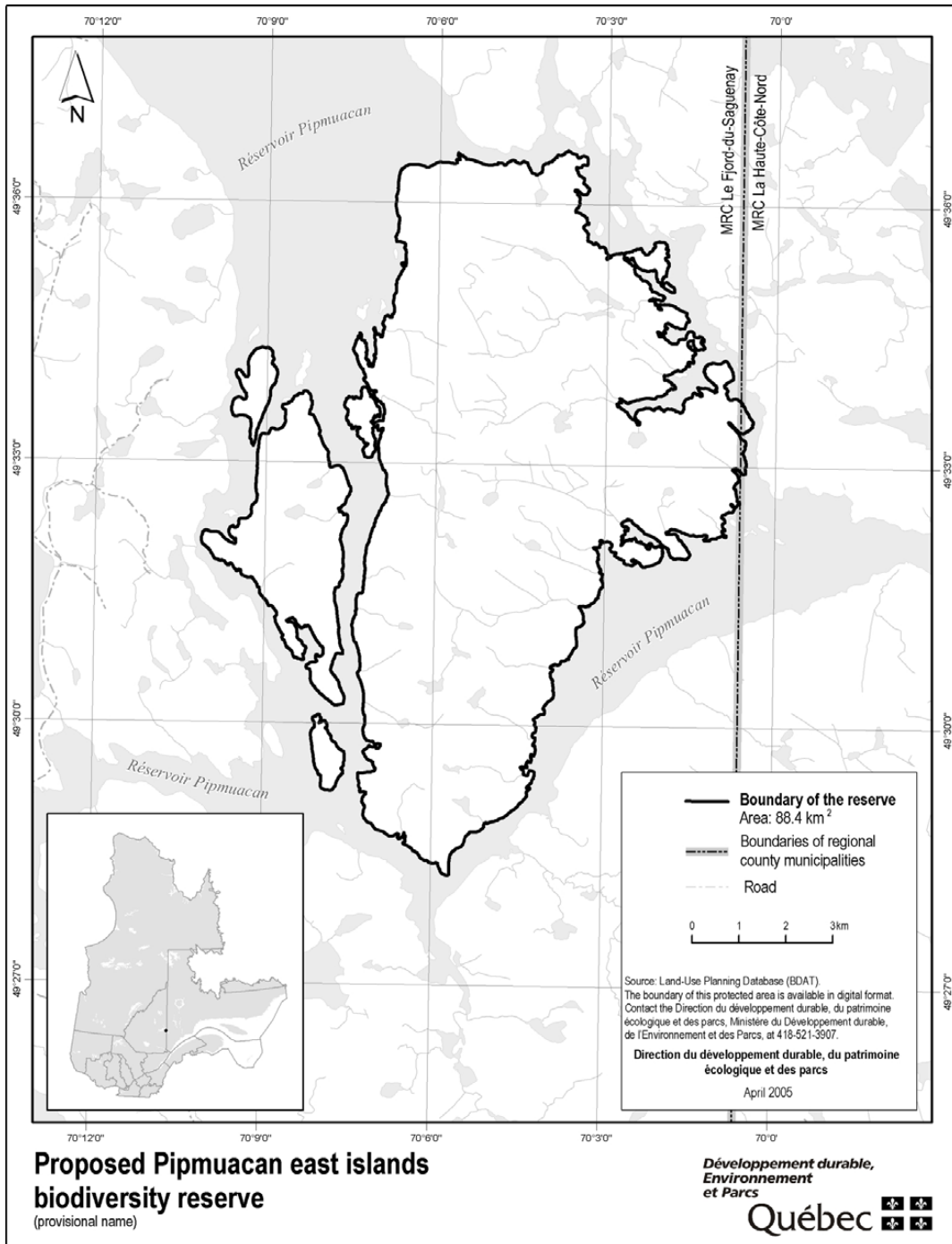
### 4. Responsibilities of the Minister of Sustainable Development, Environment and Parks

The Minister of Sustainable Development, Environment and Parks is responsible for the management of the proposed Pipmuacan east islands biodiversity reserve and is therefore responsible for the supervision and monitoring of the activities that may be carried on within the reserve. The Minister in the management of the reserve works collaboratively with other government representatives having specific responsibilities within the boundaries of the reserve or on adjoining land, such as the Minister of Natural Resources and Wildlife. In the exercise of their powers and functions, the Ministers will take into consideration the protection sought for these natural environments and the protection status that has been granted.



### Schedule

Map of the proposed Pipmuacan east islands biodiversity reserve (provisional name)



## PROPOSED AKUMUNAN BIODIVERSITY RESERVE

(provisional name)

### CONSERVATION PLAN

June 2005

#### 1. Protection status and toponym

The legal status of the reserve described below is that of proposed biodiversity reserve under the Natural Heritage Conservation Act (R.S.Q., c. C-61.01).

The proposed reserve is to have the name “Réserve de biodiversité projetée Akumunan”. The official toponym will be determined at the time of the assignment of permanent protection status to the land.

#### 2. Plan and description

##### 2.1. Location, boundaries and dimensions

The boundaries and location of the proposed Akumunan biodiversity reserve are shown on the plan.

The proposed Akumunan biodiversity reserve is located almost entirely in the Saguenay-Lac-Saint-Jean administrative region within the unorganized territory of Mont-Valin, in Municipalité régionale de comté de Fjord-du-Saguenay. A portion to the east is situated in the Côte-Nord administrative region, within the unorganized territory of Lac-au-Brochet, in Municipalité régionale de comté de La Haute-Côte-Nord. The proposed biodiversity reserve is situated a little over fifty kilometres north of Tadoussac, between 48°34' and 48°47' north latitude and 70° and 70°16' west longitude. It covers an area of 206.6 km<sup>2</sup>.

The western boundary of the proposed biodiversity reserve runs along the boundaries of the Sainte-Marguerite river controlled zone.

##### 2.2. Geography

The proposed Akumunan biodiversity reserve belongs to the Mont-Valin natural region in the Central Laurentian natural province. It consists mainly of low hills covered with till. Black spruce stands comprise most of the forest cover in the proposed biodiversity reserve along with balsam fir stands and mixed stands dominated by white birch. Various sectors have been logged at different times. Recent inventories have confirmed the presence of more than forty woodland caribou in the area. The territory overlaps a major sector of allopatric distribution of brook

trout. The Sainte-Marguerite Nord-Est river, alongside the boundary of the proposed biodiversity reserve, is recognized as a salmon river. The Barrow's goldeneye has been observed near the lakes high in the proposed biodiversity reserve.

#### 2.3. Occupation, rights and land uses

Eighteen land rights have been granted in the territory of the proposed biodiversity reserve: 11 for a rough shelter, 5 for vacation resort purposes and 2 for trapping camps.

The proposed biodiversity reserve covers part of the Nordique Controlled Zone and includes an outfitting operation with exclusive rights, Domaine du lac des Cœurs. The territory overlaps traplines for non-native trappers holding an exclusive lease.

The western portion of the proposed biodiversity reserve is in FAMU-53 and the eastern portion is in FAMU-54. Three traplines are affected by the proposed biodiversity reserve. The traplines are covered by leases granted to the Essipit native community under an agreement signed in 1989.

The land is part of the Nitassinan of Essipit.

The Sainte-Marguerite Nord-Est river that borders the south-western limit is recognized as a canoe-kayak route.

A few forest roads are present in the protected area.

#### 3. Activities within the reserve

##### §1. Introduction

The activities carried on within the proposed reserve are governed for the most part by the provisions of the Natural Heritage Conservation Act.

This Division prohibits activities in addition to those prohibited under the Act and provides a framework for the carrying on of certain permitted activities so as to better ensure the protection of the natural environment. Accordingly, certain activities require the prior authorization of the Minister and compliance with the conditions determined by the Minister.

As provided in the Natural Heritage Conservation Act, the main activities prohibited in an area to which status as a proposed biodiversity or aquatic reserve has been assigned 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.

*§2. Prohibitions, prior authorizations and conditions on which certain activities may be carried on in the proposed reserve*

*§2.1. Protection of resources and the natural environment*

3.1. No person may introduce non-native species of flora or fauna into the proposed reserve.

3.2. No person may stock a watercourse or body of water

(1) for aquaculture, sports or commercial fishing or any other commercial purpose;

(2) for any other purpose, if the fish stocked are not from a genetic strain originating from the proposed reserve.

3.3. No person may bury, abandon or dispose of waste, snow or other residual materials other than in waste disposal containers, facilities or sites determined by the Minister or elsewhere, with the authorization of the Minister and in compliance with the conditions the Minister determines.

Despite the first paragraph, no authorization need be obtained by an outfitting operation to use a disposal facility or site in compliance with the Environment Quality Act and its regulations if the outfitting operation was already using the facility or site on the date on which the protection status as a proposed reserve takes effect.

3.4. No person may, unless the person has been authorized by the Minister and carries on the activity in compliance with the conditions the Minister determines,

(1) carry on any activity likely to severely degrade the banks or shores or to otherwise seriously affect the integrity of a watercourse, body of water or other wetland area, in particular by discharging or dumping waste or other pollutant into the watercourse, body of water or wetland area; or

(2) dig, fill, obstruct or divert a watercourse or body of water.

*§2.2. Rules of conduct for users*

3.5. Every person staying, carrying on an activity or travelling about within the proposed reserve is required to maintain the premises in a satisfactory state and before leaving, return the premises to their natural state to the extent possible.

3.6. Every person who makes a campfire must

(1) clear an area around the fire site sufficient to prevent the fire from spreading by removing all branches, scrub, dry leaves and other combustible materials;

(2) see that there is always a person on the premises to attend the fire; and

(3) ensure that the fire is completely extinguished before leaving the premises.

3.7. In the proposed reserve, no person may

(1) cause any excessive noise; or

(2) behave in a manner that unduly disturbs other persons in the reserve or interferes with their enjoyment of the reserve.

3.8. No person may destroy, remove, move or damage any poster, sign, notice or other type of signage posted by the Minister within the proposed reserve.

3.9. No person may enter, carry on an activity in or operate a vehicle in a given sector of the proposed reserve unless the person has been authorized by the Minister and complies with the conditions determined, if the signage erected by the Minister restricts access, traffic or certain activities in order to protect the public from a danger or to avoid placing the fauna, flora or other components of the natural environment at risk.

*§2.3. Activities requiring an authorization*

3.10. No person may, unless the person has been authorized by the Minister and complies with the conditions the Minister determines, stay or reside on or otherwise occupy the same site within the proposed reserve for a period of more than three months in the same year. No authorization need be obtained by a person who,

(1) on the date on which the protection status as a proposed reserve takes effect, was a party to a lease or had already obtained another form of permit or authorization allowing the person to occupy the land under the Act respecting the lands in the domain of the State

(R.S.Q., c. T-8.1) or, if applicable, the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), and whose right to occupy the land is renewed or extended;

(2) in accordance with the applicable provisions of law, has entitlement under a sublease, an assignment of a lease or a transfer of an authorization, as referred to in paragraph 1, and whose right to occupy the land is renewed or extended;

(3) avails himself or herself of the possibility of acquiring the land the person legally occupies on the date on which the protection status as a proposed reserve takes effect, pursuant to the Act respecting the lands in the domain of the State.

3.11. (1) No person may carry on forest management activities to meet domestic needs or for the purpose of maintaining biodiversity, unless the person has been authorized by the Minister and carries on the activities in compliance with the conditions the Minister determines.

The conditions of that authorization may pertain, among other things, to species of trees or shrubs, the size of the stems that may be cut, the quantities authorized and the places where the activities may be carried on.

(2) Despite subsection 1, the authorization of the Minister under this plan need not be obtained by a person staying or residing in the proposed reserve who collects wood to make a campfire.

No such authorization need be obtained by a person to collect wood to meet domestic needs

(a) if the wood is collected within a sector reserved by the Minister of Natural Resources and Wildlife as a sector for which a permit for the harvest of firewood for domestic purposes under the Forest Act (R.S.Q., c. F-4.1) may be issued and which has already been reserved as such by the Minister on the date on which the protection status as a proposed reserve takes effect;

(b) if the wood is collected by a person who, on the date on which the protection status as a proposed reserve takes effect or in any of the three preceding years, held a permit for the harvest of firewood for domestic purposes allowing the person to harvest firewood within the proposed reserve; or

(c) if the wood is collected by a person in accordance with the conditions set out in the permit for the harvest of firewood for domestic purposes issued by the Minister of Natural Resources and Wildlife under the Forest Act.

(3) Despite subsection 1, no authorization need be obtained by a person authorized by lease to occupy land within the proposed reserve, pursuant to this plan, to carry on a forest management activity for the purpose of

(a) clearing permitted harvested areas, maintaining them or creating visual openings, and any other similar removal purposes permitted under the regulation that applies to the sale, lease and granting of immovable rights made under the Act respecting the lands in the domain of the State;

(b) creating and maintaining access roads, stairways or other trails permitted under that regulation; or

(c) clearing the necessary area for the installation, connection, maintenance and repair of power, water, sewer or telecommunication lines, facilities and mains.

When the work referred to in subparagraph *c* of subsection 3 is carried out for or under the responsibility of an enterprise providing any of those services, the work requires the prior authorization of the Minister, other than in the case of the exemptions provided for in sections 3.13 and 3.14.

(4) Despite subsection 1, no authorization need be obtained by a person to carry on a forest management activity to maintain a sugar bush and harvest maple products for domestic purposes

(a) if the activity is carried on by a person who, on the date on which the protection status as a proposed reserve takes effect or in any of the three preceding years, held a sugar bush management permit issued by the Minister of Natural Resources and Wildlife under the Forest Act allowing the person to carry on the activities of a sugar bush operator within the proposed reserve;

(b) if the activity is carried on within a zone for which the permit obtained allowed the carrying on of sugar bush operations on the date on which the protection status as a proposed reserve takes effect or in any of the three preceding years; or

(c) if the activity is carried on by a person in compliance with the conditions set out in the sugar bush management permit issued by the Minister of Natural Resources and Wildlife under the Forest Act.

3.12. No person may, unless the person has been authorized by the Minister and carries on the activity in compliance with the conditions the Minister determines,

(1) carry out soil development work, including any fill, burial, earthwork, removal or displacement of surface materials or vegetation cover, for any purpose including recreational and tourism purposes such as the development of trails ;

(2) install or construct a new structure, infrastructure or works ;

(3) reconstruct or demolish an existing structure, infrastructure or works ;

(4) use a pesticide, although no authorization is required for the use of insect repellent for personal purposes ;

(5) carry on an activity that is likely to severely degrade the soil or a geological formation or damage the vegetation cover, such as stripping, the digging of trenches or excavation work ; or

(6) carry on educational or research-related activities if the activities are likely to significantly damage or disturb the natural environment, in particular by the extent of the moving or removal of natural resources or by the use of explosives.

The conditions of the Minister's authorization for the work may pertain to the location of the authorized activity, the methods used, the areas that may be cleared or deforested, the types of material that may be used including the material taken from the site, and the presence of ancillary works or facilities. The conditions may also include a requirement to ensure periodic follow-up or to report to the Minister, in particular as regards the results obtained from the research to which subparagraph 6 of the first paragraph refers.

Subject to the conditions determined in the authorization, work to repair or maintain trails authorized by the Minister or trails existing on the date on which the protection status as a proposed reserve takes effect may be carried on without an authorization under subparagraph 1 of the first paragraph.

Work to repair or maintain forest roads or roads authorized under the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) carried on in accordance with the Forest Act and its regulations that concern standards of forest management may be carried on without an authorization under subparagraph 1 of the first paragraph.

#### §2.4. Authorization exemptions

3.13. Despite the preceding provisions, no authorization need be obtained by a person to carry on an activity or for any other form of intervention within the proposed reserve if urgent action is required to prevent harm to the health or safety of persons, or to repair or prevent damage caused by a real or apprehended catastrophe. The person concerned must, however, immediately inform the Minister of the activity or intervention that has taken place.

3.14. Despite the preceding provisions, the following activities and interventions involving the production, transmission and distribution of electricity carried out by Hydro-Québec (Société) or by any other person for Hydro-Québec do not require the prior authorization of the Minister under this plan :

(1) any activity or intervention required within the proposed reserve to complete a project which was previously expressly authorized by the Government and the Minister, or only by the latter, in accordance with the requirements of the Environment Quality Act (R.S.Q., c. Q-2), if the activity or intervention is carried out in compliance with the authorizations issued ;

(2) any activity or intervention necessary for the preparation and presentation of a pre-project report for a project requiring an authorization under the Environment Quality Act ;

(3) any activity or intervention relating to a project requiring the prior authorization of the Minister under the Environment Quality Act, if the activity or intervention is in response to a request for a clarification or for additional information made by the Minister to the Société and it is carried out in accordance with the request ;

(4) any activity or intervention by the Société, if the conditions for the carrying out of the activity or intervention have been determined in an agreement between the Minister and the Société and the activity or intervention is carried out in compliance with those conditions.

For the purposes of this section, the activities and interventions of the Société include pre-project studies, analysis work or field research, work required to study and monitor the impact of power transmission and distribution line corridors and rights-of-way, geological or geophysical surveys and survey lines, and the opening and maintenance of roads required for the purpose of access, construction or equipment movement necessary for the carrying on of such work.

### §2.5. *General provisions*

3.15. Every person who applies to the Minister for an individual authorization or for an authorization for a group or for a number of persons must provide any information or document requested by the Minister for the examination of the application.

3.16. The Minister's authorization, which is general and can be used by more than one person, may be communicated to the persons concerned by any appropriate means including by a posted notice or appropriate signage at the reception centre or any other location within the proposed reserve that is readily accessible to the public. The Minister is to provide a copy to any person requesting a copy.

### §3. *Activities governed by other statutes*

Certain activities likely to be carried on within the proposed reserve are also governed by 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 reserve.

A special legal framework may govern permitted and prohibited activities within the proposed reserve in connection with the following matters:

— Environmental protection: measures set out in particular in the Environment Quality Act (R.S.Q., c. Q-2);

— Archaeological research: measures set out in particular in the Cultural Property Act (R.S.Q., c. B-4);

— Development of wildlife resources: measures set out in particular in the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), including the provisions pertaining to outfitting operations and beaver reserves and the measures contained in applicable federal legislation, including the fishery regulations;

— Removal of species of fauna or flora that are threatened or vulnerable or are likely to be designated as such: measures prohibiting the removal of the species under the Act respecting threatened or vulnerable species (R.S.Q., c. E-12.01);

— Access and land rights: measures set out in particular in the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1);

— Operation of vehicles: measures set out in particular in the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) and in the regulation on motor vehicle traffic in certain fragile environments made under the Environment Quality Act (R.S.Q., c. Q-2).

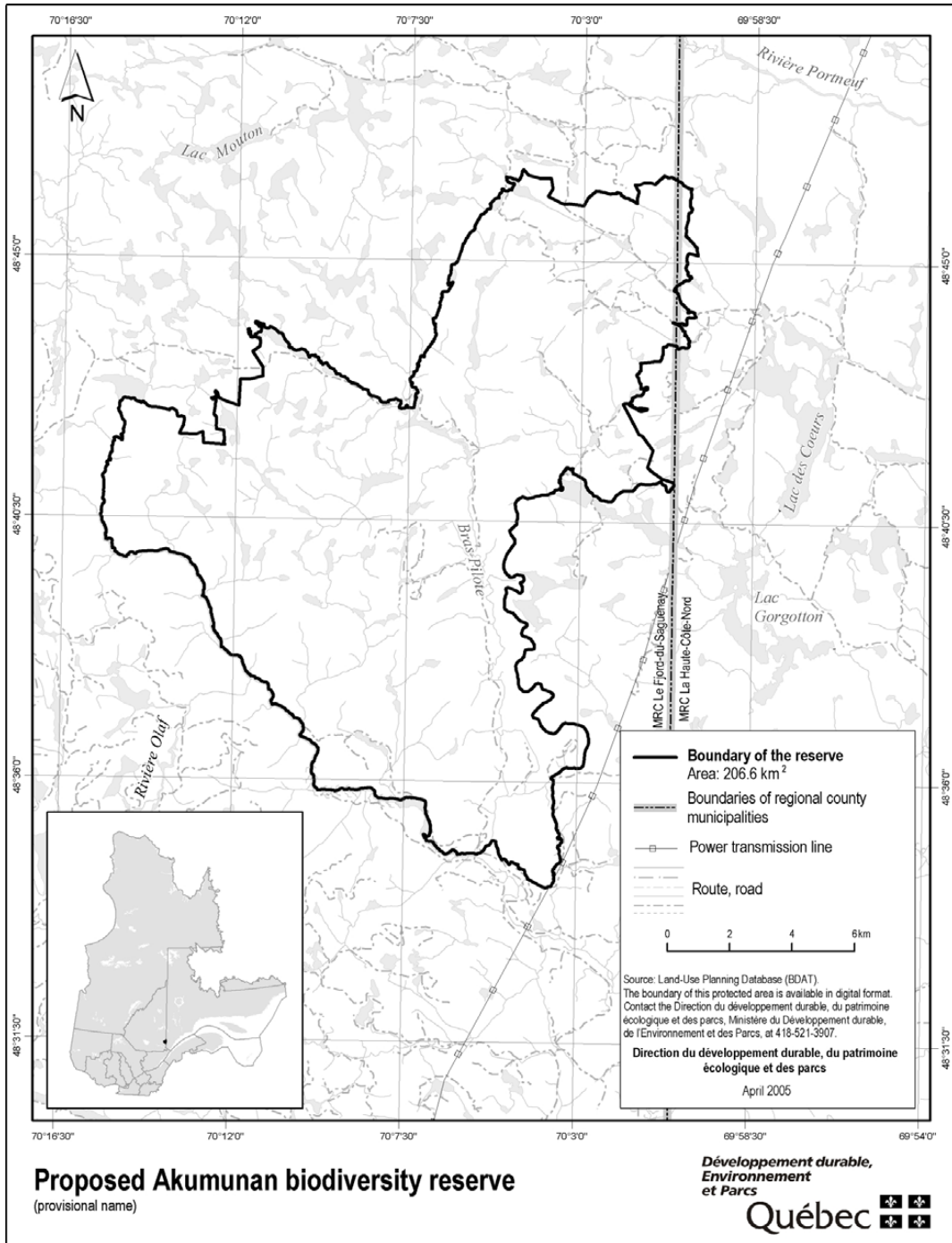
### 4. Responsibilities of the Minister of Sustainable Development, Environment and Parks

The Minister of Sustainable Development, Environment and Parks is responsible for the management of the proposed Akumunan biodiversity reserve and is therefore responsible for the supervision and monitoring of the activities that may be carried on within the reserve. The Minister in the management of the reserve works collaboratively with other government representatives having specific responsibilities within the boundaries of the reserve or on adjoining land, such as the Minister of Natural Resources and Wildlife. In the exercise of their powers and functions, the Ministers will take into consideration the protection sought for these natural environments and the protection status that has been granted.



## Schedule

Map of the proposed Akumunan biodiversity reserve (provisional name)



## PROPOSED MÉNISTOUC LAKE BIODIVERSITY RESERVE

(provisional name)

### CONSERVATION PLAN

June 2005

#### 1. Protection status and toponym

The legal status of the reserve described below is that of proposed biodiversity reserve under the Natural Heritage Conservation Act (R.S.Q., c. C-61.01).

The proposed reserve is to have the name “Réserve de biodiversité projetée du lac Ménistouc”. The official toponym will be determined at the time of the assignment of permanent protection status to the land.

#### 2. Plan and description

##### 2.1. Location, boundaries and dimensions

The boundaries and location of the proposed Ménistouc lake biodiversity reserve are shown on the plan.

The proposed Ménistouc lake biodiversity reserve is located in the Côte-Nord administrative region, between 52°43' and 53°04' north latitude and 66°15' and 66°38' west longitude. It is situated some 40 km east of Fermont. The proposed biodiversity reserve covers an area of 354.7 km<sup>2</sup> in the unorganized territory of Rivière-Mouchalagane in Municipalité régionale de comté de Caniapiscau.

##### 2.2. Geography

The proposed Ménistouc lake biodiversity reserve is in the Manicouagan reservoir basin natural region in the Central Laurentian natural province. The territory is formed of a subdued topography dominated by a deposit of till. There is also an area characterized by a poorly drained organic deposit. Geologically, the proposed biodiversity reserve is characterized by a dominance of marbles. A great proportion of the territory is covered by Ménistouc lake which is an important headwater lake for the Moisie river. The watershed of the lake constitutes the divide between the waters drained toward the St. Lawrence River and the Atlantic. The proposed biodiversity reserve is covered by open softwood forests, dotted with high-density stands of softwood and burned areas.

Several potential habitats for woodland caribou are found in the proposed biodiversity reserve.

#### 2.3. Occupation, rights and land uses

No land right has been granted in the territory of the proposed biodiversity reserve.

The proposed Ménistouc lake biodiversity reserve lies within the Saguenay beaver reserve, in which the Innu communities have special rights regarding the hunting and trapping of fur-bearing animals.

Ménistouc lake is recognized as a headwater lake where a canoe-kayak route begins along the Moisie river.

#### 3. Activities within the reserve

##### *§1. Introduction*

The activities carried on within the proposed reserve are governed for the most part by the provisions of the Natural Heritage Conservation Act.

This Division prohibits activities in addition to those prohibited under the Act and provides a framework for the carrying on of certain permitted activities so as to better ensure the protection of the natural environment. Accordingly, certain activities require the prior authorization of the Minister and compliance with the conditions determined by the Minister.

As provided in the Natural Heritage Conservation Act, the main activities prohibited in an area to which status as a proposed biodiversity or aquatic reserve has been assigned 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.

##### *§2. Prohibitions, prior authorizations and conditions on which certain activities may be carried on in the proposed reserve*

##### *§2.1. Protection of resources and the natural environment*

3.1. No person may introduce non-native species of flora or fauna into the proposed reserve.

3.2. No person may stock a watercourse or body of water

(1) for aquaculture, sports or commercial fishing or any other commercial purpose;

(2) for any other purpose, if the fish stocked are not from a genetic strain originating from the proposed reserve.

3.3. No person may bury, abandon or dispose of waste, snow or other residual materials other than in waste disposal containers, facilities or sites determined by the Minister or elsewhere, with the authorization of the Minister and in compliance with the conditions the Minister determines.

Despite the first paragraph, no authorization need be obtained by an outfitting operation to use a disposal facility or site in compliance with the Environment Quality Act and its regulations if the outfitting operation was already using the facility or site on the date on which the protection status as a proposed reserve takes effect.

3.4. No person may, unless the person has been authorized by the Minister and carries on the activity in compliance with the conditions the Minister determines,

(1) carry on any activity likely to severely degrade the banks or shores or to otherwise seriously affect the integrity of a watercourse, body of water or other wetland area, in particular by discharging or dumping waste or other pollutant into the watercourse, body of water or wetland area; or

(2) dig, fill, obstruct or divert a watercourse or body of water.

### §2.2. Rules of conduct for users

3.5. Every person staying, carrying on an activity or travelling about within the proposed reserve is required to maintain the premises in a satisfactory state and before leaving, return the premises to their natural state to the extent possible.

3.6. Every person who makes a campfire must

(1) clear an area around the fire site sufficient to prevent the fire from spreading by removing all branches, scrub, dry leaves and other combustible materials;

(2) see that there is always a person on the premises to attend the fire; and

(3) ensure that the fire is completely extinguished before leaving the premises.

3.7. In the proposed reserve, no person may

(1) cause any excessive noise; or

(2) behave in a manner that unduly disturbs other persons in the reserve or interferes with their enjoyment of the reserve.

3.8. No person may destroy, remove, move or damage any poster, sign, notice or other type of signage posted by the Minister within the proposed reserve.

3.9. No person may enter, carry on an activity in or operate a vehicle in a given sector of the proposed reserve unless the person has been authorized by the Minister and complies with the conditions determined, if the signage erected by the Minister restricts access, traffic or certain activities in order to protect the public from a danger or to avoid placing the fauna, flora or other components of the natural environment at risk.

### §2.3. Activities requiring an authorization

3.10. No person may, unless the person has been authorized by the Minister and complies with the conditions the Minister determines, stay or reside on or otherwise occupy the same site within the proposed reserve for a period of more than three months in the same year. No authorization need be obtained by a person who,

(1) on the date on which the protection status as a proposed reserve takes effect, was a party to a lease or had already obtained another form of permit or authorization allowing the person to occupy the land under the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) or, if applicable, the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), and whose right to occupy the land is renewed or extended;

(2) in accordance with the applicable provisions of law, has entitlement under a sublease, an assignment of a lease or a transfer of an authorization, as referred to in paragraph 1, and whose right to occupy the land is renewed or extended;

(3) avails himself or herself of the possibility of acquiring the land the person legally occupies on the date on which the protection status as a proposed reserve takes effect, pursuant to the Act respecting the lands in the domain of the State.

3.11. (1) No person may carry on forest management activities to meet domestic needs or for the purpose of maintaining biodiversity, unless the person has

been authorized by the Minister and carries on the activities in compliance with the conditions the Minister determines.

The conditions of that authorization may pertain, among other things, to species of trees or shrubs, the size of the stems that may be cut, the quantities authorized and the places where the activities may be carried on.

(2) Despite subsection 1, the authorization of the Minister under this plan need not be obtained by a person staying or residing in the proposed reserve who collects wood to make a campfire.

No such authorization need be obtained by a person to collect wood to meet domestic needs

(a) if the wood is collected within a sector reserved by the Minister of Natural Resources and Wildlife as a sector for which a permit for the harvest of firewood for domestic purposes under the Forest Act (R.S.Q., c. F-4.1) may be issued and which has already been reserved as such by the Minister on the date on which the protection status as a proposed reserve takes effect;

(b) if the wood is collected by a person who, on the date on which the protection status as a proposed reserve takes effect or in any of the three preceding years, held a permit for the harvest of firewood for domestic purposes allowing the person to harvest firewood within the proposed reserve; or

(c) if the wood is collected by a person in accordance with the conditions set out in the permit for the harvest of firewood for domestic purposes issued by the Minister of Natural Resources and Wildlife under the Forest Act.

(3) Despite subsection 1, no authorization need be obtained by a person authorized by lease to occupy land within the proposed reserve, pursuant to this plan, to carry on a forest management activity for the purpose of

(a) clearing permitted harvested areas, maintaining them or creating visual openings, and any other similar removal purposes permitted under the regulation that applies to the sale, lease and granting of immovable rights made under the Act respecting the lands in the domain of the State;

(b) creating and maintaining access roads, stairways or other trails permitted under that regulation; or

(c) clearing the necessary area for the installation, connection, maintenance and repair of power, water, sewer or telecommunication lines, facilities and mains.

When the work referred to in subparagraph *c* of subsection 3 is carried out for or under the responsibility of an enterprise providing any of those services, the work requires the prior authorization of the Minister, other than in the case of the exemptions provided for in sections 3.13 and 3.14.

(4) Despite subsection 1, no authorization need be obtained by a person to carry on a forest management activity to maintain a sugar bush and harvest maple products for domestic purposes

(a) if the activity is carried on by a person who, on the date on which the protection status as a proposed reserve takes effect or in any of the three preceding years, held a sugar bush management permit issued by the Minister of Natural Resources and Wildlife under the Forest Act allowing the person to carry on the activities of a sugar bush operator within the proposed reserve;

(b) if the activity is carried on within a zone for which the permit obtained allowed the carrying on of sugar bush operations on the date on which the protection status as a proposed reserve takes effect or in any of the three preceding years; or

(c) if the activity is carried on by a person in compliance with the conditions set out in the sugar bush management permit issued by the Minister of Natural Resources and Wildlife under the Forest Act.

3.12. No person may, unless the person has been authorized by the Minister and carries on the activity in compliance with the conditions the Minister determines,

(1) carry out soil development work, including any fill, burial, earthwork, removal or displacement of surface materials or vegetation cover, for any purpose including recreational and tourism purposes such as the development of trails;

(2) install or construct a new structure, infrastructure or works;

(3) reconstruct or demolish an existing structure, infrastructure or works;

(4) use a pesticide, although no authorization is required for the use of insect repellent for personal purposes;

(5) carry on an activity that is likely to severely degrade the soil or a geological formation or damage the vegetation cover, such as stripping, the digging of trenches or excavation work; or

(6) carry on educational or research-related activities if the activities are likely to significantly damage or disturb the natural environment, in particular by the extent of the moving or removal of natural resources or by the use of explosives.

The conditions of the Minister's authorization for the work may pertain to the location of the authorized activity, the methods used, the areas that may be cleared or deforested, the types of material that may be used including the material taken from the site, and the presence of ancillary works or facilities. The conditions may also include a requirement to ensure periodic follow-up or to report to the Minister, in particular as regards the results obtained from the research to which subparagraph 6 of the first paragraph refers.

Subject to the conditions determined in the authorization, work to repair or maintain trails authorized by the Minister or trails existing on the date on which the protection status as a proposed reserve takes effect may be carried on without an authorization under subparagraph 1 of the first paragraph.

Work to repair or maintain forest roads or roads authorized under the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) carried on in accordance with the Forest Act and its regulations that concern standards of forest management may be carried on without an authorization under subparagraph 1 of the first paragraph.

#### §2.4. Authorization exemptions

3.13. Despite the preceding provisions, no authorization need be obtained by a person to carry on an activity or for any other form of intervention within the proposed reserve if urgent action is required to prevent harm to the health or safety of persons, or to repair or prevent damage caused by a real or apprehended catastrophe. The person concerned must, however, immediately inform the Minister of the activity or intervention that has taken place.

3.14. Despite the preceding provisions, the following activities and interventions involving the production, transmission and distribution of electricity carried out by Hydro-Québec (Société) or by any other person for Hydro-Québec do not require the prior authorization of the Minister under this plan:

(1) any activity or intervention required within the proposed reserve to complete a project which was previously expressly authorized by the Government and the Minister, or only by the latter, in accordance with the

requirements of the Environment Quality Act (R.S.Q., c. Q-2), if the activity or intervention is carried out in compliance with the authorizations issued;

(2) any activity or intervention necessary for the preparation and presentation of a pre-project report for a project requiring an authorization under the Environment Quality Act;

(3) any activity or intervention relating to a project requiring the prior authorization of the Minister under the Environment Quality Act, if the activity or intervention is in response to a request for a clarification or for additional information made by the Minister to the Société and it is carried out in accordance with the request;

(4) any activity or intervention by the Société, if the conditions for the carrying out of the activity or intervention have been determined in an agreement between the Minister and the Société and the activity or intervention is carried out in compliance with those conditions.

For the purposes of this section, the activities and interventions of the Société include pre-project studies, analysis work or field research, work required to study and monitor the impact of power transmission and distribution line corridors and rights-of-way, geological or geophysical surveys and survey lines, and the opening and maintenance of roads required for the purpose of access, construction or equipment movement necessary for the carrying on of such work.

#### §2.5. General provisions

3.15. Every person who applies to the Minister for an individual authorization or for an authorization for a group or for a number of persons must provide any information or document requested by the Minister for the examination of the application.

3.16. The Minister's authorization, which is general and can be used by more than one person, may be communicated to the persons concerned by any appropriate means including by a posted notice or appropriate signage at the reception centre or any other location within the proposed reserve that is readily accessible to the public. The Minister is to provide a copy to any person requesting a copy.

#### §3. Activities governed by other statutes

Certain activities likely to be carried on within the proposed reserve are also governed by 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 reserve.

A special legal framework may govern permitted and prohibited activities within the proposed reserve in connection with the following matters:

— Environmental protection: measures set out in particular in the Environment Quality Act (R.S.Q., c. Q-2);

— Archaeological research: measures set out in particular in the Cultural Property Act (R.S.Q., c. B-4);

— Development of wildlife resources: measures set out in particular in the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), including the provisions pertaining to outfitting operations and beaver reserves and the measures contained in applicable federal legislation, including the fishery regulations;

— Removal of species of fauna or flora that are threatened or vulnerable or are likely to be designated as such: measures prohibiting the removal of the species under the Act respecting threatened or vulnerable species (R.S.Q., c. E-12.01);

— Access and land rights: measures set out in particular in the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1);

— Operation of vehicles: measures set out in particular in the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) and in the regulation on motor vehicle traffic in certain fragile environments made under the Environment Quality Act (R.S.Q., c. Q-2).

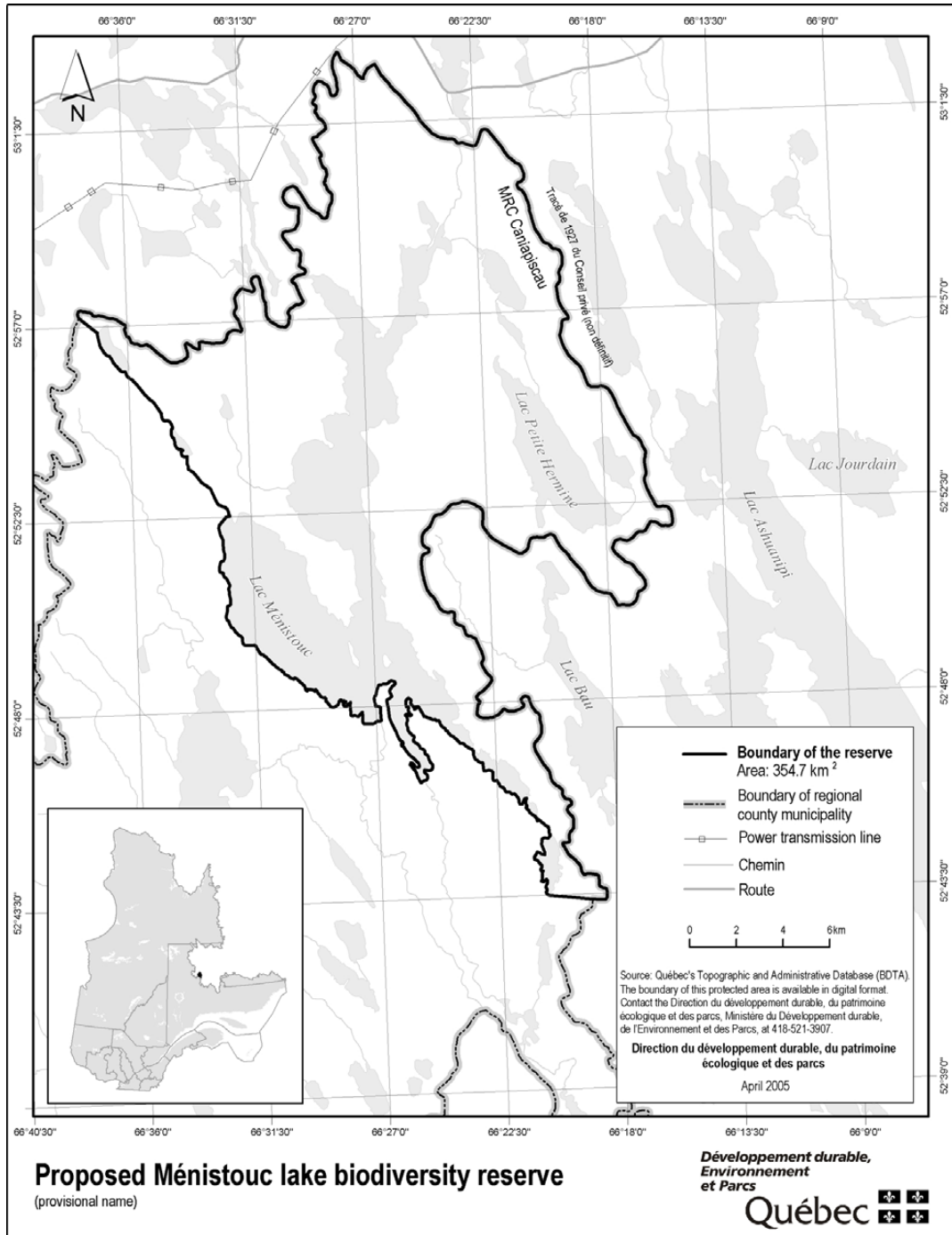
#### 4. Responsibilities of the Minister of Sustainable Development, Environment and Parks

The Minister of Sustainable Development, Environment and Parks is responsible for the management of the proposed Ménéstou lake biodiversity reserve and is therefore responsible for the supervision and monitoring of the activities that may be carried on within the reserve. The Minister in the management of the reserve works collaboratively with other government representatives having specific responsibilities within the boundaries of the reserve or on adjoining land, such as the Minister of Natural Resources and Wildlife. In the exercise of their powers and functions, the Ministers will take into consideration the protection sought for these natural environments and the protection status that has been granted.



## Schedule

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



PROPOSED RACINE DE BOULEAU RIVER  
BIODIVERSITY RESERVE  
(provisional name)

CONSERVATION PLAN

June 2005

1. Protection status and toponym

The legal status of the reserve described below is that of proposed biodiversity reserve under the Natural Heritage Conservation Act (R.S.Q., c. C-61.01).

The proposed reserve is to have the name “Réserve de biodiversité projetée de la rivière de la Racine de Bouleau”. The official toponym will be determined at the time of the assignment of permanent protection status to the land.

2. Plan and description

2.1. Location, boundaries and dimensions

The boundaries and location of the proposed Racine de Bouleau river biodiversity reserve are shown on the plan.

The proposed Racine de Bouleau river biodiversity reserve is located in the Côte-Nord administrative region, between 52°05' and 52°28' north latitude and 68°19' and 68°42' west longitude. It is situated some 45 km north of the Manicouagan reservoir. The proposed biodiversity reserve covers an area of 529.2 km<sup>2</sup> in the unorganized territory of Rivière-Mouchalagane in Municipalité régionale de comté de Caniapiscau.

2.2. Geography

The proposed Racine de Bouleau river biodiversity reserve is in the Manicouagan reservoir basin natural region in the Central Laurentian natural province. Its geology is of interest because it is mainly formed of marbles. The region also has quartzites, schists and gneiss. The topography is formed mainly of mounds and low hills covered by till. The forest cover is characterized by an open softwood forest, through which there are some high-density stands of softwood, heaths and peat bogs. The habitats present in the territory are favourable to the presence of woodland caribou and intersect a small part of a sector of interest for that species. One of the tributaries of the Manicouagan reservoir that runs through the western part of the proposed biodiversity reserve is home to lake trout, a unique fish species.

2.3. Occupation, rights and land uses

One right for vacation resort purposes has been granted in the territory of the proposed biodiversity reserve.

The proposed Racine de Bouleau river biodiversity reserve lies within the Bersimis and Saguenay beaver reserves, in which the Innu communities have special rights regarding the hunting and trapping of fur-bearing animals.

3. Activities within the reserve

*§1. Introduction*

The activities carried on within the proposed reserve are governed for the most part by the provisions of the Natural Heritage Conservation Act.

This Division prohibits activities in addition to those prohibited under the Act and provides a framework for the carrying on of certain permitted activities so as to better ensure the protection of the natural environment. Accordingly, certain activities require the prior authorization of the Minister and compliance with the conditions determined by the Minister.

As provided in the Natural Heritage Conservation Act, the main activities prohibited in an area to which status as a proposed biodiversity or aquatic reserve has been assigned 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.

*§2. Prohibitions, prior authorizations and conditions on which certain activities may be carried on in the proposed reserve*

*§2.1. Protection of resources and the natural environment*

3.1. No person may introduce non-native species of flora or fauna into the proposed reserve.

3.2. No person may stock a watercourse or body of water

(1) for aquaculture, sports or commercial fishing or any other commercial purpose;

(2) for any other purpose, if the fish stocked are not from a genetic strain originating from the proposed reserve.

3.3. No person may bury, abandon or dispose of waste, snow or other residual materials other than in waste disposal containers, facilities or sites determined by the Minister or elsewhere, with the authorization of the Minister and in compliance with the conditions the Minister determines.

Despite the first paragraph, no authorization need be obtained by an outfitting operation to use a disposal facility or site in compliance with the Environment Quality Act and its regulations if the outfitting operation was already using the facility or site on the date on which the protection status as a proposed reserve takes effect.

3.4. No person may, unless the person has been authorized by the Minister and carries on the activity in compliance with the conditions the Minister determines,

(1) carry on any activity likely to severely degrade the banks or shores or to otherwise seriously affect the integrity of a watercourse, body of water or other wetland area, in particular by discharging or dumping waste or other pollutant into the watercourse, body of water or wetland area; or

(2) dig, fill, obstruct or divert a watercourse or body of water.

### §2.2. Rules of conduct for users

3.5. Every person staying, carrying on an activity or travelling about within the proposed reserve is required to maintain the premises in a satisfactory state and before leaving, return the premises to their natural state to the extent possible.

3.6. Every person who makes a campfire must

(1) clear an area around the fire site sufficient to prevent the fire from spreading by removing all branches, scrub, dry leaves and other combustible materials;

(2) see that there is always a person on the premises to attend the fire; and

(3) ensure that the fire is completely extinguished before leaving the premises.

3.7. In the proposed reserve, no person may

(1) cause any excessive noise; or

(2) behave in a manner that unduly disturbs other persons in the reserve or interferes with their enjoyment of the reserve.

3.8. No person may destroy, remove, move or damage any poster, sign, notice or other type of signage posted by the Minister within the proposed reserve.

3.9. No person may enter, carry on an activity in or operate a vehicle in a given sector of the proposed reserve unless the person has been authorized by the Minister and complies with the conditions determined, if the signage erected by the Minister restricts access, traffic or certain activities in order to protect the public from a danger or to avoid placing the fauna, flora or other components of the natural environment at risk.

### §2.3. Activities requiring an authorization

3.10. No person may, unless the person has been authorized by the Minister and complies with the conditions the Minister determines, stay or reside on or otherwise occupy the same site within the proposed reserve for a period of more than three months in the same year. No authorization need be obtained by a person who,

(1) on the date on which the protection status as a proposed reserve takes effect, was a party to a lease or had already obtained another form of permit or authorization allowing the person to occupy the land under the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) or, if applicable, the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), and whose right to occupy the land is renewed or extended;

(2) in accordance with the applicable provisions of law, has entitlement under a sublease, an assignment of a lease or a transfer of an authorization, as referred to in paragraph 1, and whose right to occupy the land is renewed or extended;

(3) avails himself or herself of the possibility of acquiring the land the person legally occupies on the date on which the protection status as a proposed reserve takes effect, pursuant to the Act respecting the lands in the domain of the State.

3.11. (1) No person may carry on forest management activities to meet domestic needs or for the purpose of maintaining biodiversity, unless the person has been authorized by the Minister and carries on the activities in compliance with the conditions the Minister determines.

The conditions of that authorization may pertain, among other things, to species of trees or shrubs, the size of the stems that may be cut, the quantities authorized and the places where the activities may be carried on.

(2) Despite subsection 1, the authorization of the Minister under this plan need not be obtained by a person staying or residing in the proposed reserve who collects wood to make a campfire.

No such authorization need be obtained by a person to collect wood to meet domestic needs

(a) if the wood is collected within a sector reserved by the Minister of Natural Resources and Wildlife as a sector for which a permit for the harvest of firewood for domestic purposes under the Forest Act (R.S.Q., c. F-4.1) may be issued and which has already been reserved as such by the Minister on the date on which the protection status as a proposed reserve takes effect;

(b) if the wood is collected by a person who, on the date on which the protection status as a proposed reserve takes effect or in any of the three preceding years, held a permit for the harvest of firewood for domestic purposes allowing the person to harvest firewood within the proposed reserve; or

(c) if the wood is collected by a person in accordance with the conditions set out in the permit for the harvest of firewood for domestic purposes issued by the Minister of Natural Resources and Wildlife under the Forest Act.

(3) Despite subsection 1, no authorization need be obtained by a person authorized by lease to occupy land within the proposed reserve, pursuant to this plan, to carry on a forest management activity for the purpose of

(a) clearing permitted harvested areas, maintaining them or creating visual openings, and any other similar removal purposes permitted under the regulation that applies to the sale, lease and granting of immovable rights made under the Act respecting the lands in the domain of the State;

(b) creating and maintaining access roads, stairways or other trails permitted under that regulation; or

(c) clearing the necessary area for the installation, connection, maintenance and repair of power, water, sewer or telecommunication lines, facilities and mains.

When the work referred to in subparagraph *c* of subsection 3 is carried out for or under the responsibility of an enterprise providing any of those services, the work requires the prior authorization of the Minister, other than in the case of the exemptions provided for in sections 3.13 and 3.14.

(4) Despite subsection 1, no authorization need be obtained by a person to carry on a forest management activity to maintain a sugar bush and harvest maple products for domestic purposes

(a) if the activity is carried on by a person who, on the date on which the protection status as a proposed reserve takes effect or in any of the three preceding years, held a sugar bush management permit issued by the Minister of Natural Resources and Wildlife under the Forest Act allowing the person to carry on the activities of a sugar bush operator within the proposed reserve;

(b) if the activity is carried on within a zone for which the permit obtained allowed the carrying on of sugar bush operations on the date on which the protection status as a proposed reserve takes effect or in any of the three preceding years; or

(c) if the activity is carried on by a person in compliance with the conditions set out in the sugar bush management permit issued by the Minister of Natural Resources and Wildlife under the Forest Act.

3.12. No person may, unless the person has been authorized by the Minister and carries on the activity in compliance with the conditions the Minister determines,

(1) carry out soil development work, including any fill, burial, earthwork, removal or displacement of surface materials or vegetation cover, for any purpose including recreational and tourism purposes such as the development of trails;

(2) install or construct a new structure, infrastructure or works;

(3) reconstruct or demolish an existing structure, infrastructure or works;

(4) use a pesticide, although no authorization is required for the use of insect repellent for personal purposes;

(5) carry on an activity that is likely to severely degrade the soil or a geological formation or damage the vegetation cover, such as stripping, the digging of trenches or excavation work; or

(6) carry on educational or research-related activities if the activities are likely to significantly damage or disturb the natural environment, in particular by the extent of the moving or removal of natural resources or by the use of explosives.

The conditions of the Minister's authorization for the work may pertain to the location of the authorized activity, the methods used, the areas that may be cleared or deforested, the types of material that may be used including the material taken from the site, and the presence of ancillary works or facilities. The conditions may also include a requirement to ensure periodic follow-up or to report to the Minister, in particular as regards the results obtained from the research to which subparagraph 6 of the first paragraph refers.

Subject to the conditions determined in the authorization, work to repair or maintain trails authorized by the Minister or trails existing on the date on which the protection status as a proposed reserve takes effect may be carried on without an authorization under subparagraph 1 of the first paragraph.

Work to repair or maintain forest roads or roads authorized under the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) carried on in accordance with the Forest Act and its regulations that concern standards of forest management may be carried on without an authorization under subparagraph 1 of the first paragraph.

#### §2.4. Authorization exemptions

3.13. Despite the preceding provisions, no authorization need be obtained by a person to carry on an activity or for any other form of intervention within the proposed reserve if urgent action is required to prevent harm to the health or safety of persons, or to repair or prevent damage caused by a real or apprehended catastrophe. The person concerned must, however, immediately inform the Minister of the activity or intervention that has taken place.

3.14. Despite the preceding provisions, the following activities and interventions involving the production, transmission and distribution of electricity carried out by Hydro-Québec (Société) or by any other person for Hydro-Québec do not require the prior authorization of the Minister under this plan:

(1) any activity or intervention required within the proposed reserve to complete a project which was previously expressly authorized by the Government and the Minister, or only by the latter, in accordance with the requirements of the Environment Quality Act (R.S.Q., c. Q-2), if the activity or intervention is carried out in compliance with the authorizations issued;

(2) any activity or intervention necessary for the preparation and presentation of a pre-project report for a project requiring an authorization under the Environment Quality Act;

(3) any activity or intervention relating to a project requiring the prior authorization of the Minister under the Environment Quality Act, if the activity or intervention is in response to a request for a clarification or for additional information made by the Minister to the Société and it is carried out in accordance with the request;

(4) any activity or intervention by the Société, if the conditions for the carrying out of the activity or intervention have been determined in an agreement between the Minister and the Société and the activity or intervention is carried out in compliance with those conditions.

For the purposes of this section, the activities and interventions of the Société include pre-project studies, analysis work or field research, work required to study and monitor the impact of power transmission and distribution line corridors and rights-of-way, geological or geophysical surveys and survey lines, and the opening and maintenance of roads required for the purpose of access, construction or equipment movement necessary for the carrying on of such work.

#### §2.5. General provisions

3.15. Every person who applies to the Minister for an individual authorization or for an authorization for a group or for a number of persons must provide any information or document requested by the Minister for the examination of the application.

3.16. The Minister's authorization, which is general and can be used by more than one person, may be communicated to the persons concerned by any appropriate means including by a posted notice or appropriate signage at the reception centre or any other location within the proposed reserve that is readily accessible to the public. The Minister is to provide a copy to any person requesting a copy.

### §3. *Activities governed by other statutes*

Certain activities likely to be carried on within the proposed reserve are also governed by 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 reserve.

A special legal framework may govern permitted and prohibited activities within the proposed reserve in connection with the following matters:

— Environmental protection: measures set out in particular in the Environment Quality Act (R.S.Q., c. Q-2);

— Archaeological research: measures set out in particular in the Cultural Property Act (R.S.Q., c. B-4);

— Development of wildlife resources: measures set out in particular in the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), including the provisions pertaining to outfitting operations and beaver reserves and the measures contained in applicable federal legislation, including the fishery regulations;

— Removal of species of fauna or flora that are threatened or vulnerable or are likely to be designated as such: measures prohibiting the removal of the species under the Act respecting threatened or vulnerable species (R.S.Q., c. E-12.01);

— Access and land rights: measures set out in particular in the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1);

— Operation of vehicles: measures set out in particular in the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) and in the regulation on motor vehicle traffic in certain fragile environments made under the Environment Quality Act (R.S.Q., c. Q-2).

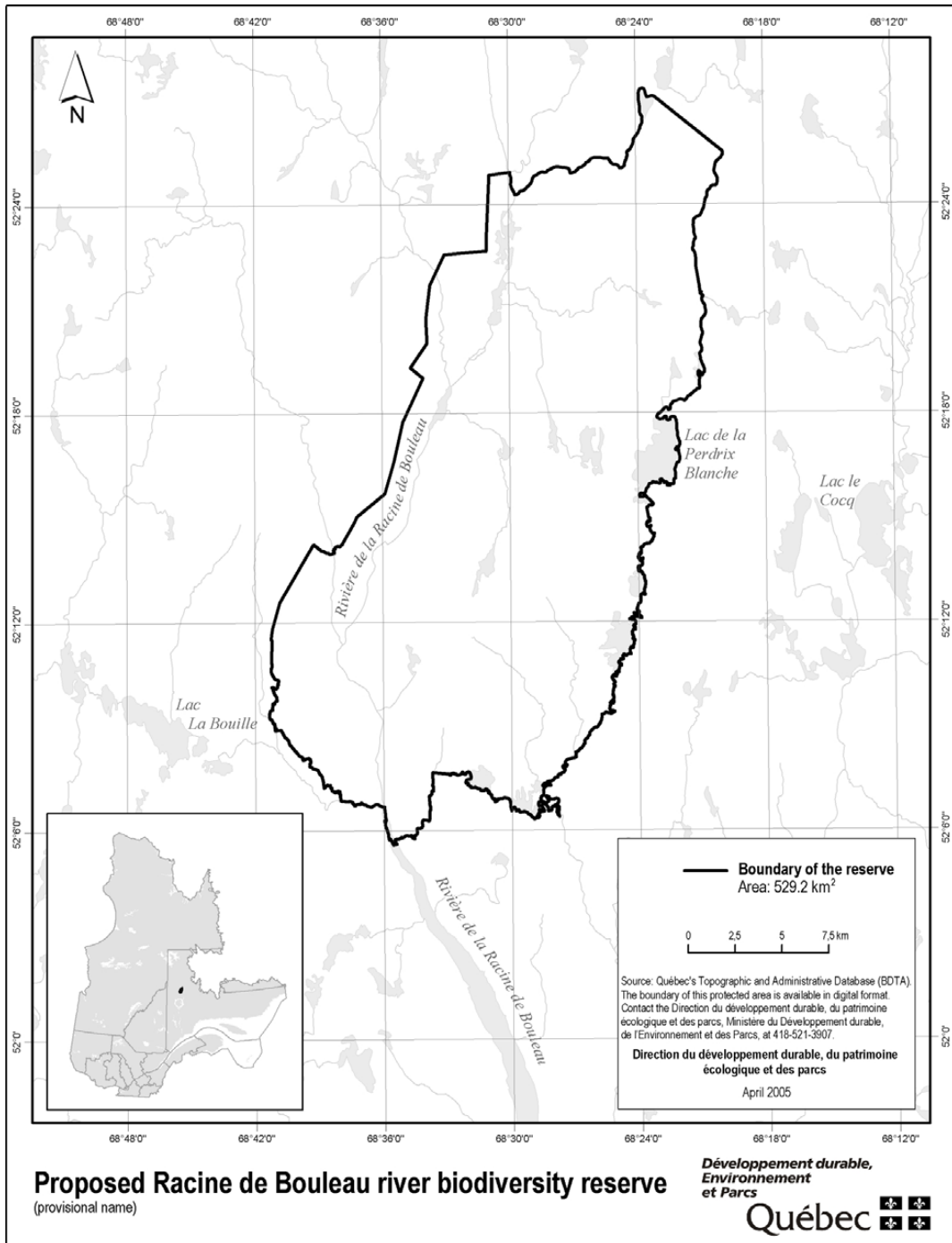
### 4. Responsibilities of the Minister of Sustainable Development, Environment and Parks

The Minister of Sustainable Development, Environment and Parks is responsible for the management of the proposed Racine de Bouleau river biodiversity reserve and is therefore responsible for the supervision and monitoring of the activities that may be carried on within the reserve. The Minister in the management of the reserve works collaboratively with other government representatives having specific responsibilities within the boundaries of the reserve or on adjoining land, such as the Minister of Natural Resources and Wildlife. In the exercise of their powers and functions, the Ministers will take into consideration the protection sought for these natural environments and the protection status that has been granted.



## Schedule

### Map of the proposed Racine de Bouleau river biodiversity reserve (provisional name)



PROPOSED CLÉRAC LAKE DRUMLINS  
BIODIVERSITY RESERVE  
(provisional name)

CONSERVATION PLAN

June 2005

1. Protection status and toponym

The legal status of the reserve described below is that of proposed biodiversity reserve under the Natural Heritage Conservation Act (R.S.Q., c. C-61.01).

The proposed reserve is to have the name “Réserve de biodiversité projetée des drumlins du lac Clérac”. The official toponym will be determined at the time of the assignment of permanent protection status to the land.

2. Plan and description

2.1. Location, boundaries and dimensions

The boundaries and location of the proposed Clérac lake drumlins biodiversity reserve are shown on the plan.

The proposed Clérac lake drumlins biodiversity reserve is located in the Saguenay-Lac-Saint-Jean administrative region, between 50°26' and 50°44' north latitude and 72°42' and 73°06' west longitude. It is situated a little over thirty kilometres south-east of Albanel lake. It covers an area of 375.4 km<sup>2</sup> and lies almost entirely within the unorganized territory of Rivière-Mistassini in Municipalité régionale de comté de Maria-Chapdelaine. A small portion to the north-west lies within the territory of Municipalité de Baie-James.

2.2. Geography

The proposed Clérac lake drumlins biodiversity reserve forms part of the Manouane Lake Depression natural region in the Central Laurentian natural province. The topography is nearly level and glacial and glaciofluvial deposits and peat bogs dominate. Dry heaths are also prevalent. The rest of the vegetation cover consists mainly of black spruce and jack pine stands. Recent inventories have confirmed the presence of woodland caribou in the area.

2.3. Occupation, rights and land uses

Two land rights have been granted in the territory of the proposed biodiversity reserve: 1 for vacation resort purposes and 1 for a hydrometric station (Alcan).

The proposed Clérac lake drumlins biodiversity reserve covers traplines M46A and M46B that belong to the Cree community of Mistissini. The proposed reserve lies within the Mistassini beaver reserve. The land is also part of the Nitassinan of Mashteuiatsh.

The Nestaocano river that borders the proposed biodiversity reserve to the west is a recognized canoe-kayak route.

3. Activities within the reserve

§1. Introduction

The activities carried on within the proposed reserve are governed for the most part by the provisions of the Natural Heritage Conservation Act.

This Division prohibits activities in addition to those prohibited under the Act and provides a framework for the carrying on of certain permitted activities so as to better ensure the protection of the natural environment. Accordingly, certain activities require the prior authorization of the Minister and compliance with the conditions determined by the Minister.

As provided in the Natural Heritage Conservation Act, the main activities prohibited in an area to which status as a proposed biodiversity or aquatic reserve has been assigned 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.

§2. Prohibitions, prior authorizations and conditions on which certain activities may be carried on in the proposed reserve

§2.1. Protection of resources and the natural environment

3.1. No person may introduce non-native species of flora or fauna into the proposed reserve.

3.2. No person may stock a watercourse or body of water

(1) for aquaculture, sports or commercial fishing or any other commercial purpose;

(2) for any other purpose, if the fish stocked are not from a genetic strain originating from the proposed reserve.

3.3. No person may bury, abandon or dispose of waste, snow or other residual materials other than in waste disposal containers, facilities or sites determined by the Minister or elsewhere, with the authorization of the Minister and in compliance with the conditions the Minister determines.

Despite the first paragraph, no authorization need be obtained by an outfitting operation to use a disposal facility or site in compliance with the Environment Quality Act and its regulations if the outfitting operation was already using the facility or site on the date on which the protection status as a proposed reserve takes effect.

3.4. No person may, unless the person has been authorized by the Minister and carries on the activity in compliance with the conditions the Minister determines,

(1) carry on any activity likely to severely degrade the banks or shores or to otherwise seriously affect the integrity of a watercourse, body of water or other wetland area, in particular by discharging or dumping waste or other pollutant into the watercourse, body of water or wetland area; or

(2) dig, fill, obstruct or divert a watercourse or body of water.

### §2.2. *Rules of conduct for users*

3.5. Every person staying, carrying on an activity or travelling about within the proposed reserve is required to maintain the premises in a satisfactory state and before leaving, return the premises to their natural state to the extent possible.

3.6. Every person who makes a campfire must

(1) clear an area around the fire site sufficient to prevent the fire from spreading by removing all branches, scrub, dry leaves and other combustible materials;

(2) see that there is always a person on the premises to attend the fire; and

(3) ensure that the fire is completely extinguished before leaving the premises.

3.7. In the proposed reserve, no person may

(1) cause any excessive noise; or

(2) behave in a manner that unduly disturbs other persons in the reserve or interferes with their enjoyment of the reserve.

3.8. No person may destroy, remove, move or damage any poster, sign, notice or other type of signage posted by the Minister within the proposed reserve.

3.9. No person may enter, carry on an activity in or operate a vehicle in a given sector of the proposed reserve unless the person has been authorized by the Minister and complies with the conditions determined, if the signage erected by the Minister restricts access, traffic or certain activities in order to protect the public from a danger or to avoid placing the fauna, flora or other components of the natural environment at risk.

### §2.3. *Activities requiring an authorization*

3.10. No person may, unless the person has been authorized by the Minister and complies with the conditions the Minister determines, stay or reside on or otherwise occupy the same site within the proposed reserve for a period of more than three months in the same year. No authorization need be obtained by a person who,

(1) on the date on which the protection status as a proposed reserve takes effect, was a party to a lease or had already obtained another form of permit or authorization allowing the person to occupy the land under the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) or, if applicable, the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), and whose right to occupy the land is renewed or extended;

(2) in accordance with the applicable provisions of law, has entitlement under a sublease, an assignment of a lease or a transfer of an authorization, as referred to in paragraph 1, and whose right to occupy the land is renewed or extended;

(3) avails himself or herself of the possibility of acquiring the land the person legally occupies on the date on which the protection status as a proposed reserve takes effect, pursuant to the Act respecting the lands in the domain of the State.

3.11. (1) No person may carry on forest management activities to meet domestic needs or for the purpose of maintaining biodiversity, unless the person has been authorized by the Minister and carries on the activities in compliance with the conditions the Minister determines.

The conditions of that authorization may pertain, among other things, to species of trees or shrubs, the size of the stems that may be cut, the quantities authorized and the places where the activities may be carried on.

(2) Despite subsection 1, the authorization of the Minister under this plan need not be obtained by a person staying or residing in the proposed reserve who collects wood to make a campfire.

No such authorization need be obtained by a person to collect wood to meet domestic needs

(a) if the wood is collected within a sector reserved by the Minister of Natural Resources and Wildlife as a sector for which a permit for the harvest of firewood for domestic purposes under the Forest Act (R.S.Q., c. F-4.1) may be issued and which has already been reserved as such by the Minister on the date on which the protection status as a proposed reserve takes effect;

(b) if the wood is collected by a person who, on the date on which the protection status as a proposed reserve takes effect or in any of the three preceding years, held a permit for the harvest of firewood for domestic purposes allowing the person to harvest firewood within the proposed reserve; or

(c) if the wood is collected by a person in accordance with the conditions set out in the permit for the harvest of firewood for domestic purposes issued by the Minister of Natural Resources and Wildlife under the Forest Act.

(3) Despite subsection 1, no authorization need be obtained by a person authorized by lease to occupy land within the proposed reserve, pursuant to this plan, to carry on a forest management activity for the purpose of

(a) clearing permitted harvested areas, maintaining them or creating visual openings, and any other similar removal purposes permitted under the regulation that applies to the sale, lease and granting of immovable rights made under the Act respecting the lands in the domain of the State;

(b) creating and maintaining access roads, stairways or other trails permitted under that regulation; or

(c) clearing the necessary area for the installation, connection, maintenance and repair of power, water, sewer or telecommunication lines, facilities and mains.

When the work referred to in subparagraph *c* of subsection 3 is carried out for or under the responsibility of an enterprise providing any of those services, the work

requires the prior authorization of the Minister, other than in the case of the exemptions provided for in sections 3.13 and 3.14.

(4) Despite subsection 1, no authorization need be obtained by a person to carry on a forest management activity to maintain a sugar bush and harvest maple products for domestic purposes

(a) if the activity is carried on by a person who, on the date on which the protection status as a proposed reserve takes effect or in any of the three preceding years, held a sugar bush management permit issued by the Minister of Natural Resources and Wildlife under the Forest Act allowing the person to carry on the activities of a sugar bush operator within the proposed reserve;

(b) if the activity is carried on within a zone for which the permit obtained allowed the carrying on of sugar bush operations on the date on which the protection status as a proposed reserve takes effect or in any of the three preceding years; or

(c) if the activity is carried on by a person in compliance with the conditions set out in the sugar bush management permit issued by the Minister of Natural Resources and Wildlife under the Forest Act.

3.12. No person may, unless the person has been authorized by the Minister and carries on the activity in compliance with the conditions the Minister determines,

(1) carry out soil development work, including any fill, burial, earthwork, removal or displacement of surface materials or vegetation cover, for any purpose including recreational and tourism purposes such as the development of trails;

(2) install or construct a new structure, infrastructure or works;

(3) reconstruct or demolish an existing structure, infrastructure or works;

(4) use a pesticide, although no authorization is required for the use of insect repellent for personal purposes;

(5) carry on an activity that is likely to severely degrade the soil or a geological formation or damage the vegetation cover, such as stripping, the digging of trenches or excavation work; or

(6) carry on educational or research-related activities if the activities are likely to significantly damage or disturb the natural environment, in particular by the extent of the moving or removal of natural resources or by the use of explosives.

The conditions of the Minister's authorization for the work may pertain to the location of the authorized activity, the methods used, the areas that may be cleared or deforested, the types of material that may be used including the material taken from the site, and the presence of ancillary works or facilities. The conditions may also include a requirement to ensure periodic follow-up or to report to the Minister, in particular as regards the results obtained from the research to which subparagraph 6 of the first paragraph refers.

Subject to the conditions determined in the authorization, work to repair or maintain trails authorized by the Minister or trails existing on the date on which the protection status as a proposed reserve takes effect may be carried on without an authorization under subparagraph 1 of the first paragraph.

Work to repair or maintain forest roads or roads authorized under the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) carried on in accordance with the Forest Act and its regulations that concern standards of forest management may be carried on without an authorization under subparagraph 1 of the first paragraph.

#### §2.4. *Authorization exemptions*

3.13. Despite the preceding provisions, no authorization need be obtained by a person to carry on an activity or for any other form of intervention within the proposed reserve if urgent action is required to prevent harm to the health or safety of persons, or to repair or prevent damage caused by a real or apprehended catastrophe. The person concerned must, however, immediately inform the Minister of the activity or intervention that has taken place.

3.14. Despite the preceding provisions, the following activities and interventions involving the production, transmission and distribution of electricity carried out by Hydro-Québec (Société) or by any other person for Hydro-Québec do not require the prior authorization of the Minister under this plan:

(1) any activity or intervention required within the proposed reserve to complete a project which was previously expressly authorized by the Government and the

Minister, or only by the latter, in accordance with the requirements of the Environment Quality Act (R.S.Q., c. Q-2), if the activity or intervention is carried out in compliance with the authorizations issued;

(2) any activity or intervention necessary for the preparation and presentation of a pre-project report for a project requiring an authorization under the Environment Quality Act;

(3) any activity or intervention relating to a project requiring the prior authorization of the Minister under the Environment Quality Act, if the activity or intervention is in response to a request for a clarification or for additional information made by the Minister to the Société and it is carried out in accordance with the request;

(4) any activity or intervention by the Société, if the conditions for the carrying out of the activity or intervention have been determined in an agreement between the Minister and the Société and the activity or intervention is carried out in compliance with those conditions.

For the purposes of this section, the activities and interventions of the Société include pre-project studies, analysis work or field research, work required to study and monitor the impact of power transmission and distribution line corridors and rights-of-way, geological or geophysical surveys and survey lines, and the opening and maintenance of roads required for the purpose of access, construction or equipment movement necessary for the carrying on of such work.

#### §2.5. *General provisions*

3.15. Every person who applies to the Minister for an individual authorization or for an authorization for a group or for a number of persons must provide any information or document requested by the Minister for the examination of the application.

3.16. The Minister's authorization, which is general and can be used by more than one person, may be communicated to the persons concerned by any appropriate means including by a posted notice or appropriate signage at the reception centre or any other location within the proposed reserve that is readily accessible to the public. The Minister is to provide a copy to any person requesting a copy.

### §3. *Activities governed by other statutes*

Certain activities likely to be carried on within the proposed reserve are also governed by 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 reserve.

A special legal framework may govern permitted and prohibited activities within the proposed reserve in connection with the following matters:

— Environmental protection: measures set out in particular in the Environment Quality Act (R.S.Q., c. Q-2);

— Archaeological research: measures set out in particular in the Cultural Property Act (R.S.Q., c. B-4);

— Development of wildlife resources: measures set out in particular in the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), including the provisions pertaining to outfitting operations and beaver reserves and the measures contained in applicable federal legislation, including the fishery regulations;

— Removal of species of fauna or flora that are threatened or vulnerable or are likely to be designated as such: measures prohibiting the removal of the species under the Act respecting threatened or vulnerable species (R.S.Q., c. E-12.01);

— Access and land rights: measures set out in particular in the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1);

— Operation of vehicles: measures set out in particular in the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) and in the regulation on motor vehicle traffic in certain fragile environments made under the Environment Quality Act (R.S.Q., c. Q-2).

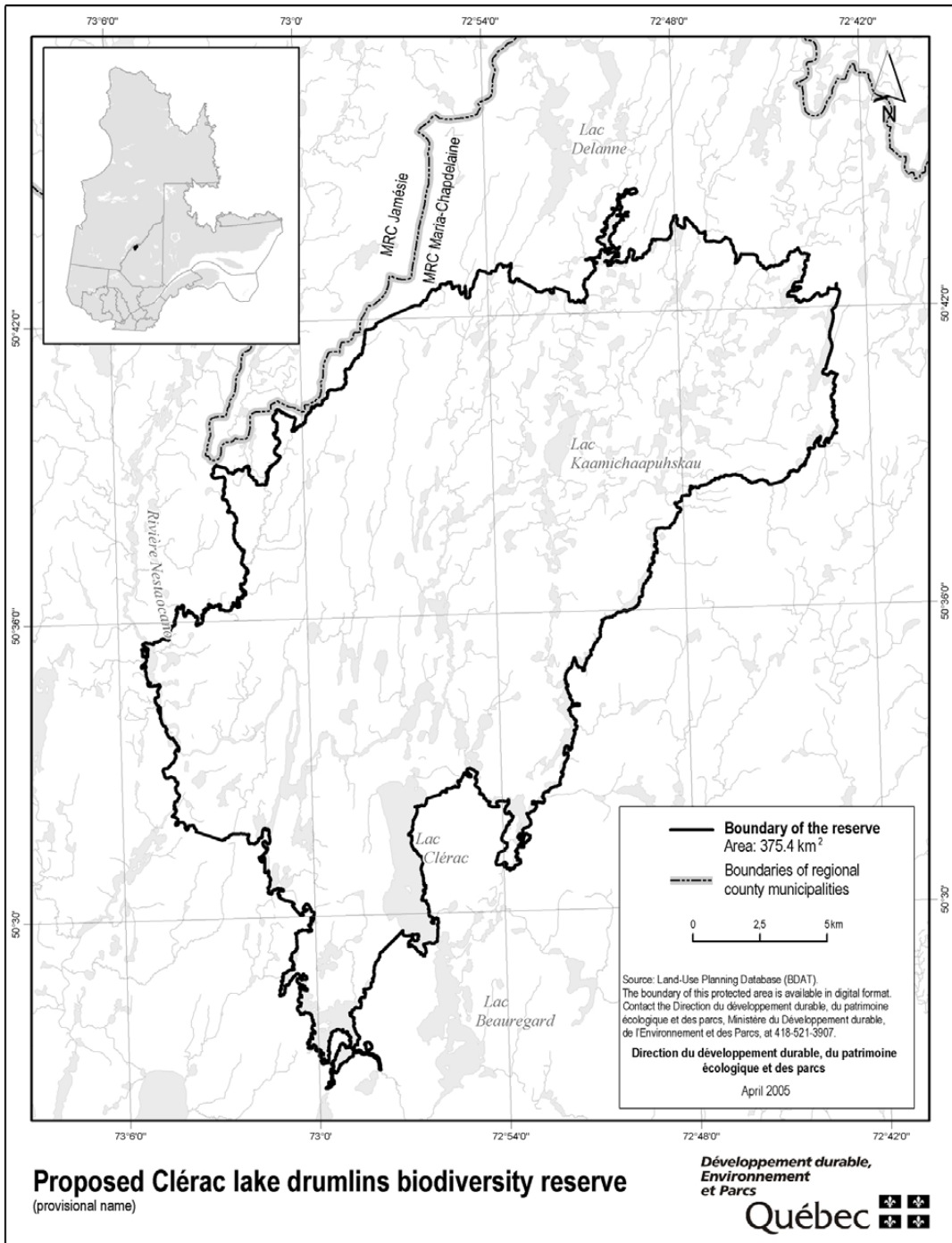
### 4. Responsibilities of the Minister of Sustainable Development, Environment and Parks

The Minister of Sustainable Development, Environment and Parks is responsible for the management of the proposed Clérac lake drumlins biodiversity reserve and is therefore responsible for the supervision and monitoring of the activities that may be carried on within the reserve. The Minister in the management of the reserve works collaboratively with other government representatives having specific responsibilities within the boundaries of the reserve or on adjoining land, such as the Minister of Natural Resources and Wildlife. In the exercise of their powers and functions, the Ministers will take into consideration the protection sought for these natural environments and the protection status that has been granted.



## Schedule

Map of the proposed Clérac lake drumlins biodiversity reserve (provisional name)



**Proposed Clérac lake drumlins biodiversity reserve**  
(provisional name)

PROPOSED SAINT-ELZÉAR KARST  
BIODIVERSITY RESERVE  
(provisional name)

CONSERVATION PLAN

June 2005

1. Protection status and toponym

The legal status of the reserve described below is that of proposed biodiversity reserve under the Natural Heritage Conservation Act (R.S.Q., c. C-61.01).

The proposed reserve is to have the name “Réserve de biodiversité projetée du karst de Saint-Elzéar”. The official toponym will be determined at the time of the assignment of permanent protection status to the land.

The proposed biodiversity reserve protects a scientifically unique and exceptional heritage, in particular from the perspective of its geology. The area is a mosaic of forest ecosystems of great ecological interest owing to the evolution of the vegetation cover that prevents degradation of underground karst formations. The reserve also is a landscape of great quality.

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

- conservation of a portion of land having a physiography characteristic of the Appalachians natural province;
- preservation of an area of geological interest (recognized or potential);
- protection of the biodiversity of forest ecosystems;
- acquisition of additional knowledge about that natural heritage, in particular karst phenomena and the evolution of the vegetation cover.

2. Plan et description

2.1. Location, boundaries and dimensions

The boundaries and location of the proposed Saint-Elzéar karst biodiversity reserve are shown on the attached plan.

The proposed Saint-Elzéar karst biodiversity reserve is located between 48°13' and 48°19' north latitude and 65°17' and 65°25' west longitude, immediately north of Municipalité de Saint-Elzéar, in the unorganized territory of Municipalité régionale de comté de Bonaventure, in the Gaspésie-Îles-de-la-Madeleine administrative region.

The proposed biodiversity reserve covers an area of 44.5 km<sup>2</sup> and lies within the north-eastern portion of the Duval river watershed. It also includes bluffs to the north-west that border on the left shore of the Garin river. The proposed biodiversity reserve is accessible by public and forest roads from Municipalité de Saint-Elzéar. The forest road, crossing the proposed reserve from the Garin escarpment in the south-west towards the north-east, having a 30-metre right-of-way as shown on the attached plan, is excluded from the proposed biodiversity reserve.

2.2. Geography

The protected area is in the Appalachians natural province. The general topography is characterized by an undulating plateau sloping slightly towards the south, deeply scored by a lattice network of streams running along the fractures in the geological base, and bordered on the south by a steep escarpment referred to as the Garin escarpment. The elevation of the proposed reserve ranges between 135 and 605 metres.

2.2.1. Representative elements

**Climate :** The proposed biodiversity reserve is characterized by a subpolar and subhumid continental climate, with an average growing season. It is located in an area that belongs to the bioclimatic domain of fir stands with yellow birch.

**Geology and geomorphology :** The proposed biodiversity reserve is part of the Appalachians geologic province, whose Paleozoic basement (545 to 250 million years) was severely deformed during successive orogenies. The bedrock consists of strata of Ordovician and Silurian sedimentary rock (450-420 million years) deformed during the Acadian orogeny (between 400 and 360 million years) and which contain relatively pure limestone of La Vieille Formation. The limestone is sensitive to chemical erosion (dissolution) and the formation of karsts. The strata are in anticlinal and synclinal folds so that the limestone units reappear in long north-east – south-west parallel bands, 200 to 300 metres wide. The surface area of the limestone outcrops is increased because the hinge lines of the folds are not always horizontal but undulate slightly, plunging alternately to the north-east and the south-west.

The extent of the rock outcrop, generally covered with vegetation, is approximately 25% of the area between the Garin escarpment and the Garin river to the north. Elsewhere, the rock is covered with a thin layer of sedimentary rock derived till or well-drained very stony sandy till. Sandy loams that are well or badly drained

cover the valley floors. Very stony sand and gravel and peat moss border the Duval river.

The Garin escarpment extending some 450 metres above the plateau of the Saint-Elzéar region, which is at an elevation of some 250 metres, delimits the southern portion of the proposed reserve. North of the escarpment, the surface rises gradually to an elevation of some 600 metres forming the Garin plateau.

**Hydrography:** The major part of the proposed biodiversity reserve is in the Duval river watershed, a tributary of the Bonaventure river. The Duval Est stream drains the northern half of the proposed biodiversity reserve. A small portion of the territory located to the north-west is drained by the Garin river. The Garin escarpment is drained to the west by the Duval river and to the east by the Hall Ouest river, a tributary of the Bonaventure river.

A lattice hydrographic network sometimes highly entrenched along the geological strata (generally limestone) cuts into the land or uses the nearly perpendicular fractures. The proposed biodiversity reserve will ensure the conservation of a representative, relatively uneven physiographic unit that is distinct from the rest of the southern part of Gaspésie.

**Vegetation:** The forest consisting of mixed hardwoods and softwoods covers approximately 60% of the territory. The forest was nearly completely burned in 1924. Some 90% of the forest is between 20 and 80 years old. Forest areas dominated by hardwoods cover some 30% of the area. A few softwood forests, covering approximately 7% of the area, and some 3% of the hardwood forests are over 80 years old, and cover especially the valley floors; they probably escaped the fires. The youngest forests, less than 20 years old, are a product of logging and are found mostly in the north-western portion of the reserve that is drained by the Garin river.

White birch (*Betula papyrifera*) and trembling aspen (*Populus tremuloides*) dominate most of the area. Softwoods are represented mainly by balsam fir (*Abies balsamea*), white spruce (*Picea glauca*), red spruce (*Picea rubens*) and black spruce (*Picea mariana*). In well-drained soils, the herbaceous and arbustive flora of the forest floor consists of about twenty species that characterize boreal forests. The few tree clumps consisting of eastern white cedar (*Thuja occidentalis*), balsam fir and white spruce are confined to the north of the territory at the bottom of the valleys and along the Duval river. Yellow birch (*Betula alleghaniensis*) forms up to 5% of the mixed stands, growing on slopes in the western and north-western portions. The sugar maple-yellow birch stand covers only 0.2% of the area, in a valley lying across the Duval river, at low elevation.

### 2.2.2. Outstanding elements

The Garin plateau is the only place in Québec and Eastern Canada where it is possible to observe active karst phenomena and other karst phenomena 200,000 years old dating back to the middle Pleistocene. Karst phenomena, the variety and the age difference of which are unique to Québec, are found in the area between the village of Saint-Elzéar and the Garin river. It is the only place where major karst phenomena active today coexist in the same limestone with surface and underground karst forms, either inactive or fossilized by deposits. The latest studies show that karst phenomena are identified throughout the proposed biodiversity reserve. The Saint-Elzéar cave and dolines near the cave, in the interior of the proposed biodiversity reserve, and karst phenomena (swallow holes, resurgences) around the village of Saint-Elzéar are the local karst phenomena most studied over the last 20 years and the best known in the Gaspésie region.

The presence of hundreds of closed depressions and numerous dolines would indicate that the cave network is larger than the network currently known.

### 2.3. Occupation, rights and land uses

Nine land rights have been granted by the Ministère des Ressources naturelles et de la Faune within the perimeter of the proposed biodiversity reserve. They are apportioned as follows:

- 2 for the construction of a rough shelter in the forest;
- 2 for personal vacation resort purposes (cottages), situated near the north-west limit of the proposed reserve;
- 2 for a trail for hiking and observing the karst phenomena;
- 3 for recreational equipment (access to the Saint-Elzéar cave), the construction of a lookout and observation tower.

Part of the territory is served by forest roads and a road and hiking trail leading to the Saint-Elzéar cave. In the fall, the local population hunts moose in the area.

Saint-Elzéar cave was “officially” discovered by Saint-Elzéar residents in 1976, but local legend has it that the cave entrance was observed long before. Since then, a number of researchers from the Government of Québec, Québec universities and the Société québécoise de spéléologie have studied the cave and karst phenomena of the Saint-Elzéar region. Local organizations such as the Comité de promotion des ressources naturelles de

Saint-Elzéar inc. and Habitafor are also involved in the understanding of karst phenomena in the area. The significance of the phenomena justified in 1977 the proposed assigning of conservation status (ecological reserve) to part of the area. The local population, however, under the Comité de promotion des ressources naturelles de Saint-Elzéar inc., sought to have the Saint-Elzéar cave developed for educational, recreational and tourism purposes. The descriptive work and management plans of the Saint-Elzéar cave were consequently carried out between 1983 and 1985 in close collaboration with the Ministère de l'Environnement. In 1980, the Comité de promotion des Ressources naturelles de Saint-Elzéar inc. established a cave museum in the village of Saint-Elzéar where educational and recreo-touristic activities centred on the discovery of the Saint-Elzéar cave and karst phenomena in the area have been carried on for approximately fifteen years.

### 3. Activities within the reserve

#### §1. Introduction

The activities carried on within the proposed reserve are governed for the most part by the provisions of the Natural Heritage Conservation Act.

This Division prohibits activities in addition to those prohibited under the Act and provides a framework for the carrying on of certain permitted activities so as to better ensure the protection of the natural environment. Accordingly, certain activities require the prior authorization of the Minister and compliance with the conditions determined by the Minister.

As provided in the Natural Heritage Conservation Act, the main activities prohibited in an area to which status as a proposed biodiversity or aquatic reserve has been assigned 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.

#### §2. Prohibitions, prior authorizations and conditions on which certain activities may be carried on in the proposed reserve

##### §2.1. Protection of resources and the natural environment

3.1. No person may introduce non-native species of flora or fauna into the proposed reserve.

3.2. No person may stock a watercourse or body of water

(1) for aquaculture, sports or commercial fishing or any other commercial purpose;

(2) for any other purpose, if the fish stocked are not from a genetic strain originating from the proposed reserve.

3.3. No person may bury, abandon or dispose of waste, snow or other residual materials other than in waste disposal containers, facilities or sites determined by the Minister or elsewhere, with the authorization of the Minister and in compliance with the conditions the Minister determines.

Despite the first paragraph, no authorization need be obtained by an outfitting operation to use a disposal facility or site in compliance with the Environment Quality Act and its regulations if the outfitting operation was already using the facility or site on the date on which the protection status as a proposed reserve takes effect.

3.4. No person may, unless the person has been authorized by the Minister and carries on the activity in compliance with the conditions the Minister determines,

(1) carry on any activity likely to severely degrade the banks or shores or to otherwise seriously affect the integrity of a watercourse, body of water or other wetland area, in particular by discharging or dumping waste or other pollutant into the watercourse, body of water or wetland area; or

(2) dig, fill, obstruct or divert a watercourse or body of water.

#### §2.2. Rules of conduct for users

3.5. Every person staying, carrying on an activity or travelling about within the proposed reserve is required to maintain the premises in a satisfactory state and before leaving, return the premises to their natural state to the extent possible.

3.6. Every person who makes a campfire must

(1) clear an area around the fire site sufficient to prevent the fire from spreading by removing all branches, scrub, dry leaves and other combustible materials;

(2) see that there is always a person on the premises to attend the fire; and

(3) ensure that the fire is completely extinguished before leaving the premises.

3.7. In the proposed reserve, no person may

(1) cause any excessive noise; or

(2) behave in a manner that unduly disturbs other persons in the reserve or interferes with their enjoyment of the reserve.

3.8. No person may destroy, remove, move or damage any poster, sign, notice or other type of signage posted by the Minister within the proposed reserve.

3.9. No person may enter, carry on an activity in or operate a vehicle in a given sector of the proposed reserve unless the person has been authorized by the Minister and complies with the conditions determined, if the signage erected by the Minister restricts access, traffic or certain activities in order to protect the public from a danger or to avoid placing the fauna, flora or other components of the natural environment at risk.

### *§2.3. Activities requiring an authorization*

3.10. No person may establish a campsite, a shelter or otherwise stay in the proposed reserve, or occupy a site by installing or leaving property, unless the person has been authorized by the Minister and complies with the conditions determined by the Minister. No authorization need be obtained by a person who,

(1) on the date on which the protection status as a proposed reserve takes effect, was a party to a lease or had already obtained another form of permit or authorization allowing the person to occupy the land under the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) or, if applicable, the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), and whose right to occupy the land is renewed or extended;

(2) in accordance with the applicable provisions of law, has entitlement under a sublease, an assignment of a lease or a transfer of an authorization, as referred to in paragraph 1, and whose right to occupy the land is renewed or extended;

(3) avails himself or herself of the possibility of acquiring the land the person legally occupies on the date on which the protection status as a proposed reserve takes effect, pursuant to the Act respecting the lands in the domain of the State.

3.11. (1) No person may carry on forest management activities to meet domestic needs or for the purpose of maintaining biodiversity, unless the person has been authorized by the Minister and carries on the activities in compliance with the conditions the Minister determines.

The conditions of that authorization may pertain, among other things, to species of trees or shrubs, the size of the stems that may be cut, the quantities authorized and the places where the activities may be carried on.

(2) Despite subsection 1, the authorization of the Minister under this plan need not be obtained by a person staying or residing in the proposed reserve who collects wood to make a campfire.

No such authorization need be obtained by a person to collect wood to meet domestic needs

(a) if the wood is collected within a sector reserved by the Minister of Natural Resources and Wildlife as a sector for which a permit for the harvest of firewood for domestic purposes under the Forest Act (R.S.Q., c. F-4.1) may be issued and which has already been reserved as such by the Minister on the date on which the protection status as a proposed reserve takes effect;

(b) if the wood is collected by a person who, on the date on which the protection status as a proposed reserve takes effect or in any of the three preceding years, held a permit for the harvest of firewood for domestic purposes allowing the person to harvest firewood within the proposed reserve; or

(c) if the wood is collected by a person in accordance with the conditions set out in the permit for the harvest of firewood for domestic purposes issued by the Minister of Natural Resources and Wildlife under the Forest Act.

(3) Despite subsection 1, no authorization need be obtained by a person authorized by lease to occupy land within the proposed reserve, pursuant to this plan, to carry on a forest management activity for the purpose of

(a) clearing permitted harvested areas, maintaining them or creating visual openings, and any other similar removal purposes permitted under the regulation that applies to the sale, lease and granting of immovable rights made under the Act respecting the lands in the domain of the State;

(b) creating and maintaining access roads, stairways or other trails permitted under that regulation; or



(c) clearing the necessary area for the installation, connection, maintenance and repair of power, water, sewer or telecommunication lines, facilities and mains.

When the work referred to in subparagraph c of subsection 3 is carried out for or under the responsibility of an enterprise providing any of those services, the work requires the prior authorization of the Minister, other than in the case of the exemptions provided for in sections 3.13 and 3.14.

(4) Despite subsection 1, no authorization need be obtained by a person to carry on a forest management activity to maintain a sugar bush and harvest maple products for domestic purposes

(a) if the activity is carried on by a person who, on the date on which the protection status as a proposed reserve takes effect or in any of the three preceding years, held a sugar bush management permit issued by the Minister of Natural Resources and Wildlife under the Forest Act allowing the person to carry on the activities of a sugar bush operator within the proposed reserve;

(b) if the activity is carried on within a zone for which the permit obtained allowed the carrying on of sugar bush operations on the date on which the protection status as a proposed reserve takes effect or in any of the three preceding years; or

(c) if the activity is carried on by a person in compliance with the conditions set out in the sugar bush management permit issued by the Minister of Natural Resources and Wildlife under the Forest Act.

3.12. No person may, unless the person has been authorized by the Minister and carries on the activity in compliance with the conditions the Minister determines,

(1) carry out soil development work, including any fill, burial, earthwork, removal or displacement of surface materials or vegetation cover, for any purpose including recreational and tourism purposes such as the development of trails;

(2) install or construct a new structure, infrastructure or works;

(3) reconstruct or demolish an existing structure, infrastructure or works;

(4) use a pesticide, although no authorization is required for the use of insect repellent for personal purposes;

(5) carry on an activity that is likely to severely degrade the soil or a geological formation or damage the vegetation cover, such as stripping, the digging of trenches or excavation work; or

(6) carry on educational or research-related activities if the activities are likely to significantly damage or disturb the natural environment, in particular by the extent of the moving or removal of natural resources or by the use of explosives.

The conditions of the Minister's authorization for the work may pertain to the location of the authorized activity, the methods used, the areas that may be cleared or deforested, the types of material that may be used including the material taken from the site, and the presence of ancillary works or facilities. The conditions may also include a requirement to ensure periodic follow-up or to report to the Minister, in particular as regards the results obtained from the research to which subparagraph 6 of the first paragraph refers.

Subject to the conditions determined in the authorization, work to repair or maintain trails authorized by the Minister or trails existing on the date on which the protection status as a proposed reserve takes effect may be carried on without an authorization under subparagraph 1 of the first paragraph.

Work to repair or maintain forest roads or roads authorized under the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) carried on in accordance with the Forest Act and its regulations that concern standards of forest management may be carried on without an authorization under subparagraph 1 of the first paragraph.

#### §2.4. Authorization exemptions

3.13. Despite the preceding provisions, no authorization need be obtained by a person to carry on an activity or for any other form of intervention within the proposed reserve if urgent action is required to prevent harm to the health or safety of persons, or to repair or prevent damage caused by a real or apprehended catastrophe. The person concerned must, however, immediately inform the Minister of the activity or intervention that has taken place.

3.14. Despite the preceding provisions, the following activities and interventions involving the production, transmission and distribution of electricity carried out by Hydro-Québec (Société) or by any other person for Hydro-Québec do not require the prior authorization of the Minister under this plan:



(1) any activity or intervention required within the proposed reserve to complete a project which was previously expressly authorized by the Government and the Minister, or only by the latter, in accordance with the requirements of the Environment Quality Act (R.S.Q., c. Q-2), if the activity or intervention is carried out in compliance with the authorizations issued;

(2) any activity or intervention necessary for the preparation and presentation of a pre-project report for a project requiring an authorization under the Environment Quality Act;

(3) any activity or intervention relating to a project requiring the prior authorization of the Minister under the Environment Quality Act, if the activity or intervention is in response to a request for a clarification or for additional information made by the Minister to the Société and it is carried out in accordance with the request;

(4) any activity or intervention by the Société, if the conditions for the carrying out of the activity or intervention have been determined in an agreement between the Minister and the Société and the activity or intervention is carried out in compliance with those conditions.

For the purposes of this section, the activities and interventions of the Société include pre-project studies, analysis work or field research, work required to study and monitor the impact of power transmission and distribution line corridors and rights-of-way, geological or geophysical surveys and survey lines, and the opening and maintenance of roads required for the purpose of access, construction or equipment movement necessary for the carrying on of such work.

### §2.5. General provisions

3.15. Every person who applies to the Minister for an individual authorization or for an authorization for a group or for a number of persons must provide any information or document requested by the Minister for the examination of the application.

3.16. The Minister's authorization, which is general and can be used by more than one person, may be communicated to the persons concerned by any appropriate means including by a posted notice or appropriate signage at the reception centre or any other location within the proposed reserve that is readily accessible to the public. The Minister is to provide a copy to any person requesting a copy.

### §3. Activities governed by other statutes

Certain activities likely to be carried on within the proposed reserve are also governed by 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 reserve.

A special legal framework may govern permitted and prohibited activities within the proposed reserve in connection with the following matters:

— Environmental protection: measures set out in particular in the Environment Quality Act (R.S.Q., c. Q-2);

— Archaeological research: measures set out in particular in the Cultural Property Act (R.S.Q., c. B-4);

— Development of wildlife resources: measures set out in particular in the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), including the provisions pertaining to outfitting operations and beaver reserves and the measures contained in applicable federal legislation, including the fishery regulations;

— Removal of species of fauna or flora that are threatened or vulnerable or are likely to be designated as such: measures prohibiting the removal of the species under the Act respecting threatened or vulnerable species (R.S.Q., c. E-12.01);

— Access and land rights: measures set out in particular in the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1);

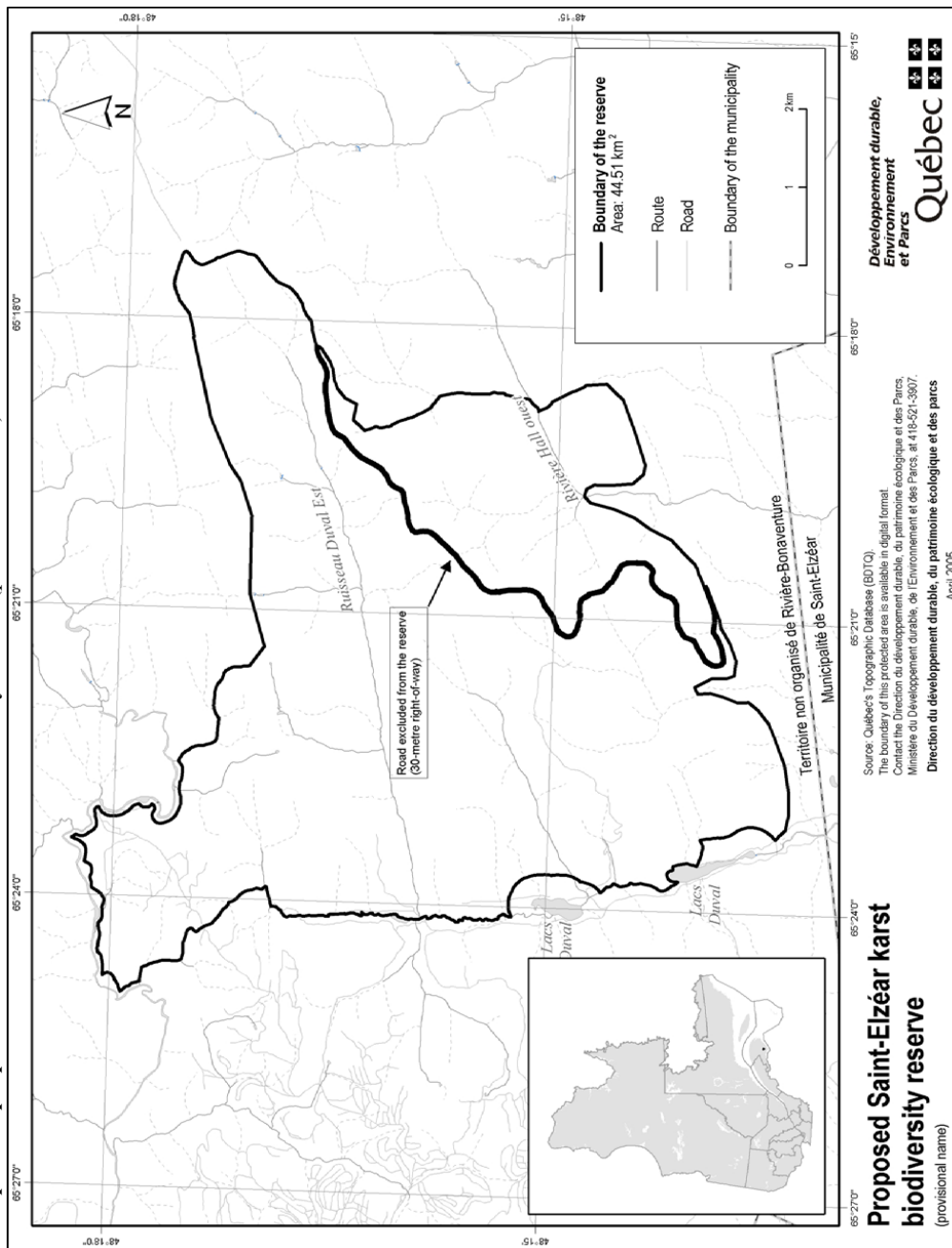
— Operation of vehicles: measures set out in particular in the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) and in the regulation on motor vehicle traffic in certain fragile environments made under the Environment Quality Act (R.S.Q., c. Q-2).

#### 4. Responsibilities of the Minister of Sustainable Development, Environment and Parks

The Minister of Sustainable Development, Environment and Parks is responsible for the management of the proposed Saint-Elzéar karst biodiversity reserve and is therefore responsible for the supervision and monitoring of the activities that may be carried on within the reserve. The Minister in the management of the reserve works collaboratively with other government representatives having specific responsibilities within the boundaries of the reserve or on adjoining land, such as the Minister of Natural Resources and Wildlife. In the exercise of their powers and functions, the Ministers will take into consideration the protection sought for these natural environments and the protection status that has been granted.

**Schedule**

Map of the proposed Saint-Elzéar karst biodiversity reserve (provisional name)





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

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