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Laws and Regulations

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Gouvernement du Québec

O.C. 187-2007, 21 February 2007

An Act to amend the Crime Victims Compensation Act and other legislative provisions (2006, c. 41) — Coming into force of certain provisions

COMING INTO FORCE of certain provisions of the Act to amend the Crime Victims Compensation Act and other legislative provisions

WHEREAS the Act to amend the Crime Victims Compensation Act and other legislative provisions (2006, c. 41) was assented to on 13 December 2006;

WHEREAS section 11 of the Act provides that its provisions come into force on the date or dates set by the Government, but not later than 1 April 2007;

WHEREAS, by Order in Council 14-2007 dated 16 January 2007, the following provisions came into force on that date:

— section 2, to the extent that it enacts section 5.2 of the Crime Victims Compensation Act (R.S.Q., c. I-6);

— sections 3 and 4;

— section 9, to the extent that it concerns the amendment made to section 6 of the Crime Victims Compensation Act by section 3 of the Act to amend the Crime Victims Compensation Act and other legislative provisions; and

— section 10;

WHEREAS it is expedient to set the date of coming into force of all the other provisions of the Act;

IT IS ORDERED, therefore, on the recommendation of the Minister of Justice:

THAT 22 March 2007 be set as the date of coming into force of all the other provisions of the Act to amend the Crime Victims Compensation Act and other legislative provisions (2006, c. 41) which are not already in force.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

8051

Gouvernement du Québec

O.C. 190-2007, 21 February 2007

An Act to amend the Courts of Justice Act and other legislative provisions as regards the status of justices of the peace (2004, c. 12) — Coming into force of certain provisions

COMING INTO FORCE of certain provisions of the Act to amend the Courts of Justice Act and other legislative provisions as regards the status of justices of the peace

WHEREAS, the Act to amend the Courts of Justice Act and other legislative provisions as regards the status of justices of the peace (2004, c. 12) was assented to on 16 June 2004;

WHEREAS, section 36 of the Act provides that its provisions come into force on 30 June 2004, except sections 174 to 177, the second paragraph of section 178 and section 179 of the Courts of Justice Act, enacted by section 1, and sections 2 to 8 of the Act, which come into force on the date or dates to be set by the Government;

WHEREAS it is expedient to set the date of coming into force of all those provisions, except section 174 of the Courts of Justice Act, enacted by section 1 of the Act;

IT IS ORDERED, therefore, on the recommendation of the Minister of Justice:

THAT 21 February 2007 be set as the date of coming into force of sections 175 to 177, the second paragraph of section 178 and section 179 of the Courts of Justice Act, enacted by section 1, and sections 2 to 8 of the Act to amend the Courts of Justice Act and other legislative provisions as regards the status of justices of the peace (2004, c. 12).

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

8053

Regulations and other acts

Gouvernement du Québec

O.C. 81-2007, 6 February 2007

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

Authorization to assign temporary protection status as a proposed biodiversity reserve to five areas, and approval of the plans and conservation plans

WHEREAS, under the first paragraph of section 27 of the Natural Heritage Conservation Act (R.S.Q., c. C-61.01), for the purpose of protecting land to be established as a new protected area, the Minister of Sustainable Development, Environment and Parks may, with the approval of the Government, prepare the plan of that area, establish a conservation plan and assign temporary protection status to the area as a proposed aquatic reserve, biodiversity reserve, ecological reserve or man-made landscape;

WHEREAS, to promote the maintenance of biodiversity, it is desirable to assign legal protection status as a proposed biodiversity reserve to the Anneaux-Forestiers, Esker-Mistaouac, Dunes-de-la-Rivière-Attic, Plateau-du-Lac-des-Huit-Chutes and Albanel-Témiscamie-Otish areas, to prepare a plan of each area and to establish a conservation plan for the duration of the temporary protection, those plans being attached to this Order in Council;

IT IS ORDERED, therefore, on the recommendation of the Minister of Sustainable Development, Environment and Parks:

THAT the Minister of Sustainable Development, Environment and Parks be authorized to assign the status of proposed biodiversity reserve to the Anneaux-Forestiers, Esker-Mistaouac, Dunes-de-la-Rivière-Attic, Plateau-du-Lac-des-Huit-Chutes and Albanel-Témiscamie-Otish areas, and that the plans of the areas and the proposed conservation plan for each area be approved, those plans being attached to this Order in Council.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

QUÉBEC STRATEGY FOR PROTECTED AREAS

Proposed Anneaux-Forestiers biodiversity reserve

Conservation plan

November 2006

Québec

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 provisional name is "Réserve de biodiversité projetée des Anneaux-Forestiers". The official toponym will be determined at the time of 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 Anneaux-Forestiers biodiversity reserve are shown on the map attached as a Schedule.

The proposed Anneaux-Forestiers biodiversity reserve is located in the Nord-du-Québec administrative region, between 49°37' and 49°43' north latitude and 79°18' and 79°30' west longitude. It is situated some 50 km to the north of Village de Val-Paradis and 120 km to the west of Ville de Matagami. It covers an area of 133.9 km^2 and lies within the territory of Municipalité de Baie-James which is outside the regional county municipality.

2.2. Ecological overview

The proposed Anneaux-Forestiers biodiversity reserve is in the Abitibi and James Bay Lowlands natural province, in the Turgeon River Plain natural region and in the Wawagosic River Plain physiographic unit.

The proposed biodiversity reserve is a glacial plain mostly covered by peat bogs (44%). These organic deposits are replaced by glacial till deposits particularly along the Turgeon river and Garneau stream. Near the northeastern boundary of the proposed biodiversity reserve, recent fluviatile alluviums are present where the Turgeon river forms a meander. These sandy-textured deposits were formed in the plain by the river overflow during spring floods.

The elevation of the plain varies little, between 255 m and 301 m, with an average elevation of 266 m.

The proposed biodiversity reserve protects a special ecological phenomenon that has not yet been explained, namely forest rings that appear on aerial photos as giant rings in stands of black spruce (*Picea mariana*). More than 600 rings are present in the southwest sector of James Bay. The whitish colour comes from an opening up of the forest cover. The diameter of the rings varies between 300 m and 2 km and the rings are visible on aerial photos at a scale of 1: 15,000 or from flights at an altitude of several hundred meters. Studies seem to indicate that the rings correspond to a round zone of lower productivity of black spruce. To date, there is no scientific explanation for the low productivity.

The proposed biodiversity reserve is in the black-spruce domain. Trembling aspen (*Populus tremuloides*) and balsam fir (*Abies balsamea*) are present with black spruce on the banks of the Turgeon river, particularly in the steeper riparian portions. Nearly 25% of the forest in the proposed biodiversity reserve has been recently logged and 70% of the forest cover consists of old-growth black-spruce stands that are nearly all 120 years old or older.

The proposed biodiversity reserve is part of the Turgeon river watershed.

2.3. Occupation and land uses

One lease for vacation resort purposes is located on the banks of the Turgeon river and three rough shelter leases are located near the Turgeon river. The Turgeon river is a recognized canoe-kayak route.

The proposed biodiversity reserve lies entirely within the Abitibi beaver reserve. It lies within fur-bearing animal management unit 06 and is part of hunting area 16.

The land of the proposed biodiversity reserve is classified as Category III land under the James Bay and Northern Québec Agreement 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).

A moderately developed network of forest roads serves the proposed biodiversity reserve.

3. Activities framework

Activities carried on within the proposed Anneaux-Forestiers biodiversity reserve are governed by the provisions of the Natural Heritage Conservation Act (R.S.Q., c. C-61.01).

This conservation plan does not prohibit activities in addition to the activities already prohibited in proposed biodiversity reserves under the Act. It also does not authorize activities or add restrictions to activities permitted under the Act.

3.1. Prohibited activities

As provided in the Natural Heritage Conservation Act, the main activities prohibited in an area to which status as a proposed biodiversity reserve has been assigned are

— mining, and gas or petroleum development;

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

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

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

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

— earthwork or construction work.

3.2. Activities governed by other statutes

Certain activities likely to be carried on within the proposed biodiversity reserve are also governed by other legislative and regulatory provisions, including provisions that require the issue of a permit or authorization or the payment of fees. Certain activities may also be prohibited or limited by other Acts or regulations that are applicable within the proposed biodiversity reserve.

A special legal framework may govern permitted and prohibited activities within the proposed biodiversity 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);

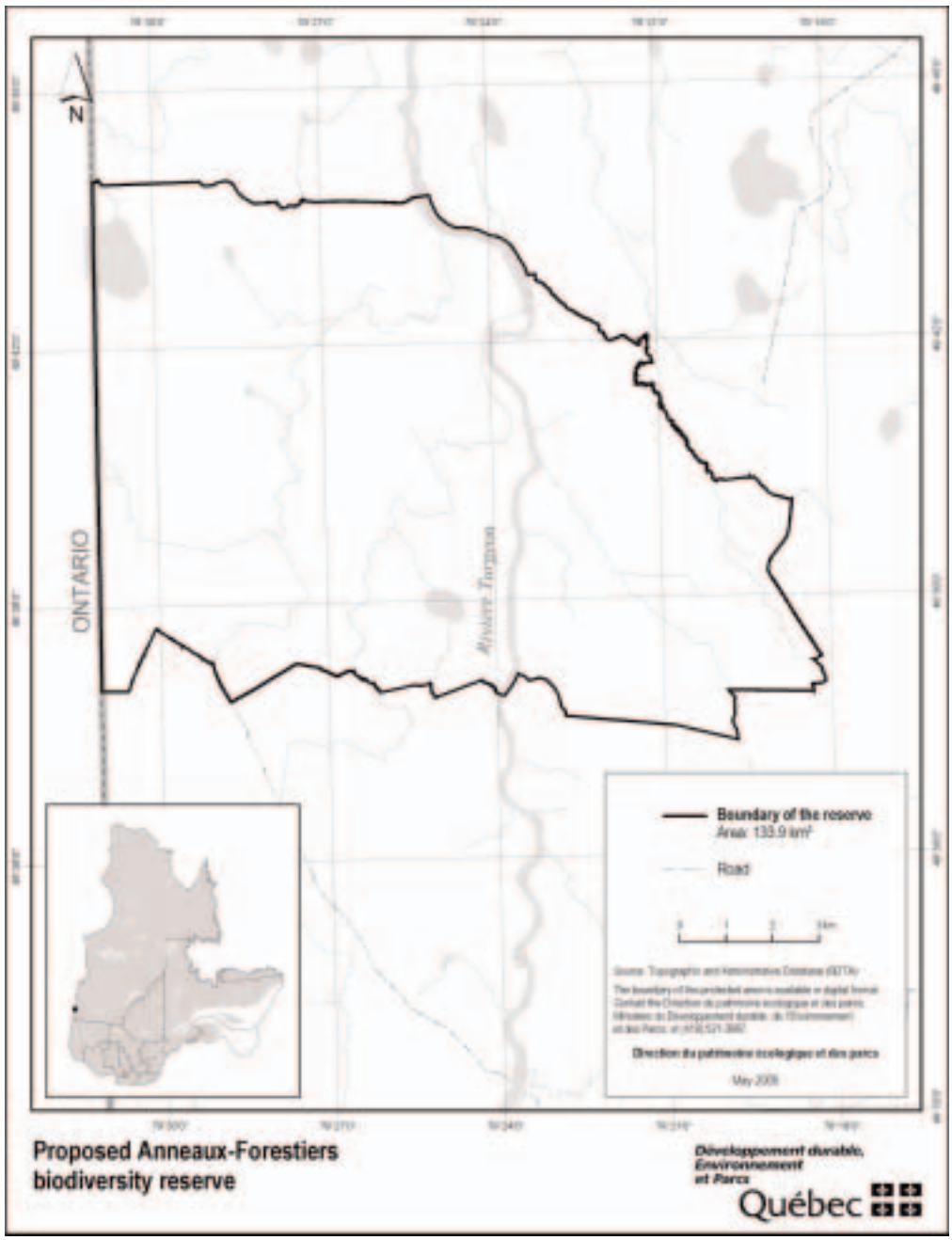
— Operation of vehicles: measures set out in particular in the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) and in the regulation on motor vehicle traffic in certain fragile environments made under the Environment Quality Act (R.S.Q., c. Q-2).

4. Responsibilities of the Minister of Sustainable Development, Environment and Parks

The Minister of Sustainable Development, Environment and Parks is responsible for conservation and management of the proposed Anneaux-Forestiers biodiversity reserve and is therefore responsible for supervising and monitoring the activities allowed in the reserve. The Minister in the management of the reserve works collaboratively with other government representatives having specific responsibilities in or adjacent to the reserve, 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 Anneaux-Forestiers biodiversity reserve



QUÉBEC STRATEGY FOR PROTECTED AREAS

Proposed Esker-Mistaouac biodiversity reserve

Conservation plan

November 2006

Québec

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 provisional name is "Réserve de biodiversité projetée de l'Esker-Mistaouac". The official toponym will be determined at the time of 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 Esker-Mistaouac biodiversity reserve are shown on the map attached as a Schedule.

The proposed Esker-Mistaouac biodiversity reserve is located in the Nord-du-Québec administrative region, between 49°06' and 49°31' north latitude and 78°31' and 78°59' west longitude. It is situated some 22 km to the west of Village de Joutel and 35 km to the east of Village de Villebois. It covers an area of 456.3 km^2 and lies within the territory of Municipalité de Baie-James which is outside the regional county municipality.

Several forest road segments still in use have been excluded from the boundaries of the proposed biodiversity reserve over a width of 40 metres. A forest camp along the esker road and eight sand and gravel extraction sites have also been excluded. Those sites are: SMS 32E07-17, SMS 32E07-05, SMS 32E07-04, SMS 32E07-03, SMS 32E07-02, SMS 32E07-01, SMS 32E02-06 and SMS 32E02-09.

2.2. Ecological overview

The proposed Esker-Mistaouac biodiversity reserve is in the Abitibi and James Bay Lowlands natural province. It covers two natural regions, namely the Abitibi Plain natural region in the Turgeon Lake Plain physiographic unit and the Turgeon Lake Plain natural region in the Wawagosic River Plain physiographic unit.

The proposed biodiversity reserve is a glacio-lacustrine plain crossed by a large esker. The eastern portion of the proposed biodiversity reserve on either side of the esker consists of clay loam glacio-lacustrine deposits. The northwestern portion of the proposed biodiversity reserve is characterized by a significant presence of ombrotrophic and minerotrophic bogs dotted by clay silt of glacio-lacustrine origin. The esker, the product of a fluvioglacial phenomenon, is one of the largest in western Québec and is the main point of interest in the proposed biodiversity reserve. The esker has a total length of 120 km with portions located in the municipalities of Berry and Saint-Mathieu to the south. The portion within the proposed biodiversity reserve is some 48 km long. The southern portion of the proposed biodiversity reserve has some glacio-lacustrine deposits along the esker. The southeastern portion is represented by Mont Plamondon reaching an elevation of 552 m with rock outcrops washed by glacial lake waters, and some glacial till deposits. The sector has been bare of vegetation ever since. The elevation of the flat plain varies little, between 270 m and the peak of Mont Plamondon, with an average elevation of some 284 m.

The area around Mont Plamondon is of great ecological and geomorphological interest. The raised beaches on the slopes of Mont Plamondon represent one of the best developed and more complete sequences of glacial lake beach ridges in Eastern Canada. The Mont Plamondon beaches cover a vertical section of more than 100 m and include several levels clearly showing the gradual decrease of the water levels of the glacial Barlow-Ojibway lake when it receded. This site, unique with its beaches arranged in tiers on several levels, is a complete record of the last phase of Ojibway lake, maybe the last 500 to 1,000 years of its existence.

Some 50% of the proposed biodiversity reserve is covered by forests because of the large proportion of unwooded bogs and the Mistaouac and Wawagosic lakes. The portions under plant cover are mostly softwood. Black spruce (*Picea mariana*) is widely present in the proposed biodiversity reserve (55%). Some white birch stands (*Betula papyrifera*) and poplar stands (*Populus* sp.) are present around Mistaouac lake and in the southern portion near Mont Plamondon. Jack pine (*Pinus banksiana*, 8% of the forest cover) grows mostly in the southern portion of the proposed biodiversity reserve, particularly in the sandy deposits, including the esker, in addition to being present to the east of Mistaouac lake. Mont Plamondon is covered by white birch. Mixed stands make up some 5% of the forest cover of the proposed biodiversity reserve. Most of the forest cover (65%) is composed of young forests resulting from recent logging operations that are located on Mesic sites and 34% of the forest cover is 90 years old or older.

A heronry is located on the western shore of Mistaouac lake.

The proposed biodiversity reserve adjoins three watersheds, the Wawagosic river, the Mistaouac river, a subbasin of the Wawagosic river, and the Plamondon river.

2.3. Occupation and land uses

There are five leases for vacation resort purposes, mostly on the shores of the Wawagosic river, and sixteen rough shelter leases. Two public interest rights for forest conservation and protection (SOPFEU radiocommunications tower) including one on the summit of Mont Plamondon where a few related buildings have been built. There is a trapping camp on the eastern shore of Wawagosic lake.

The proposed biodiversity reserve is entirely within the Abitibi beaver reserve and the fur-bearing animal management unit 06 and hunting area 16. The "Club de chasse et pêche Mistawac" outfitting operation with exclusive rights is located almost entirely within the proposed biodiversity reserve.

The land in the proposed biodiversity reserve is classified as Category III land under the James Bay and Northern Québec Agreement 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).

A little developed network of forest roads is located in the northeastern and the southern portions of the proposed biodiversity reserve. Some unpaved roads suitable for vehicles run through the proposed biodiversity reserve, particularly along the esker.

A snowmobile trail crosses the proposed biodiversity reserve in an east-west direction to the south of Wawagosic lake.

3. Activities framework

Activities carried on within the proposed Esker-Mistaouac biodiversity reserve are governed by the provisions of the Natural Heritage Conservation Act (R.S.Q., c. C-61.01).

This conservation plan does not prohibit activities in addition to the activities already prohibited in proposed biodiversity reserves under the Act. It also does not authorize activities or add restrictions to activities permitted under the Act.

3.1. Prohibited activities

As provided in the Natural Heritage Conservation Act, the main activities prohibited in an area to which status as a proposed biodiversity reserve has been assigned are

— mining, and gas or petroleum development;

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

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

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

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

— earthwork or construction work.

3.2. Activities governed by other statutes

Certain activities likely to be carried on within the proposed biodiversity reserve are also governed by other legislative and regulatory provisions, including provisions that require the issue of a permit or authorization or the payment of fees. Certain activities may also be prohibited or limited by other Acts or regulations that are applicable within the proposed biodiversity reserve.

— A special legal framework may govern permitted and prohibited activities within the proposed biodiversity 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);

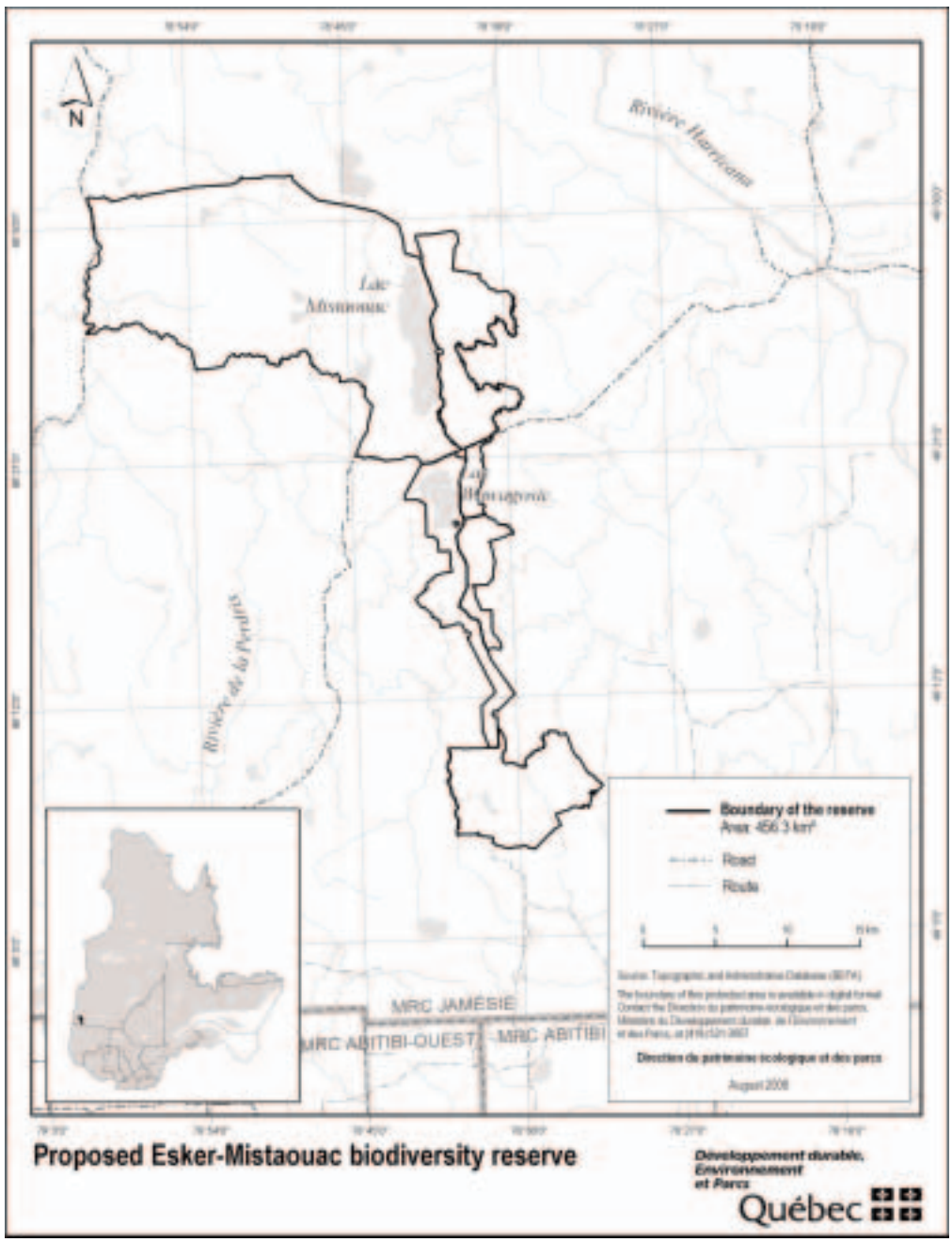
— Operation of vehicles: measures set out in particular in the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) and in the regulation on motor vehicle traffic in certain fragile environments made under the Environment Quality Act (R.S.Q., c. Q-2).

4. Responsibilities of the Minister of Sustainable Development, Environment and Parks

The Minister of Sustainable Development, Environment and Parks is responsible for conservation and management of the proposed Esker-Mistaouac biodiversity reserve and is therefore responsible for supervising and monitoring the activities allowed in the reserve. The Minister in the management of the reserve works collaboratively with other government representatives having specific responsibilities in or adjacent to the reserve, 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 Esker-Mistaouac biodiversity reserve



QUÉBEC STRATEGY FOR PROTECTED AREAS

Proposed Dunes-de-la-Rivière-Attic biodiversity reserve

Conservation plan

November 2006

Québec

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 provisional name is "Réserve de biodiversité projetée des Dunes-de-la-Rivière-Attic". The official toponym will be determined at the time of 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 Dunes-de-la-Rivière-Attic biodiversity reserve are shown on the map attached as a Schedule.

The proposed Dunes-de-la-Rivière-Attic biodiversity reserve is located in the Abitibi-Témiscamingue administrative region, between 48°09' and 48°14' north latitude and 76°40' and 76°53' west longitude. It is situated some 32 km to the southeast of Ville de Senneterre and some 38 km to the northeast of the Lac-Simon Algonquin village. It covers an area of 77.7 km^2 and lies within the territory of Ville de Senneterre. The northwest boundary runs along the highwater mark of the Mégiscane river.

2.2. Ecological overview

The proposed Dunes-de-la-Rivière-Attic biodiversity reserve is located almost entirely (90%) in the Abitibi and James Bay Lowlands natural province, in the Abitibi Plain natural region and in the Sabourin Lake Plain physiographic unit. A portion of the proposed biodiversity reserve is located in the Mistassini Highlands natural province, in the Mégiscane Lake Hills natural region and in the Buttes du Lac Faillon physiographic unit.

The proposed biodiversity reserve is a plain formed by sandy deposits of various origins. The depressions and very poorly drained sectors are covered by organic deposits forming ombrotrophic bogs that represent nearly half of the area of the proposed biodiversity reserve. Thick sandy glacio-lacustrine deposits and a small proportion of glacial till without morphology are also present. The northeast boundary of the proposed biodiversity reserve is the confluence of two large glaciofluvial valleys, one from the east, the valley of the Attic river, and the other from the north where Cacamackipato lake is located. The convergence of these two quaternary events explains the significant presence of sandy deposits. An esker runs north-south between the Attic and Assup rivers and an esker borders the glaciofluvial depression along the eastern boundary of the proposed biodiversity reserve. Dunal deposits between the two main reaches of the Attic river in the proposed biodiversity reserve are fixed dunes produced by the transportation of glaciofluvial sands after deglaciation. These dune ecosystems are rare and constitute the main interest in protecting the area. Sandy deposits, namely subactual fluviatile alluviums, are present along the Attic river. The elevation of the flat plain varies little, between 339 m and 384 m, with an average elevation of 342 m.

On hydric sites, the vegetation consists of stands of black spruce (*Picea mariana*) of varying density covering some 65% of the forest area. The xeric sites, in particular sandy glacio-lacustrine deposits, dunes and eskers, are mostly covered by jack pine (*Pinus banksiana*) consisting in some 35% of the forest area. A few small stands of white birch and trembling aspen are present, especially on the glacial till and alluviums. In general, 80% of the forest is middle-aged, between 50 and 70 years old, and less than 10% of the forest is 90 years old or older.

The proposed biodiversity reserve includes part of two wildlife habitats, a muskrat habitat and an aquatic bird concentration area.

The proposed biodiversity reserve is part of two watersheds, namely the Attic river in the eastern portion. That watershed and the remaining territory of the proposed biodiversity reserve belong to the Mégiscane river watershed.

2.3. Occupation and land uses

One right for vacation resort purposes and 11 rough shelter leases have been granted within the proposed biodiversity reserve. There is also a landing strip that was built some 30 years ago.

The proposed biodiversity reserve adjoins five traplines and lies within fur-bearing animal management unit 05 and is part of hunting area 13.

The land in the proposed biodiversity reserve is classified as Category III land under the James Bay and Northern Québec Agreement 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).

A little developed network of unpaved roads is located near the northern and eastern boundaries of the proposed biodiversity reserve. The Attic river is a recognized canoe-kayak route. One snowmobile trail runs along several kilometres of the boundaries of the proposed biodiversity reserve and another crosses the proposed biodiversity reserve in its northeastern portion.

3. Activities framework

Activities carried on within the proposed Dunes-de-la-Rivière-Attic biodiversity reserve are governed by the provisions of the Natural Heritage Conservation Act (R.S.Q., c. C-61.01).

This conservation plan does not prohibit activities in addition to the activities already prohibited in proposed biodiversity reserves under the Act. It also does not authorize activities or add restrictions to activities permitted under the Act.

3.1. Prohibited activities

As provided in the Natural Heritage Conservation Act, the main activities prohibited in an area to which status as a proposed biodiversity reserve has been assigned are

— mining, and gas or petroleum development;

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

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

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

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

— earthwork or construction work.

3.2. Activities governed by other statutes

Certain activities likely to be carried on within the proposed biodiversity reserve are also governed by other legislative and regulatory provisions, including provisions that require the issue of a permit or authorization or the payment of fees. Certain activities may also be prohibited or limited by other Acts or regulations that are applicable within the proposed biodiversity reserve.

A special legal framework may govern permitted and prohibited activities within the proposed biodiversity 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);

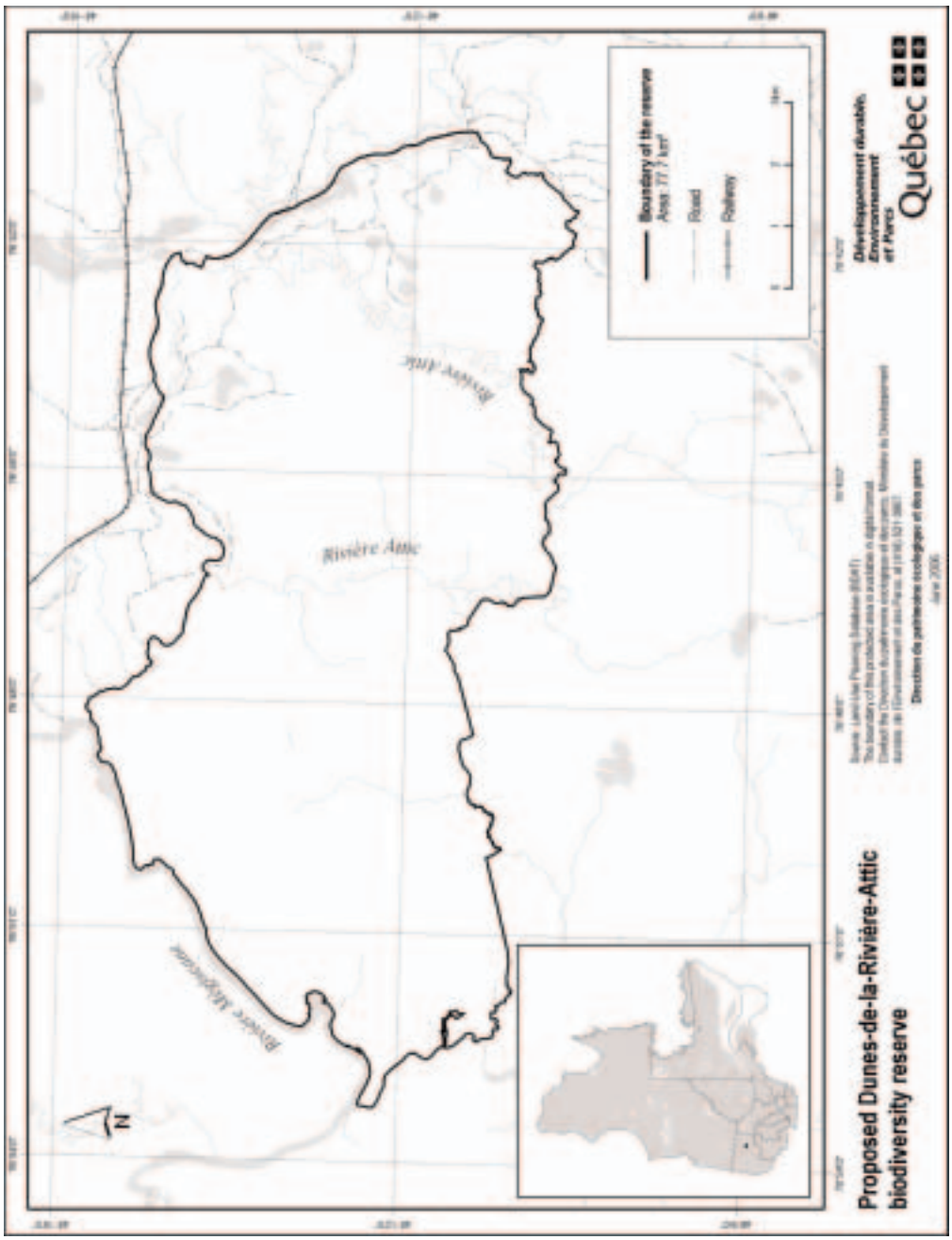
— Operation of vehicles: measures set out in particular in the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) and in the regulation on motor vehicle traffic in certain fragile environments made under the Environment Quality Act (R.S.Q., c. Q-2).

4. Responsibilities of the Minister of Sustainable Development, Environment and Parks

The Minister of Sustainable Development, Environment and Parks is responsible for conservation and management of the proposed Dunes-de-la-Rivière-Attic biodiversity reserve and is therefore responsible for supervising and monitoring the activities allowed in the reserve. The Minister in the management of the reserve works collaboratively with other government representatives having specific responsibilities in or adjacent to the reserve, 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 Dunes-de-la-Rivière-Attic biodiversity reserve



QUÉBEC STRATEGY FOR PROTECTED AREAS

Proposed Plateau-du-Lac-des-Huit-Chutes biodiversity reserve

Conservation plan

November 2006

Québec

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 provisional name is "Réserve de biodiversité projetée du Plateau-du-Lac-des-Huit-Chutes". The official toponym will be determined at the time of 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 Plateau-du-Lac-des-Huit-Chutes biodiversity reserve are shown on the map attached as a Schedule.

The proposed Plateau-du-Lac-des-Huit-Chutes biodiversity reserve is located in the Saguenay–Lac-Saint-Jean administrative region, between 48°50' and 48°57' north latitude and 70°44' and 70°54' west longitude. It is situated some 45 km to the north of the borough of Chicoutimi in Ville de Saguenay, 15 km to the north of Municipalité de Saint-David-de-Falardeau. It covers an area of 102.7 km^2 and lies within the unorganized territory of Mont-Valin in Municipalité régionale de comté du Fjord-du-Saguenay. An unpaved road suitable for vehicles crosses the proposed biodiversity reserve but is excluded from the protected area over a total width of 40 metres, as are two surface material extraction sites (SMS 22D15-50 and SMS 22D15-51).

2.2. Ecological overview

The proposed Plateau-du-Lac-des-Huit-Chutes biodiversity reserve is in the Central Laurentian natural province, in the Monts Valin natural region and in the Lac Moncouche Plateau physiographic unit. The elevation of the plateau is higher than the adjoining region, varying between 624 m and 835 m, with an average elevation of 722 m. The topography is a complex of mounds in which numerous lakes occupy the depressions. The plateau with its characteristics is a rare element in the Central Laurentian natural province.

The area of the proposed biodiversity reserve was formed mainly by glacial phenomena and therefore consists almost exclusively of morainic deposits without morphology, composed of till. A disintegration moraine is present to the north of Dobe lake. Small peat bogs in certain depressions and some ice-contact glacioflucial sandy deposits are also present.

Three species dominate the predominantly softwood forest in the proposed biodiversity reserve, namely balsam fir (*Abies balsamea*, 65%), black spruce (*Picea mariana*, 28%) and white birch (*Betula papyrifera*, 1%). Tree stands and areas of regeneration represent 81% of the territory and are uniformly distributed. Of the remaining 19%, water occupies 17.5% of the land and the remainder consists of wetlands (1%), islands and alder groves. Recently logged, some 20% of the forest cover consists of young forests and a little over 40% of the forest cover consists of forests 90 years old or older.

The proposed biodiversity reserve is next to the watersheds of the Shipshaw, À la Tête Blanche and Aux Sables rivers.

2.3. Occupation and land uses

Thirty-nine leases for vacation resort purposes and a supplementary establishment have been granted within the proposed biodiversity reserve. Three trapping camps and fifteen launching ramps are also present in the proposed biodiversity reserve. There are no trails with land rights in the proposed biodiversity reserve and the snowmobile trail is excluded from the reserve.

The proposed biodiversity reserve covers part of seven traplines and lies within the fur-bearing animal management unit 53 and hunting area 28. It is entirely within the boundaries of the Onatchiway-Est controlled zone.

A very developed and dense network of unpaved roads and roads not suitable for vehicles (forest roads) runs through the proposed biodiversity reserve.

3. Activities framework

Activities carried on within the proposed Plateau-du-Lac-des-Huit-Chutes biodiversity reserve are governed by the provisions of the Natural Heritage Conservation Act (R.S.Q., c. C-61.01).

This conservation plan does not prohibit activities in addition to the activities already prohibited in proposed biodiversity reserves under the Act. It also does not authorize activities or add restrictions to activities permitted under the Act.

3.1. Prohibited activities

As provided in the Natural Heritage Conservation Act, the main activities prohibited in an area to which status as a proposed biodiversity reserve has been assigned are

— mining, and gas or petroleum development;

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

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

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

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

— earthwork or construction work.

3.2. Activities governed by other statutes

Certain activities likely to be carried on within the proposed biodiversity reserve are also governed by other legislative and regulatory provisions, including provisions that require the issue of a permit or authorization or the payment of fees. Certain activities may also be prohibited or limited by other Acts or regulations that are applicable within the proposed biodiversity reserve.

A special legal framework may govern permitted and prohibited activities within the proposed biodiversity 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 conservation and management of the proposed Plateau-du-Lac-des-Huit-Chutes biodiversity reserve and is therefore responsible for supervising and monitoring the activities allowed in the reserve. The Minister in the management of the reserve works collaboratively with other government representatives having specific responsibilities in or adjacent to the reserve, 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 Plateau-du-Lac-des-Huit-Chutes biodiversity reserve

QUÉBEC STRATEGY FOR PROTECTED AREAS

Proposed Albanel-Témiscamie-Otish biodiversity reserve

Conservation plan

November 2006

Québec

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 permanent protection status sought is to be that of "national park" under the Parks Act (R.S.Q., c. P-9).

The provisional name is "Réserve de biodiversité projetée Albanel-Témiscamie-Otish". The official toponym will be determined at the time of 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 Albanel-Témiscamie-Otish biodiversity reserve are shown on the map attached as a Schedule.

The proposed Albanel-Témiscamie-Otish biodiversity reserve covers an area of 10,934.8 km^2 and is located almost entirely in Municipalité de Baie-James, outside the regional county municipality; a small portion in the sector of À l'Eau Froide lake is situated in Municipalité régionale de comté de Maria-Chapdelaine, and two other small portions to the east cover Municipalité régionale de comté du Fjord-du-Saguenay. The proposed reserve is located between 50° and 52° north latitude and between 70° and 74° west longitude, northeast of Ville de Chibougamau and the Mistissini Cree community.

Two roads give access to the reserve. Route 167 runs north from Chibougamau to Village de Mistissini, the northeast shore of Albanel lake and the mouth of the Témiscamie river. There is also a road on the northwest shore of Mistassini lake, by way of Route du Nord.

A little developed network of forest roads is located in the part of the proposed biodiversity reserve leading to Cosnier lake from Route 167.

Two corridors have been excluded from the portion of the reserve from the Témiscamie river to À l'Eau Froide lake to allow access to significant timber supply areas.

Hydro-Québec uses the data from a meteorological station within the boundaries of the proposed biodiversity reserve. The station has been excluded from the proposed biodiversity reserve.

2.2. Ecological overview

The proposed Albanel-Témiscamie-Otish biodiversity reserve represents chiefly the Mistassini River Highlands natural province and to a lesser extent the Central Laurentian, Grande-Rivière Low Hills and Nord-du-Québec Central Plateau natural provinces. The proposed biodiversity reserve is the hydrographic hub of central Québec and the source of the Rupert, Eastmain and La Grande rivers that flow into James Bay, and of the Péribonka, Aux Outardes and Manicouagan rivers that feed the St. Lawrence River.

The proposed biodiversity reserve is characteristic of three major vegetation zones typical of Northern Québec. The northern limit of the boreal forest is approximately 60 km northwest of the Témiscamie river. At the foot of the Otish mountains, the forest is gradually replaced by taiga, open woodland dominated by black spruce, lichens and heaths. Vast tundra areas characterize the high peaks of the Otish mountains. A sizeable array of northern Québec components are to be found in the proposed biodiversity reserve.

With an area of 2,336 km^2, Mistassini lake is the largest natural lake in Québec and the source of the Rupert river. The Mistassini and Albanel lakes region is characterized by large limestone formations isolated within the Canadian Shield. This sedimentary bed supports calcicole flora unusual in a boreal forest. To date, 497 different species of vascular plants and more than 400 species of non-vascular plants have been listed. This special geology also explains the presence of a number of species of plants, bryophytes and lichens that are currently vulnerable in Québec.

The Rupert river starts its course toward James Bay, dividing into three branches and creating huge islands surrounded by interlacing lakes traversed by long eskers from which round hills emerge in the vast plain forming the spillway of Mistassini lake on the perimeter of the Sakami frontal moraine some 630 kilometres long. Large sand beaches form the bed of the downstream portion of the Témiscamie over 40 kilometres. Old-growth white spruce stands are interspersed on its shores and other old-growth forest ecosystems are home to woodland caribou along the historic canoe route linking Saint-Jean lake and the James Bay territory through À l'Eau Froide lake.

The Otish mountains massif comprises a number of summits over 1,000 metres high, including Mont Yapeitso at 1,135 metres. The mountains are characterized by Proterozoic sedimentary formations with cuesta topography. The massif is one of the last regions in Québec to be freed from the ice after the Wisconsin continental glaciation 7,000 years ago. The tundra flora composed of lichens, moss and stunted shrub is characteristic of Arctic Québec landscapes. South slopes are home to old-growth white spruce forests over a hundred years old, which are rare at this latitude.

Naococane lake with its indefinite contour in the northern part of the proposed biodiversity reserve near the Caniapiscau reservoir contains numerous islands of all sizes that are remains of the submergence of one of the largest disintegration moraine in the world. It is a landscape typical of the Nord-du-Québec Central Plateau with as much water as land. Open woodlands are characteristic of the taiga and the islands have remains of the last balsam firs to take shelter there before disappearing in more northerly areas.

The area of the proposed Albanel-Témiscamie-Otish biodiversity reserve protects nine vascular plants that may be designated as threatened or vulnerable. In the south, Mistassini and Albanel lakes and the Témiscamie river are home to seven of those species, namely *Amerorchis rotundifolia*, *Calypso bulbosa* var. *americana*, *Carex petricosa* var. *misandroides*, *Drosera linearis*, *Salix arbusculoides*, *Salix maccaliana* and *Salix pseudomonticola*. In the north, the Otish mountains have colonies of two of those species, *Agoseris aurantiaca* and *Gnaphalium norvegicum*. The southern part of the proposed biodiversity reserve is the habitat of three species of animals likely to be designated as threatened or vulnerable, namely the caribou (ecotype woodland), the hoary bat and the southern bog lemming.

2.3. Occupation and land uses

There is one outfitting facility and two campgrounds on the shores of Mistassini and Albanel lakes and at the mouth of the Rupert river. Three eco-tourism shelters for hikers are located northeast of the Otish mountains. An outfitting camp is situated at Pluto lake, at the southern piedmont of the Otish mountains, and there is a vacation resort lease at Naococane lake. Four commercial leases have been issued for the southern portion of the proposed biodiversity reserve, three of the sites (land rights) being in the same sector. Two of the sites have a floatplane base, one of which is beside the Témiscamie river bridge near Albanel lake to provide the only access currently possible to the Otish mountains.

Cree hunters and trappers have over one hundred camps throughout the region used to continue their traditional activities.

The proposed biodiversity reserve is on Category II and Category III land in the trapping territories of the Mistissini nation under the James Bay and Northern Québec Agreement 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). It also touches upon the Roberval beaver reserve and includes part of the Lacs-Albanel-Mistassini-et-Waconichi wildlife sanctuary.

The proposed Albanel-Témiscamie-Otish biodiversity reserve has more than fifty listed archaeological sites, mainly along the Témiscamie river (nearly thirty sites), Albanel lake (about ten sites) and Mistassini lake (about ten sites), as well as the Colline-Blanche archaeological sites including a Mistassini quartzite quarry and the Antre du Lièvre or “Wapushakamikw”. Those sites were classified in 1976 by the Ministère des Affaires culturelles (current Ministère de la Culture et des Communications). Other archaeological sites may be discovered in the proposed Albanel-Témiscamie-Otish biodiversity reserve. Such is the case with the Uupiichun portage sector between Albanel and Mistassini lakes where three French establishments dating to the contact period mentioned in the archives have not yet been located: Louis Jolliet’s house, Dorval house and the Sainte-Famille mission.

3. Activities framework

Activities carried on within the proposed Albanel-Témiscamie-Otish biodiversity reserve are governed by the provisions of the Natural Heritage Conservation Act (R.S.Q., c. C-61.01).

This conservation plan does not prohibit activities in addition to the activities already prohibited in proposed biodiversity reserves under the Act. It also does not authorize activities or add restrictions to activities permitted under the Act.

3.1. Prohibited activities

As provided in the Natural Heritage Conservation Act, the main activities prohibited in an area to which status as a proposed biodiversity reserve has been assigned are

— mining, and gas or petroleum development;

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

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

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

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

— earthwork or construction work.

3.2. Activities governed by other statutes

Certain activities likely to be carried on within the proposed biodiversity reserve are also governed by other legislative and regulatory provisions, including provisions that require the issue of a permit or authorization or the payment of fees. Certain activities may also be prohibited or limited by other Acts or regulations that are applicable within the proposed biodiversity reserve.

A special legal framework may govern permitted and prohibited activities within the proposed biodiversity 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);

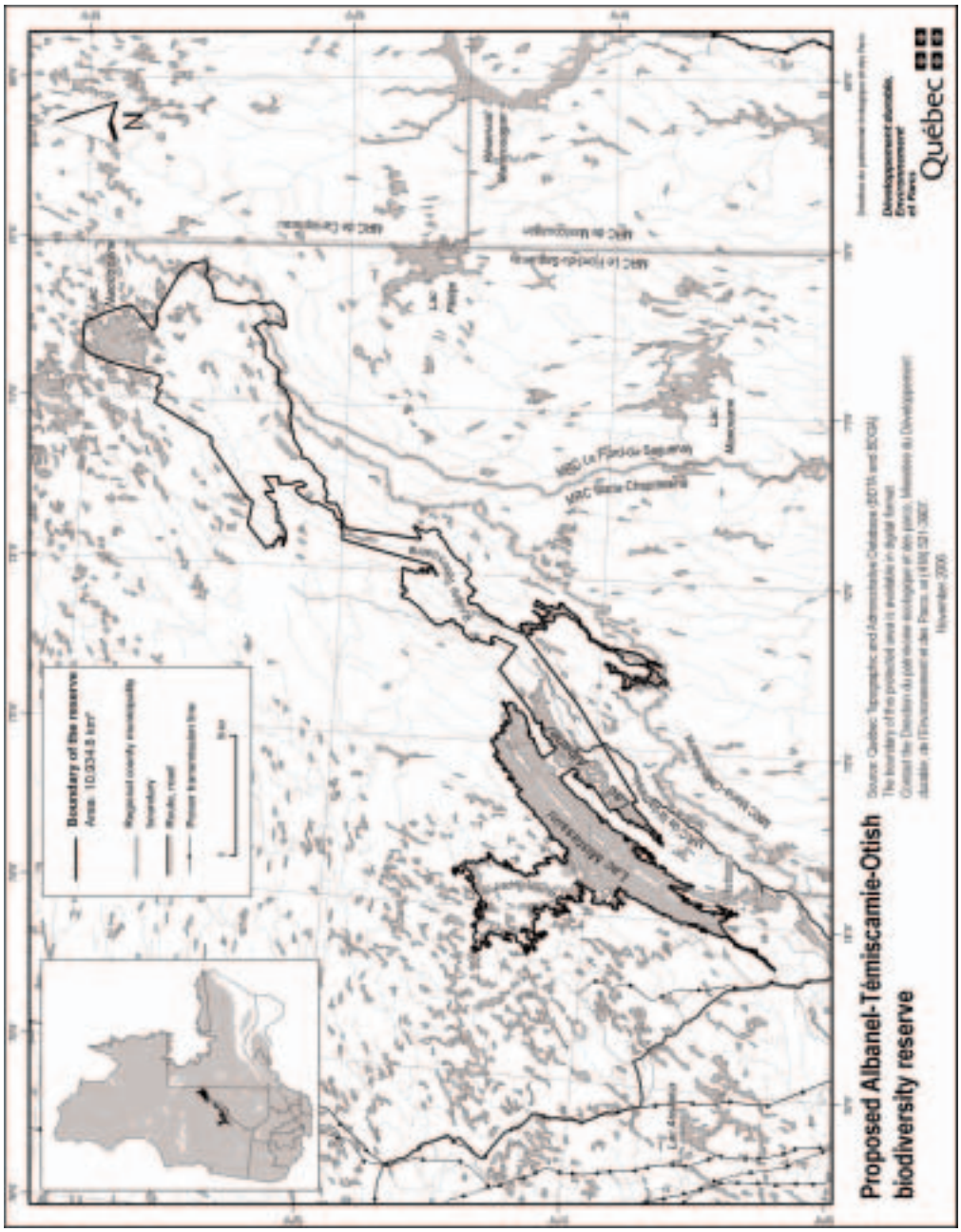
— Operation of vehicles: measures set out in particular in the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) and in the regulation on motor vehicle traffic in certain fragile environments made under the Environment Quality Act (R.S.Q., c. Q-2).

4. Responsibilities of the Minister of Sustainable Development, Environment and Parks

The Minister of Sustainable Development, Environment and Parks is responsible for conservation and management of the proposed Albanel-Témiscamie-Otish biodiversity reserve and is therefore responsible for supervising and monitoring the activities allowed in the reserve. The Minister in the management of the reserve works collaboratively with other government representatives having specific responsibilities in or adjacent to the reserve, 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 Albanel-Témiscamie-Otish biodiversity reserve



Gouvernement du Québec

O.C. 130-2007, 14 February 2007

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

Authorization to assign temporary protection status as a proposed biodiversity reserve to a portion of the former Seigneurie du Triton, and approval of the plan and conservation plan

WHEREAS, under the first paragraph of section 27 of the Natural Heritage Conservation Act (R.S.Q., c. C-61.01), for the purpose of protecting land to be established as a new protected area, the Minister of Sustainable Development, Environment and Parks may, with the approval of the Government, prepare the plan of that area, establish a conservation plan and assign temporary protection status to the area as a proposed aquatic reserve, biodiversity reserve, ecological reserve or man-made landscape;

WHEREAS, to facilitate maintaining the biodiversity, it is desirable to assign legal protection status to the area as the proposed Seigneurie-du-Triton biodiversity reserve, to prepare a plan of the area and to establish a conservation plan for the duration of the temporary protection, those plans being attached to this Order in Council;

IT IS ORDERED, therefore, on the recommendation of the Minister of Sustainable Development, Environment and Parks:

THAT the Minister of Sustainable Development, Environment and Parks be authorized to assign temporary protection status to the area as the proposed Seigneurie-du-Triton biodiversity reserve, and that the plan and the proposed conservation plan for the area be approved, those plans being attached to this Order in Council.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

QUÉBEC STRATEGY FOR PROTECTED AREAS

Proposed Seigneurie-du-Triton biodiversity reserve

(provisional name)

Conservation plan

February 2007

Québec

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 provisional name is "Réserve de biodiversité projetée de la Seigneurie-du-Triton". The official toponym will be determined at the time of 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 Seigneurie-du-Triton biodiversity reserve are shown on the map attached as a Schedule.

The proposed Seigneurie-du-Triton biodiversity reserve is located in part in the territory of Ville de La Tuque in the Mauricie administrative region and in part in the unorganized territory of Lac-Croche, in Municipalité régionale de comté de La Jacques-Cartier, in the Capitale-Nationale administrative region. The proposed biodiversity reserve is located between 47°28' and 47°43' north latitude and 71°50' and 72°15' west longitude, some 45 km northeast of downtown La Tuque. It covers an area of 407.7 km^2.

A surface material extraction site (SMS-21M12-017), authorized by the Minister of Natural Resources and Wildlife and located east of the proposed biodiversity reserve, is excluded from the boundaries of the area.

2.2 Ecological overview

The proposed Seigneurie-du-Triton biodiversity reserve is in the Southern Laurentian natural province, in two natural regions. It lies mostly in the Jacques-Cartier Lake Highlands natural region in the Saint-Henri Lake Low Hills physiographic unit. The western portion of the proposed biodiversity reserve is located in the La Tuque Depression natural region in the Wayagamac Lake Low Hills physiographic unit.

The proposed biodiversity reserve is a complex of glacial low hills having an elevation between 340 m and 680 m. Deposits are mostly till, and rock outcrops are found on some steep summits and slopes. The small plains are composed of proglacial glaciofluvial sands. In the eastern portion, a few bogs are present in depressions.

The forest consisting of mixed stands (43%) and hardwood stands (39%) covers some 87% of the proposed biodiversity reserve. Although mature stands (90 years old or older) are not as abundant (22%), nearly half are over 120 years old.

White birch stands are present in the territory (55%) with black spruce stands and some trembling aspen stands in the western portion of the proposed biodiversity reserve. A large number of yellow birch stands, some over 300 years old, are also present.

The proposed biodiversity reserve covers the watersheds of the Batiscan and Métabetchouane rivers.

2.3 Occupation and land uses

The proposed biodiversity reserve overlaps certain structured wildlife habitats. The Nature Triton outfitting operation is entirely within the proposed biodiversity reserve. Two small portions cover ZEC Kiskissink to the north and ZEC de la Rivière-Blanche to the south. The portions concerned are respectively 10.2 km^2 and 8.7 km^2 in area. The eastern portion of the proposed biodiversity reserve includes the Laurentides wildlife sanctuary over an area of 201.2 km^2. A trapline covers nearly half the proposed biodiversity reserve namely portions located in the wildlife sanctuary and both controlled zones.

Forty-one leases for resort purposes are located in the eastern portion with a number of leases concentrated around Cleveland and Trois Caribous lakes. The Nature Triton outfitting operation holds a commercial lease for an outfitting operation on the shores of Trois Caribous lake and one commercial lease (not specified) is located on the shores of Norrie lake.

Some fifteen portages exist in and around the territory of the Nature Triton outfitting operation. A canoe-kayak route crosses the proposed biodiversity reserve near the northeast boundary and follows the Métabetchouane river and Hugh and Petit Lac Métascouac lakes. Another canoe-kayak route between Édouard lake and the Batiscan river runs through the proposed biodiversity reserve and the outfitting operation. Two canoe-kayak routes cross the outfitting operation from Edouard lake through Aux Biscuits, Steers, Gauthier, De Travers, Trois Caribous, Faiseur de Pluie, Foi, Espérance, Charité et À la Croix lakes and Castors Noirs river.

The proposed biodiversity reserve lies within four fur-bearing animal management units (33-A, 34-C, 38 and 39) and two hunting areas (26 and 27).

The forest road network is poorly developed and is situated for the most part near or on the boundaries of the proposed biodiversity reserve, especially in the northwestern, western and southwestern portions. A road between Trois Caribous and Brûlé lakes runs through the centre of the protected area. A railway lies along the western boundary of the proposed biodiversity reserve.

3. Activities framework

Activities carried on within the proposed Seigneurie-du-Triton biodiversity reserve are governed by the provisions of the Natural Heritage Conservation Act (R.S.Q., c. C-61.01).

This conservation plan does not prohibit activities in addition to the activities already prohibited in proposed biodiversity reserves under the Act. It also does not authorize activities or add restrictions to activities permitted under the Act.

3.1 Prohibited activities

As provided in the Natural Heritage Conservation Act, the main activities prohibited in an area to which status as a proposed biodiversity reserve has been assigned are

— mining, and gas or petroleum development;

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

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

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

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

— earthwork or construction work.

3.2 Activities governed by other statutes

Certain activities likely to be carried on within the proposed biodiversity reserve are also governed by other legislative and regulatory provisions, including provisions that require the issue of a permit or authorization or the payment of fees. Certain activities may also be prohibited or limited by other Acts or regulations that are applicable within the proposed biodiversity reserve.

A special legal framework may govern permitted and prohibited activities within the proposed biodiversity 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 conservation and management of the proposed Seigneurie-du-Triton biodiversity reserve and is therefore responsible for supervising and monitoring the activities allowed in the reserve. The Minister in the management of the reserve works collaboratively with other government representatives having specific responsibilities in or adjacent to the reserve, 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 SEIGNEURIE-DU-TRITON BIODIVERSITY RESERVE (PROVISIONAL NAME)

8025

Gouvernement du Québec

O.C. 132-2007, 14 February 2007

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

Authorization to extend the setting aside of three lands as proposed aquatic reserves and of sixteen others as proposed biodiversity reserves

WHEREAS, under section 28 of the Natural Heritage Conservation Act (R.S.Q., c. C-61.01), the renewal or extension of the setting aside of land under section 27 of the Act may not, unless authorized by the Government, be such that the term of the setting aside exceeds a term of six years;

WHEREAS, in accordance with the provisions of the Act, and as provided in the Minister's Order dated 18 March 2003 (2003, *G.O.* 2, 1404), the following land has been set aside for a term of four years beginning on 7 May 2003:

Proposed aquatic reserves:

— Ashuapmushuan river
— North Harricana river
— Moisie river

Proposed biodiversity reserves:

— Boatswain bay
— Muskuuchii hills
— Pasteur lake
— Sabourin lake
— Ministikawatin peninsula
— Missisicabi plain

WHEREAS, under section 90 of the Act, the following land is deemed to have been set aside as proposed biodiversity reserves in accordance with Title III of the Act for a term of four years beginning on 19 June 2003:

Proposed biodiversity reserves:

— Guernesé lake foothills
— Lac aux Sauterelles knolls
— Brador hills
— Harrington Harbour shore
— René-Levasseur island
— Bright Sand lake
— Gensart lake
— Belmont and Magpie lakes massif
— Monts Groulx
— Natashquan river valley

WHEREAS an additional term, longer than two years, will be necessary to complete the various steps necessary to grant permanent protection status to all or part of the land concerned;

WHEREAS that term will enable completion of the holding of public consultations provided for in the Act and the environmental and social impact assessment and facilitate continued exchanges with the persons and bodies concerned and determination of the objectives, directions and terms of the protection plan that will apply on the granting of permanent status;

WHEREAS it is expedient to authorize the Minister to extend the term of the setting aside of the nineteen proposed reserves for an additional term of four years;

IT IS ORDERED, therefore, on the recommendation of the Minister of Sustainable Development, Environment and Parks:

THAT the Minister of Sustainable Development, Environment and Parks be authorized to extend the setting aside of the following land for a term of four years beginning on 7 May 2007:

Proposed aquatic reserves:

— Ashuapmushuan river
— North Harricana river
— Moisie river

Proposed biodiversity reserves:

— Boatswain bay
— Muskuuchii hills
— Pasteur lake
— Sabourin lake
— Ministikawatin peninsula
— Missisicabi plain

THAT the Minister of Sustainable Development, Environment and Parks be authorized to extend the setting aside of the following land for a term of four years beginning on 19 June 2007:

Proposed biodiversity reserves:

— Guernesé Lake foothills
— Lac aux Sauterelles knolls
— Brador hills
— Harrington Harbour shore
— René-Levasseur island
— Bright Sand lake
— Gensart lake
— Belmont and Magpie lakes massif
— Monts Groulx
— Natashquan river valley

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

8026

Gouvernement du Québec

O.C. 133-2007, 14 February 2007

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

Establishment of the Réserve écologique de la Chênaie-des-Îles-Finlay

WHEREAS, under section 43 of the Natural Heritage Conservation Act (R.S.Q., c. C-61.01), the Minister of Sustainable Development, Environment and Parks may recommend to the Government that permanent ecological reserve status be assigned to all or part of land set aside as an ecological reserve and that the applicable conservation plan be approved;

WHEREAS, in accordance with sections 29 and 38 of the Act, with a view to consulting the public after the setting aside of the Finlay islands as a proposed ecological reserve, a notice was published in the Journal du Pontiac and in Part 2 of the *Gazette officielle du Québec* of 22 September 2004 stating that the area could be assigned permanent protection status as an ecological reserve on the expiry of 60 days following that publication;

WHEREAS comments were received following that publication by the municipal authorities concerned at the regional and local levels and those authorities expressed their support for the establishment of an ecological reserve on the proposed land;

WHEREAS the proposed land forms part of the domain of the State and is not part of a reserved area or an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., c. P-41.1);

WHEREAS Municipalité régionale de comté de Pontiac has certified that the proposed ecological reserve is consistent with the objectives of its land use planning and development plan;

WHEREAS the Commission de toponymie has approved the use of the name "Réserve écologique de la Chênaie-des-Îles-Finlay";

WHEREAS the proposed establishment of the Chênaie-des-Îles-Finlay ecological reserve is entered in the 2002-2007 five-year ecological reserve establishment program approved by the Government of Québec in December 2002;

WHEREAS, to ensure a rare forest community is preserved along with several threatened or vulnerable species or species in the area likely to be designated as such, it is desirable to assign permanent ecological reserve status to the land whose plan and technical description are attached to this Order in Council, under the name "Réserve écologique de la Chênaie-des-Îles-Finlay", and to approve the proposed conservation plan for the reserve;

WHEREAS section 45 of the Natural Heritage Conservation Act provides that permanent protection status for land and the applicable conservation plan take effect on the date of publication of the order in the *Gazette officielle du Québec* or on any later date specified in the order;

IT IS ORDERED, therefore, on the recommendation of the Minister of Sustainable Development, Environment and Parks:

THAT permanent ecological reserve status be assigned to the land whose plan and technical description are attached to this Order in Council, under the name "Réserve écologique de la Chênaie-des-Îles-Finlay";

THAT the proposed conservation plan for the area, the text of which is attached to this Order in Council, be approved;

THAT the ecological reserve status and the conservation plan for the reserve take effect on the date on which the notice referred to in section 44 of the Natural Heritage Conservation Act is published in the *Gazette officielle du Québec*.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

QUÉBEC
OUTAOUAIS ADMINISTRATIVE REGION
REGISTRATION DIVISION OF PONTIAC

TECHNICAL DESCRIPTION

CHÊNAIE-DES-ÎLES-FINLAY ECOLOGICAL RESERVE

A territory located in the territory of Municipalité de Waltham, Municipalité régionale de comté de Pontiac, in the Outaouais administrative region, and consisting of the parts of the Finlay islands in the Outaouais river, with an elevation higher than 106.68 metres (350 feet, English measure). The territory is designated as parts of islands 52 and 54 in reference to the cadastre of Canton de Waltham, registration division of Pontiac. In reference to the original survey, the territory forms part of the Outaouais river islands fronting Canton de Waltham.

The land covers an area of approximately 94 hectares.

The territory is shown on a plan to a scale of 1:20 000 drawn up on an extract of the cadastral map and the topographical map produced by the Ministère des Ressources naturelles et de la Faune du Québec, folio 31F15-200-0201. Prepared by the undersigned, the plan bears the same minute number as this accompanying technical description.

NOTES:

— The 106.68 metre mark is in reference to mean sea level (NMM 1929).

— Measures expressed in the International System of Units (SI).

— In the official book of reference of the cadastre of Canton de Waltham, islands 52 and 54 contain respectively 200 acres (80.94 hectares) and 128 acres (51.80 hectares) in area. In the original survey, the islands have been specified as containing respectively 42.78 acres (17.31 hectares) and 19 acres (7.69 hectares) in area.

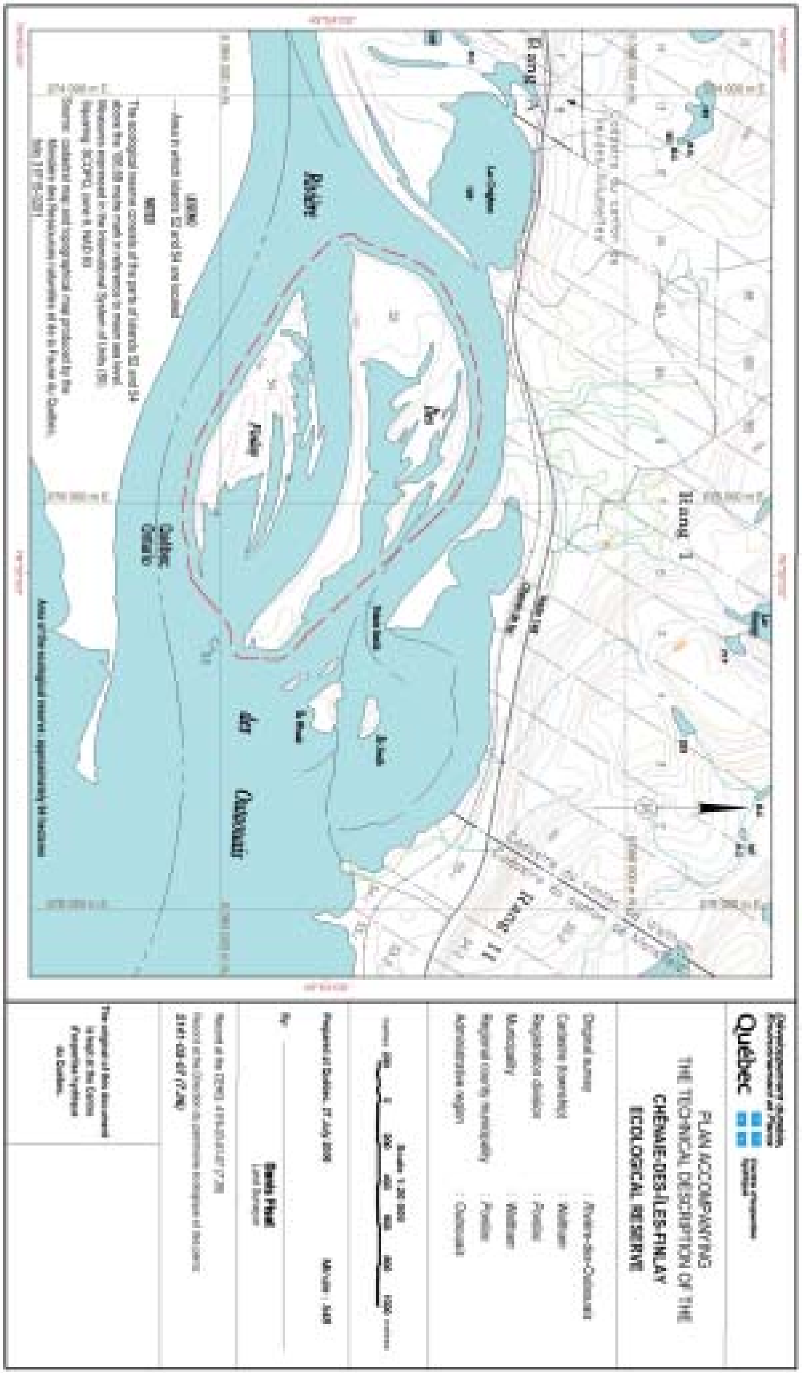
— The area of the ecological reserve will be defined by survey.

Prepared at Québec, on 27 July 2006, under number 548 of my minutes.

By: _____
DENIS FISET,
Land Surveyor

Ministère du Développement durable, de l'Environnement et des Parcs du Québec
Direction du patrimoine écologique et des parcs
Record No.: 5141-03-07 (7.26)

Centre d'expertise hydrique du Québec
Direction de la gestion du domaine hydrique de l'État
Record No.: 4116-03-01-07 (7.26)


Québec
PLAN ACCOMPANYING
THE TECHNICAL DESCRIPTION OF THE
CHÊNAIE-DES-ÎLES-FINLAY
ECOLOGICAL RESERVE

QUÉBEC STRATEGY FOR PROTECTED AREAS

Proposed Chênaie-des-Îles-Finlay ecological reserve

Conservation plan

February 2007

Québec

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Introduction

The ecological reserve status assigned to the Finlay islands permanently ensures the protection of the biological diversity of land composed of well-preserved marshes and swamps, thick forest stands and dry beaches forming rare wildlife habitats. There are six species on the islands likely to be designated as threatened or vulnerable species, a number of indications of the presence of species of turtles and several species of amphibians and birds.

1. Official toponym

The official toponym of the Chênaie-des-Îles-Finlay ecological reserve "Réserve écologique de la Chênaie-des-Îles-Finlay" refers to the presence on the islands of a stand of bur oak (*Quercus macrocarpa*), a forest community extremely rare in Québec.

2. Plan and description

2.1. Geographic location, boundaries and dimensions

The Chênaie-des-Îles-Finlay ecological reserve is located in the territory of Municipalité de Waltham, Municipalité régionale de comté de Pontiac, in the Outaouais administrative region, and consists of the parts of the Finlay islands in the Outaouais river at an elevation higher than 106.68 metres. The territory is designated as parts of islands 52 and 54 in reference to the cadastre of Canton de Waltham, registration division of Pontiac. In reference to the original survey, the territory forms part of the Outaouais river islands fronting Canton de Waltham.

The land in the reserve covers an area of approximately 94 hectares. It is located on the plan prepared on 27 July 2006 by land surveyor Denis Fiset which appears as Schedule 1.

2.2. Ecological overview

The ecological reserve forms part of the Ottawa Plain (provisional name) natural region which lies within the natural province of the St. Lawrence Lowlands.

2.2.1. Representative elements

Climate:

The land of the ecological reserve lies within the sugar maple–bitternut hickory bioclimatic domain. It is characterized by a moderate, subhumid climate with a long growing season. The average annual temperature is 4.5 C°, average annual precipitation is 1,065 millimetres and the average growing season is approximately 201 days.

Geology:

The basement rocks of the Finlay islands are formed of Ordovician rocks including limestone, dolomite, mudrock and sandstone. The basement rocks have no influence on the soils or vegetation because they are covered by Quaternary fluviatile deposits of sand, gravel and clay. On the southern island (island 54), the wind is believed to have caused the deposits to shift to form an eolian deposit which then became colonized by vegetation.

Archaeology:

There has been no archaeological work on the Finlay islands to date. The islands have enormous archaeological potential, however, because the Outaouais river is a major waterway which provided an east-west transportation link for generations of Amerindians. Archaeological research carried out in recent years has shown the potential of the Aux Allumettes island area slightly west of the Finlay islands. The archaeological sites that may be discovered in the area will be extremely fragile because they are generally close to the surface and as a result any disturbance of the soil could partially or completely destroy them. The ecological reserve will ensure their preservation.

Vegetation:

Silver maple predominates on the fringe of the marshy areas of the Finlay islands where the soils are subject to seasonal flooding. Red ash (*Fraxinus pennsylvanica*), black ash (*Fraxinus nigra*), bur oak (*Quercus macrocarpa*) and American elm (*Ulmus americana*) are frequently found in these forest communities while the herbaceous layer is formed exclusively of sensitive fern (*Onoclea sensibilis*).

The silver maple stands give way to red oak stands slightly upslope on the sites which are not affected by annual flooding. The latter forest community is largely dominant, covering over three quarters of the Finlay islands.

The stand of bur oak grows at the higher elevations on the Finlay islands. The main companion species in the oak stand are silver maple (*Acer saccharinum*), yellow birch (*Betula alleghaniensis*), black ash (*Fraxinus nigra*), butternut (*Juglans cineréa*) and basswood (*Tilia americana*).

Pine stands are found in the better-drained areas, including the eolian deposit. These stands are on the southern island (island 54). White pine (*Pinus strobus*), red pine (*Pinus resinosa*) and jack pine (*Pinus banksiana*) are the dominant species in these softwood forest communities along with a range of other pioneering species.

Fauna:

Various species of amphibians, birds and mammals have been inventoried on the Finlay islands.

Amphibians: The inventories have confirmed the reproduction of the spring peeper, leopard frog and green frog. The presence of bull frogs, blue-spotted salamanders, American toads and gray treefrogs has also been observed.

Birds: A total of 44 species of birds were observed on the Finlay islands while the inventories were being conducted: great blue heron, Canada goose, wood duck, American black duck, broad-winged hawk, red-tailed hawk, spotted sandpiper, great horned owl, ruby-throated hummingbird, belted kingfisher, yellow-bellied sapsucker, downy woodpecker, hairy woodpecker, northern flicker, eastern woodpecker, least flycatcher, great crested flycatcher, eastern kingbird, yellow-throated vireo, warbling vireo, red-eyed vireo, blue jay, American crow, black-capped chickadee, red-breasted nuthatch, white-breasted nuthatch, veery, American robin, cedar waxwing, yellow warbler, yellow-rumped warbler, blackburnian warbler, pine warbler, black-and-white warbler, American redstart, northern waterthrush, chipping sparrow, song sparrow, rose-breasted grosbeak, red-winged blackbird, common grackle, brown-headed cowbird, Baltimore oriole and American goldfinch.

Reptiles: During field trips, no turtles or snakes were observed despite the presence of much ground material where snakes would normally be found. Turtle egg laying has been confirmed through the observation of five predated nests found on the dune on the southern island.

Mammals: During inventories, red squirrel, beaver, muskrat and white-tailed deer were noted. Traces of white-tailed deer, muskrat, raccoon and black bear and feces of black bear, raccoon and white-tailed deer have also been noted, confirming the presence of at least six species of mammals, without counting the four species of small mammals observed: the short-tailed shrew, masked shrew, meadow jumping mouse and white-footed mouse.

2.2.2. Outstanding elements

At least five threatened or vulnerable plant species likely to be so designated have been inventoried on the Finlay islands to date. They are the white oak (*Quercus alba*), woolly hudsonia (*Hudsonia tomentosa*), *Cyperus lupulinus subsp. macilentus*, *Sporobolus cryptandrus* and *Polygonella articulata*. These plants have all been observed on the eolian dune deposit found on the southern island. The habitat of a sixth plant species that is part of the group of threatened or vulnerable species, *Gratiola aurea*, has also been reported on the dry beaches of both the Finlay islands.

The Finlay islands have considerable wildlife potential because of two species of turtle, namely the spiny softshell (*Apalone spinifera*), designated as threatened, and the map turtle (*Graptemys geographica*) which is found on the list of wildlife species likely to be threatened or vulnerable. The presence of the map turtle on the islands was reported in the 1990s.

2.3. Occupation and land uses

The land is public property and no rights have been granted within the boundaries of the ecological reserve.

3. Protection status

Ecological reserve status will allow a representative sample of the large sand-covered islands characteristic of the Outaouais river to be integrally preserved on a permanent basis.

4. Activities framework

The activities carried on within the boundaries of the Chênaie-des-Îles-Finlay ecological reserve are governed by the Natural Heritage Conservation Act (R.S.Q., c. C-61.01). This conservation plan does not specify any prohibited activity other than those prohibited in the ecological reserves under the Act; nor does it authorize any other activities, or set any additional constraints on the activities permitted by the Act.

4.1. Prohibited activities

— General prohibitions under the Act

As provided in the Natural Heritage Conservation Act, the main activities prohibited in an area to which ecological reserve status has been assigned are

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

– mining, and gas or petroleum development;

– mining, gas and petroleum exploration, brine and underground reservoir exploration, prospecting, and digging or boring;

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

– hunting, trapping, fishing, earthwork and construction activities, agricultural, industrial or commercial activities and, generally, any activity likely to alter the state or nature of ecosystems.

No person may be in an ecological reserve, except for an inspection or for the carrying on of an activity authorized under the Act.

The Minister of Sustainable Development, Environment and Parks may, however, give written authorization on the conditions the Minister determines for any activity consistent with the purposes of an ecological reserve or with its management.

4.2. Activities governed by other statutes

As stated above, certain activities consistent with the purposes of an ecological reserve, such as educational and scientific research or management activities may be conducted with the prior authorization of the Minister. That authorization from the Minister does not imply an exemption from the permit or authorization requirements of other statutes or regulations that apply to the ecological reserve.

4.3. Supervision of activities

The Minister of Sustainable Development, Environment and Parks is responsible for the application of the Natural Heritage Conservation Act, and is therefore responsible for management of the ecological reserves established under that Act. The Minister supervises and monitors the measures in the Act as they relate to activities permitted in protected areas. In addition, the Minister has authority over the land which forms part of the domain of the State.

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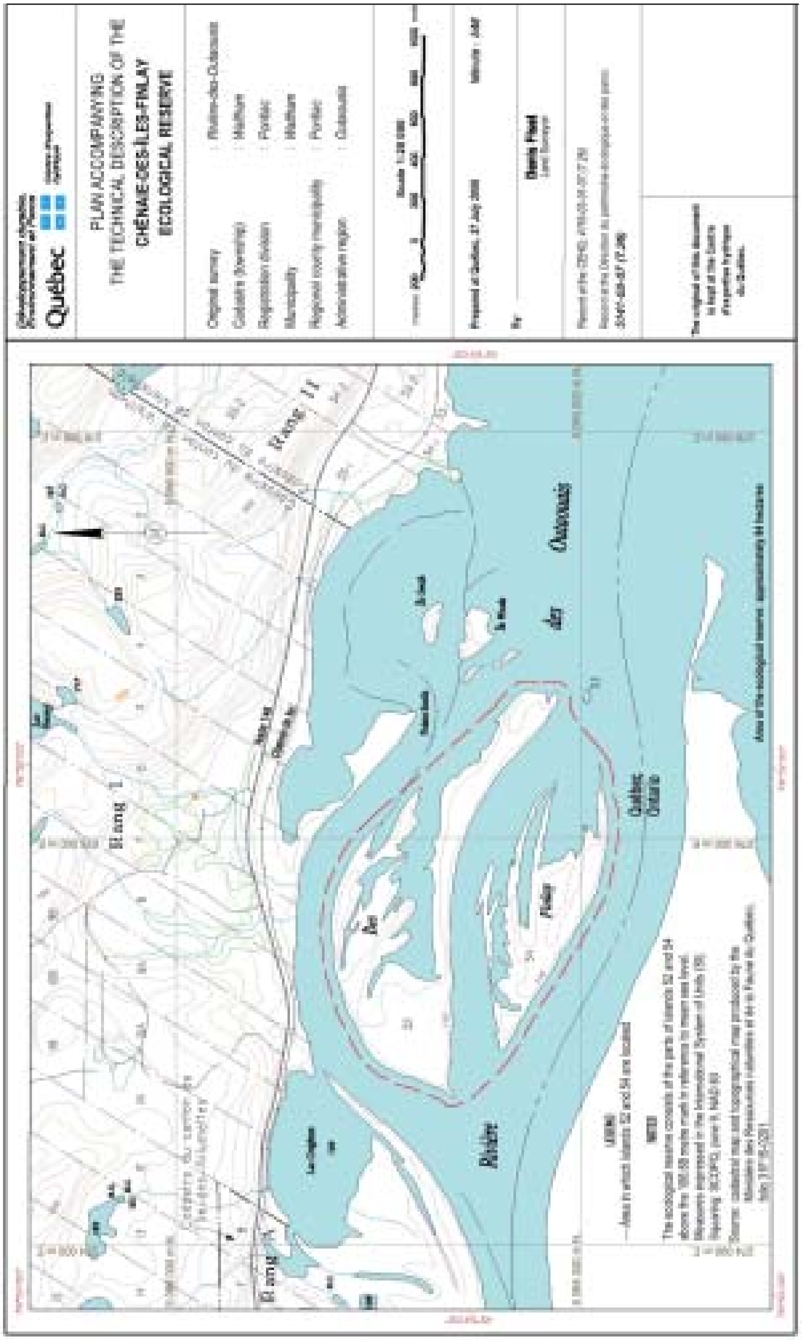
SCHEDULE 1


Québec
PLAN ACCOMPANYING
THE TECHNICAL DESCRIPTION OF THE
CHÊNAIE-DES-ÎLES-FINLAY
ECOLOGICAL RESERVE
Rivière des Outaouais
Rang 1

Gouvernement du Québec

O.C. 134-2007, 14 February 2007

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

Authorization to assign temporary protection status as a proposed biodiversity reserve to a portion of the territory of Municipalité régionale de comté de Témiscamingue, and approval of the plan and conservation plan of the proposed Opémican biodiversity reserve

WHEREAS, under the first paragraph of section 27 of the Natural Heritage Conservation Act (R.S.Q., c. C-61.01), for the purpose of protecting land to be established as a new protected area, the Minister of Sustainable Development, Environment and Parks may, with the approval of the Government, prepare the plan of that area, establish a conservation plan and assign temporary protection status to the area as a proposed aquatic reserve, biodiversity reserve, ecological reserve or man-made landscape;

WHEREAS, to facilitate maintaining the biodiversity, it is desirable to assign legal protection status to the area as the proposed Opémican biodiversity reserve, to prepare a plan of the area and to establish a conservation plan for the duration of the temporary protection, those plans being attached to this Order in Council;

IT IS ORDERED, therefore, on the recommendation of the Minister of Sustainable Development, Environment and Parks:

THAT the Minister of Sustainable Development, Environment and Parks be authorized to assign temporary protection status to the area as the proposed Opémican biodiversity reserve, and that the plan and the proposed conservation plan for the area be approved, those plans being attached to this Order in Council.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

QUÉBEC STRATEGY FOR PROTECTED AREAS

Proposed Opémican biodiversity reserve

Conservation plan

February 2007

Québec

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 permanent protection status sought is to be that of "national park" under the Parks Act (R.S.Q., c. P-9).

The provisional name is "Réserve de biodiversité projetée d'Opémican". The official toponym will be determined at the time of 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 Opémican biodiversity reserve are shown on the map attached as a Schedule.

The proposed Opémican biodiversity reserve is located in the Abitibi-Témiscamingue administrative region, between 46°48' and 47°07' north latitude and 79°25' and 78°50' west longitude. It is located some 35 km to the south of Ville de Ville-Marie and 15 km to the north of Ville de Témiscaming.

The protected area is in Municipalité régionale de comté (MRC) de Témiscamingue, part within unorganized territory and part within Ville de Témiscaming.

The proposed Opémican biodiversity reserve covers a total area of 237.7 km^2 and is composed of five separate sectors. The reserve borders part of the shores of Témiscamingue and Kipawa lakes and contains a certain number of islands and one peninsula. Along the shores of Kipawa lake, the boundaries of the reserve are at an elevation of 270 m.

Within the proposed biodiversity reserve, the Kipawa river (at its natural high water mark), a portion of public road (40-metre right-of-way) and multi-purpose trail (20-metre right-of-way), a forest road having a 30-metre right-of-way (in the eastern portion of the Marsac lake sector), three surface material extraction sites (SMS 31M03-15, SMS 31L14-09 and SMS 31L14-26), one electric power transmission line (right-of-way of some 50 metres), power distribution lines and an area covered by a lease for sugar bush operations are excluded from the proposed biodiversity reserve.

2.2 Ecological overview

The proposed biodiversity reserve is in the Southern Laurentian natural province, in the Plateau de la Dumoine natural region.

The topography is that of a plateau, sloped from east to west, dissected by a network of valleys with a number of hills having an average elevation of some 360 m. The protected area rises gradually from Témiscamingue lake to Kipawa lake and beyond, from an elevation of 200 m to more than 300 m.

The proposed biodiversity reserve is almost entirely within the Grenville geologic province of the Canadian Shield. The northernmost portion of the protected area is marked by a major geologic boundary with the Superior geologic province called the "Grenville Front", and shows age and rock type differences. The geological base is almost wholly composed of metamorphic rocks, mainly Proterozoic gneiss interspersed with a few strips of paragneiss, schist and remnants of granitic intrusive rocks formed in the Archean era. In terms of its structural geology, the reactivation of old faults some 180 million years ago caused rock to fall in tiers on either side of a deeper trench that became the bed of Témiscamingue lake and the Outaouais river. Cliffs nearly 90 m high bordering Témiscamingue lake form the boundary in the northwestern portion of the proposed biodiversity reserve. The bed of the Kipawa river also follows a fault system.

The protected area is generally covered by glacial deposits (till) that are thick in the valleys and thin on the hills. Some veneer of ice-contact and glacio-lacustrine deposits are present at low elevations. Part of the McConnell lake moraine adjoins the central part of the area. Some portions of the shores of Témiscamingue lake are marked by old terraces of the proglacial Barlow-Ojibway lake that reached an elevation of some 250 m in the region.

The area constituting the proposed Opémican biodiversity reserve is in the Outaouais river watershed. It drains partly into Kipawa lake which itself drains into Témiscamingue lake, and directly into that latter lake. The Marsac lake subbasin covering more than 50% of the protected area is entirely within the proposed biodiversity reserve. The reserve also includes 165 km of the Kipawa lake shores, including the insular portions, and 23 km of the Témiscamingue lake shores, or more than 13% of the Québec side of the shores of the lake which borders Ontario. The lattice hydrographic network is influenced by the geological structure that channels the watercourses according to the fractures in the NW-SE and NE-SW directions, forming right angles in a number of locations.

Over 50 lakes and watercourses of all sizes are scattered throughout the protected area, the largest being Marsac lake with an area of 4.4 km^2. The major part of the Kipawa river is also included in the proposed biodiversity reserve.

The protected area is characterized by a subpolar and subhumid continental climate where the average annual daily temperature is 2.8°C. Rainfall is moderate with an annual average of 820 mm. The average annual insolation is 1,853 hours and the frost-free season is approximately 120 days.

The proposed Opémican biodiversity reserve is at the junction of the balsam fir-yellow birch and sugar maple-yellow birch bioclimatic domains. It has been partially or completely logged at numerous times so that a number of stands are varying stages of regeneration.

A preliminary analysis reveals the following features of interest:

— An excellent representation of white and red pine forests prevalent between Pointe Opémican and Kipawa lake in relation to a rocky ridge having a SW-NE orientation. The stands are of various ages and the regeneration being vigorous, the quality of the forest cover will be well re-established within a few years. Pine is also present along the shores of Témiscamingue lake where it dominates the cliffs;

— A concentration of stands associated with the sugar maple-yellow birch domain in the SE sector of Marsac lake. A complex mosaic of various stands composed of yellow birch or sugar maple on occasion associated with softwood is present. Eastern hemlock is widespread in the sector and its density is sufficient to form a small stand near Goguet bay;

— Marshes and swamps are well developed. The plant communities are particularly interesting because of their prevalence along the Marsac stream and at the head of the numerous deep bays that characterize the shores of Kipawa lake and its islands. The head of Deschênes bay and the entire depressed sector linking it to Des Aigles and Croche lakes is covered by a coniferous cedar forest. It is the only large area covered by this type of stand within the protected area;

— There is a strong likelihood that rare plants associated with the presence of remnants of sedimentary rock on the shores of Témiscamingue lake may be discovered.

The proposed Opémican biodiversity reserve includes a heronry on an island in Kipawa lake. The last inventory in 2002 showed nineteen active nest sites. A peregrine falcon active nest site is also located on the cliffs of Témiscamingue lake.

There are four recognized archaeological sites in the protected area. In 1983, the Pointe Opémican site received historic site classification as a shipyard active in the 19th and 20th centuries under the official name "Poste de relais pour le flottage du bois d'Opémican". The hub of wood transportation on Témiscamingue lake, Pointe Opémican was used early by the many travelers and settlers to the region as a place to stay, replenish supplies or stop over. The oldest of the site's existing buildings was used as an inn as early as 1883.

2.3 Occupation and land uses

Thirteen rights for vacation resort purposes and 39 rough shelter leases have been granted within the proposed biodiversity reserve. One lease for commercial accommodation units has been granted for an outfitting operation without exclusive rights, as has a lease for viewpoint purposes. A right of way for a hiking trail and two rights of way for Hydro-Québec's KPW224 and LRV238 power distribution lines are present in the territory.

The proposed biodiversity reserve also includes a private island in Marsac lake, part (10.8 ha) of a private lot and Opémican regional park with a private portion belonging to Corporation Opémican.

The proposed biodiversity reserve has two trapping and three Native camps. It partially straddles twelve registered traplines, four of which are vacant.

Some 160 km of unpaved forest roads of all categories are present in the proposed biodiversity reserve. Hunters and fishers have access to the area.

3. Activities framework

Activities carried on within the proposed Opémican biodiversity reserve are governed by the provisions of the Natural Heritage Conservation Act (R.S.Q., c. C-61.01).

This conservation plan does not prohibit activities in addition to the activities already prohibited in proposed biodiversity reserves under the Act. It also does not authorize activities or add restrictions to activities permitted under the Act.

3.1 Prohibited activities

As provided in the Natural Heritage Conservation Act, the main activities prohibited in an area to which status as a proposed biodiversity reserve has been assigned are

— mining, and gas or petroleum development;

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

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

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

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

— earthwork or construction work.

3.2 Activities governed by other statutes

Certain activities likely to be carried on within the proposed biodiversity reserve are also governed by other legislative and regulatory provisions, including provisions that require the issue of a permit or authorization or the payment of fees. Certain activities may also be prohibited or limited by other Acts or regulations that are applicable within the proposed biodiversity reserve.

A special legal framework may govern permitted and prohibited activities within the proposed biodiversity 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 conservation and management of the proposed Opémican biodiversity reserve and is therefore responsible for supervising and monitoring the activities allowed in the reserve. The Minister in the management of the reserve works collaboratively with other government representatives having specific responsibilities in or adjacent to the reserve, 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 OPÉMICAN BIODIVERSITY RESERVE

Gouvernement du Québec

O.C. 181-2007, 21 February 2007

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

Regulation
— Amendments

Regulation to amend the Regulation respecting the application of the Act respecting health services and social services

WHEREAS, under section 512 of the Act respecting health services and social services (R.S.Q., c. S-4.2), the Government shall determine, by regulation, among other things, the contribution that may be required of users lodged in a facility maintained by a public or private institution under agreement, or taken in charge by an intermediate resource of a public institution or by a family-type resource;

WHEREAS, under section 513 of the Act, the amount of the contribution may vary according to the circumstances or needs identified by regulation;

WHEREAS, under section 514 of the Act, the Minister or an institution designated by regulation may, at the request of a person of whom payment of a contribution is required, exempt such person from paying the contribution, in accordance with the terms and conditions and in the circumstances determined by regulation;

WHEREAS the first paragraph of section 619.41 of the Act provides among other things that, subject to any special provisions, all orders in council, orders or regulations made by the Government or the Minister pursuant to any provision of the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5) which are applicable to persons and bodies subject to the Act respecting health services and social services (R.S.Q., c. S-4.2), shall remain applicable to those persons and bodies to the extent that they are compatible with the Act and until new orders in council, orders or regulations are made pursuant to the corresponding provisions of the Act;

WHEREAS the Government made the regulatory provisions respecting the contribution of recipients in the Regulation respecting the application of the Act respecting health services and social services (R.R.Q., 1981, c. S-5, r.1);

WHEREAS it is expedient to amend the Regulation to exclude the amounts paid under the National Reconciliation Program for Duplessis Orphans who were Residents of Certain Institutions or the value of property acquired out of those amounts from the calculation of a contribution;

WHEREAS, under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be made without having been published as provided for in section 8 of that Act if the authority making it is of the opinion that the urgency of the situation requires it;

WHEREAS, under section 13 of that Act, the reason justifying the absence of prior publication must be published with the regulation;

WHEREAS the Government is of the opinion that the urgency due to the following circumstances justifies the absence of prior publication:

— the amendments provided for in the Regulation attached to this Order in Council must apply as of 10 April 2007, the date of coming into force of the National Reconciliation Program for Duplessis Orphans who were Residents of Certain Institutions, to enable exclusion of the amounts paid under the program or the value of property acquired out of those amounts from the calculation of the contribution of an adult lodged in a facility maintained by a public or private institution under agreement, or taken in charge by an intermediate resource of a public institution or by a family-type resource. The amendments must come into force at the same time as those persons receive the amounts paid and the delay caused by the prior publication would prevent the Regulation from coming into force in a timely manner;

IT IS ORDERED, therefore, on the recommendation of the Minister of Health and Social Services:

THAT the Regulation to amend the Regulation respecting the application of the Act respecting health services and social services, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the application of the Act respecting health services and social services *

An Act respecting health services and social services for Cree Native persons
(R.S.Q., s. S-5, ss. 159 and 160)

An Act respecting health services and social services
(R.S.Q., c. S-4.2, ss. 512, 513, 514 and 619.41)

1. Section 369 of the Regulation respecting the application of the Act respecting health services and social services is amended by replacing the second paragraph by the following:

"For the purposes of the first paragraph, the amounts received by an adult under any reconciliation program for Duplessis orphans or the value of property acquired out of those amounts is excluded.".

2. Section 370 is amended by replacing the second paragraph by the following:

"In calculating the total value of the property of an adult or his family's property and in calculating the liquid assets referred to in the first paragraph, the amounts received by the adult under any reconciliation program for Duplessis orphans or the value of property acquired out of those amounts is excluded.".

3. This Regulation comes into force on 10 April 2007.

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* The Regulation respecting the application of the Act respecting health services and social services (R.R.Q., 1981, c. S-5, r.1) was last amended by the regulation made by Order in Council 1157-2001 dated 26 September 2001 (2001, *G.O.* 2, 5757). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2006, updated to 1 September 2006.

Gouvernement du Québec

O.C. 188-2007, 21 February 2007

Crime Victims Compensation Act
(R.S.Q., c. I-6; 2006, c. 41)

Crime victims
— Psychotherapeutic rehabilitation of close relations

Regulation respecting psychotherapeutic rehabilitation of close relations of crime victims

WHEREAS, under section 5.1 of the Crime Victims Compensation Act (R.S.Q., c. I-6), enacted by section 2 of chapter 41 of the Statutes of 2006, the Commission de la santé et de la sécurité du travail may, in accordance with government regulations, take the necessary measures to contribute to the psychotherapeutic rehabilitation of a close relation of a crime victim;

WHEREAS, under section 5.2 of the Act, enacted by section 2 of chapter 41 of the Statutes of 2006, the Government may, by regulation, determine the persons who are qualified to provide services under the measures taken under section 5.1, set the conditions such persons must meet, establish the tariff of fees payable by the Commission and set the maximum number of sessions the Commission may authorize;

WHEREAS, under section 10 of the Act to amend the Crime Victims Compensation Act and other legislative provisions (2006, c. 41), despite section 11 of the Regulations Act (R.S.Q., c. R-18.1), the first regulation under section 5.2 of the Crime Victims Compensation Act may be made on the expiry of 15 days following the date of its publication in the *Gazette officielle du Québec*;

WHEREAS, in accordance with that section, a draft of the Regulation respecting the psychotherapeutic rehabilitation of close relations of crime victims was published in Part 2 of the *Gazette officielle du Québec* of 24 January 2007 with a notice that it could be made by the Government on the expiry of 15 days following that publication;

WHEREAS the 15-day period has expired;

WHEREAS it is expedient to make the Regulation;

IT IS ORDERED, therefore, on the recommendation of the Minister of Justice:

THAT the Regulation respecting psychotherapeutic rehabilitation of close relations of crime victims, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation respecting psychotherapeutic rehabilitation of close relations of crime victims

Crime Victims Compensation Act
(R.S.Q., c. I-6, s. 5.2; 2006, c. 41, s. 2)

1. For the purposes of section 5.1 of the Crime Victims Compensation Act (R.S.Q., c. I-6), enacted by section 2 of chapter 41 of the Statutes of 2006, the professionals governed by the Professional Code (R.S.Q., c. C-26) providing psychological and social recovery services are qualified to provide psychotherapeutic rehabilitation services under the measures taken under that section.

In the case of a close relation domiciled outside Québec, the persons entitled to provide such services by the law of the close relation's domicile are qualified to provide them.

2. The fees payable by the Commission de la santé et de la sécurité du travail to a professional for services provided to a close relation of a crime victim to which the benefits under the Act have been granted are $65 per one hour session. The maximum number of sessions that the Commission may authorize is 20 in the case of a close relation of a homicide victim and 15 in all other cases.

Despite the foregoing, if two or more close relations are eligible for rehabilitation services for the same crime, they may receive the services for an individual session or group session, according to their needs, up to an amount not exceeding the total cost of the services available to them pursuant to the first paragraph.

3. This Regulation comes into force on 22 March 2007.

8052

Gouvernement du Québec

O.C. 191-2007, 21 February 2007

Professional Code
(R.S.Q., c. C-26)

Practice of the medical profession within a partnership or a company

Regulation respecting the practice of the medical profession within a partnership or a company

WHEREAS, under paragraph *p* of section 94 of the Professional Code (R.S.Q., c. C-26), the Collège des médecins du Québec may make a regulation respecting the practice of the medical profession within a partnership or company and, under paragraphs *g* and *h* of section 93 of the Code, it must, by regulation, impose on members the obligation to furnish and maintain security, on behalf of the partnership or company, against liabilities of the partnership or company arising from fault or negligence in the practice of their profession, and fix the conditions and procedure and, as appropriate, any fees applicable to the declaration made to the Order;

WHEREAS the Collège des médecins du Québec has made the Regulation respecting the practice of the medical profession within a partnership or a company;

WHEREAS, under section 95.3 of the Professional Code, a draft of the Regulation was sent to every member of the Order at least 30 days before being made by the Bureau;

WHEREAS, under section 95 of the Professional Code, subject to sections 95.1 and 95.2 of the Code, every regulation made by the Bureau of a professional order under the Code or an Act constituting a professional order shall be transmitted to the Office des professions du Québec for examination and submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 3 September 2003 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS the Office has examined the Regulation and made its recommendation;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation respecting the practice of the medical profession within a partnership or a company, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation respecting the practice of the medical profession within a partnership or a company

Professional Code
(R.S.Q., c. C-26, s. 93, subpar. *g* and *h* and s. 94, subpar. *p*)

DIVISION I
PURPOSE

1. A physician may, based upon the terms, conditions and restrictions set forth under this Regulation, practise his professional activities within a joint-stock company or a limited liability partnership within the meaning of Division VI.3 of the Professional Code (R.S.Q., c. C-26) if the following conditions are met:

(1) all of the voting rights attached to the shares of the partnership or company are held by:

(a) at least one physician;

(b) a legal entity, a trust or an enterprise where the voting rights attached to the shares of the partnership or company are held entirely by at least one physician;

(c) the persons, trusts or enterprises contemplated by subparagraphs *a* and *b*;

(2) the only persons, apart from those contemplated by the first paragraph, who hold shares of the partnership or company are:

(a) physicians;

(b) the spouse, blood relatives or persons connected by marriage or a civil union with a physician who holds the rights contemplated by paragraph (1);

(c) legal entities, trusts or enterprises where the voting rights attached to the shares of the partnership or company are entirely held by persons as contemplated under subparagraphs *a* or *b*;

(d) a person, a trust or an enterprise contemplated by subparagraphs *a*, *b* or *c*;

(3) the board of directors of the joint-stock company, as well as the partners and the directors appointed by the partners to manage the business of the limited liability partnership may only be physicians.

The physician shall ensure that terms which comply with the conditions set out in the first paragraph are included in the articles of association of the joint-stock company or stipulated in the limited liability partnership agreement and that it is also provided in the said articles or agreement that this partnership or company is constituted for the purposes of carrying on professional activities.

2. If a person referred to under section 1 is struck off the roll for a period in excess of three months, such person may not, while struck off the roll, either directly or indirectly own any share(s) in the partnership or company.

During this period, such person may not hold the position of director, officer or representative of the partnership or company.

DIVISION II
OTHER TERMS AND CONDITIONS

3. The physician remits to the Collège, with a $100 fees, a declaration containing the following information:

(1) the partnership or company name as well as any other names used in Québec by every partnership or company within which he practises his profession and the designating number that the competent authority has issued to them;

(2) the legal form of the partnership or company;

(3) his status within the partnership or company;

(4) the nature of activities carried on within the partnership or company;

(5) a copy of the irrevocable written authorization of the partnership or company within which he practises his profession allowing the persons, committees and tribunal mentioned in section 192 of the Professional

Code, to obtain from any person having the custody thereof any document referred to in section 15 or a copy thereof;

(6) a written confirmation from a competent authority attesting that the physician holds professional liability coverage in accordance with Division III on behalf of the partnership or company.

4. In the event that the conditions stipulated in section 3 are not met, the physician is not authorized to practise his profession within the partnership or company.

5. At the request from the Collège, the physician must provide:

(1) in the event that he practises his profession within a joint-stock company, a written confirmation given by the competent authority certifying the existence of the company;

(2) a certified copy of the declaration given by the competent authority, indicating that the general partnership has been continued into a limited liability partnership;

(3) a written confirmation certifying that the partnership or company is duly registered in Québec.

6. The physician must also respond to requests pursuant to this Regulation, made by the syndic, an assistant syndic, a corresponding syndic, an inspector, an investigator, a member of a Professional Inspection Committee or another representative of the Collège and provide them, where applicable, with the requested documents.

7. Every year, when he pays his annual assessment, the physician must update the information contained in the declaration contemplated by section 3.

8. A physician immediately ceases to be authorized to practise his profession within a partnership or company if he no longer satisfies the conditions stipulated in this Regulation or in Chapter VI.3 of the Professional Code. The same applies if the joint-stock company within which he practises professional activities does not comply with the statutes, regulations and agreements respecting health and social services or does not allow him to comply with them.

9. The physician must notify the secretary in writing of any change in the information transmitted in his declaration that may contravene this Regulation. The secretary of the Collège must receive this notice within 30 days after the change is made.

He must in particular notify the Collège of the cancellation of the insurance coverage specified in Division III, of the dissolution, the assignment of assets, the bankruptcy or the voluntary or forced liquidation of the partnership or company or of any event that is likely to prevent him from pursuing his activities within the partnership or company.

10. When a physician practises professional activities within a joint-stock company, the income resulting from the professional services rendered by him within that company and on its behalf belongs to that company, unless otherwise agreed.

DIVISION III
PROFESSIONAL LIABILITY COVERAGE

11. The physician practising his profession within a partnership or company must, in order to be authorized to practise his profession in accordance with this Regulation, provide and maintain on behalf of the partnership or company, either by means of an insurance contract or a suretyship or by joining a group insurance contracted by the Collège or by contributing to a professional liability insurance fund established in accordance with section 86.1 of the Professional Code, coverage for liabilities of the partnership or company arising from the fault or negligence of the physicians in the course of the practice of their profession within such partnership or company.

12. The following minimum conditions for such coverage shall be set out in a specific rider or contract:

(1) an undertaking by the insurer or the surety to pay on behalf of the partnership or company, over and above the amount of coverage that the member must provide under the Regulation respecting professional liability insurance of the Collège des médecins du Québec, taken by a decision of June 16, 1982 or of any other amount subscribed by the member if it is higher, up to the amount of the coverage, any amount that the partnership or company may legally be liable to pay to an injured third party regarding a claim submitted during the period of coverage as a result of the fault or negligence of the physician in the course of the practice of his profession. The insurer's obligation shall extend to all claims to

which the physician's liability insurance coverage may not apply and resulting from a deliberate act committed by that physician in the course of the practice of his profession;

(2) an undertaking by the insurer or the surety to hold the partnership or company harmless and to defend the company in any lawsuit launched against it and to pay, apart from the amounts covered, all the costs and expenses of the lawsuits launched against the partnership or company, including investigation and defence costs as well as interest on the amount of the coverage;

(3) an undertaking that this coverage shall extend to all claims submitted in the five years following the period of coverage during which a physician of the partnership or company dies, leaves the partnership or company or ceases to be entered on the roll of the Order, in order to maintain a coverage for the partnership or company against the faults or negligence of a physician in the practice of his profession while he was practising within the partnership or company;

(4) the amount of the coverage must be at least $1,000,000 per claim and at least $2,000,000 for the aggregate of claims submitted against the partnership or company during a period of coverage of 12 months;

(5) an undertaking by the insurer or the surety to give the secretary of the Collège 30-day prior notice of intent to terminate the coverage, to modify any of the conditions stipulated in this section or not to renew it.

13. The suretyship is obtained from a bank, a savings and credit union, a trust or an insurance company which must be domiciled in Canada and hold and maintain sufficient assets in Québec to satisfy the liability coverage required under this Division.

The institution referred to in the first paragraph undertakes to provide the coverage in accordance with the conditions set out in this Division and must waive the benefit of division and discussion.

14. The physician is exempt from complying with the obligations under this Division provided he remits to the secretary a proof that the partnership or company is eligible to receive the assistance offered by the Canadian Medical Protective Association and by maintaining its eligibility regarding any liability that it may incur owing to fault or negligence committed by the physicians in the practice of their profession within that partnership or company.

DIVISION IV
ADDITIONAL INFORMATION

15. The documents for which the physician is authorized by the partnership or company to disclose or to obtain a copy thereof in accordance with subparagraph 5 of section 3 are the following:

(1) if the physician practises his profession within a joint-stock company:

(a) the complete and updated register of the articles of association and by-laws of the company within which he practises his profession;

(b) the complete and updated share register of the company;

(c) the complete and updated register of directors of the company;

(d) any shareholders agreement and voting agreement, as amended;

(e) the updated company's statement of registration;

(f) the name of the executive officers of the company and their residential address;

(2) if the physician practises his profession within a limited liability partnership:

(a) the updated partnership's statement of registration;

(b) the partnership agreement as amended;

(c) the complete and updated register of the partners of the partnership;

(d) if applicable, the complete and updated register of the directors of that partnership;

(e) the name of the executive officers of that partnership and their residential address.

16. A physician who practises his profession within a limited liability partnership or a joint-stock company within which only physicians practise, is authorized to include, in the name of the partnership or company or after such name, the terms "firm of professionals governed by the Professional Code" or the acronym "FPGPC".

17. A physician may, acting as a respondent on behalf of physicians practising within a partnership or company, satisfy the requirements of section 3, when a partnership or company within which they practise their profession has more than one physician. The respondent is then directed by these physicians to respond to inquiries made under this Regulation, by the syndic, an assistant syndic, a corresponding syndic, an inspector, an investigator, a member of a Professional Inspection Committee or another representative of the Collège and to provide them, as the case may be, with the documents that the physicians are required to remit. The respondent must ensure that the information provided to the Collège is accurate.

18. This Regulation comes into force on the fifteenth day after its publication in the *Gazette officielle du Québec*.

8061

Gouvernement du Québec

O.C. 197-2007, 21 February 2007

Forest Act
(R.S.Q., c. F-4.1)

Rate per cubic metre of timber applicable to the computation of the contribution payable to a regional agency for private forest development by holders of a wood processing plant operating permit — Amendment

Regulation to amend the Regulation respecting the rate per cubic metre of timber applicable to the computation of the contribution payable to a regional agency for private forest development by holders of a wood processing plant operating permit

WHEREAS, under section 124.29 of the Forest Act (R.S.Q., c. F-4.1), every holder of a wood processing plant operating permit who acquires a volume of timber originating from the territory of a regional agency for private forest development shall pay a contribution to the agency;

WHEREAS, under that section, the contribution shall be established each year by the agency on the basis of a rate per cubic metre of timber, fixed by regulation of the Government, that is applicable to the volume of timber from private forests purchased by a permit holder in the year;

WHEREAS, under subparagraph 18.4 of the first paragraph of section 172 of the Forest Act, the Government may, by regulation, fix for every species and group of species and for every quality of timber, the rate per cubic metre of timber applicable to the contribution payable to a regional agency for private forest development by holders of a wood processing plant operating permit, and determine the schedule according to which permit holders are required to file their statement with the agencies;

WHEREAS, by Order in Council 1113-96 dated 4 September 1996, the Government made the Regulation respecting the rate per cubic metre of timber applicable to the computation of the contribution payable to a regional agency for private forest development by holders of a wood processing plant operating permit;

WHEREAS it is expedient to amend the Regulation in order to fix a new rate per cubic metre of timber applicable to the contribution payable to a regional agency for private forest development by holders of a wood processing plant operating permit;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Regulation respecting the rate per cubic metre of timber applicable to the computation of the contribution payable to a regional agency for private forest development by holders of a wood processing plant operating permit was published in Part 2 of the *Gazette officielle du Québec* of 31 August 2005 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired;

WHEREAS it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Natural Resources and Wildlife:

THAT the Regulation to amend the Regulation respecting the rate per cubic metre of timber applicable to the computation of the contribution payable to a regional agency for private forest development by holders of a wood processing plant operating permit, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the rate per cubic metre of timber applicable to the computation of the contribution payable to a regional agency for private forest development by holders of a wood processing plant operating permit *

Forest Act
(R.S.Q., c. F-4.1, ss. 124.29, 124.30 and 172, 1st par., subpar. 18.4)

1. The Regulation respecting the rate per cubic metre of timber applicable to the computation of the contribution payable to a regional agency for private forest development by holders of a wood processing plant operating permit is amended in section 1 by replacing "$1.20" by "$1.35".

2. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

8054

Gouvernement du Québec

O.C. 201-2007, 21 February 2007

Transport Act
(R.S.Q., c. T-12)

Brokerage of bulk trucking services — Amendment

Regulation to amend the Regulation respecting the brokerage of bulk trucking services

WHEREAS, under paragraph *f* of section 5 of the Transport Act (R.S.Q., c. T-12), the Government may determine the minimum or maximum term of a permit, prescribe that a permit is not renewable, exempt a permit from the renewal procedure provided for in section 37.1 of the Act, prescribe the conditions on which a permit may be renewed or reinstated and determine the cases where a permit may be renewed by the administrator of the Commission des transports du Québec;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation to amend the Regulation respecting the brokerage of bulk trucking services was published in Part 2 of the *Gazette officielle du Québec* of 20 December 2006, with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Transport and Minister responsible for the Capitale-Nationale region:

THAT the Regulation to amend the Regulation respecting the brokerage of bulk trucking services, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the brokerage of bulk trucking services *

Transport Act
(R.S.Q., c. T-12, s. 5, par. *f*)

1. The Regulation respecting the brokerage of bulk trucking services is amended by inserting the following after section 37:

"**37.1.** Every brokerage permit expiring on 31 March 2007 is automatically renewed for a 1-year period ending on 31 March 2008.".

2. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

8055

* The Regulation respecting the rate per cubic metre of timber applicable to the computation of the contribution payable to a regional agency for private forest development by holders of a wood processing plant operating permit, made by Order in Council 1113-96 dated 4 September 1996 (1996, *G.O.* 2, 3979), has been amended once, by the regulation made by Order in Council 501-2001 dated 2 May 2001 (2001, *G.O.* 2, 2199).

* The Regulation respecting the brokerage of bulk trucking services, made by Order in Council 1483-99 dated 17 December 1999 (1999, *G.O.* 2, 5079), has been amended once, by the regulation made by Order in Council 1402-2000 dated 29 November 2000 (2000, *G.O.* 2, 5602).

Gouvernement du Québec

O.C. 210-2007, 21 February 2007

Individual and Family Assistance Act
(2005, c. 15)

Individual and Family Assistance
— Amendment

Regulation to amend the Individual and Family Assistance Regulation

WHEREAS, pursuant to the Individual and Family Assistance Act (2005, c. 15), the Government made the Individual and Family Assistance Regulation by Order in Council 1073-2006 dated 22 November 2006;

WHEREAS it is expedient to amend the Regulation;

WHEREAS, under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be made without having been published as provided for in section 8 of that Act if the authority making it is of the opinion that the urgency of the situation requires it;

WHEREAS, under section 13 of that Act, the reason justifying the absence of prior publication must be published with the regulation;

WHEREAS the Government is of the opinion that the urgency due to the following circumstances justifies the absence of prior publication:

— the amendment in the Regulation attached to this Order in Council must come into force on 10 April 2007 to enable exclusion of the amounts paid under the National Reconciliation Program for Duplessis Orphans who were Residents of Certain Institutions, which will come into force on that date, from the calculation of the benefits granted under the Social Assistance Program and the Social Solidarity Program. The amendment must come into force at the same time as those persons receive the amounts paid under that program and the delay caused by the prior publication would prevent the Regulation from coming into force on that date;

WHEREAS it is expedient to make the Regulation;

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

THAT the Regulation to amend the Individual and Family Assistance Regulation, attached hereto, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Individual and Family Assistance Regulation *

Individual and Family Assistance Act
(2005, c. 15, s. 132, par. 10)

1. The Individual and Family Assistance Regulation is amended in section 135 by adding the following paragraph at the end:

"(11) the National Reconciliation Program for Duplessis Orphans who were Residents of Certain Institutions.".

2. This Regulation comes into force on 10 April 2007.

8056

Gouvernement du Québec

O.C. 219-2007, 21 February 2007

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

Coiffeurs
— Hull
— Levy and other regulations of the Comité
— Amendments

CONCERNING the Regulation to amend the Levy Regulation of the Comité paritaire des coiffeurs du district de Hull and other regulations of the Comité

WHEREAS, in accordance with subparagraph *i* of the second paragraph of section 22 of the Act respecting collective agreement decrees (R.S.Q., c. D-2), the Government, by Order in Council No. 2626-85, dated 11 December 1985, made the Levy Regulation of the Comité paritaire des coiffeurs du district de Hull;

WHEREAS the Board of Directors of the Comité paritaire des coiffeurs du district de Hull adopted a Regulation to amend the Levy Regulation of the Comité paritaire des coiffeurs du district de Hull at its special meeting held on 31 January 2006;

WHEREAS, in accordance with subparagraph *g* of the second paragraph of section 22 of the Act respecting collective agreement decrees, the Government approved by Order in Council No. 2857-74, dated 7 August 1974, the Regulation respecting a registration system or the

* The Individual and Family Assistance Regulation, made by Order in Council 1073-2006 dated 22 November 2006 (2006 *G.O.* 2, 3877), was last amended by the regulation made by Order in Council 1096-2006 dated 29 November 2006 (*G.O.* 2, 3911).

keeping of a register of the Comité paritaire des coiffeurs du district de Hull (Regulation No. 2);

WHEREAS the Board of Directors of the Comité paritaire des coiffeurs du district de Hull adopted a Regulation to amend the Regulation respecting a registration system or the keeping of a register of the Comité paritaire des coiffeurs du district de Hull at its regular meeting held on 1 May 2006;

WHEREAS, in accordance with subparagraph *h* of the second paragraph of section 22 of the Act respecting collective agreement decrees, the Government approved by Order in Council No. 2857-74, dated 7 August 1974, the Regulation respecting the monthly report of the Comité paritaire des coiffeurs du district de Hull (Regulation No. 3);

WHEREAS the Board of Directors of the Comité paritaire des coiffeurs du district de Hull adopted a Regulation to amend the Regulation respecting the monthly report of the Comité paritaire des coiffeurs du district de Hull at its regular meeting held on 1 May 2006;

WHEREAS, in accordance with subparagraph *l* of the second paragraph of section 22 of the Act respecting collective agreement decrees, the Government approved by Order in Council No. 2857-74, dated 7 August 1974, the Regulation respecting the attendance allowance and travel expenses of the Comité paritaire des coiffeurs du district de Hull (Regulation No. 8);

WHEREAS, the Board of Directors of the Comité paritaire des coiffeurs du district de Hull adopted a Regulation to amend the Regulation respecting the attendance allowance and travel expenses of the Comité paritaire des coiffeurs du district de Hull at its regular meeting held on 1 May 2006;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of the Regulation to amend the Regulation respecting the Levy Regulation of the Comité paritaire des coiffeurs du district de Hull and other regulations of this Comité were published in Part 2 of the *Gazette officielle du Québec* of 27 September 2006 with a notice that it could be made by the Government on the expiry of the 45 days following this publication;

WHEREAS it is opportune to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Labour:

THAT the Regulation to amend the Levy Regulation of the Comité paritaire des coiffeurs du district de Hull and other regulations of this Comité, attached hereto, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Levy Regulation of the Comité paritaire des coiffeurs du district de Hull[1] and other regulations of the Comité

An Act respecting collective agreement decrees
(R.S.Q., c. D-2, s. 22, par. *g*, *h*, *i* and *l*)

1. The Levy Regulation of the Comité paritaire des coiffeurs du district de Hull, is amended by replacing in the title, the words, "du district de Hull" by "de l'Outaouais".

2. Section 1 of the Regulation is amended by replacing the word "Hull" by "Outaouais".

3. Section 2 of the Regulation is amended by replacing the words "du district de Hull" by "de l'Outaouais".

4. Section 4 of the Regulation is amended by replacing the amount "$2.50" by the amount "$3.00".

5. Section 5 of the Regulation is amended by deleting, in the third paragraph, "or the worker".

6. The title of the Regulation respecting a registration system or the keeping of a register of the Comité paritaire des coiffeurs du district de Hull (Regulation No. 2)[2] is amended by replacing the words "du district de Hull" by "de l'Outaouais".

7. Section 1.00 of the Regulation is amended by replacing "Order in Council No. 3652, dated 13 November 1968 and its future amendments" by the "Decree respecting hairdressers in the Outaouais region (R.R.Q., 1981, c. D-2, r.15)".

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[1] The Levy Regulation of the Comité paritaire des coiffeurs du district de Hull, made by Order in Council No. 2626-85, dated 11 December 1985 (1985, *G.O.* 2, 6982), were amended by Orders in Council No. 550-89, dated 12 April 1989 (*G.O.Q.* 2, 2307) and No. 556-92, dated 8 april 1992 (1992, *G.O.* 2, 3121).

[2] The Regulation respecting a registration system or the keeping of a register of the Comité paritaire des coiffeurs du district de Hull (Regulation No. 2), made by Order in Council No. 2857-74 of 7 August 1974, has not been amended since it was made.

8. The title of the Regulation respecting the monthly report of the Comité paritaire des coiffeurs du district de Hull (Regulation No. 3)[3] is amended by replacing the words "du district de Hull" by "de l'Outaouais".

9. Section 1.00 of the Regulation is amended by replacing "Order in Council No. 3652, dated 13 November 1968 and its future amendments" by "Decree respecting hairdressers in the Outaouais region (R.R.Q., 1981, c. D-2, r.15)".

10. The title of the Regulation respecting the attendance allowance and travel expenses of the Comité paritaire des coiffeurs du district de Hull (Regulation No. 8)[4] is replaced by the following: "Regulation respecting the attendance allowance and travel expenses (Regulation No. 8) of the Comité paritaire des coiffeurs de l'Outaouais".

11. Section 1.00 of this Regulation is replaced by the following:

"**1.00** Every member of the comité paritaire shall receive, for each meeting attended, an attendance allowance of $75.".

12. Section 2.00 of this Regulation is revoked.

13. This Regulation comes into force on the fifteenth day following its publication in the *Gazette officielle du Québec*.

8057

[3] The Regulation respecting the monthly report of the Comité paritaire des coiffeurs du district de Hull (Regulation No. 3), made by Order in council No. 2857-74 dated 7 August 1974, has not been amended since it was made.

[4] The Regulation respecting the attendance allowance and travel expenses of the Comité paritaire des coiffeurs du district de Hull (Regulation No. 8), made by Order in Council No. 2857-74, dated 7 August 1974, has not been amended since it was made.

Gouvernement du Québec

O.C. 220-2007, 21 February 2007

Building Act
(R.S.Q., c. B-1.1; 2005, c. 10)

Construction Code
— Amendment

Regulation to amend the Construction Code

WHEREAS, under section 173 of the Building Act (R.S.Q., c. B-1.1), amended by section 59 of chapter 10 of the Statutes of 2005, the Régie du bâtiment du Québec is to adopt by regulation a building code containing, in particular, building standards for buildings, facilities intended for use by the public, installations independent of a building and petroleum equipment installations or their vicinity;

WHEREAS, under section 176 of the Act, the code may require manufacturers to provide instructions regarding the assembly, erection, maintenance and inspection of materials, facilities and installations;

WHEREAS, under 176.1 of the Act, the code may, with respect to the matters to which it applies, contain provisions concerning the subjects listed in section 185 of the Act amended by section 62 of chapter 10 of the Statutes of 2005;

WHEREAS, under section 178 of the Act, the code may require observance of a technical standard drawn up by another government or by an agency empowered to draw up such standards;

WHEREAS, under section 179 of the Act, the Board may determine the provisions of the code of which the infringement constitutes an offence under paragraph 7 of section 194 of the Act;

WHEREAS, under section 192 of the Act, amended by section 63 of chapter 10 of the Statutes of 2005, the contents of the code may vary according to the classes of persons, contractors, owner-builders, facilities intended for use by the public, installations independent of a building or petroleum equipment installations and classes of buildings, pressure installations, facilities or installations to which the code applies;

WHEREAS the Board has adopted the Regulation to amend the Construction Code;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Construction Code was published in Part 2 of the *Gazette officielle du Québec* of 13 December 2006 with a notice that it could be approved by the Government, with or without amendment, on the expiry of 45 days following that publication;

WHEREAS comments received have been examined;

WHEREAS, under section 189 of the Building Act, a regulation of the Board is subject to approval by the Government which may approve it with or without amendment;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Labour:

THAT the Regulation to amend the Construction Code, attached hereto, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Construction Code*

Building Act
(R.S.Q., c. B-1.1, ss. 173, 176, 176.1, 178, 179, 185, 1st par., subpars. 1, 2.1, 6.2, 6.3, 20, 37 and 38 and s. 192; 2005, c. 10, ss. 59, 62 and 63)

1. The Construction Code is amended by adding the following after section 7.08:

"**CHAPTER VIII**
PETROLEUM EQUIPMENT INSTALLATION

DIVISION I
INTERPRETATION

8.01. In this Chapter, unless the context indicates otherwise,

"airport outlet" means a motor fuel dispensing outlet where aviation fuel is dispensed to an aircraft; *(poste d'aéroport)*

«aviation fuel» means aviation gasoline and aviation turbine fuel; *(carburant d'aviation)*

«aviation turbine fuel» means a medium petroleum distillate for use as motor fuel in turbine engines; *(carburéacteur)*

"biodiesel fuel" means an oxygenated ester- or ether-based fuel derived from vegetable oils or animal fats; *(carburant bio-diesel)*

"booth" means a shelter situated within a dispensing area, to be used for the sale of motor fuel and, where applicable, for controlling motor fuel dispensing equipment; *(kiosque)*

"bulk plant" means a facility for the storage of bulk petroleum products and having a tank truck, tank car or a cargo tank trailer loading facility; *(dépôt)*

"designated location" means a quarry, mine, forest operations site, agricultural establishment, construction site, snowmobile stop, hunting or fishing camp, or a location not accessible year round by a practicable road in the Québec highway network*; (endroit désigné)*

"diesel fuel" means a medium petroleum distillate for use as motor fuel in a compression ignition engine; *(carburant diesel)*

"first storey" means the highest storey having its floor not more than 2 m above average ground level; *(premier étage)*

"flash point" means the minimum temperature at which a liquid within a container gives off vapour in sufficient concentration to form an ignitable mixture with air near the surface of the liquid; *(point d'éclair)*

"fuel oil" means a homogeneous blend of hydrocarbon compounds for use as fuel; *(mazout)*

"gasoline" means a light petroleum distillate for use as motor fuel in an engine with electrical ignition; *(essence)*

"high-risk petroleum equipment" means petroleum equipment having one of the following characteristics:

(1) petroleum equipment, one or more components of which is partially or completely buried, having a capacity of

* The Construction Code, approved by Order in Council 953-2000 dated 26 July 2000 (2000, *G.O.* 2, 4203), was last amended by the regulation approved by Order in Council 986-2006 dated 25 October 2006 (2006, *G.O.* 2, 3569). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2006, updated to 1 September 2006.

(a) 500 or more litres, when it is installed to store motor fuel; or

(b) 4,000 or more litres, if it is installed to store fuel oil, except petroleum equipment of less than 10,000 L used for heating a single-family dwelling;

(2) aboveground petroleum equipment that has a capacity of 2,500 or more litres, if it is installed to store gasoline, fuel ethanol or Class I aviation fuel;

(3) petroleum equipment that has a capacity of 10,000 or more litres, if it is installed to store a petroleum product; or

(4) petroleum equipment installed for the purposes of trade in petroleum products;

The capacity of petroleum equipment that is joined, connected to or used with other petroleum equipment is determined by adding together their respective capacities; *(équipement pétrolier à risqué élevé)*

"lower explosive limit" means the minimum concentration of vapour in air at which the propagation of flame occurs on contact with an ignition source; *(limite inférieure d'explosivité)*

"marina outlet" means a motor fuel dispensing outlet where motor fuel is dispensed to motorized vessels; *(poste de marina)*

"motor fuel" means a combustible substance used in an internal combustion engine that includes gasoline, diesel fuel, biodiesel fuel, fuel ethanol and aviation fuel; *(carburant)*

"motor fuel dispensing outlet" means a self-serve facility, an unattended self-serve facility, an airport outlet, a user outlet, a marina outlet and a service station; *(poste de distribution de carburant)*

"petroleum equipment" means any container, piping, apparatus or other equipment or device that may be used for the distribution, handling, transfer or storage of petroleum products, or forming part of a petroleum equipment installation; *(équipement pétrolier)*

"recognized person" means a person able to produce or furnish a certificate of conformity pursuant to sections 16 and 35 of the Building Act; *(personne reconnue)*

"self-serve facility" means a motor fuel dispensing outlet where motor fuel is dispensed to a vehicle under the supervision of an attendant; *(libre-service avec surveillance)*

"service centre" means a site where the fuel system of an internal combustion engine is serviced; *(atelier de mécanique)*

"storey" means that part of a building between the top of a floor and the top of the next floor above it, or if there is no floor above it, that part between the top of a floor and the ceiling; *(étage)*

"tank" means a container that holds more than 225 L; *(réservoir)*

"unattended self-serve facility" means a motor fuel dispensing outlet for commercial vehicles where motor fuel is dispensed to a vehicle without supervision of an attendant; *(libre-service sans surveillance)*

"underground piping" means piping or part of piping that is buried in the ground; *(tuyauterie souterraine)*

"underground tank" means a tank that is partially or entirely buried in the ground; *(réservoir souterrain*)

"user outlet" means a motor fuel dispensing outlet used for a purpose other than trade in motor fuel. *(poste d'utilisateur)*

8.02. For the purposes of this Chapter,

(1) petroleum products are classified as follows:

(a) Class 1: petroleum distillates having a flash point below 37.8 °C as determined by D56, Standard Test Method for Flash Point by Tag Closed Tester, published by the American Society for Testing and Materials;

(b) Class 2: petroleum distillates having a flash point equal to or above 37.8 °C but below 60 °C as determined by D93, Standard Test Method for Flash-Point by Pensky-Martens Closed Cup Tester, published by the American Society for Testing and Materials; and

(c) Class 3: petroleum distillates having a flash point equal to or above 60 °C as determined by D93, Standard Test Method for Flash-Point by Pensky-Martens Closed Cup Tester, published by the American Society for Testing and Materials;

(2) fuel oil is of the following types:

(a) Nos. 0, 1 and 2: distillate fuel for home heating appliances;

(b) Nos. 4 and 5: a distillate, a residue or a blend of the two, used as fuel usually for burner installations without preheating devices; and

(c) No. 6: a distillate, a residue or a blend of the two, used as fuel for burner installations with a preheating device.

DIVISION II
APPLICATION OF CODES AND STANDARDS

8.03. Subject to the regulatory exemptions under subparagraph 1 of the first paragraph of section 182 of the Building Act (R.S.Q., c. B-1.1), the codes, standards and provisions of this Chapter apply to all construction work on a petroleum equipment installation to which that Act applies, including its vicinity, carried out as of the date of coming into force of this Chapter.

DIVISION III
REFERENCED DOCUMENTS

8.04. The requirements of the referenced documents in this Chapter apply only to the extent that they refer to petroleum equipment.

8.05. Where the referenced requirements are inconsistent with the requirements of any provision of this Chapter, the latter prevail.

8.06. The editions of the documents referenced in this Chapter are those indicated in the table below.

TABLE 1
REFERENCED DOCUMENTS

Agency	Designation	Title	Reference
API	5L-2000	Line Pipe	8.25, 1st paragraph, subpar. 1
API	650-1998	Welded Steel Tanks for Oil Storage	8.24, 1st paragraph, subpar. 8
API	1104-1999	Welding Pipelines and Related Facilities	8.70
API	1542-2002	Identification Markings for Dedicated Aviation Fuel Manufacturing and Distribution Facilities, Airport Storage and Mobile Fuelling Equipment	8.188
API	2000-1998	Venting Atmospheric and Low Pressure Storage Tanks: Nonrefrigerated and Refrigerated	8.102
ASME	B16.5-2003	Pipe Flanges and Flanged Fittings	8.107, 2nd paragraph
ASME	B31.3-2004	Process Piping	8.25, 2nd paragraph
ASTM	A53/A53M-05	Pipe, Steel, Black and Hot-Dipped, Zinc-Coated, Welded and Seamless	8.25, 1st paragraph, subpar. 2
ASTM	A193/A193M-06	Alloy-Steel and Stainless Steel Bolting Materials for High Temperature or High Pressure Service and Other Purpose Applications	8.109, 1st paragraph
ASTM	D56-05	Standard Test Method for Flash Point by Tag Closed Tester	8.02, paragraph 1, subpar. a
ASTM	D93-02a	Standard Test Method for Flash-Point by Pensky-Martens Closed Cup Tester	8.02, paragraph 1, subpars. b and c
BNQ	CAN/BNQ 2501-255-3rd edition	Soils - Determination of the Water-Density Relation - Modified Effort Compaction Test (2700 kN.m/m3)	8.33, 1st paragraph, subpars. 2 and 3
CCBFC	NRCC 47667	National Fire Code– Canada 2005	8.21, 1st paragraph
CSA	CSA-B139-04	Installation Code for Oil Burning Equipment	8.21, 2nd paragraph 8.84, paragraph 1, subpar. c
CSA	CSA-B140.0-03	Oil Burning Equipment: General Requirements	8.26
CSA	CSA-B346-M1980	Power-Operated Dispensing Devices for Flammable Liquids	8.141

Agency	Designation	Title	Reference
CSA	Z245.1-02	Steel Pipe	8.25, 1st paragraph, subpar. 3
CSA	CAN/CSA-Z662-03	Oil and Gas Pipeline Systems	8.103
EPA	EPA 530/UST-90/004	Standard Test Procedures for Evaluating Leak Detection Methods: Volumetric Tank Tightness Testing Methods	8.130, 2nd paragraph
EPA	EPA 530/UST-90/007	Standard Test Procedures for Evaluating Leak Detection Methods: Statistical Inventory Reconciliation Methods	8.130, 2nd paragraph
CPPI	1990	Colour-Symbol System to Mark Equipment and Vehicles for Product Identification	8.106, 1st paragraph 8.194
NACE International	RP0169-2002	Control of External Corrosion on Underground or Submerged Metallic Piping Systems	8.42, 1st paragraph, subpar. 2 8.130, 1st paragraph
NACE International	RP0285-2002	Corrosion Control of Underground Storage Tank System by Cathodic Protection	8.42, 1st paragraph, subpar. 2 8.130, 1st paragraph
NFPA	30-2003	Flammable and Combustible Liquids Code	8.65, paragraph 3
SAE	AS 1852-1997	Nozzles and Ports-Gravity Fueling Interface Standard for Civil Aircraft	8.181
TC	No. 0-32	Flammable Liquids Bulk Storage Regulations	8.196
ULC	ULC-S601-00	Standard for Shop Fabricated Steel Aboveground Horizontal Tanks for Flammable and Combustible Liquids	8.24, 1st paragraph, subpar. 1
ULC	CAN/ULC-S602-03	Aboveground Steel Tanks for the Storage of Combustible Liquids Intended to be Used as Heating and/or Generator Fuels	8.24, 1st paragraph, subpar. 2
ULC	ULC-S603-00	Standard for Steel Underground Tanks for Flammable and Combustible Liquids	8.23, 1st paragraph, subpar. 1
ULC	Technical Supplement, ULC-S603(A)-2001	Refurbishing of Steel Underground Tanks for Flammable and Combustible Liquids	8.44, paragraph 1
ULC	CAN/ULC-S603.1-03	External Corrosion Protection Systems for Steel Underground Tanks for Flammable and Combustible Liquids	8.42, 1st paragraph, subpar. 1 8.88, 1st paragraph, subpar. 1
ULC	CAN/ULC-S612-99	Hose for Flammable and Combustible Liquids	8.153
ULC	ULC-S615-98	Standard for Reinforced Plastic Underground Tanks for Flammable and Combustible Liquids	8.23, 1st paragraph, subpar. 2
ULC	Technical Supplement, ULC-S615(A)-2002	Refurbishing of Reinforced Plastic Underground Tanks for Flammable and Combustible Liquids	8.44, paragraph 2
ULC	CAN/ULC-S620-99	Hose Nozzle Valves for Flammable and Combustible Liquids	8.154
ULC	ULC-S630-00	Shop Fabricated Steel Aboveground Vertical Tanks for Flammable and Combustible Liquids	8.24, 1st paragraph, subpar. 3 8.54, paragraph 2
ULC	CAN/ULC-S642-M87	Compounds and Tapes for Threaded Pipe Joints	8.69
ULC	ULC-S643-00	Shop Fabricated Steel Aboveground Utility Tanks for Flammable and Combustible Liquids	8.24, 1st paragraph, subpar. 4

Agency	Designation	Title	Reference
ULC	ULC-S651-00	Emergency Valves for Flammable and Combustible Liquids	8.115 8.149
ULC	ULC-S653-05	Standard for Aboveground Steel Contained Tank Assemblies for Flammable and Combustible Liquids	8.24, 1st paragraph, subpar. 5 8.143
ULC	ULC-S655-98	Aboveground Protected Tank Assemblies for Flammable and Combustible Liquids	8.24, 1st paragraph, subpar. 6
ULC	ULC/ORD-C58.9-1997	Secondary Containment Liners for Underground and Aboveground Flammable and Combustible Liquid Tanks	8.62, paragraph 5, subpar. a
ULC	ULC/ORD-C58.10-1992	Jacketed Steel Underground Tanks for Flammable and Combustible Liquids	8.23, 1st paragraph, subpar. 3 8.35, 1st paragraph, subpar. 2, subpar. b 8.42, 2nd paragraph
ULC	ULC/ORD-C58.12-1992	Leak Detection Devices (Volumetric Type) for Underground Flammable Liquid Storage Tanks	8.29, paragraph 2
ULC	ULC/ORD-C58.14-1992	Non-Volumetric Leak Detection Devices for Underground Flammable Liquid Storage Tanks	8.28, 3rd paragraph 8.29, paragraph 2
ULC	ULC/ORD-C58.15-1992	Overfill Protection Devices for Flammable Liquid Storage Tanks	8.61, 1st paragraph, subpar. 1, subpar. a 8.125, paragraph 1 8.127
ULC	ULC/ORD-C58.19-1992	Spill Containment Devices for Underground Flammable Liquid Storage Tanks	8.127
ULC	ULC/ORD-C107.12-1992	Line Leak Detection Devices for Flammable Liquid Piping	8.28, 3rd paragraph
ULC	ULC/ORD-C107.21-1992	Under-Dispenser Sumps	8.143
ULC	ULC/ORD-C142.5-1992	Concrete Encased Steel Aboveground Tank Assemblies for Flammable and Combustible Liquids	8.24, 1st paragraph, subpar. 7
ULC	ULC/ORD-C142.18-95	Rectangular Steel Aboveground Tanks for Flammable and Combustible Liquids	8.24, 1st paragraph, subpar. 9
ULC	ULC/ORD-C142.19-94	Spill Containment Devices for Aboveground Flammable and Combustible Liquid Storage Tanks	8.61, 1st paragraph, subpar. 1, subpar. a
ULC	ULC/ORD-C842-M1984	Guide for the Investigation of Valves for Flammable and Combustible Liquids	8.115
ULC	ULC/ORD-C971-05	Nonmetallic Underground Piping for Flammable and Combustible Liquids	8.27

8.07. Unless otherwise indicated in this Chapter, the referenced documents include the amendments, revisions or supplements in force on 1 April 2007.

DIVISION IV
APPROVAL OF EQUIPMENT

8.08. Petroleum equipment used in a petroleum equipment installation must, when required by a provision of this Chapter, be approved for the use for which it is intended.

The sale or leasing of such equipment that has not been approved is prohibited. The use of such equipment in a petroleum equipment installation that has not been approved, except for approval purposes, is also prohibited.

Petroleum equipment may, however, during an exhibition, a presentation or a demonstration, be used without prior approval provided that it is accompanied by a notice with the following warning in characters

measuring at least 15 mm: "WARNING: this material has not been approved for sale or rental as required under Chapter VIII of the Construction Code.".

8.09. Petroleum equipment certified by one of the following agencies is considered to be approved:

(1) CSA International (CSA);

(2) Underwriters' Laboratories of Canada (ULC);

(3) Intertek Testing Services NA LTD. (WH, cETL);

(4) Underwriters Laboratories Incorporated (cUL);

(5) American Petroleum Institute (API); and

(6) any other certification agency accredited by the Standards Council of Canada as a certification agency for petroleum equipment having notified the Régie du bâtiment du Québec of its accreditation.

8.10. Despite section 8.08, approval is not required for each component of petroleum equipment if the petroleum equipment has received overall approval.

8.11. For the purposes of this Chapter, "certification" or "certified" means recognition by one of the agencies referred to in section 8.09, by means of a label affixed on certified equipment certifying that the equipment complies with the construction and testing requirements published by the standards development organizations accredited by the Standards Council of Canada to develop petroleum equipment standards.

DIVISION V
CERTIFICATE OF CONFORMITY

8.12. A contractor or owner-builder must, after construction work related to the installation, alteration or demolition of high-risk petroleum equipment or complete piping connected to it, provide the Régie du bâtiment du Québec with a certificate of conformity with this Chapter produced and signed by a recognized person under section 8.13 stating that

(1) the work has been carried out in accordance with sections, 8.21, 8.23, 8.24, 8.26 to 8.28, paragraphs 1 to 3 of section 8.29, sections 8.30, 8.31 and section 8.32, as regards only the clearance between the top of the tank and ground level, sections 8.42 to 8.44, paragraphs 1 and 2 of section 8.45, section 8.46, except paragraphs 1 to 3 of the second paragraph, sections 8.48 to 8.50, paragraph 1 of section 8.51, sections 8.53, 8.55 to 8.57, 8.60 to 8.65, except paragraph 4 of that section, paragraph 2 of section 8.66, sections 8.69, 8.72, 8.75, 8.77, 8.79, 8.80 and section 8.83, as regards only the clearance between piping and ground level, sections 8.85, 8.88 to 8.95, the third paragraph of section 8.96, sections 8.97, 8.98, 8.100, 8.102, 8.108, paragraph 1 of section 8.110, the third paragraph of section 8.112, sections 8.116, 8.124, 8.125, 8.127, 8.128, 8.138, 8.141 to 8.147, 8.149 to 8.151, 8.153, 8.154, 8.156, 8.159, 8.160, the first paragraph of section 8.162, the first and second paragraphs of section 8.166, sections 8.168, 8.170 to 8.172, 8.174, 8.175, the second paragraph of section 8.177, section 8.178, except paragraph 5 of that section, sections 8.179, 8.180, 8.182, 8.185, 8.186, 8.195, 8.197 to 8.199 and section 8.200 as regards the manual valve, sections 8.201, 8.203 to 8.205, 8.207 to 8.209, 8.211 to 8.213 and 8.215 to 8.217;

(2) the tests and inspections referred to in those sections for that work have been performed and their results are satisfactory; and

(3) the equipment covered by the certificate is free from leaks and presents no danger to public safety.

Otherwise, the recognized person must inform the contractor or owner-builder and the Board, within 30 days, of any irregularities found and the reasons for refusing to produce the required certificate of conformity.

The certificate must also contain a description of the petroleum equipment inspected, its type, make, the petroleum product it is to contain, its model, capacity, serial number, the standard under which it has been approved or manufactured, the address of the site where the construction work on the petroleum equipment was carried out, the nature of the work carried out, the licence number of the contractor or owner-builder who carried out the work, the date of signature, the name, address, telephone number and professional order membership number, temporary or accreditation permit issued under the Act respecting petroleum products and equipment, of the recognized person who produced the certificate and the date of the beginning and end of the construction work. The certificate may be produced on the form provided for that purpose by the Board.

If high-risk petroleum equipment has already been installed, altered or demolished, the contractor or owner-builder must take the necessary measures so that the recognized person may produce the certificate.

8.13. The following persons whose professional activities are related to the inspection, surveillance or design of petroleum equipment installations may be recognized by the Board to produce and sign the certificate of conformity required under section 8.12:

(1) an engineer who is a member of the Ordre des ingénieurs du Québec;

(2) a holder of a temporary licence issued under the Engineers Act (R.S.Q., c. I-9) and

(3) a professional technologist holding a license issued by the Ordre des technologues professionnels du Québec.

Those persons must not be in a situation of conflict of interest, such as

(1) performing work on petroleum equipment or decontamination work on sites polluted by petroleum products, or supervising such work, in the capacity of a contractor or employee; or

(2) having a direct or indirect interest in an enterprise that performs work on petroleum equipment, designs or manufactures petroleum equipment or engages in activities in the field of petroleum product sales, storage or transportation.

8.14. The person referred to in section 8.13 who applies for recognition must

(1) file an application with the Board that contains the following:

(a) the person's name, home address, telephone number and membership number of the person's professional order or the person's temporary licence number; and

(b) the number of years of experience acquired in activities related to the fields referred to in section 8.13;

(2) pay the fees of $500; and

(3) certify the accuracy of the information contained in the application.

8.15. The recognition of a person may be revoked by the Board for the following reasons:

(1) the person no longer meets the conditions set out in section 8.13; or

(2) the person has been convicted of an offence under section 194 of the Building Act.

DIVISION VI
GENERAL

8.16. Construction work carried out on a petroleum equipment installation must be carried out so as to ensure that the equipment provides, in normal conditions of use and when used as intended, satisfactory levels of performance while minimizing danger to the public.

8.17. A contractor or owner-builder must, during construction work,

(1) use construction procedures suitable for the work;

(2) use the materials, appliances, equipment or devices designed for that purpose; and

(3) take the necessary precautions to prevent a risk of explosion, fire, spillage or other accidents of that nature.

DIVISION VII
SPECIAL PROVISIONS APPLICABLE TO PETROLEUM EQUIPMENT

8.18. Petroleum equipment must

(1) be installed in such a way as to safely contain the petroleum products to be handled and to resist wear, normal handling, fire and shocks;

(2) be sufficiently leakproof to prevent the risk of explosion, fire, spillage or any other accident of that nature when used during construction work;

(3) be installed in such a way as to prevent anyone not authorized by the person responsible for the equipment from gaining access to the equipment and be protected from coming into contact with any object that could cause an accident;

(4) be installed and have the necessary protection devices to ensure the safety of the persons who have access to the equipment or who are supplied from it;

(5) be designed, erected, installed or placed so that maintenance, repair or demolition work may be carried out; and

(6) be designed for the use for which it is intended and to resist to the conditions of use to which it is submitted.

8.19. Petroleum equipment used to store a Class 1 petroleum product may not be installed in a heated room unless the room is heated by means of an appliance that has no ignition source.

8.20. Petroleum equipment used to store a Class 1 or Class 2 petroleum product may not be installed in a room housing an electrical appliance or a pump.

8.21. Subject to the provisions of this Chapter, construction work carried out on an aboveground tank used to store petroleum products inside a building must be carried out in compliance with the requirements of section 4.3. of the National Fire Code of Canada, published

by the Canadian Commission on Building and Fire Codes of the National Research Council of Canada, and any construction work carried out on aboveground piping and other petroleum equipment connected to such a tank and situated inside a building must be carried out in compliance with the requirements of Part 4 of that Code.

The installation inside a building of petroleum equipment used to store and supply a generator engine or a heating oil system referred to in CSA Standard B139 Installation Code for Oil Burning Equipment, published by the Canadian Standards Association, must meet the requirements of that standard.

8.22. The erection or installation of an underground or aboveground tank, a petroleum products distributor and a pump or piping containing such products is prohibited less than 3 m from a vertical plane touching the closest outside wall of a subway works.

8.23. A contractor or owner-builder may not install an underground tank unless the underground tank has been approved under one of the following standards:

(1) ULC-S603 Steel Underground Tanks for Flammable and Combustible Liquids, published by Underwriters' Laboratories of Canada;

(2) ULC-S615 Reinforced Plastic Underground Tanks for Flammable and Combustible Liquids, published by Underwriters' Laboratories of Canada; or

(3) ULC/ORD-C58.10 Jacketed Steel Underground Tanks for Flammable and Combustible Liquids, published by Underwriters' Laboratories of Canada.

The installation must also be carried out in compliance with the standard under which the tank has been approved.

8.24. A contractor or owner-builder may not install an aboveground tank unless the aboveground tank has been approved under one of the following standards:

(1) ULC-S601 Shop Fabricated Steel Aboveground Horizontal Tanks for Flammable and Combustible Liquids, published by Underwriters' Laboratories of Canada;

(2) CAN/ULC-S602 Aboveground Steel Tanks for the Storage of Combustible Liquids Intended to be used as Heating and/or Generator Fuels, published by Underwriters' Laboratories of Canada;

(3) ULC-S630 Shop Fabricated Steel Aboveground Vertical Tanks for Flammable and Combustible Liquids, published by Underwriters' Laboratories of Canada;

(4) ULC-S643 Shop Fabricated Steel Aboveground Utility Tanks for Flammable and Combustible Liquids, published by Underwriters' Laboratories of Canada;

(5) ULC-S653 Aboveground Steel Contained Tank Assemblies for Flammable and Combustible Liquids, published by Underwriters' Laboratories of Canada;

(6) ULC-S655 Aboveground Protected Tank Assemblies for Flammable and Combustible Liquids, published by Underwriters' Laboratories of Canada;

(7) ULC/ORD-C142.5 Concrete Encased Steel Aboveground Tanks Assemblies for Flammable and Combustible Liquids, published by Underwriters' Laboratories of Canada;

(8) API-650 Welded Steel Tanks for Oil Storage, published by the American Petroleum Institute; or

(9) ULC/ORD-C142.18 Rectangular Steel Aboveground Tanks for Flammable and Combustible Liquids, published by Underwriters' Laboratories of Canada.

8.25. A contractor or owner-builder may install steel piping only if it meets the manufacturing requirements of one of the following standards:

(1) API-5L Line Pipe published by the American Petroleum Institute;

(2) ASTM-A53/A53M Pipe, Steel, Black and Hot-Dipped, Zinc-Coated, Welded and Seamless, published by the American Society for Testing and Materials; or

(3) CSA-Z245.1 Steel Pipe, published by the Canadian Standards Association.

In addition, if service pressure exceeds 875 kPa, piping and fittings must meet the requirements of ASME Standard B31.3 Process Piping, published by the American Society of Mechanical Engineers.

8.26. A contractor or owner-builder may install copper piping only for fuel oil to supply a heating appliance, diesel fuel or biodiesel fuel to supply a generator engine. In addition, the piping must meet the requirements of CSA Standard B140.0 Oil Burning Equipment: General Requirements, published by the Canadian Standards Association.

8.27. A contractor or owner-builder may install nonmetallic piping only if it meets the requirements of ULC/ORD Standard C971 Nonmetallic Underground Piping for Flammable and Combustible Liquids, pub-

lished by Underwriters' Laboratories of Canada. The piping must be installed so that there are no joints in the ground.

8.28. A contractor or owner-builder may install double-walled piping only if it meets the requirements of

(1) section 8.25, if it is steel;

(2) section 8.26, if it is copper; or

(3) section 8.27, if it is nonmetallic.

Such piping must be installed inside other piping that meets the requirements of section 8.25, 8.26 or 8.27, as the case may be.

It must also have an automatic leak detection system with a visual and audible alarm that meets the requirements of ULC/ORD Standard C107.12 Line Leak Detection Devices for Flammable Liquid Piping or ULC/ORD Standard C58.14 Non-Volumetric Leak Detection Devices for Underground Flammable Liquid Storage Tanks, published by Underwriters' Laboratories of Canada.

DIVISION VIII
SPECIAL PROVISIONS APPLYING TO HIGH-RISK PETROLEUM EQUIPMENT

§1. Underground tanks

8.29. An underground tank must, to be installed,

(1) have a double wall and a capacity of more than 110,000 L;

(2) have, in its interstitial space, an automatic leak detection system with a visual and audible alarm manufactured under the requirements of ULC/ORD Standard C58.12 Leak Detection Devices (Volumetric Type) for Underground Flammable Liquid Storage Tanks or ULC/ORD Standard C58.14 Non-Volumetric Leak Detection Devices for Underground Flammable Liquid Storage Tanks, published by Underwriters' Laboratories of Canada;

(3) contain, in its interstitial space, where applicable, brine composed exclusively of calcium chloride with or without potassium chloride or sodium chloride where the respective concentration does not exceed 42%, 3% and 2%; and

(4) have any damage repaired, before the tank is backfilled, according to the manufacturer's specifications.

8.30. An underground tank must be installed

(1) at least 1 m from the foundations of any building;

(2) at least 1 m from any other tank;

(3) at least 1 m from the property line;

(4) at least 750 mm from the inner wall of the excavation; and

(5) in such manner that the loads carried by the foundations or the supports of a building cannot be transmitted to the tank; in addition, the soil must not be removed from the footing down to the bed of the excavation, in a 45° slope.

8.31. An underground tank likely to be subjected to overhead vehicular traffic must be sited

(1) at a depth not less than 1 m below ground level, be covered with not less than 900 mm of a backfill material referred to in section 8.33 and be covered with not less than 100 mm of bituminous concrete; or

(2) at a depth of not less than 450 mm, be covered with at least 300 mm of a backfill material referred to in section 8.33 and be covered with a reinforced concrete slab not less than 150 mm thick; the slab must also extend at least 300 mm horizontally beyond the perimeter of the tank.

8.32. An underground tank not to be subjected to overhead vehicular traffic must be sited

(1) at a depth of not less than 600 mm below ground level and be covered with a backfill material referred to in section 8.33; or

(2) at a depth of not less than 400 mm, be covered with a backfill material referred to in section 8.33 and be covered with a reinforced concrete slab at least 100 mm thick.

8.33. An underground tank must be installed on a backfill foundation at least 300 mm thick, that exceeds the tank's perimeter by at least 300 mm and is composed of one of the following materials:

(1) in the case of a fibreglass tank, pea gravel, rounded pea gravel between 3 and 20 mm or crushed stone at least 3 mm and not more than 13 mm; in addition, each material used must be clean and without dust, sand, debris, organic material, ice or snow so that not more than 3% of its weight passes through a 2.5 mm sieve;

(2) in the case of a steel tank, clean or natural sand free of stones compacted to at least 90% of the optimal density of the modified proctor determined according to CAN/BNQ Standard 2501-255, Soils - Determination of the Water-Density Relation - Modified Effort Compaction Test (2700 kN.m/m3), published by the Bureau de normalisation du Québec, and be without stone, debris, organic material, ice or snow; or

(3) in the case of a jacketed steel underground tank, clean or natural sand free of stones compacted to at least 90% of the optimal density of the modified proctor determined according to CAN/BNQ Standard 2501-255, Soils - Determination of the Water-Density Relation - Modified Effort Compaction Test (2700 kN.m/m3), published by the Bureau de normalisation du Québec, and be without stone, debris, organic material, ice or snow, or pea gravel or rounded pea gravel between 3 and 20 mm.

The tank must be backfilled, as applicable, with the materials described in subparagraphs 1 to 3 of the first paragraph and be covered with a finishing grade layer not more than 300 mm thick.

8.34. An underground tank must be lowered into an excavation by the use of lifting lugs and hooks designed for that purpose or spreader bars, if required by the manufacturer's instructions; the use of chains or slings around the tank is prohibited.

8.35. After an underground tank has been set in the excavation, it must undergo the leak tests listed below that are to be conducted in compliance with the following requirements:

(1) for the inner wall of a tank,

(a) all the tank's caps must be removed and steel caps must be installed, after a joint compound or tape has been applied that meets the requirements of section 8.69;

(b) a safety valve set to a pressure of not more than 40 kPa capable of discharging the flow from the pressure source must be installed on a tank opening and its operation inspected before each test;

(c) the pressure inside the tank and in its interstitial space must be measured simultaneously using a pressure gauge calibrated in units of not more than 1 kPa;

(d) a pressure of at least 30 kPa and not more than 35 kPa must be created inside the tank; and

(e) the pressure in the interstitial space must remain stable;

(2) for the outer wall of a tank,

(a) the pressure inside the tank and in its interstitial space must be measured simultaneously using a pressure gauge calibrated in units of not more than 1 kPa;

(b) the pressure source must come from the inside part of the tank and be transferred into the interstitial space until it reaches a pressure of at least 30 kPa and not more than 35 kPa; a tank manufactured under ULC/ORD Standard C58.10 Jacketed Steel Underground Tanks for Flammable and Combustible Liquids, published by Underwriters' Laboratories of Canada, may be pressurized according to the manufacturer's instructions;

(c) it must be tested using leak detection fluid; and

(d) the interstitial space of a fibreglass tank must be inspected according to the manufacturer's recommendations.

During the tests, once the temperature has been stabilized and the pressure source removed, the pressure created must be maintained for at least one hour.

The pressure created in the interstitial space of the tank must be released before the pressure of the inner wall.

During each test period, the necessary inspections must be made to ensure the tests are properly conducted and to prevent accidents.

8.36. In the case of a tank with compartments, each compartment must be tested separately in accordance with section 8.35, not simultaneously and only if the adjacent compartment is not under pressure.

8.37. If the tank has already contained a petroleum product or other flammable product, the leak tests required by section 8.35 must be conducted using nitrogen.

8.38. The tests required by section 8.35 need not be conducted if the contractor or owner-builder

(1) ascertains that depressurization of at least 42 kPa created by the manufacturer in the interstitial space of the tank is maintained after it has been placed in the excavation; or

(2) has conducted a vacuum test on the interstitial space at a pressure of at least 42 kPa for at least one hour, if such a test is authorized by the manufacturer.

8.39. When leakage is detected during the leak tests, the tank must be repaired and subjected to a new test or be replaced.

8.40. A contractor or owner-builder may not use a petroleum product to ballast a tank unless the tank has a fill pipe and a vent line and all other openings have been plugged.

8.41. If the water table is reached during excavation work to install an underground tank, the contractor or owner-builder must comply with the following requirements:

(1) the up-lift stress of the tank must be calculated and a copy of the calculation must accompany the analysis documents and be sent to the owner to be filed in the petroleum equipment installation register that the owner must make available to the Board in accordance with Chapter VI of the Safety Code made under the Building Act;

(2) the calculation must be based on the highest estimated water-level elevation;

(3) if the calculation indicates that the up-lift stress is such that an empty tank could be displaced, the tank must be anchored by anchor straps attached to a reinforced concrete slab or to anchor weights under the tank, by ground anchors or by use of a reinforced concrete slab above the tank;

(4) the size of the slab or anchors must be designed on the basis of the up-lift stress to which the empty tank will be submitted and in a manner to prevent it from lifting;

(5) the tank must be separated from a concrete slab or anchor weight by a layer at least 300 mm thick of a backfill material referred to in section 8.33;

(6) every anchor strap or ground anchor must be electrically insulated from the tank, be installed in such a manner that it does not damage the tank's protective coating, and be tightened by hand in the case of a strap; and

(7) the strength of the anchor straps and ground anchors must be determined on the basis of the factors mentioned in paragraph 4.

8.42. A contractor or owner-builder may not carry out construction work on a steel underground tank unless it is protected against corrosion using a method in either of the following documents:

(1) CAN/ULC Standard S603.1 External Corrosion Protection Systems for Steel Underground Tanks for Flammable and Combustible Liquids, published by Underwriters' Laboratories of Canada; or

(2) RP0619 Standard 2002 Control of External Corrosion on Underground or Submerged Metallic Piping Systems or RP0285 Standard 2002 Corrosion Control of Underground Storage Tank System by Cathodic Protection, published by NACE International, if the petroleum equipment installation is protected by an induced current system.

Despite the foregoing, a tank that meets the requirements of ULC/ORD Standard C58.10 Jacketed Steel Underground Tanks for Flammable and Combustible Liquids, published by Underwriters' Laboratories of Canada, need not be protected against corrosion.

8.43. Every excavation in which a tank is installed must have at least one observation well.

The observation well must consist of a perforated pipe at least 150 mm in diameter installed vertically, extending down 900 mm below the bottom of the tank, and be accessible from the ground. The pipe must also be enclosed inside a permeable lining if it is buried in sand.

8.44. A contractor or owner-builder may not install

(1) a steel underground tank that has been removed from the ground, unless it has been approved in accordance with the requirements of the ULC-S603(A) Technical Supplement Document, Refurbishing of Steel Underground Tanks for Flammable and Combustible Liquids, published by Underwriters' Laboratories of Canada; or

(2) a fibreglass underground tank that has been removed from the ground, unless it has been approved in accordance with the requirements of the ULC-S615(A) Technical Supplement Document, Refurbishing of Reinforced Plastic Underground Tanks for Flammable and Combustible Liquids, published by Underwriters' Laboratories of Canada.

8.45. If construction work consists in removing petroleum equipment from the ground, the contractor or owner-builder must, as the case may be,

(1) empty all petroleum product from the tank, piping and motor fuel dispensers, before their removal;

(2) remove the tank and piping from the ground and from the site along with the motor fuel dispenser connected to it, after purging the tank of all vapours until the flammable vapour concentration is less than 20% of the lower explosive limit; or

(3) destroy the tank as provided by section 8.68 or have it approved as provided by section 8.44, in which case it must be purged of any vapour and its openings must be hermetically sealed other than a ventilation opening of at least 60 mm in diameter.

8.46. A contractor or owner-builder may not carry out alteration work to an underground tank that may be abandoned on site, unless the contractor or owner-builder has obtained the certificate of a person recognized under section 8.13, stating that

(1) removing the tank would jeopardize the integrity of the building's structure or of a part that is essential for the intended use of the building; or

(2) the machinery required for the removal of the tank cannot be taken onto the site.

The contractor or owner-builder must then

(1) remove all sludge from the tank so as to prevent any explosion and dispose of it in a tank or other closed container compatible with petroleum products;

(2) remove the piping from the ground;

(3) purge the tank of all vapours until the concentration is less than 10% of the lower explosive limit; and

(4) fill the tank with inert material such as sand, gravel or concrete and plug the openings.

§2. Aboveground tanks

8.47. An aboveground tank, a loading or unloading facility and metal piping installed on a tank must be protected against external corrosion by the use of paint, wrapping or coating.

8.48. Siting of an aboveground tank must conform to the requirements of the following Tables 2 and 3:

TABLE 2
SITING OF ABOVEGROUND TANKS

		Minimum distance, in metres, measured horizontally, between any point on outside tank shell and		
Tank capacity (Litres)	**Product**	Dike centre line when required by sections 8.60 and 8.61	Closest building*	Property line
2,000 to 5,000	Class 1	D	D	D
	Class 2 and Class 3	0.5	0.5	1.5
5,001 to 47,000	Class 1	D	D	D
	Class 2 and Class 3**	1.5	1.5	1.5
	Class 3 - flash point above 93.3 °C	0.5	0.5	1.5
47,001 to 200,000*	Class 1	D	D	D
	Class 2 and Class 3**	D	D	D
	Class 3 - flash point above 93.3 °C	1	1	D
200,001 to 400,000	All	D	5	5
400,001 to 2,000,000	All	D	9	9
2,000,001 to 4,000,000	All	D	12	12
More than 4,000,000	All	D	15	15

D: The greater distance between 3 m and one-half tank height. Tank height is measured from the bottom of the diked area.

* For tanks installed inside a building, distance is measured from the tank shell to the walls and ceiling of the building housing them.
** Class 3 products with a flash point not above 93.3 °C.

TABLE 3
DISTANCES BETWEEN TWO ABOVEGROUND TANKS

Tank capacity	Minimum free distance
Tanks where none exceeds 230,000 L	1 m
Tanks of various capacities, one only exceeding 230,000 L	One-half of smallest tank diameter, but never less than 1 m
Tanks of equal capacity, each exceeding 230,000 L	One-half diameter of one tank
Tanks of various capacities, each exceeding 230,000 L	One-half diameter of smallest tank

8.49. Despite section 8.48, an aboveground tank used to store motor fuel in a motor fuel dispensing outlet situated in a designated location must be installed so that the tank and the end of the motor fuel dispensing hose are at all times at least 12 m from any building or property line.

8.50. An aboveground tank used to store and sell motor fuel that is installed in a designated location within the limits of a municipality must be protected by a fence that meets the requirements of section 8.217.

8.51. A contractor or owner-builder may not install

(1) an aboveground vertical tank, unless it rests on concrete or masonry foundations or on a bed of crushed stone, gravel, sand or a combination of those materials; or

(2) an aboveground horizontal tank, unless it sits above ground level on a support of concrete, masonry or steel coated with an anti-corrosive material.

8.52. A steel support on which an aboveground tank is installed must have a fire-resistance rating longer than 2 hours within the meaning of Chapter I, except for a steel stand if the lowest point of the tank supported by it is not more than 300 mm above ground.

8.53. A contractor or owner-builder may not install a vertical tank directly on the ground, unless the slope allows water to flow away from the base of the tank.

8.54. In areas subject to earthquake forces, a tank used to store petroleum products, its supports and connections must be designed to resist such forces in compliance with

(1) Part 4 of the Code referred to in Chapter I, as amended by Division III of that Chapter; and

(2) Appendix A of ULC Standard S630 Shop Fabricated Steel Aboveground Vertical Tanks for Flammable and Combustible Liquids, published by Underwriters' Laboratories of Canada.

8.55. A contractor or owner-builder may not install an aboveground tank on a floodplain referred to in the Protection Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains adopted by Order in Council 468-2005 dated 18 May 2005, unless it is anchored to prevent floating.

8.56. A contractor or owner-builder may not install an aboveground tank, unless it is protected from vehicle impact.

8.57. A contractor or owner-builder may not install an aboveground tank that has piping or a fitting connected to it at a point below the highest level to which the petroleum product it contains may rise, unless the piping or fitting has a shut-off valve that meets the requirements of one of the standards referred to in section 8.115 and is located as near as is practicable to the shell of the tank.

8.58. A contractor or owner-builder may not install an aboveground tank used to store petroleum products, unless openings for gauging tanks have a vapour tight and lockable cover.

8.59. A contractor or owner-builder may not install an aboveground tank with a heating appliance, except if it has thermometers and thermostats so that the temperature of the product it contains is maintained at least 10° C below the product's flash point.

8.60. A contractor or owner-builder may not install an aboveground tank used to store petroleum products, unless it has a dike to form a diked area around the aboveground tank or tank farm holding 5,000 L or more.

To that end, the diked area that protects

(1) one tank only must have a capacity sufficient to contain a volume of liquid at least 10% greater than the volume of the tank;

(2) several tanks must have a capacity sufficient to contain a volume of liquid at least equal to the volume of the greater of

(a) the capacity of the largest tank plus 10% of the aggregate capacity of all the other tanks; and

(b) the capacity of the largest tank plus 10%.

In calculating the capacity of the diked area, the volume of the part of the tanks situated below the top of the dike must be included.

8.61. The dike referred to in section 8.60 is not required for

(1) a tank with a capacity of 50,000 L or less that meets the following requirements:

(a) it has an overfill protection device that meets the requirements of ULC/ORD Standard C58.15 Overfill Protection Devices for Flammable Liquid Storage Tanks, published by Underwriters' Laboratories of Canada, and a containment device with a capacity of at least 15 L that meets the requirements of ULC/ORD Standard C142.19 Spill Containment Devices for Aboveground Flammable and Combustible Liquid Storage Tanks, published by Underwriters' Laboratories of Canada; and

(b) it meets one of the standards referred to in paragraphs 5 to 7 of section 8.24 or, in the case of a double-walled tank, one of the standards referred to in paragraphs 1 and 3 of that section; or

(2) a tank used to store Type No. 4, No. 5 or No. 6 fuel oil if it has a system capable in the event of leakage of containing or directing the product to a safe location.

8.62. A contractor or owner-builder may not construct a dike around an aboveground tank, unless it meets the following requirements:

(1) the dike must be of earthwork, steel, concrete or bonded masonry, be liquid-tight and be capable of withstanding a full hydrostatic head;

(2) the slope of the walls of the dike must be consistent with the angle of repose of the material used;

(3) the dike must not be higher than 1.8 m from the bottom of the diked area;

(4) the minimum distance between the dike centre line and the outer tank shell must meet the requirements of Table 2 of section 8.48; and

(5) the inner wall and the bottom of a diked area must be impermeable to petroleum products and, to that end, the impermeability must be ensured by

(a) a liner protected against loads and fire complying with ULC/ORD Standard C58.9 Secondary Containment Liners for Underground and Aboveground Flammable and Combustible Liquids Tanks, published by Underwriters' Laboratories of Canada;

(b) a compacted layer of homogeneous soil at least 3 m thick where the water permeability coefficient of the soil is equal to or less than 10^{-6} cm/s; and

(c) a construction consisting of concrete or other incombustible material, provided that the diked area is approved by an engineer who is a member of the Ordre des ingénieurs du Québec.

8.63. In the case of subparagraph *b* of paragraph 5 of section 8.62, the contractor or owner-builder must obtain a laboratory report attesting to the required permeability and thickness of the soil. A copy of the report must be sent to the owner of the tank to be filed in the register referred to in paragraph 1 of section 8.41.

8.64. A contractor or owner-builder may not install a tank used to store a Class 1 petroleum product, except if access to the roof of the tank and to the shut-off valve controls is situated higher than the height of the dike if

(1) the height of the dike exceeds 3.5 m; or

(2) the distance between the tank and the top inside edge of the dike wall is lower than the height of the dike.

8.65. A contractor or owner-builder may not construct a diked area for an aboveground tank, unless

(1) the diked area has a drainage system such as a sump or a channel located at its lowest point and has a closed valve to drain the water;

(2) the control for the drainage system valve is accessible at all times;

(3) the bottom of the diked area has a uniform slope of at least 1% between any tank and the lowest point; and

(4) the diked area complies with paragraph *f* of section 4.3.2.3.2 of NFPA Standard 30 Flammable and Combustible Liquids Code, published by the National Fire Protection Association, if it contains more than one tank.

8.66. If construction work consists in removing aboveground petroleum equipment, the contractor or owner-builder must

(1) drain petroleum products from tanks, piping, motor fuel dispensers and loading and unloading equipment before they are removed; and

(2) remove all tanks, piping, motor fuel dispensers, loading and unloading equipment and any leakage and spillage protection work from the site.

8.67. A contractor or owner-builder may not install an aboveground tank or aboveground piping that has already been used, unless the following requirements are met:

(1) the tank must be manufactured and approved in accordance with the provisions of section 8.24, and the plates identifying the manufacturer and the certification agency referred to in section 8.09 must be affixed to the tank and be legible;

(2) the tank must be cleaned, inspected and subjected to pneumatic leak testing with inert or hydrostatic gas in compliance with the standards prescribed in section 8.24, and be protected against external corrosion; and

(3) the piping must be cleaned, inspected and protected against external corrosion.

§3. Demolition work

8.68. A contractor or owner-builder may not demolish a tank unless the tank has been

(1) cleaned of any petroleum product residue; and

(2) purged of any vapour while ensuring that, during the demolition operation, the concentration of vapours is less than 10% of the lower explosive limit at all times.

The work must be carried out in such a manner as to render the tank unusable and to prevent any accumulation of flammable vapours. The work must in addition be carried out in a safe location where the public has no access, using the equipment necessary to recover all petroleum product residue; that location must also comply with the planning by-laws in force in the territory of the municipality where the work is carried out.

A contractor or owner-builder must in addition place petroleum product residue in a tank or other closed container compatible with petroleum products. The residue and materials from the dismantling must be shipped to a site authorized under the Environment Quality Act (R.S.Q., c. Q-2).

§4. Piping

8.69. The threaded joint in piping used to contain petroleum products must be made using a joint compound or polytetrafluoroethylene tape that meets the requirements of CAN/ULC Standard S642 Compounds and Tapes for Threaded Pipe Joints, published by Underwriters' Laboratories of Canada.

8.70. Piping used to contain petroleum products must be welded in compliance with API Standard 1104 Welding of Pipelines and Related Facilities, published by the American Petroleum Institute.

8.71. Except in the case of piping supplying a marina bulk plant, a contractor or owner-builder may install a petroleum equipment installation only if it has separate pipe lines for

(1) unleaded regular or premium gasoline included in Class 1 petroleum products;

(2) Class 1 petroleum products other than gasoline;

(3) Class 2 petroleum products; and

(4) Class 3 petroleum products.

8.72. A contractor or owner-builder may not install metallic piping on a petroleum equipment installation, including its couplings, flanges and bolts, unless it is protected against external corrosion.

8.73. A contractor or owner-builder may not install the transfer pump of a petroleum equipment installation able to create a pressure greater than that which the downstream piping components can withstand, unless the pump has a safety valve and a bypass.

8.74. A contractor or owner-builder may not use in construction work aboveground piping, valves, connections or any other material, unless they are suitable for the maximum pressure and temperature for proper operation and for the chemical properties of the liquid the piping is to contain.

The contractor or owner-builder also may not use material that cannot withstand internal stress or mechanical damage related to its use or a combustible or low-melting material subject to failure even in a light fire.

8.75. The underground piping of a petroleum equipment installation that is to pass through concrete must be installed in a sleeve to allow for expansion.

8.76. Aboveground piping that is to contain petroleum products must, to be used, have been designed to make provision for thermal expansion and contraction related to its use.

8.77. Piping that is to contain petroleum products must be installed to be accessible where it enters a building, and have inside and outside control valves.

8.78. Every underground part of piping that is to contain petroleum products must, to be used, have a double wall that meets the requirements of section 8.28 and be connected at its lowest point with a liquid-tight collector well.

The collector well must, in addition, have an automatic leak detection system with a visual and audible alarm that meets the requirements of section 8.28.

8.79. Construction work carried out on underground piping must, in addition to meeting the requirements of this Chapter, be carried out according to the manufacturer's instructions.

8.80. A joint at the point of connection of underground piping with a tank must be a swing joint or have an underground flexible connection, unless the piping is vertical at its point of connection to the tank over its entire length.

In addition, a swing joint or flexible connection must be connected at the base of each dispenser, at the connection of a submersible pump and the vertical portion of the vent.

Despite the foregoing, a swing joint is not required if the piping is flexible.

8.81. Piping connected to an underground tank that is to supply it must be connected at the top of the tank. The piping must also be free of pockets or traps allowing liquid to accumulate, and have a minimum 1% slope towards the tank.

8.82. Piping must be backfilled

(1) with clean or natural sand free of stones compacted mechanically on site in the case of steel piping;

(2) with crushed stone or pea gravel in the case of fibreglass piping; or

(3) according to the manufacturer's instructions in the case of flexible piping.

8.83. Underground piping must be backfilled with one of the materials referred to in section 8.82 in such manner that

(1) the piping is bedded on at least 150 mm of backfill;

(2) there is at least 150 mm of backfill measured horizontally between the piping and the excavation wall;

(3) the backfill between each pipe is at least twice as thick as the nominal diameter of the largest pipe; and

(4) the backfill above the piping is at least 450 mm deep including the finishing grade layer.

8.84. Underground piping must, before being connected to a tank, be subjected to a leak test conducted in compliance with the following requirements:

(1) for the inner wall,

(a) the ends of the pipes must be hermetically plugged;

(b) the pressure created inside the piping must be measured using a pressure gauge calibrated in units of not more than 10 kPa;

(c) air or nitrogen hydrostatic pressure of not less than 350 kPa and not more than 700 kPa must be applied; despite the foregoing, the suction piping that is to contain fuel oil or motor fuel to supply a generator engine and that is referred to in CSA Standard B139 Installation Code for Oil Burning Equipment, published by the Canadian Standards Association, may be vacuum tested under at least 68 kPa;

(d) each connection or accessible part of the piping must be tested before being backfilled, using leak detection fluid;

(*e*) once the temperature has been stabilized and the pressure source removed, the pressure created must be maintained for at least one hour; and

(f) if the piping is designed to be exclusively used as suction piping, it must be leak tested according to the manufacturer's instructions; and

(2) for the outer wall of double-walled piping, the leak test must be conducted according to the manufacturer's instructions.

8.85. Every connection to underground piping that has not been leak tested under section 8.84 must, after being connected to the tank, be subjected to an air leak test or nitrogen leak test conducted in compliance with the following requirements:

(1) a safety valve of not more than 40 kPa capable of discharging the flow from the pressure source must be installed and inspected before each test;

(2) the pressure created inside the tank and the piping must be measured using a pressure gauge calibrated in units of not more than 1 kPa;

(3) a pressure of not less than 30 kPa and not more than 35 kPa must be applied over the entire petroleum equipment installation being tested;

(4) all the connections between the tank and the piping must be leak tested with leak detection fluid while the entire installation is under pressure; and

(5) once the temperature has been stabilized and the pressure source removed, the pressure must be maintained for at least one hour.

8.86. Despite sections 8.84 and 8.85, air may not be used in a leak test for petroleum equipment that has already contained a petroleum product or that has not been purged of all petroleum product vapour.

8.87. If a leak test reveals leakage, all connections between the tank and the piping must be repaired or replaced and subjected to the tests referred to in sections 8.84 and 8.85.

8.88. Metal material that is to contain petroleum products and that is used during the installation, repair or alteration of underground piping, including galvanized steel piping, valves, vents and underground metallic connections, must be new and protected against corrosion in compliance with Appendix A of CAN/ULC Standard S603.1 External Corrosion Protection Systems for Steel Underground Tanks for Flammable and Combustible Liquids, published by Underwriters' Laboratories of Canada.

Corrosion protection in compliance with that method is not required if the piping is used in a designated location for a period of less than two years.

8.89. Underground metallic piping installed during construction work must be installed with at least 2,000 kPa resistance screwed fittings or Schedule 40 welded fittings.

The use of tightened end joints or fully threaded joints for that purpose is prohibited.

8.90. A coupler used on underground piping must be a 2,000 kPa coupler designed for petroleum products.

8.91. A swing joint connected during construction work on threaded steel underground piping must be connected with two 90° elbows and a nipple.

For that purpose, the use of the following is prohibited:

(1) a male-female elbow,

(2) a close fully-threaded nipple, and

(3) a 45° elbow.

8.92. Underground galvanized steel piping may not be welded during construction work.

8.93. Non-metallic piping used during construction work must be underground.

8.94. A swing joint connected during construction work on rigid non-metallic underground piping must have a 90° elbow that can be connected to the petroleum product extraction system, a 1.5 metre-long non-metallic nipple connected to another 90° elbow in turn connected to non-metallic piping at least 1.5 m in length, installed respecting that sequence.

That type of swing joint may not be connected at the base of a dispenser.

8.95. The tank of a petroleum equipment installation installed during construction work must have a vent.

The vent may not be connected to more than one tank unless it is of a diameter that allows the vapours from the various tanks to be purged without causing the allowable stress for each tank to be exceeded.

The vent on a tank that is to contain a Class 1 petroleum product may not be connected to the vent of a tank that is to contain a Class 2 or Class 3 petroleum product.

8.96. The vent referred to in section 8.95 must, in the case of a tank that is to contain a Class 1 or Class 2 petroleum product, have a weather-proof hood, and a flame arrester device in the case of a tank that is to contain a Class 1 petroleum product.

Such a device must not create additional resistance to the flow of gases.

The vent must also be connected to the top of the tank by means of piping with a minimum 1% slope towards the tank and the aboveground portion of the vent must be protected from vehicle impact.

8.97. The vent referred to in section 8.95 must be located outside a building and positioned in such a manner that flammable vapours cannot be drawn into the building.

The end must be

(1) higher than the end of the fill pipe;

(2) at a distance of not less than 3.5 m, in the case of a tank containing a Class 1 petroleum product, or 2 m in the case of a tank containing other petroleum products;

(3) at a distance of not less than 1.5 m from any building opening in the case of a tank containing a Class 1 petroleum product, or not less than 600 mm in the case of a tank containing other petroleum products; and

(4) at a distance of not less than 7.5 m from any dispenser, in the case of an underground tank containing gasoline.

8.98. Vent piping for an underground tank must have a cross-sectional area sufficient to allow filling or withdrawal at the maximum rate without causing the allowable stress for the tank to be exceeded.

8.99. Vent piping for an underground tank must be installed so that it is free from any device likely to cause back pressure exceeding the allowable stress for the tank.

In the case of an underground tank to be used to store a Class 2 or Class 3 petroleum product, vent piping may be fitted with return bends, coarse screens or other devices designed to minimize the entry of material.

8.100. The minimum diameter of the vent referred to in section 8.99 must respect the values in the following Table 4 if the vent piping does not have more than 7 elbows; in other cases, the diameter must exceed the values so that the allowable stress for the tank is not exceeded.

TABLE 4
VENT DIAMETERS (mm)

Maximum flow rate (L/min)	Pipe length		
	15 m	30 m	60 m
380	32	32	32
760	32	32	32
1,140	32	32	38
1,520	32	38	50
1,900	32	38	50
2,280	38	50	50
2,660	50	50	50
3,040	50	50	75
3,420	50	50	75
3,800	50	50	75

N. B.: Vent size is based on the highest filling or emptying flow rate.

8.101. The vent referred to in section 8.99 may not extend more than 25 mm inside an underground tank, unless it has an alarm.

8.102. A contractor or owner-builder may not install an aboveground tank unless it has safety venting that meets API Standard 2000 Venting Atmospheric and Low Pressure Storage Tanks: Nonrefrigerated and Refrigerated, published by the American Petroleum Institute or one of the construction standards referred to in section 8.24.

8.103. A contractor or owner-builder may not install, in a petroleum equipment installation, aboveground piping that crosses a road, public road or public service installation, unless the piping meets the requirements of CAN/CSA Standard Z662 Oil and Gas Pipeline Systems, published by the Canadian Standards Association.

8.104. An aboveground piping system installed on a petroleum equipment installation must have bypasses or safety valves capable of preventing over-pressurization.

8.105. Aboveground piping used during construction work must have been designed and installed so that petroleum product velocity in the piping does not exceed 2.5 m/s, unless the piping is directly connected to a marine wharf.

In addition, insulation wrapping on aboveground piping must be non-combustible and, if inside a building, must meet the requirements of Chapter I.

8.106. Aboveground piping that is to contain petroleum products, the piping valves and fill pipe of a petroleum equipment installation installed during construction work must display permanent identification of contents in compliance with the document entitled "Colour-Symbol System to Mark Equipment and Vehicles for Product Identification", published by the Canadian Petroleum Products Institute.

In addition, the piping may not be red in colour.

8.107. Flanged joints for aboveground piping must be provided in welded systems at intervals that will facilitate dismantling and avoid subsequent in-place cutting and welding operations.

Flanged joints must be made with forged or cast steel flanges designed, manufactured and installed in compliance with ASME Standard B16.5 Pipe Flanges and Flanged Fittings, published by the American Society of Mechanical Engineers; bronze flanges may be used on copper or brass piping not exceeding 50 mm in diameter.

8.108. Only welded, screwed or flanged connections may be installed on piping inside a tank dike.

8.109. Bolting materials for flanged connections installed on piping that is to contain petroleum products must be of alloy steel corresponding to Grade B-7 in ASTM Standard A193/A193M, Alloy-Steel and Stainless Steel Bolting Materials for High Temperature or High Pressure Service and Other Purpose Applications, published by the American Society for Testing and Materials.

Gaskets in flanged connections must be of a material resistant to the liquid contained in the piping and capable of withstanding temperatures of at least 650° C without damage.

8.110. At the time of installation, aboveground piping must be subjected to a leak detection test conducted in compliance with the following requirements:

(1) a test pressure of not less than 350 kPa, or 1 1/2 times the maximum operating pressure that may be produced within the piping, whichever is greater, must be created within the piping;

(2) the piping system and its joints must be inspected with leak detection fluid;

(3) the pressure created in the piping must be measured using a pressure gauge calibrated in units of not more than 4 kPa for gauge pressure equal to or less than 700 kPa and in units not greater than 1% of the test pressure, if it exceeds 700 kPa and the piping system is designed for such pressures.

If test pressures exceed the design pressures for pumps or similar components in the piping system, the pumps or components need not be pressure tested.

8.111. Aboveground piping containing petroleum products and installed within a building must be as short and direct as practicable.

8.112. Aboveground piping must be installed in such manner as to reduce vibrations and stress to a minimum and not come directly into contact with the ground.

The use of expansion shields to suspend aboveground piping is prohibited in lightweight concrete or gypsum assemblies.

Aboveground piping must also be protected by barriers in areas subject to vehicle impact.

8.113. The installation of the following is prohibited:

(1) aboveground outdoor piping on walls unless the walls are of non-combustible construction;

(2) outdoor piping above windows;

(3) outdoor piping above roofs, except roofs that are non-combustible and impermeable to petroleum products with provision for the collection of spillage to prevent a fire; and

(4) piping containing petroleum products in service tunnels used for pedestrian traffic other than tunnels reserved for maintenance personnel.

8.114. Aboveground indoor piping containing petroleum products must be supported overhead or be located in a trench; it must not be installed under combustible flooring.

The trench referred to in the first paragraph must have trapped drains or positive ventilation to the outdoors preventing the accumulation of flammable vapours.

The aboveground piping must be located close to the ceiling or beams, or along walls not less than 1.8 m above the floor, subject to section 3.3.1.8 of the Code referred to in Chapter I, as amended by Division III of that Chapter.

8.115. A contractor or owner-builder may not install valves or safety valves in aboveground piping that is to carry petroleum products, unless they meet the manufacturing specifications in either of the following standards: ULC/ORD-C842 Guide for the Investigation of Valves for Flammable and Combustible Liquids or ULC-S651 Emergency Valves for Flammable and Combustible Liquids, published by Underwriters' Laboratories of Canada.

8.116. A shut-off valve must be installed on the aboveground piping of a petroleum equipment installation at the following locations:

(1) at connections of the piping to aboveground tanks;

(2) on supply piping where it enters buildings or any other works or place immediately accessible from the outside of the buildings or works;

(3) on branch lines from the main supply line;

(4) on supply lines at petroleum products dispensing locations;

(5) at connections of meters or air bleeder valves; and

(6) at connections of pumps.

8.117. Diaphragm valves must have no direct connections to aboveground piping between the liquid and air section.

8.118. Globe valves installed on aboveground piping must be arranged so that the packing is on the low pressure side.

8.119. Rising stem or other indicating-type valves must be used to determine whether the valves are open or shut.

8.120. Cast-iron meters installed on aboveground piping must have steel valves on each side.

8.121. Valves installed on aboveground piping must be identified in compliance with section 8.106.

8.122. Water bleed valves installed on aboveground tanks must be made of steel and protected from impact if the valves are outside the aboveground tanks.

8.123. Heating equipment for aboveground piping containing petroleum products that is installed on a petroleum equipment installation must be designed not to overheat or create an ignition source for the liquids being heated.

For that purpose, the heating equipment may consist of

(1) steam lines if

(a) the minimum steam temperature and pressure to make the liquid fluid are used;

(b) a pressure regulator is provided on the steam line with a relief valve on the downstream side of the regulator; and

(c) the steam lines and piping are insulated in compliance with the requirements of Chapter I;

(2) a set of electrical heating cables; and

(3) low-voltage alternating current passing through the piping provided that

(a) the heated sections of piping are isolated from the unheated sections by non-conductive material; and

(b) all piping and fittings are enclosed by insulating coverings that prevent accidental grounding of the heating equipment.

8.124. The intake end of a fill pipe or gauge pipe of an underground tank must be

(1) located outside a building, more than 1.5 m from any building opening and in a place free of any ignition source;

(2) located not less than 600 mm from any building opening in the case of a tank containing motor fuel as a Class 2 petroleum product and that supplies a generator engine or in the case of a fuel oil tank supplying heating equipment; and

(3) capable of filling a tank containing motor fuel on land not forming part of a public road within the meaning of the second paragraph of section 66 of the Municipal Powers Act (R.S.Q., c. C-47.1).

8.125. A remote intake end of a fill pipe referred to in section 8.124 from an underground tank must be located lower than other outlets from the tank, unless the tank

(1) is a tank with an overfill protection device that meets ULC/ORD Standard C58.15 Overfill Protection Devices for Flammable Liquid Storage Tanks, published by Underwriters' Laboratories of Canada, adapted so as to include in the tank the volume of petroleum product that could be contained in the fill pipe without exceeding the maximum filling level of the tank as specified in the Standard; or

(2) is a tank with a backflow device inside the piping connected to other openings.

8.126. A fill pipe installed on an underground tank must be connected to the top part of the tank.

8.127. A contractor or owner-builder may not install an underground tank that is to contain motor fuel, except a tank that is to supply a generator engine, unless the tank has an overfill protection device that meets the requirements of ULC/ORD Standard C58.15 Overfill Protection Devices for Flammable Liquid Storage Tanks and a spill containment device that meets the requirements of ULC/ORD Standard C58.19 Spill Containment Devices for Underground Flammable Liquid Storage Tanks, published by Underwriters' Laboratories of Canada.

8.128. The intake end of a fill pipe or gauge pipe installed on an underground tank must have a tight-fitting cap.

It must also be protected against vehicle impact by at least one barrier if the pipe extends above ground level.

If the intake end of a fill pipe or gauge pipe is below or at ground level, it must be protected by a box with a cover made of metal or concrete that prevents any transmission of surface loads to the tank.

8.129. A fill pipe installed on a tank that is to store motor fuel, except a fill pipe installed on a tank connected to a generator engine that is to use diesel fuel or biodiesel fuel, must extend to not more than 200 mm from the bottom of the tank and be fixed in such a way as to minimize vibration.

8.130. If a petroleum equipment installation is altered to replace an underground tank, steel piping that is not protected against corrosion and connected to the tank must be removed from the ground, unless it is subjected to a leak detection test that meets the requirements of the second paragraph indicating that it is liquid-tight and protected against corrosion in compliance with RP0169-2002 Control of External Corrosion on Underground or Submerged Metallic Piping Systems or RP0285-2002 Corrosion Control of Underground Storage Tank System by Cathodic Protection, published by NACE International.

The leak detection test must be conducted using a hydrostatic or vacuum method capable of detecting leaks of 1.2 L/h with a 95% probable success rate and a margin of error of no more than 5%, or using any other method capable of detecting leaks of 0.76 L/h, with the same probabilities, with the exception of pneumatic tests using gas, in the case of tanks except observation well surveillance systems. The methods must in addition meet the requirements of one of the following standards: EPA 530/UST-90/004 Standard Test Procedures for Evaluating Leak Detection Methods: Volumetric Tank Tightness Testing Methods, EPA 530/UST-90/007 Standard Test Procedures for Evaluating Leak Detection Methods: Statistical Inventory Reconciliation Methods, published by the Environmental Protection Agency.

§5. Maintenance work

8.131. Construction work carried out on piping for a petroleum equipment installation must be carried out only when it is not under pressure.

8.132. The piping for a petroleum equipment installation must be drained before being dismantled.

8.133. The ambient air must be tested with a flammable vapour indicator before cutting or welding work on a petroleum equipment installation to ensure that no explosive concentration is present.

Two portable extinguishers having a minimum rating of 20-B: C must also be available on the work site while the work is being carried out.

DIVISION IX
PROVISIONS APPLICABLE TO MOTOR FUEL DISPENSING OUTLETS AND SERVICE CENTRES

§1. General

8.134. A sign must be posted indicating the operating instructions of a self-serve facility.

In the case of an unattended self-serve facility, a service station or a motor fuel dispensing outlet where an attendant dispenses motor fuel to a vehicle, a sign must be posted indicating the operating instructions of every pump island if the dispensing outlet has more than one pump island.

Every pump island must also have a sign at least 100 mm in height by 180 mm in width visible from the fuelling area and displaying

(1) the words: "DÉFENSE DE FUMER" and "ARRÊTEZ LE MOTEUR AVANT LE REMPLISSAGE" in letters at least 25 mm in height; or

(2) the pictograms as illustrated in Schedule I.

8.135. Dispensing outlets in an installation dispensing a petroleum product must be clearly legible and indicate the type of motor fuel dispensed.

8.136. The intake end of a fill pipe installed on a tank storing motor fuel must have a tight-fitting device that prevents opening by a person who is not authorized by the person responsible for the equipment.

8.137. The fuelling area of an installation dispensing motor fuel must be lighted to the intensity of at least 50 lx or 5 W/m^2 for incandescent lighting.

8.138. The total capacity of all underground tanks in a motor fuel dispensing outlet may not exceed 250,000 L.

8.139. Aboveground tanks that are to store motor fuel may be installed only for the supply of

(1) a vehicle in a designated location that is not within the limits of a municipality;

(2) an all-terrain vehicle, a snowmobile or any other vehicle of the same kind;

(3) a vehicle in a user outlet;

(4) an aircraft or a water craft; or

(5) a vehicle in a territory north of the 50th parallel of north latitude and east of the 63rd meridian, or north of the 53rd parallel of north latitude.

An outside aboveground tank in a motor fuel dispensing outlet must have a capacity of not more than 50,000 L and the aggregate capacity of all tanks in the outlet may not exceed 150,000 L.

8.140. A booth erected in a motor fuel dispensing outlet must be made of materials that do not sustain a flame and provide an unobstructed view from inside the booth at all times of the interior surroundings and of the fuelling areas in their entirety.

No combustion heating appliance may be located in a booth.

8.141. A contractor or owner-builder may not install a Class 1 or Class 2 petroleum product motor fuel dispenser unless it meets the requirements of CSA Standard B346 Power-Operated Dispensing Devices for Flammable Liquids, published by the Canadian Standards Association.

8.142. A motor fuel dispenser in a motor fuel dispensing outlet must be situated on an island at least 100 mm high, made of concrete or other non-combustible material or be protected from vehicle impact by barriers; that requirement does not apply to a dispenser fixed on an aboveground tank.

8.143. A contractor or owner-builder may not install a pump island, unless it has, for each dispenser, a dispenser sump that meets the requirements of ULC/ORD Standard C107.21 Under-Dispenser Sumps or ULC Standard S653 Aboveground Steel Contained Tank Assemblies for Flammable and Combustible Liquids, published by Underwriters' Laboratories of Canada; that requirement does not apply to a pump island on a floating wharf.

8.144. The fuelling area in a motor fuel dispensing outlet must be impermeable to petroleum products over a surface extending at least 3 m in front and 1.5 m to the sides of each motor fuel dispenser measured from the centre of the dispenser. Despite the foregoing, that requirement does not apply to a fuelling area

(1) for off-highway vehicles or farm equipment;

(2) to be used for a single period of less than one year;

(3) situated in a designated location; or

(4) the tanks of which have a capacity lower than 2,500 L.

The impermeability referred to in the first paragraph may be obtained using a reinforced concrete apron or an asphalt layer treated to make it resistant and impermeable to petroleum products.

8.145. A dispenser installed or altered in a motor fuel dispensing outlet must comply with the clearances in the following Table 5:

TABLE 5
MOTOR FUEL DISPENSER CLEARANCES (M)

	Dispenser outlet	Unattended self-serve facility	Marina outlet	User outlet	Airport outlet
From a building, except a booth	4.5 [1]	6[1]	5	1[3]	15
From property lines	4.5[1]	6[1]	4.5[1]	4.5[3]	15
From a stationary ignition source	6[2]	6[2]	8	7.5[3]	6[2]
From a building opening other than a booth opening	—	—	—	4.5[3]	—
From a dock, wharf, pier or pontoon or approach thereto	—	—	5	—	5

[1] If a petroleum product installation is altered, a dispenser installed before 1973 need not be relocated or may be replaced by another dispenser at the same place if it has the same number of dispensing hoses and dispenses the same number of products. In the case of a marina outlet, the shore is not to be considered a property line.

[2] Applies only to a fuel dispenser dispensing a Class 1 petroleum product.

[3] If a petroleum product installation is altered, a dispenser installed before 11 July 1991 need not be relocated or may be replaced by another dispenser at the same place if it has the same number of dispensing hoses and dispenses the same number of products.

In addition, the clearances must be increased, if necessary, so that any vehicle to be fuelled from that dispenser is completely within the property lines of the place where the dispenser is located.

8.146. A clearly identified and accessible emergency shut-off switch must be located away from any motor fuel dispenser at a distance not exceeding 25 m.

8.147. A motor fuel dispenser may be installed inside a building if it dispenses a Class 2 or Class 3 petroleum product provided that

(1) the building is not accessible to the public;

(2) the dispenser is on the first storey;

(3) the ventilation of the building meets the requirements of Part 6 of Chapter I; and

(4) a drainage system is installed for petroleum products that may be spilled.

8.148. The pumps of a motor fuel dispenser installed or altered in a motor fuel dispensing outlet must have a mechanism that will prevent the dispenser pump from operating until a dispensing nozzle has been removed from its housing if the pump has been hand-activated, and that will shut off the pump when all nozzles have been reinserted in their housing; if the pump is connected to a satellite dispenser, it must also have a mechanism that prevents simultaneous dispensing of motor fuel.

The first paragraph does not apply to a dispenser that has a coiling mechanism.

8.149. If a submersible pump is installed in a motor fuel dispensing outlet, the dispenser must have a fusible safety valve set not higher than 70°C, firmly attached to the pump island and meeting the requirements of ULC

Standard S651 Emergency Valves for Flammable and Combustible Liquids, published by Underwriters' Laboratories of Canada.

That requirement also applies to a tank installed or altered at a level higher than the base of a motor fuel dispenser. If it is an aboveground tank, it must have a mechanical or electrical anti-siphon valve installed where the piping connects to the tank. The safety valve must also be installed so that the shear point is situated in the zone extending 25 mm below the base of a motor fuel dispenser to 13 mm above the base.

8.150. The pump referred to in section 8.149 must have a leak detector device that, if the circumstances require, prevents the pump from operating.

8.151. The pumps of a motor fuel dispenser installed in a motor fuel dispensing outlet must have a control device to prevent the pressure created from exceeding the allowable stress limit.

8.152. The pit for a submersible pump or the piping of a submersible pump in a motor fuel dispensing outlet must be enclosed in a liquid-tight casing resistant to petroleum products. The casing must also be covered and installed in such a manner as to prevent external loads being transmitted to the tank or piping.

The pit must be large enough to enable the pump to be inspected and serviced.

8.153. The dispensing nozzle on a dispenser hose in a motor fuel dispensing outlet must have

(1) an automatic shut-off device if it dispenses a Class 1 or Class 2 petroleum product motor fuel, except in the case of an airport outlet; and

(2) a rubber anti-splash collar.

The installation of a dispensing nozzle with a latch-open device at a self-serve facility, an airport outlet or a marina outlet is prohibited.

8.154. A contractor or owner-builder may not install a dispensing nozzle on a motor fuel dispenser hose unless the nozzle meets the requirements of CAN/ULC Standard S620 Hose Nozzle Valves for Flammable and Combustible Liquids, published by Underwriters' Laboratories of Canada, or is of a type used for aviation fuel, at an airport outlet.

8.155. A contractor or owner-builder may not install on a motor fuel dispenser a hose that dispenses a Class 1 or Class 2 petroleum product unless the hose meets the requirements of CAN/ULC Standard S612 Hose for Flammable and Combustible Liquids, published by Underwriters' Laboratories of Canada, or is a type used for aviation fuel, at an airport outlet. The dispenser must also be designed so that a person fuelling a vehicle activates the dispensing nozzle manually.

8.156. A hose on a motor fuel dispenser must be no longer than

(1) 5 m; it may however be 6 m long if it has a retracting mechanism;

(2) 6 m for an unattended self-serve facility; it may however be 7.5 m long if it has a retracting or coiling mechanism; or

(3) 7.5 m for an airport outlet, a user outlet or a marina outlet if it has a retracting mechanism; that requirement does not apply to a hose with a coiling mechanism.

§2. Service stations and service centres

8.157. Petroleum equipment may be installed in or near a building housing a service station or service centre if

(1) the hazardous areas listed in Schedule II are separated from any room housing a solid or liquid fuel or gas heating appliance by walls having a fire-resistance rating of at least one hour within the meaning of Chapter I;

(2) the room containing such heating appliance

(a) does not have an opening less than 2.5 m from the floor; or

(b) is not used to store a Class 1 or Class 2 petroleum product or as a service area where work on the fuel supply system of internal combustion engines or any dispensing, transferring or handling of Class 1 petroleum products is being performed; the bottom of the combustion chamber must be at least 500 mm above the floor and the heating appliance must be protected from impact;

(3) the combustion air necessary for the appliance comes from outside the building;

(4) the return air intake of a forced-air heating appliance is at least 1.25 m from the floor if it is located in a room listed as a hazardous area in Schedule II; and

(5) the burner and combustion chamber of the equipment are at least 2.5 m from the floor, in an area used for dispensing, transferring or handling Class 1 petroleum products.

§3. Self-serve facilities

8.158. Every motor fuel dispenser in a self-serve facility must have a remote on and off control of a console type located within a building.

8.159. The console referred to in section 8.158 must

(1) house the on and off controls of not more than 12 motor fuel dispensers;

(2) allow not more than eight dispenser nozzles to be used simultaneously; and

(3) have an emergency master control that shuts off the dispensing of motor fuel to all dispensers simultaneously.

8.160. The console referred to in section 8.158 must be located at a distance that is

(1) not more than 25 m from the motor fuel dispenser; or

(2) not more than 35 m from the motor fuel dispenser if the attendant is able to monitor from the work station the use of the dispenser using a camera and screen electrically interlocked with the dispenser.

8.161. A pump island in a self-serve facility must have a two-way communication system between the attendant and the consumer.

8.162. The location of motor fuel dispensers referred to in section 8.158 must be within a 160° visual field from the console.

A dispenser not intended to be operated as a self-serve facility must not be located between the console and a self-serve dispenser.

An unattended motor fuel dispenser in a self-serve facility must be located on the island farthest from the console.

8.163. Signs posted in a self-serve facility must direct all heavy vehicles likely to block the line of vision of an attendant to refuel at the island farthest from the console.

8.164. The siting of a pump island in a self-serve facility must allow an attendant to monitor, from the work station, the use of the dispensing nozzles, unless the island has mirrors or cameras and a screen for that purpose.

§4. Unattended self-serve facilities

8.165. A sign at least 5 mm high stating the procedure to follow in the event of fire or a fuel spill must be conspicuously posted in the fuelling area in an unattended self-serve facility.

8.166. The fuelling area referred to in section 8.165 must have a drainage system able to collect motor fuel in that area in the event of a leak or spill.

The drainage system must consist of a concrete apron having a minimum 1% slope away from the pump island, an oil separator and a drain connecting the apron and the separator.

The oil separator must be of a capacity sufficient to accept rainwater flow from the apron and flow from the motor fuel dispenser having the greatest flow.

8.167. A coin, card or key-activated motor fuel dispenser that enables fuelling without the intervention of an attendant may be installed only in an unattended self-serve facility.

The flow of the unattended motor fuel dispenser must not exceed 70 L/min for motor fuel that is a Class 1 petroleum product or 180 L/min for motor fuel that is a Class 2 petroleum product.

The pump for such a dispenser must shut off automatically after 5 minutes of operation for motor fuel that is a Class 1 petroleum product and after 10 minutes for motor fuel that is a Class 2 petroleum product.

8.168. An unattended motor fuel dispenser situated near a bulk plant must be located at a distance that is

(1) not less than 6 m from the fenced area of the bulk plant;

(2) not less than 30 m from an aboveground tank; and

(3) not less than 15 m from the loading and unloading facilities of the bulk plant.

§5. Marina outlets

8.169. A motor fuel dispenser in a marina outlet and the piping installed on a dock, wharf, pier or pontoon must be protected, where applicable, from impact such as impact from a water craft or seaplane.

8.170. The piping of a tank installed at an elevation above the base of the motor fuel dispenser must have a solenoid check valve at the tank outlet that is designed to open only when the dispenser is being operated.

If the piping is connected to a submersible pump with a leak detection system, the solenoid check valve must be installed between the tank and the leak detection system.

8.171. Every motor fuel dispenser in a marina outlet must have a safety valve that meets the requirements of section 8.149.

8.172. A tank that is to store motor fuel must be situated not less than 4.5 m from the average annual high-water mark within the meaning of the Protection Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains.

8.173. An underground tank installed at a marina outlet must have an observation well situated between the outlet and the shore and extend 900 mm below the low water line.

8.174. A tank that is to store motor fuel for trade purposes may not be installed aboveground unless it is surrounded by a dike and a fence that meet, where applicable, the requirements of sections 8.61 to 8.63, paragraphs 1 and 3 of section 8.65 and paragraphs 1 and 2 of section 8.217.

8.175. Piping installed on a dock, wharf, pier or pontoon must have two accessible valves designed to stop the supply of motor fuel from the shore. One of the valves must be located less than 350 mm from the edge of the dock, wharf, pier or pontoon, and the second valve must be located less than 350 mm from the connection with the dispenser.

8.176. Piping installed between the shore and piers or wharves must be provided with swing joints or flexible connections to enable the pier or wharf and shore piping to move independently without strain on the piping.

8.177. A motor fuel dispenser installation for a marina outlet must be installed

(1) on the shore; or

(2) on a dock, wharf, pier or pontoon.

A motor fuel dispenser must, if installed on a floating pontoon, be as close as practicable to the shore so that the piping installed above the water is as short as practicable.

§6. Airport outlets

8.178. An airport outlet tank that is to store aviation fuel must be installed in compliance with the following requirements:

(1) it must have a manhole;

(2) all its metallic components must be bonded and grounded in accordance with Chapter V it the tank is fibreglass;

(3) it must have a 1% slope if it is a horizontal tank;

(4) it must have a water draw-off device located at the lowest point on the tank; and

(5) it must have a floating suction system, if it is to store aviation turbine fuel.

8.179. The use of galvanized steel piping that is to contain aviation fuel during construction work is prohibited.

8.180. Piping installed downstream of the filter must be of a non-corrosive material that is

(1) aluminum alloy;

(2) reinforced glass fibre;

(3) stainless steel; or

(4) flexible hosing.

8.181. A contractor or owner-builder may not install tanks to store aviation fuel included in petroleum products of various classes, unless the dispensers have grade selective nozzle spouts that meet the requirements of SAE AS Standard 1852 Nozzles and Ports-Gravity Fueling Interface Standard for Civil Aircraft, published by the Society of Automotive Engineers.

8.182. An aboveground tank must be sited so that the distance between the dike centre line and the airport complex is not less than 45 m.

In the case of double-walled tanks or contained tank assemblies, that distance must be measured between the outer tank shell or secondary containment and airport complex.

8.183. A fill pipe installed on a tank that is to store aviation fuel must have a line strainer fitted with No. 40 or the equivalent of a No. 40 mesh basket; a line strainer with a No. 60 mesh basket must also be installed on the upstream side of each meter, pump and piece of equipment requiring a line strainer.

8.184. A petroleum equipment installation dispensing aviation fuel in an airport outlet must have a filtering system comprising at least one of the following:

(1) a 5 μm filter;

(2) a 15 P.P.M. water separator filter; or

(3) a filter monitor.

8.185. An installation dispensing aviation fuel that is at a height exceeding 1.6 m must have an obstacle light.

8.186. An installation dispensing aviation fuel in an airport outlet must have a ground conforming to the requirements of Chapter V.

8.187. A sign that indicates, for fuelling personnel, the operating procedure for petroleum equipment dispensing aviation fuel and the testing procedures that must be conducted for that purpose must be posted in the airport outlet.

8.188. Piping containing petroleum products installed in an airport outlet must be marked in compliance with API Standard 1542 Identification Markings for Dedicated Aviation Fuel Manufacturing and Distribution Facilities, Airport Storage and Mobile Fuelling Equipment, published by the American Petroleum Institute.

8.189. An aviation fuel dispenser installed in an airport outlet must be marked in compliance with the standard referred to in section 8.188. The lettering must be at least 80 mm in height.

8.190. The requirements of section 8.145 as regards the distance between a fuel dispenser and a dock, wharf, pier or pontoon or approach thereto, sections 8.169 to 8.172 and those of sections 8.174, 8.175 and 8.177 also apply to an airport outlet from which an aircraft is fuelled on a body of water.

§7. User outlets

8.191. The flow of a motor fuel dispenser in a user outlet must be not more than 70 L/min for motor fuel that is a Class 1 petroleum product and not more than 180 L/min for motor fuel that is a Class 2 petroleum product.

DIVISION X
PROVISIONS APPLICABLE TO BULK PLANTS

§1. General

8.192. A bulk plant on an area subject to a 20-year flood event as determined in the land use planning and development plans or in an interim control by-law, adopted under the Act respecting land use planning and development (R.S.Q., c. A-19.1), must meet the following requirements:

(1) each aboveground tank in the bulk plant must be installed in such a manner that the bottom is above the high-water mark; and

(2) a source of water must be available for tank ballast.

8.193. A gate and a loading and unloading ramp installed in a bulk plant and any place where petroleum equipment may cause the presence of flammable vapours must have a sign reading “DÉFENSE DE FUMER” or a pictogram similar to that appearing in Schedule I.

8.194. A valve of an aboveground line connected to a tank, the end of a petroleum product line and a fill pipe must be identified in compliance with the document entitled “Colour-Symbol System to Mark Equipment and Vehicles for Product Identification”, published by the Canadian Petroleum Products Institute.

§2. Loading and unloading facilities

8.195. A facility for loading and unloading petroleum products in a bulk plant must be sited

(1) in the case of a Class 1 petroleum product, at a distance of more than 8 m from any aboveground tank, building or property line where the facility is located; or

(2) in the case of a Class 2 or Class 3 petroleum product, at a distance of more than 5 m from any aboveground tank, building or property line where the facility is located.

The distance must be calculated from the down tube of a loading arm extending into the tank truck or from the connection of the tank truck when it is filled by bottom loading and the shelter for personnel and pumps must be considered integral parts of the facility.

8.196. At a loading or unloading facility for tank cars, the minimum distance from any railway line must be in conformance with General Order No. 0-32, Flammable Liquids Bulk Storage Regulations, published by Transport Canada.

8.197. Combustible material must be at a distance of not less than 5 m from the loading and unloading facilities and from the fill and gauge pipes erected or installed in a bulk plant.

8.198. The vent of a tank storing a Class 1 petroleum product in a bulk plant must be installed at a distance of not less than 8 m from the loading and unloading facility and from a parking area.

8.199. The loading or unloading ramp and every tank in a bulk plant must be situated at a distance of not less than 40 m from the fire station of the bulk plant.

The ramp must be of metal or concrete.

8.200. The loading arm on a facility for unloading a tank truck or a tank car through the manhole must be long enough to extend down not less than 200 mm from the bottom of the cargo tank and have a valve that must be held open manually.

8.201. Piping on a facility for unloading a tank truck or a tank car by means of a pump must have a soft-seat check valve.

8.202. The fill pipe on the tank of a facility used to store petroleum products must have a tight-fill connection using a hose.

8.203. The hose on a facility dispensing petroleum products in a container of not more than 225 L designed to be moved must have a delivery nozzle of non-magnetic material provided with a manual trigger and an automatic shut-off device.

8.204. A loading and unloading facility in a bulk plant must have barriers that protect it from vehicle impact.

8.205. A loading and unloading facility must have a ground that meets the requirements of Chapter V, an electrical conductor and a clip making it possible to ground the cargo tank.

In the case of a key-operated bulk plant, the petroleum product can flow only if the grounding is effected.

8.206. A facility for filling a tank truck or tank car by bottom loading must

(1) have been designed to limit the loading rate to not more than 3,000 L/min; and

(2) have a preset meter.

8.207. A key-operated facility for loading a tank truck or tank car that is supplied by an aboveground tank in a bulk plant must have a remote control shut-off valve that opens only when the motor of the loading pump is operating.

The valve must be located at the outlet of the tank if the bulk plant is to be left unattended.

8.208. The portion of the loading and unloading area of a bulk plant used to park a cargo tank during loading or unloading must,

(1) in the case of Class 1 or Class 2 petroleum products, have a collection system for the products; the system must consist of a concrete apron having a minimum 1% slope away from the pump island in a direction opposite the loading or unloading ramp, an oil separator and a drain connecting the apron and the separator; or

(2) in the case of Class 3 petroleum products or Class 1, Class 2 and Class 3 petroleum products in bulk plants located north of the 53rd parallel of north latitude and bulk plants in a designated location, be liquid-tight and designed in such manner that a spilled product remains confined.

§3. Pumping

8.209. A positive displacement pump in a bulk plant must have a safety valve and a return bypass to the pump supply.

8.210. A centrifugal pump in a bulk plant must have a check valve on the pump outlet, if it is without a built-in safety valve.

8.211. A pump in a bulk plant that is subject to vehicle impact must be protected by a barrier or by a concrete or metal curb.

8.212. A pump or motor may not be installed below a tank or in a building in which a petroleum product is handled.

8.213. A pump in a bulk plant must,

(1) if it is above ground level and outside buildings,

(a) be located not less than 3 m from the property lines where the pump is situated; and

(b) be located not less than 1.5 m from any opening in the main building of the bulk plant; and

(2) be located not less than 8 m from any ignition source.

8.214. A pump in a bulk plant must be installed so that vibration is not transmitted to the petroleum product installations connected to it.

8.215. An electric motor for a pump in a bulk plant must have at least two controls, one of which must be in the control box at a distance of not less than 15 m from each loading or unloading ramp and from each tank.

8.216. In a bulk plant, the pit housing an underground pump and the multiple connection pipes of a submerged pump must be enclosed within a casing made of metal or concrete and be installed in such manner that it does not transmit external loads to the pump, tank or piping.

§4. Fencing

8.217. A fence must be erected around a bulk plant and

(1) be not less than 1.8 m high;

(2) be of firmly meshed metal wire of a gauge not smaller than USSMSG No. 9, if it is made of steel with mesh openings not greater than 150 mm on the side;

(3) be not less than 150 mm from the ground, including its gates;

(4) be fixed to metal poles driven solidly into the ground; and

(5) have at least two gates to enable traffic of road vehicles that meet the requirements of paragraphs 1, 2 and 4, as remote from each other as practicable and that have locking devices.

DIVISION XI
OFFENCES

8.218. Every contravention of any of the provisions of this Chapter constitutes an offence, except section 8.14.".

2. Despite section 8.03, construction work commencing before 1 July 2007 is deemed to comply with the requirements of this Chapter if it complies with the requirements prescribed in the Regulation respecting petroleum products and equipment made by Order in Council 753-91 dated 29 May 1991, as it read on 31 March 2007.

3. This Regulation comes into force on 1 April 2007.

SCHEDULE I
(ss. 8.134 and 8.193)

PICTOGRAMS

(1) To indicate “No smoking”

(2) To indicate «Turn off engine before filling»

SCHEDULE II
(s. 8.157)

HAZARDOUS AREAS IN WHICH A HEATING APPLIANCE MAY NOT BE INSTALLED

1. The area around the end of the fill pipe of an underground tank, up to 0.5 m from ground level and within a horizontal radius of 3 m;

2. The area around the vent outlet of an underground tank, up to a radius of 5 m in all directions;

3. A dispensing area, up to 0.5 m from ground level;

4. The area around a motor fuel dispenser, up to 1.5 m in all directions;

5. A service area, up to 0.5 m above ground or floor level over the entire surface area;

6. A zone for transferring Class 1 petroleum products, up to 1.5 m in all directions;

7. A salesroom, storeroom or washroom, if an opening connects to any area described above; and

8. Any space, pit or box below ground level and located wholly or partly in any area described above.

8060

Gouvernement du Québec

O.C. 221-2007, 21 February 2007

Building Act
(R.S.Q., c. B-1.1; 2005, c. 10)

Safety Code
— Amendment

Regulation to amend the Safety Code

WHEREAS, under section 35.2 of the Building Act (R.S.Q., c. B-1.1), amended by section 40 of chapter 10 of the Statutes of 2005, the Régie du bâtiment du Québec is to determine by regulation the cases in which the owner of a building, facility intended for use by the public, installation independent of a building or petroleum equipment installation must obtain from the Board a permit for the use or operation of the building, facility or installation;

WHEREAS, under section 175 of the Act, amended by section 60 of chapter 10 of the Statutes of 2005, the Board is to adopt by regulation a safety code containing safety standards for buildings, facilities intended for use by the public, installations independent of a building and petroleum equipment installations and their vicinity, and standards for their maintenance, use, state of repair, operation and hygiene;

WHEREAS, under section 176 of the Act, the code may require manufacturers to provide instructions regarding the assembly, erection, maintenance and inspection of materials, facilities and installations;

WHEREAS, under section 176.1 of the Act, the code may, with respect to the matters to which it applies, contain provisions concerning the subjects listed in section 185 of the Act, amended by section 62 of chapter 10 of the Statutes of 2005;

WHEREAS, under section 178 of the Act, the code may require observance of a technical standard drawn up by another government or by an agency empowered to draw up such standards;

WHEREAS, under section 179 of the Act, the Board may determine the provisions of the code of which the infringement constitutes an offence under paragraph 7 of section 194 of the Act;

WHEREAS, under section 192 of the Act, amended by section 63 of chapter 10 of the Statutes of 2005, the contents of the code may vary according to the classes of persons, owners of buildings, facilities intended for use by the public, installations independent of a building or petroleum equipment installations and classes of buildings, pressure installations, facilities or installations to which the code applies;

WHEREAS the Board has adopted the Regulation to amend the Safety Code;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft of the Regulation to amend the Safety Code was published in Part 2 of the *Gazette officielle du Québec* of 13 December 2006 with a notice that it could be approved by the Government, with or without amendment, on the expiry of 45 days following that publication;

WHEREAS comments received have been examined;

WHEREAS, under section 189 of the Building Act, a regulation of the Board is subject to approval by the Government which may approve it with or without amendment;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Labour:

THAT the Regulation to amend the Safety Code, attached hereto, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Safety Code*

Building Act
(R.S.Q., c. B-1.1, ss. 35.2, 175, 176, 176.1, 178, 179, 185, 1st par., subpars. 2.1, 5, 5.1, 5.2, 6.4, 20, 33, 37 and 38 and s. 192; 2005, c. 10, ss. 40, 60, 62 and 63)

1. The Safety Code is amended by adding the following after section 108:

"**CHAPTER VI**
PETROLEUM EQUIPMENT INSTALLATION

DIVISION 1
INTERPRETATION

109. In this Chapter, unless the context indicates otherwise,

"cargo tank" means a tank having one or more compartments fixed to a truck, a railway car, a trailer or a semi-trailer and used to transport, transfer or dispense petroleum products; (*citerne*)

"container" means a container that holds less than 45 L; (*contenant*)

"fuelling area" means the part of the dispensing area situated opposite each motor fuel dispenser where vehicles stop to be refuelled; (*aire de ravitaillement*)

"portable tank" means a container that holds not less than 45 L and not more than 225 L and is designed to be moved; (*réservoir portatif*)

"reception area" means the area around the fill pipe of an underground tank and around the site of an aboveground tank; (*aire de réception*)

"service area" means the space in a building used for servicing or repairing vehicles. (*aire d'entretien*)

In this Chapter, "airport outlet", "aviation fuel", "biodiesel fuel", "booth", "bulk plant", "designated location", "diesel fuel", "first storey", "flash point", "fuel oil", "high-risk petroleum equipment", "marina outlet", "motor fuel", "motor fuel dispensing outlet", "petroleum equipment", "recognized person", "self-serve facility", "service centre", "storey", "tank", "unattended self-serve facility", "underground piping", "underground tank" and "user outlet" have the meaning assigned in section 8.01 of Chapter VIII of the Construction Code made under the Building Act (R.S.Q., c. B-1.1).

110. For the purposes of this Chapter, petroleum products include the classes and types listed in section 8.02 of the Construction Code.

DIVISION II
APPLICATION

111. Subject to the regulatory exemptions under subparagraph 1 of the first paragraph of section 182 of the Building Act, the codes, standards and provisions of this Chapter apply to petroleum equipment and petroleum equipment installations covered by that Act, including their vicinity.

Despite the first paragraph, petroleum equipment installations erected before 1 April 2007 are considered to comply with the provisions of this Chapter that require compliance with a technical standard drawn up by a body if the equipment that is part thereof meets the requirements of the technical standard applicable at the time of the erection or alteration of the installation.

In addition, if a provision of this Chapter requires that petroleum equipment be approved under such a standard, the equipment is presumed to comply with the provision if it is approved under the standard applicable at the time of its manufacturing or erection.

DIVISION III
REFERENCED DOCUMENTS

112. The requirements of the referenced documents in this Chapter apply only to the extent that they refer to petroleum equipment.

113. Where referenced requirements are inconsistent with the requirements of any provision of this Chapter, the latter prevail.

* The Safety Code, approved by Order in Council 964-2002 dated 21 August 2002 (2002, *G.O.* 2, 4654), was last amended by the regulation approved by Order in Council 121-2006 dated 28 February 2006 (2006, *G.O.* 2, 1121). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2006, updated to 1 September 2006.

DIVISION IV
REGISTER, ATTESTATION AND PERMITS

§1. Register

114. The owner of a petroleum equipment installation that includes at least one component that is high-risk petroleum equipment must keep in a register or append thereto, as the case may be, the following information and documents:

(1) during the existence of the petroleum equipment, a copy of the plans relating to all construction work carried out on the equipment and all technical information relating to the alterations made to the equipment;

(2) for at least 10 years,

(a) inspection certificates issued by a certified inspector under section 52 of the Act respecting petroleum products and equipment (R.S.Q., c. P-29.1) and certificates of conformity or safety produced by a recognized person;

(b) the information listed in paragraph 9 of section 121;

(c) notices of correction given to a permit holder under section 92 of the Act respecting petroleum products and equipment as it read on 31 March 2007 or remedial notices given by the Régie du bâtiment du Québec under section 122 of the Building Act;

(d) corrosion protection system inspection reports;

(e) leak detection system inspection reports;

(f) leak detection test reports;

(g) operating performance monitoring reports, tests, inspections, water dips required under section 143 and a description of the measures taken to meet, where applicable, the requirements of sections 139 to 142, 145 to 153, 191 and 230;

(h) periods during which the equipment was not used; and

(i) a description of any measure taken to meet, if applicable, the requirements of sections 175, 176 and 181; and

(3) for at least two years,

(a) copies of petroleum product purchase, delivery, sale and withdrawal records;

(b) gauge readings of the product, water dip readings in the tanks and readings of dispenser meters;

(c) calculations allowing the monthly determination of any gain or loss of product if gauging of petroleum products is required under this Chapter; and

(d) dates on which draining was carried out, the quantity that was drained and the name of the person or enterprise that carried out the draining.

For fuel oil, diesel and biodiesel tanks used to supply a generator set, only the documents in subparagraph 1 need be retained for a minimum of two years.

The register must be made available to the Board or a recognized person.

§2. Certificates of conformity

115. The owner of a petroleum equipment installation that includes at least one component that is high-risk petroleum equipment must provide the Board at the following inspection intervals with a certificate of conformity of the equipment that meets the requirements of section 117, produced and signed by a recognized person:

(1) for underground petroleum equipment

(a) having a double wall without an automatic leak detection system or having a single wall, every two years; or

(b) for fuel oil or having a double wall with an automatic leak detection system, every four years;

(2) for bulk plants, every two years; and

(3) for aboveground petroleum equipment, every six years.

If a private inspection program referred to in Division V of Chapter III of the Act respecting petroleum products and equipment as it read on 31 March 2007 ends and at least six months remain before the expiry of the permit, the holder of the permit must provide the Board with a certificate of conformity before that date.

116. The inspection required for the certificate of conformity referred to in section 115 must be carried out within 12 months before the end of the period covered by the certificate.

The inspection period referred to in section 115 starts on the expiry date of the first permit issued at the address of the site where the high-risk petroleum equipment covered by the permit is situated. The inspection period for equipment existing before 1 April 2007 remains the same as the period applicable before that date.

If new high-risk petroleum equipment is erected at the address for which the owner holds a permit, the inspection period required for the equipment must be adjusted to coincide with the current period.

If high-risk petroleum equipment installed at the same address has different inspection periods, the shorter period takes precedence.

117. The recognized person is to certify

(1) that he or she has verified the register referred to in section 114 and that the register is in compliance with the requirements of that section;

(2) that he or she has searched for signs of leaks to ensure that the high-risk petroleum equipment does not leak and is not a hazard to public safety;

(3) that, in the case of underground high-risk petroleum equipment, he or she has examined the operation of the equipment and inventories to ensure that they meet the requirements of sections 145, 175, 176, the second paragraph of section 177, sections 178, 215, the first paragraph of section 217, sections 227 to 229, the first paragraph of section 238, sections 247, 249, 253 and 257 of this Chapter and the requirements of section 8.95, the third paragraph of section 8.96 with respect to impact protection, sections 8.97, 8.124, 8.125, 8.127, 8.128, 8.142, 8.143, 8.146, subparagraph 1 of the first paragraph of section 8.153, sections 8.156, 8.159, 8.160, the second and third paragraphs of section 8.162, sections 8.164, 8.165, the first and second paragraphs of section 8.166, sections 8.168, 8.170, 8.172, 8.180, 8.183 and 8.185 of the Construction Code;

(4) that, in the case of high-risk petroleum equipment in a bulk plant, he or she has examined the operation of the petroleum equipment to ensure that it meets the requirements of sections 145, 175, 176, the second paragraph of section 177, sections 178, 190, the first paragraph of section 192, section 196, the first paragraph of section 197, sections 202, 205, the second paragraph of section 209, section 215, the first paragraph of section 217, sections 226 to 229, the first paragraph of section 230, sections 257, 263, 265, 267, 268, 270 and 278 of this Chapter and the requirements of section 8.47 with respect to aboveground tanks, sections 8.64, paragraph 1 of section 8.65, section 8.93, the third paragraph of section 8.96 with respect to impact protection, sections 8.97, 8.108, paragraph 4 of section 8.113, paragraphs 1, 4 and 6 of section 8.116, sections 8.124, 8.125, 8.127, 8.128, 8.142, 8.143, 8.146, 8.156, 8.195, 8.198, the first paragraph of section 8.199, section 8.200 with respect to manual valves, sections 8.204, 8.209, 8.211, 8.213, 8.215, paragraph 4 of section 8.217 and paragraph 5 of that section except with respect to the references to paragraphs 1 and 2 mentioned therein, of the Construction Code; and

(5) that, in the case of aboveground high-risk petroleum equipment other than in bulk plants, he or she has examined the operation of the equipment to ensure that it meets the requirements of sections 158 and 188 but only with respect to the first paragraph of section 8.60 of the Construction Code, section 189, the first and second paragraphs of section 192, section 196, the second paragraph of section 197, sections 202, 205, the second paragraph of section 209, the first paragraph of section 217, sections 227 to 229, the first paragraph of section 230, the second paragraph of section 232, the first paragraph of section 238, sections 246, 247, 249, paragraph 3 of section 251, sections 253 and 257 of this Chapter and the requirements of sections 8.53, 8.56, 8.57, 8.64, paragraph 1 of section 8.65, sections 8.72, 8.93, 8.95, the first and second paragraphs of section 8.96 with respect to Class 1 petroleum products and the third paragraph of section 8.96 with respect to impact protection, sections 8.97, 8.108, paragraphs 1 to 4 and 6 of section 8.116, sections 8.142, 8.143, 8.146, subparagraph 1 of the first paragraph of section 8.153, sections 8.156, 8.159, 8.160, the second and third paragraphs of section 8.162, sections 8.164, 8.165, the first and second paragraphs of section 8.166, sections 8.168, 8.170, paragraph 4 of section 8.178, sections 8.180, 8.183 and 8.185 of the Construction Code.

Otherwise, the recognized person must inform the owner of any irregularities found and the reasons for refusing to produce the required certificate of conformity. The person must also inform the Board within 30 days.

The certificate must also contain a description of the high-risk petroleum equipment inspected, its type, make, model and capacity, the petroleum product it is to contain, the address of the place where it is situated, the date of signature, the name, address, telephone number, professional order membership number and temporary permit or certification number issued pursuant to the Act respecting petroleum products and equipment of the recognized person who produced the certificate. The certificate may be produced on the form provided for that purpose by the Board.

118. Persons who meet the requirements of sections 8.13 and 8.14 of the Construction Code may be recognized by the Board to produce and sign the certificate of conformity required under section 115.

119. The recognition of a person may be revoked by the Board for the reasons listed in section 8.15 of the Construction Code.

§3. Permits

120. The owner of a petroleum equipment installation that includes at least one component that is high-risk petroleum equipment must obtain a permit for the use of all the high-risk petroleum equipment situated at the same address, until the equipment is removed from its respective place of use.

121. The owner of a petroleum equipment installation applying for the issue or renewal of a permit must provide the Board with the following information and documents:

(1) the owner's name, home address and, where applicable, the business number assigned to the owner under the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.S.Q., c. P-45);

(2) if the application is made on behalf of a partnership or a legal person, the name of the partnership or legal person, the address of its head office and, where applicable, the business number referred to in paragraph 1;

(3) the address and telephone number of the site where the petroleum equipment covered by the application is situated if the address is different from the address of domicile or head office;

(4) if a certificate is required, the date of the certificate produced by a recognized person referred to in section 118 since the last application for the issue or renewal of a permit and the date on which the owner was informed by a recognized person of any irregularity; the owner must also provide the professional order membership number or temporary permit number of the person or the certification number of the certified inspector, where applicable;

(5) the characteristics of the petroleum equipment covered by the application, in particular

(a) the storage capacity in litres;

(b) the nature of the petroleum products stored or intended to be stored;

(c) the date of installation and the name and address of the contractor or owner-builder who installed the equipment;

(d) the year of manufacture and the name and address of the manufacturer;

(e) the automatic leak detection systems on high-risk petroleum equipment; and

(f) a description of the location of all high-risk petroleum equipment on the site;

(6) a declaration from the owner stating that the application information is accurate and complete;

(7) the date of the owner's signature;

(8) the certificate of conformity required; and

(9) in the case of an application for renewal, a declaration of the events having affected the equipment during the permit validity period, including

(a) all petroleum product leaks and spills greater than 100 L;

(b) all explosions and fires related to petroleum equipment;

(c) all failures in storage or dispensing equipment that are a hazard to public safety; and

(d) the date of the event and the extent of the damages.

122. A permit modification application must contain

(1) the information required under paragraphs 6 to 8 of section 121; and

(2) a description of the new equipment installed or the alterations made to the equipment covered by the permit.

123. At the time an application for the issue, modification or renewal of a permit is made, required information and documents previously provided to the Board need not be re-filed if the owner attests to their current accuracy and completeness.

124. The Board issues or renews a permit on the following conditions:

(1) the owner has provided the information and documents required under section 121;

(2) the application for issue or renewal has been received and the fees have been paid to the Board;

(3) the owner has complied with all the provisions of this Chapter that apply to the petroleum equipment covered by the permit application after being convicted of an offence related to the equipment, or with a supplementory measure required under section 122 of the Building Act;

(4) when applying for a renewal, the owner declares that the requirements of Division VI to ensure the testing of the operating performance of the high-risk petroleum equipment covered by the permit are met;

(5) the certificate of conformity or safety accompanying the permit application has not been produced on the basis of inaccurate or misleading information; and

(6) the certificate submitted has been produced by a recognized person.

125. A permit may only be modified by the Board at the request of an owner if

(1) the name of the owner of the high-risk petroleum equipment or the address of the site where the equipment is situated has changed; or

(2) a change to the petroleum equipment covered by the permit during the permit validity period invalidates the permit or the certificates of conformity submitted.

The modification application must be accompanied by the required certificate of conformity, where applicable, and the fees payable to the Board.

126. The owner must inform the Board of any change resulting in inaccuracy or incompleteness of the information, the certificate of conformity or the other documents submitted with the application for the issue, renewal or modification of the permit.

127. The holder of a permit must post the permit in public view at the address where the petroleum equipment covered by the permit is situated.

128. The term of a permit is 24 months; a permit may, however, be issued for a period shorter than 24 months to meet

(1) the expiry dates of the permits issued to the same holder in the same administrative region;

(2) the expiry dates of the various permits for petroleum equipment situated at the same address;

(3) the period of use of the petroleum equipment for an activity whose expected duration is shorter than two years;

(4) the period required to obtain an approval or authorization from the Board under sections 127 and 128 of the Building Act that may not be obtained before the expiry of the current permit; or

(5) the period required to perform inspections or the work that may not be performed during the winter and before the expiry of the current permit.

129. A permit is suspended for so long as the holder does not comply with an order made under section 123 or 124 of the Building Act.

§4. Fees

130. The fee payable for the issue or renewal of a 24-month permit is $130 to which $40 is added for each 10,000-litre portion of petroleum product storage capacity up to a maximum of $2,500.

If the validity period of the permit is shorter than 24 months, the fee payable is determined in proportion to the number of months of validity of the permit issued by the Board but is not lower than $85 per year.

DIVISION V
GENERAL PROVISIONS APPLICABLE TO ALL PETROLEUM EQUIPMENT

131. Petroleum equipment must be used for the purposes for which it is designed and must be maintained in proper and safe working order.

132. Petroleum equipment must be used and maintained so that it does not present a risk of spillage, leakage, fire, explosion or intoxication.

133. The owner of a petroleum installation or equipment must ensure during its operation that

(1) the processes and equipment used are safe;

(2) safety devices provided for that purpose are used correctly; and

(3) the necessary precautions are taken so as to prevent risks of explosion, fire, spillage, leakage or other accidents.

The owner must also comply with the servicing, use and draining requirements applicable to the equipment or installation under this Chapter.

134. Petroleum equipment must

(1) be leak-proof to prevent any risk of explosion, fire, spillage or other accident;

(2) be used so as not to endanger the life of any person or cause serious injury;

(3) be housed to limit access to authorized persons by the owner of the equipment and to prevent any contact with objects that may increase the risk of accidents; and

(4) have protection devices that ensure the safety of persons who have access to the equipment or who use it.

135. The required rectification must be made if the operating conditions of the petroleum equipment are hazardous owing, in particular, to intensive use, modifications, wear and tear or obsolescence, or when a leak is detected.

136. Petroleum equipment that does not meet the minimum requirements for use, condition or servicing in this Chapter may not be used to store or dispense a petroleum product.

137. The owner of a petroleum equipment installation that includes high-risk petroleum equipment must inform the Board of any fire, explosion, loss of life or disaster involving petroleum equipment within 24 hours after the owner becomes aware of the incident.

DIVISION VI
TESTING OF THE OPERATING PERFORMANCE

§1. Application

138. This Division applies to the high-risk petroleum equipment in a petroleum equipment installation.

§2. Inspections

139. Every two years, the owner of underground petroleum equipment must

(1) inspect the cathodic protection performance

(a) in the case of a sacrificial anode system, in accordance with CAN/ULC Standard S603.1-03 External Corrosion Protection Systems for Steel Underground Tanks for Flammable and Combustible Liquids, published by Underwriters' Laboratories of Canada; and

(b) in the case of an impressed current cathodic protection system where such system is an addition to an underground petroleum equipment installation, in accordance with RP0 Standard 169-2002 Control of External Corrosion on Underground or Submerged Metallic Piping Systems or RP0 Standard 285-2002 Corrosion Control of Underground Storage Tank System by Cathodic Protection, published by Nace International; and

(2) ensure the proper operation of the automatic petroleum products leak detection system.

140. Every year, the owner must inspect and ensure the proper operation of

(1) the safety valves of an aboveground piping system; and

(2) every grounding circuit in a petroleum equipment installation.

141. The owner must ensure that every motor fuel dispenser connected to an underground tank has a meter that is calibrated at least once every two years.

§3. Leak detection tests

142. Where single-wall petroleum equipment is buried within 150 m from a vertical plane touching the closest outside wall of subway or pedestrian, road or railway tunnel works under construction or already completed, the owner must conduct a leak detection test every year in compliance with the second paragraph of section 8.130 of the Construction Code.

If the leak detection test indicates a leak, all defective components in the installation must be repaired or replaced and another leak detection test must be conducted.

§4. Motor fuel dispensing

143. The owner must water dip each underground motor fuel tank every week.

The owner must also test for the presence of a petroleum product or vapours of such a product in the observation well if the tank does not have a continuous monitoring system with an alarm and, if applicable, conduct a leak detection test of the underground tank and piping that meets the requirements of the second paragraph of section 8.130 of the Construction Code.

If the leak detection test indicates a leak, all defective components in the installation must be repaired or replaced and another leak detection test must be conducted.

144. Every day the owner uses the equipment, the owner must

(1) gauge all underground tanks and read all dispenser meters; and

(2) reconcile receipt and withdrawal records for each underground tank with the daily gauge readings taken pursuant to subparagraph 1.

If, however, the owner of high-risk petroleum equipment does not use the equipment for more than one week, the owner must gauge the equipment once a week during the period the equipment is not used.

145. The owner must conduct leak detection tests on underground tanks and piping in accordance with the second paragraph of section 8.130 of the Construction Code each time one of the following occurs inexplicably:

(1) a volume loss of at least 0.5% of the petroleum products removed from a tank or a number of tanks containing the same product over a period of one month;

(2) a loss of petroleum products over at least five consecutive days;

(3) a loss of petroleum products over at least 18 days in a month, if the product level is measured every day;

(4) a loss or gain of petroleum products over at least 15 days in one month, if the product level is measured 6 days a week; or

(5) the water level in the bottom of the tank exceeds 50 mm.

If the leak detection test indicates a leak, all defective components in the installation must be repaired or replaced and another leak detection test must be conducted.

146. The owner must inspect each year and ensure the proper operation of each fusible safety valve and automatic leak detection system according to the manufacturer's instructions.

§5. Airport outlets

147. The owner must inspect each year the grounding system of dispensers and tanks to ensure it meets the requirements of Chapter V of the Construction Code.

148. The owner must inspect the inside of each tank containing aviation fuel at least once every five years to prevent deposit build-up.

§6. Bulk plant servicing and inspection

149. The owner must inspect each year and ensure the proper operation of each safety valve in the petroleum equipment installation.

150. The owner must carry out a visual inspection of piping and the aboveground tank once a week to ensure they are leak-proof.

151. The owner must test once a month the operating performance of valves, overflow controls, vents and fire protection devices.

152. The owner must gauge or dip tanks at least once a week and, if there has been a receipt of petroleum products, the owner must gauge or dip the tanks during the day of receipt.

153. The owner must, using the volume added and removed, reconcile the volume of petroleum products that should be in the tanks with the volume obtained by gauging; in the case of an aboveground tank having a capacity greater than 250,000 L, the owner must also take into account the temperature of the petroleum product at the time of gauging.

DIVISION VII
PROVISIONS APPLICABLE TO PETROLEUM EQUIPMENT

§1. Handling and prevention

154. The transfer of Class 1 and Class 2 petroleum products must take place at a distance of more than 5 m from a flame or any other ignition source.

155. A Class 1 petroleum product may not be used as a cleaner or solvent.

§2. Petroleum product storage

156. In addition to the provisions of this subdivision, the owner must comply with sections 8.19 and 8.20 of the Construction Code.

157. Class 1 and Class 2 petroleum products or substances impregnated with those products must be stored in sealed containers suitable for such products.

158. Storage of petroleum products inside a building must meet,

(1) in the case of a container, the requirements of section 4.2 of the National Fire Prevention Code of Canada – 2005, published by the Canadian Commission on Building and Fire Codes of the National Research Council of Canada;

(2) in the case of an aboveground tank not referred to in subparagraph 3, the requirements of section 4.3 of the National Fire Prevention Code of Canada, subject to the provisions of this Chapter; and

(3) in the case of a container in a motor fuel dispensing outlet, the requirements of section 4.6 of the National Fire Prevention Code of Canada.

Despite subparagraphs 1 and 2 of the first paragraph, storage of a petroleum product in a tank inside a building to supply a generator engine or a fuel oil system must meet the requirements of CAN/CSA Standard B139-04 Installation Code for Oil-Burning Equipment, published by the Canadian Standards Association.

§3. Containers and portable tanks

159. A container or a portable tank used for petroleum products must meet the requirements for small containers in the Transportation of Dangerous Substances Regulation made by Order in Council 866-2002 dated 10 July 2002.

160. A glass container may not be used to store a Class 1 petroleum product, except in the case of a sample of less than 1 L.

161. A damaged container or portable tank that presents a risk of leakage must not be used to store a petroleum product and its content, if applicable, must be transferred to an undamaged container or tank.

162. Every petroleum product container to be distributed must bear, in legible letters, the name of the product it contains.

163. Red must be the dominant colour on a container used for a Class 1 petroleum product.

The word "DANGER" or "INFLAMMABLE" must be legibly marked on the container and the nature of the contents must be specified.

164. A container or a portable tank containing a petroleum product must be hermetically sealed.

In the case of a metal container or portable tank that has a pump, it is considered hermetically sealed if the pump has a vapour-tight seal.

165. A Class 1 petroleum product must be dispensed from a portable tank with a hand pump that has a hermetic seal.

§4. Tank and piping

166. In addition to the provisions of this subdivision, the owner must comply with sections 8.23 to 8.26 of the Construction Code.

167. Nonmetallic piping must meet the requirements of any of standards ULC/ORD-C107.7-1993 Glass-Fibre Reinforced Plastic Pipe and Fittings for Flammable and Combustible Liquids, ULC/ORD-C107.4-1992 Ducted Flexible Underground Piping Systems for Flammable and Combustible Liquids and ULC/ORD-C971-2005 Nonmetallic Underground Piping for Flammable and Combustible Liquids, published by Underwriters' Laboratories of Canada. Piping that meets the requirements of ULC/ORD Standard C971-2005 Nonmetallic Underground Piping for Flammable and Combustible Liquids must also be installed so that there are no joints in the ground.

168. Double-wall piping must consist of piping that meets the requirements of section 8.25 or 8.26 of the Construction Code or section 167 of this Chapter installed inside other piping that meets the requirements of section 8.25 or 8.26 of the Construction Code or the requirements of section 167 of this Chapter, or the requirements of ULC/ORD Standard C107.19 Secondary Containment of Underground Piping for Flammable and Combustible Liquids, published by Underwriters' Laboratories of Canada.

On a Class A site, double-wall piping must have an automatic leak detection system with a visual and audible alarm that meets the requirements of ULC/ORD Standard C107.12-1992 Line Leak Detection Devices for Flammable Liquid Piping or ULC/ORD Standard C58.14-1992 Non-Volumetric Leak Detection Devices for Underground Flammable Liquid Storage Tanks, published by Underwriters' Laboratories of Canada.

Despite the foregoing, vent piping need not be double-wall piping.

For the purposes of the second paragraph, the following places are Class A sites:

(1) a site within 1,000 m measured horizontally from a well used to collect drinking water for a residence that cannot be connected to a waterworks system, from the intake of a pipe used to supply a municipality with drinking water, from a channel used exclusively to supply a municipality with drinking water or from a well whose water is used in the making of a food product; and

(2) a site within 50 m measured horizontally from a station, a tunnel or other underground structure necessary for the operation of a subway, a public building with one or more storeys situated below the ground floor or the first storey, as defined in the Public Buildings Safety Act (R.S.Q., c. S-3) or in its regulation, from an underground or semi-underground parking garage that may accommodate at least six vehicles and that requires mechanical ventilation in accordance with section 6.2.2.3 of Chapter I of the Construction Code made pursuant to the Building Act.

169. The owner of a petroleum equipment installation must ensure that the fill pipe of the installation is identified in accordance with the requirements of section 219, except if the installation includes only one fill pipe connected to a tank in a heating system.

DIVISION VIII
PROVISIONS APPLICABLE TO HIGH-RISK PETROLEUM EQUIPMENT

§1. General

170. High-risk petroleum equipment may only be used if there are portable fire extinguishers in proper working order nearby.

171. The owner must keep oil absorbents at all times on the premises where high-risk petroleum equipment is situated.

§2. Underground tanks

172. On a Class A site, as defined in section 168, the tank must have a double wall.

The double wall must have, in its interstitial space, an automatic leak detection system with a visual and audible alarm that meets the requirements of ULC/ORD Standard C58.12-1992 Leak Detection Devices (Volumetric Type) for Underground Flammable Liquid Storage Tanks or ULC/ORD Standard C58.14-1992 Non-Volumetric Leak Detection Devices for Underground Flammable Liquid Storage Tanks, published by Underwriters' Laboratories of Canada.

The double wall must also contain, in its interstitial space, where applicable, brine composed exclusively of calcium chloride with or without potassium chloride or sodium chloride where the respective concentration does not exceed 42%, 3% and 2%.

173. On a Class B site, a tank must have an automatic leak detection system.

For the purposes of the first paragraph, the following sites are Class B sites:

(1) a site within 1,000 m measured horizontally from a water intake or from a well used for purposes other than those in subparagraph 1 of the fourth paragraph of section 168;

(2) a site within 50 m measured horizontally from a watercourse, lake, pond or any other comparable body of water or from an area subject to a 20-year flood event as indicated on the land use planning and development plans or in an interim control by-law adopted under the Act respecting land use planning and development (R.S.Q., c. A-19.1); and

(3) a site within 50 m but not more than 150 m measured horizontally from a subway station or tunnel, an underground public area or an underground parking garage.

174. Every excavation in which a tank has been installed since 11 July 1991 must have an observation well, unless the petroleum equipment installation was erected between 30 April 1999 and 1 April 2007 and meets the requirements of sections 8.29 and 8.78 of the Construction Code. If two underground tanks are less than 1.5 m apart, at least one observation well must be installed.

The well must consist of a perforated pipe at least 150 mm in diameter installed vertically, extending down at least below the bottom of the tanks, and be accessible from the ground. The pipe must also be enclosed inside a permeable lining if it is buried in sand.

175. An owner who ceases to remove petroleum products from an underground tank for a period of at least one week but less than 180 days must

(1) lock the fill and gauge pipe caps and covers and motor fuel dispensers and lock the main electrical control; and

(2) gauge each tank every week.

176. An owner who ceases to remove petroleum products from an underground tank for a period of 180 days or more but less than two years must

(1) empty the tanks, piping, motor fuel dispensers and pumps of Class 1 petroleum products and, if calculations confirm that the groundwater may lift a tank, the owner must fill the tank with a petroleum product other than a Class 1 product;

(2) lock the fill and gauge pipe caps and covers and motor fuel dispensers and lock the main electrical control; and

(3) gauge each tank containing a petroleum product every month.

177. An owner who ceases permanently to remove petroleum products from an underground tank or who has not removed petroleum products for two years or more must comply with section 8.45 of the Construction Code.

Subject to section 31.51 of the Environment Quality Act, the owner may, however, comply only with paragraph 1 of section 8.45 if not more than five years have elapsed since petroleum products were last removed from the tank and one of the following tests shows that the tank and piping are leak-proof:

(1) a leak detection test that meets the requirements of the second paragraph of section 8.130 of the Construction Code; and

(2) for single or double-wall tanks emptied of any petroleum products, a pressure test using an inert gas performed in compliance with the following requirements:

(a) a safety valve set at not more than 40 kPa capable of discharging the flow from the pressure source must be installed on a tank opening and its operation must be inspected before each test;

(b) the pressure must be measured using a pressure gauge calibrated in units of not more than 1 kPa;

(c) a pressure of at least 30 kPa and not more than 35 kPa must be created inside the tank;

(d) once the temperature has been stabilized and the pressure source removed, the created pressure must be maintained for at least four hours; and

(e) in the case of a compartment tank, each compartment must be tested separately, not simultaneously and only when the adjacent compartment is not under pressure.

178. An owner of underground petroleum equipment who has ceased to remove petroleum products from the equipment for more than one year must conduct a leak detection test that meets the requirements of the second paragraph of section 8.130 of the Construction Code before using the equipment.

179. The owner of a site where underground petroleum equipment is installed must, before assigning rights to the site, inform the assignee in writing of tank and piping siting and of the length of time the equipment has not been used.

180. Despite the second and third paragraphs of section 111, an underground tank removed from the ground may not be reused for storing petroleum products underground unless the requirements of section 8.44 of the Construction Code are met.

181. An underground tank may be abandoned on its site if the requirements of section 8.46 of the Construction Code are met.

§3. Aboveground tanks

182. In addition to the provisions of this subdivision, the owner must comply with sections 8.49 to 8.53, 8.56, 8.57, paragraph 4 of section 8.62 and sections 8.64 and 8.65 of the Construction Code.

183. Siting of an aboveground tank must meet the requirements of section 8.48 of the Construction Code with the references in Table 2 of that section to sections 8.60 and 8.61 replaced by references to sections 188 and 189 of this Chapter respectively.

184. Openings for gauging aboveground tanks intended to store Class 1 petroleum products must be provided with a vapour-tight cap or cover that must remain closed at all times except for gauging.

185. The intake end of a fill pipe for an aboveground tank must have a device that prevents its opening by any person not authorized by the owner of the equipment.

186. The shut-off valve required under section 8.57 of the Construction Code must remain closed and locked when the facility is closed except the shut-off valve on an installation supplying a heating system or a generator engine.

187. An aboveground tank that has a heating appliance must have thermometers and thermostats in proper working order so that the temperature of the product it contains is maintained at least 10° C below its flash point.

188. An aboveground tank installed after 11 July 1991 must meet the requirements of section 8.60 of the Construction Code.

189. The dike required under section 188 is not required if the tank meets the requirements of section 8.61 of the Construction Code.

190. The dike around a tank must not be higher than 1.8 m from the bottom of the diked area, except in the case of a bulk plant dike erected before 1 January 1973.

191. The inside wall and the bottom of the diked area of a petroleum equipment installation erected after 30 April 1999 must meet the requirements of paragraph 5 of section 8.62 of the Construction Code. The owner must also comply with the requirements of section 8.63 of that Code.

192. The water in the diked area of an aboveground tank must be drained by a drainage system such as a sump or channel located at its lowest point having a valve kept closed that allows drainage of water.

The valve control for the drainage system must be accessible at all times.

The water must be channelled into an oil interceptor with a separator before disposal.

Water drained from an aboveground tank must be channelled directly into an oil interceptor with a separator before disposal.

193. No combustible material, container or portable tank may be located inside a diked area.

Vegetation to prevent soil erosion inside a diked area must be maintained in such manner that it does not contribute to a fire spreading.

194. Despite the second paragraph of section 111, the tank in a petroleum equipment installation may not be used to store a product other than a petroleum product, unless the diked area of the installation meets the requirements of paragraph F of section 4.3.2.3.2 of NFPA Standard 30-2003 Flammable and Combustible Liquids Code, published by the National Fire Protection Association.

195. An owner who ceases to remove petroleum products from an aboveground tank for a period of at least one week but less than 180 days must gauge the tank every week.

196. An owner who ceases to remove petroleum products from an aboveground tank for a period of 180 days or more but less than two years must

(1) drain all petroleum products from the tank, piping, loading and unloading equipment and leak and spill protection equipment;

(2) lock the fill and gauge pipe caps and covers and any other opening in an installation that contains a petroleum product, and lock the loading and unloading equipment and the main electrical control;

(3) condemn the stairs, walkways and other construction giving access to the roof of a tank; and

(4) permanently open the dike drainage valve if the dike contains only one tank.

197. An owner who permanently ceases to remove petroleum products from an aboveground tank or has not removed products for two years or more must

(1) drain petroleum products from the tank, piping and loading and unloading equipment; and

(2) remove the tank, piping, motor fuel dispensers, loading and unloading equipment and leak and spill protection equipment in accordance with the requirements of Chapter VIII of the Construction Code.

In the case of a marine bulk plant, a tank supplying heating appliances or a storage system in a designated location, the requirement in subparagraph 2 of the first paragraph applies only if petroleum products have not been removed from the tank for more than five years.

198. Before taking a tank out of service, an aboveground tank must be purged of any petroleum products vapour.

199. Despite the second and third paragraphs of section 111, an aboveground tank or piping component may not be reused for storing petroleum products aboveground unless the requirements of section 8.67 of the Construction Code are met.

200. Despite the second and third paragraphs of section 111, any tank removed that is not to be reused or that cannot be reused under the requirements of section 8.67 of the Construction Code must be demolished in accordance with section 8.68 of that Code.

§4. Piping

201. In addition to the provisions of this subdivision, the owner must comply with sections 8.72 to 8.74, 8.80, 8.93, 8.95 to 8.98, 8.100, 8.103, 8.104, the second paragraph of section 8.107, sections 8.108, 8.109, 8.111,

8.113, 8.115, paragraphs 1 to 4 of section 8.116, sections 8.117 to 8.119, 8.121 to 8.125, 8.127 and 8.128 of the Construction Code.

202. Except in the case of piping supplying a marine bulk plant, every petroleum equipment installation erected after 19 May 1984 must meet the requirements of section 8.71 of the Construction Code.

203. Aboveground piping for petroleum products must meet the requirements of section 8.77 of the Construction Code.

204. Any underground portion of piping connected to an underground tank installed after 11 July 1991 on a Class A site referred to in the fourth paragraph of section 168 must have a double wall that meets the requirements of the first paragraph of that section. The piping must also be connected at its lowest point to a leak-proof collector well having an automatic leak detection system with a visual and audible alarm that meets the requirements of the second paragraph of that section.

205. Aboveground tanks installed after 11 July 1991 must have safety vent piping that meets the requirements of section 8.102 of the Construction Code.

206. Petroleum product velocity in aboveground piping must not exceed 2.5 m/s, unless the piping is directly connected to a marine wharf.

If the piping is insulated, the insulation must be non-combustible.

207. Aboveground piping for petroleum products must be identified to indicate its contents.

The piping may not be red in colour.

208. Each time a petroleum product is found on aboveground piping or on the ground, or a leak is suspected, the piping must be subjected to a leak detection test in accordance with section 8.110 of the Construction Code.

209. Aboveground piping must be supported and located so as to reduce vibration and stress to a minimum.

The piping must also be protected by barriers in areas subject to vehicle impact.

210. Aboveground indoor piping that is to contain petroleum products must be supported overhead or be located in a trench; it may not be installed under combustible flooring.

The trench referred to in the first paragraph must have trapped drains or positive ventilation to the outdoors preventing the accumulation of flammable vapours.

The aboveground piping must be located close to the ceiling or beams, or along walls, not less than 1.8 m above the floor.

211. No open flame is to be used to heat piping containing petroleum products.

212. An aboveground tank must be filled using vapour-tight connections; that requirement does not apply when filling a fuel oil tank connected to heating equipment.

213. Every fill pipe on a tank for storing motor fuel, except fill pipes on a tank connected to a generator engine using diesel or biodiesel fuel, must extend to a distance of not more than 200 mm from the bottom of the tank.

§5. Replacement and servicing

214. In addition to the provisions of this subdivision, the owner must comply with section 8.47 of the Construction Code.

215. Every high-risk underground steel tank that is not protected against corrosion according to the standard or document mentioned in section 8.42 of the Construction Code as well as steel piping not protected against corrosion that is connected to the tank must be removed from the ground if the tank does not meet the requirements of ULC/ORD Standard C58.10-1992 Jacketed Steel Underground Tanks for Flammable and Combustible Liquids, published by the Underwriters' Laboratories of Canada.

Despite the foregoing, the owner is not required to remove the piping from the ground if a leak detection test complying with the second paragraph of section 8.130 of the Construction Code indicates that the piping is leak-proof and the piping is protected against corrosion according to the requirements of RP0 Standard 169-2002 Control of External Corrosion on Underground or Submerged Metallic Piping Systems or RP0 Standard 285-2002 Corrosion Control of Underground Storage Tank System by Cathodic Protection, published by NACE International.

In addition, the owner is not required to remove a tank installed before 11 July 1991 from the ground immediately if the evaluation of the tank condition, as provided for in Schedule I, falls within any of zones 2 to 4 of the

graph in the Schedule. The tank must then be removed not later than the time specified in paragraph 3 of the Schedule.

216. If a petroleum product leaks out of steel underground piping that is not protected against corrosion, and the tank connected to the piping is not required to be removed from the ground according to the requirement of section 215, the entire length of the piping must be removed.

217. The owner must subject the petroleum equipment to a leak detection test in accordance with the second paragraph of section 8.130 of the Construction Code if, for an unknown reason, an event causes a leak or the presence of a petroleum product or petroleum product vapours in the vicinity of the equipment.

If the leak detection test indicates a leak, all defective components in the installation must be repaired or replaced and another leak detection test must be performed.

DIVISION IX
PROVISIONS APPLICABLE TO MOTOR FUEL DISPENSING OUTLETS AND SERVICE CENTRES

§1. General

218. In addition to the provisions of this subdivision, the owner must comply with sections 8.134, 8.135, 8.136, except with respect to aboveground tanks, the first paragraph of section 8.139, sections 8.140, 8.142, 8.143, 8.146, 8.148, 8.151, the first paragraph of section 8.153, sections 8.154 and 8.156 of the Construction Code.

219. Every valve on an aboveground line connected to a tank, every end of a petroleum product line and every fill pipe must be identified in accordance with the document entitled Using the CPPI Colour-Symbol System to Mark Equipment and Vehicles for Product Identification, published by the Canadian Petroleum Products Institute.

220. Petroleum equipment may be used only if two fire extinguishers suitable for extinguishing petroleum product fires are kept on the premises.

The fire extinguishers must be accessible, have an effective total rating equivalent to at least 20-B,C and be maintained in proper working order. One extinguisher must be located less than 10 m from the dispensing areas.

221. The owner must keep oil absorbents on the premises of a motor fuel dispensing outlet or a service centre.

222. A fuelling area used to dispense motor fuel after sunset must be lighted.

223. No vehicle may be fuelled if it is not parked inside a fuelling area.

224. A vehicle may not be fuelled with a Class 1 petroleum product while the engine is running.

That requirement also applies in the case of a vehicle fuelled with a Class 2 petroleum product if the dispenser is located at a distance of less than 8 m measured horizontally from a dispenser for a petroleum product referred to in the first paragraph.

No person may smoke or light a flame within 7.5 m of a dispenser within a servicing area for the fuel supply system of an internal combustion engine, within an area in which Class 1 or Class 2 petroleum products are received or transferred, or inside a booth completely or partially within a dispensing area.

225. Every motor fuel dispenser for a Class 1 or Class 2 petroleum product must meet the requirements of CSA Standard B346-M1980 Power-Operated Dispensing Devices for Flammable Liquids, published by the Canadian Standards Association.

In the case of an aviation fuel dispenser, all components must be suitable for such a product.

226. Every fuelling area must meet the requirements of section 8.144 of the Construction Code; the sizes required in the first paragraph of that section apply only to a fuelling area sited or altered after 26 February 1996.

227. A motor fuel dispenser in a fuel dispensing outlet must comply with the clearances in the following Table 1:

TABLE 1

MOTOR FUEL DISPENSER CLEARANCES (M)

	Dispensing outlet	Unattended self-serve facility	Marina outlet	User outlet	Airport outlet
From a building, except a booth	4.5 [1]	6 [2]	5	1 [3]	15
From property lines	4.5 [1]	6 [2]	4.5 [1]	4.5 [3]	15
From a stationary ignition source	—	—	8	7.5 [3]	—
From a building opening other than a booth opening	—	—	—	4.5 [3]	—
From a dock, wharf, pier or pontoon or approach thereto	—	—	5	—	5

[1] A dispenser installed before 1973 need not be relocated or may be replaced by another dispenser at the same place if the dispenser has the same number of dispensing hoses and dispenses the same number of products. In the case of a marina outlet, the shore is not to be considered a property line.

[2] If a petroleum equipment installation was installed or altered between 1973 and 19 May 1984, clearance of the motor fuel dispenser must be at least 4.5 m. A dispenser installed before 1973 need not be relocated or may be replaced by another dispenser at the same place if the dispenser has the same number of dispensing hoses and dispenses the same number of products.

[3] A dispenser installed before 11 July 1991 need not be relocated or may be replaced by another dispenser at the same place if the dispenser has the same number of dispensing hoses and dispenses the same number of products.

In addition, clearances must be increased, if necessary, so that any vehicle to be fuelled from that dispenser is completely within the property lines of the place where the dispenser is located.

228. A motor fuel dispenser installed after 31 March 2007 must satisfy the requirements of section 8.147 of the Construction Code.

Despite section 227, a motor fuel dispenser installed inside a building before 1 April 2007 must meet the following conditions:

(1) the dispensing area must have a continuous mechanical ventilation system electrically connected to the dispenser in such manner that the dispenser may only operate while the ventilation is operating at full capacity; and

(2) the dispensing area must be protected by an automatic dry-chemical fire extinguishing system.

229. Every submersible pump in a motor fuel dispensing outlet and every tank situated at a level higher than the base of a motor fuel dispenser must have a fusible safety valve set not higher than 70° C firmly attached to the island.

The shear point of the valve must be situated in the zone extending from 25 mm below the base of the dispenser to 13 mm above the base.

230. If a motor fuel dispenser pump is not installed inside the dispenser, the pump must have a leak detection device.

The operation of the device must be inspected annually according to the method recommended by the manufacturer.

231. Every pit for a submersible pump or the piping of a submersible pump installed in a motor fuel dispensing outlet after 30 April 1999 must be enclosed in a liquid-tight casing resistant to petroleum products.

The casing must be covered, located and serviced in such manner as to prevent external loads being transmitted to the pump, tank or piping.

The pit must be large enough to enable the pump to be inspected and serviced.

232. The owner of a motor fuel dispensing outlet must ensure that the person fuelling a vehicle activates the dispensing nozzle manually.

A dispensing nozzle with a latch-open device may not be used in a self-serve facility, an airport outlet or a marina outlet.

233. Every hose to be used for dispensing a Class 1 or Class 2 petroleum product must meet the requirements of CAN/ULC Standard S612-99 Hose for Flammable and Combustible Liquids, published by Underwriters' Laboratories of Canada, or be of a type used for aviation fuel, at an airport outlet.

§2. Service stations and service centres

234. A Class 1 petroleum product may be transferred inside a service area in a building that has a basement, a pit or other sunken area where flammable vapours may accumulate only if the areas have continuous mechanical ventilation.

235. The owner of a service station or service centre must ensure that no tank truck containing a Class 1 petroleum product or vapours of such product is parked inside a service area unless the vehicle is being serviced.

236. Petroleum equipment may be used in or near a building housing a service station or a service centre if

(1) the hazardous areas listed in Schedule II to Chapter VIII of the Construction Code are separated from any room housing a solid or liquid fuel or gas heating appliance by walls having a fire-resistance rating of at least one hour within the meaning of Chapter I of the Construction Code;

(2) the room containing such a heating appliance does not

(a) have an opening less than 2.5 m from the floor; and

(b) is not used to store a Class 1 or Class 2 petroleum product or as a service area for work on the fuel supply system of internal combustion engines or to dispense, transfer or handle Class 1 petroleum products; the bottom of the combustion chamber of the heating appliance must be at least 500 mm above the floor and the appliance must be protected from impact;

(3) the combustion air necessary for the appliance comes from outside the building;

(4) the return air intake of a forced-air heating appliance is at least 1.25 m from the floor if it is located in a room listed as a hazardous area in Schedule II to Chapter VIII of the Construction Code; and

(5) the burner and the combustion chamber of the equipment are at least 2.5 m from the floor in any area where Class 1 petroleum products are dispensed, transferred or handled.

§3. Self-serve facilities

237. In addition to the provisions of this subdivision, the owner must comply with sections 8.159 to 8.164 of the Construction Code.

238. Every motor fuel dispenser used at a self-serve facility must have a remote on and off control of a console type located inside a building.

The control must be in the off position at all times except when the dispensing nozzle is used for dispensing motor fuel.

239. No sign may indicate to a self-serve facility customer using a motor fuel dispenser after 28 September 2007 that the customer must reduce the flow after the automatic triggering of the dispensing nozzle.

240. The owner must ensure that

(1) the attendant need not control more than one console;

(2) the attendant has direct access at all times from the work station to the motor fuel dispenser console;

(3) the attendant carrying on duties unrelated to the sale of petroleum products does not move away from the console; and

(4) the provisions of sections 154, 159 to 161, 224 and subparagraph 1 of the first paragraph of section 8.153 of the Construction Code are complied with.

241. In the event of a spill or a fire, the owner must ensure that the attendant uses the emergency master control to shut off all dispensers until the danger of fire has passed or the fire is under control.

§4. Unattended self-serve facilities

242. In addition to the provisions of this subdivision, the owner must comply with sections 8.165 to 8.168 of the Construction Code.

243. The owner must ensure that motor fuel being dispensed in an unattended self-serve facility is reserved for commercial vehicles and is dispensed only by a customer or the attendant authorized for that purpose in writing by the owner.

When motor fuel is being dispensed, the requirements of sections 154, 159 to 161, 224 and subparagraph 1 of the first paragraph of section 8.153 of the Construction Code must be met.

244. Two dry-chemical extinguishers each having a rating of 20-B,C and an accessible emergency control able to shut off pump operation must be located at a distance of not more than 18 m from an unattended self-serve motor fuel dispenser.

§5. Marina outlets

245. In addition to the provisions of this subdivision, the owner must comply with sections 8.170, 8.172, 8.175 and 8.177 of the Construction Code.

246. Every petroleum product piping installed on a dock, wharf, pier or pontoon must be protected, where applicable, from impact such as impact from a water craft or seaplane.

247. Every motor fuel dispenser used at a marina outlet must have a safety valve that meets the requirements of section 229.

248. Every tank for storing petroleum products exposed to ground water or to flood conditions must be anchored to prevent displacement.

249. Every aboveground tank for storing motor fuel must be surrounded by a dike or have a diked area or double wall and a fence if the tank is used for commercial purposes.

In addition, the dike, diked area, double wall and fence must meet the requirements of paragraph 1 of section 8.61, paragraphs 1, 2 and 4 of section 8.62 and paragraphs 1 and 2 of section 8.217 of the Construction Code and the requirements of sections 190, 191 and the first paragraph of section 192 of this Chapter.

§6. Airport outlets

250. In addition to the provisions of this subdivision, the owner must comply with paragraphs 4 and 5 of section 8.178, sections 8.179, 8.180, 8.182 to 8.185 and 8.187 to 8.189 of the Construction Code.

251. Every airport outlet tank for storing aviation fuel installed after 11 July 1991 must meet the following requirements:

(1) have a manhole;

(2) if the tank is fibreglass, all its metallic components must be bonded; and

(3) have at least a 1% slope.

252. The owner must ensure that fuelling and motor fuel controls meet the requirements of CAN/CSA Standard B836-2005 Storage, Handling and Dispensing of Aviation Fuel at Aerodromes, published by the Canadian Standards Association.

253. Every facility for dispensing aviation fuel must have a ground.

254. The owner of high-risk petroleum equipment must visually inspect the piping each month and conduct an annual hydrostatic test at a minimum pressure of one and one half times the normal operating pressure on the piping used for transferring aviation fuel.

255. The requirements of sections 8.170, 8.172, 8.175 and 8.177 of the Construction Code and the requirements of section 227 with respect to the distance between a fuel dispenser and a dock, wharf, pier or pontoon or approach thereto, and section 247 of this Chapter also apply to an airport outlet from which a plane is fuelled on a body of water.

§7. User outlets

256. In addition to section 257, the owner must comply with section 8.191 of the Construction Code.

257. If a motor fuel dispenser is left unattended, a control located inside the building or kept outdoors under key must prevent the dispenser from operating.

DIVISION X
PROVISIONS APPLICABLE TO BULK PLANTS

§1. General

258. In addition to the provisions of this subdivision, the owner must comply with sections 8.192 to 8.194 of the Construction Code.

259. The owner must post a conspicuous sign at the main gate indicating the owner's name, address and telephone number or that of the owner's authorized agent.

260. The telephone numbers of the police, fire department and ambulance services must be posted by the owner in a conspicuous manner in the main building of a bulk plant.

261. Notices indicating where the emergency controls are located and giving instructions in the handling of the firefighting equipment must be posted by the owner in a conspicuous manner on loading ramps and near emergency controls.

§2. Loading and unloading installations

262. In addition to the provisions of this subdivision, the owner must comply with sections 8.195, 8.198 to 8.202 and 8.204 of the Construction Code.

263. No combustible material may be placed at a distance of less than 5 m from a loading or unloading facility or from filling or gauging pipes.

264. Every hose used for dispensing a petroleum product in a container of not more than 225 L designed to be moved must have a dispensing nozzle of non-magnetic material provided with a manual trigger and an automatic shut-off.

The trigger must be kept open manually when in use.

265. Every installation used for loading and unloading must have a ground, an electric conductor and a clip making it possible to ground the cargo tank.

In the case of a key-operated bulk plant, an installation erected after 19 May 1984 must permit the flow of petroleum products only if the grounding has been effected.

266. Every installation used for filling a tank truck or a tank car by bottom loading must meet the requirements of section 8.206 of the Construction Code and the presettable meter of the installation must be used during such loading.

267. The portion of the loading and unloading zones of a bulk plant laid out for the parking of a cargo tank during loading or unloading must,

(1) in the case of Class 1 or Class 2 petroleum products, have a collection system for collecting those products; the system must consist of a concrete apron, an oil separator and a drain connecting the apron and the separator; or

(2) in the case of Class 3 petroleum products or Class 1, Class 2 or Class 3 petroleum products in bulk plants located north of the 53rd parallel and bulk plants located in a designated location, be liquid-tight and laid out in such manner that a spilled product remains confined.

268. Loading and unloading zones built after 19 May 1984 for tank cars must be liquid-tight and laid out in such manner that a spilled product remains confined.

§3. Pumping

269. In addition to section 270, the owner must comply with sections 8.209 to 8.216 of the Construction Code.

270. An internal combustion engine may not be used to operate a pump at a bulk plant.

§4. Fencing

271. In addition to section 272, the owner must comply with section 8.217 of the Construction Code.

272. The areas around the gate of a bulk plant must be kept free of obstacles.

§5. Safety of operations

273. The owner of a bulk plant must ensure that

(1) the receiving tank of the installation is designed to hold the volume intended for it;

(2) the grounding device of the tank is connected to the cargo tank before a petroleum product is transferred into an aboveground tank; and

(3) the ventilation of the tank is satisfactory and that there is no leak in the supply line during the transfer of a petroleum product.

274. A petroleum product must be removed from a bulk plant tank in such manner that internal tank pressure is not increased.

275. The owner of a bulk plant must ensure that no petroleum product is transferred into the cargo tank of a vehicle while its engine is running.

276. The owner of a bulk plant must have in accessible places at least two fire extinguishers in proper working order, each having a capacity equivalent to 20-B,C.

277. If a bulk plant is not under the supervision of the owner during normal operating hours, all loading and unloading valves, water drain valves, fill pipes, pump controls and gates must be locked, except electric remote-control valves.

Outside normal operating hours, shut-off valves in the proximity of aboveground tanks must also be closed and locked.

278. A key-operated installation for loading tank trucks or tank cars supplied by the aboveground tank at a bulk plant must have a remote-control shut-off valve that opens only when the motor of the loading pump is operating.

The valve must be located at the outlet of the tank in such manner as to meet the requirements of section 277 if the bulk plant is not under the continuous supervision of the owner.

279. The owner of high-risk petroleum equipment must provide each attendant at a bulk plant with instructions for operating the bulk plant under normal and emergency conditions.

In the case of a bulk plant that has key-operated dispensing or loading devices, the owner must also provide the instructions to each person having a key.

In addition, the instructions must be posted in the main building of the bulk plant.

280. The owner of high-risk petroleum equipment must inform attendants at each shift change of any tests to be carried out.

A list of the tests must also be posted on the site.

281. A motor fuel tank may fuel the engine of a vehicle inside a bulk plant only if the vehicle is used in the operation of the plant.

282. No product other than a petroleum product or a petroleum product additive may be transferred at a loading ramp for petroleum products.

DIVISION XI
OFFENCES

283. Every contravention of any of the provisions of this Chapter, except section 130, constitutes an offence.".

2. This Regulation comes into force on 1 April 2007.

SCHEDULE I
(s. 215)

EVALUATION OF UNPROTECTED STEEL TANK CONDITION

1. The soil aggressiveness value (S.A.V.) is determined according to the method of the Petroleum Association for Conservation of the Canadian Environment.

2. The tank/soil index (T/S) is determined by multiplying the soil aggressiveness value by the age of the tank. T/S = (S.A.V. x AGE).

3. On the basis of the values obtained, the requirements to be met are as follows (see Graph):

Zone 1

The tank may be protected against corrosion according to RP0 Standard 169-2002 Control of External Corrosion on Underground or Submerged Metallic Piping Systems or RP0 Standard 285-2002 Corrosion Control of Undergound Storage Tank System by Cathodic Protection, published by NACE International;

Zone 2

The tank must be replaced before the tank reaches 25 years after its installation;

Zone 3

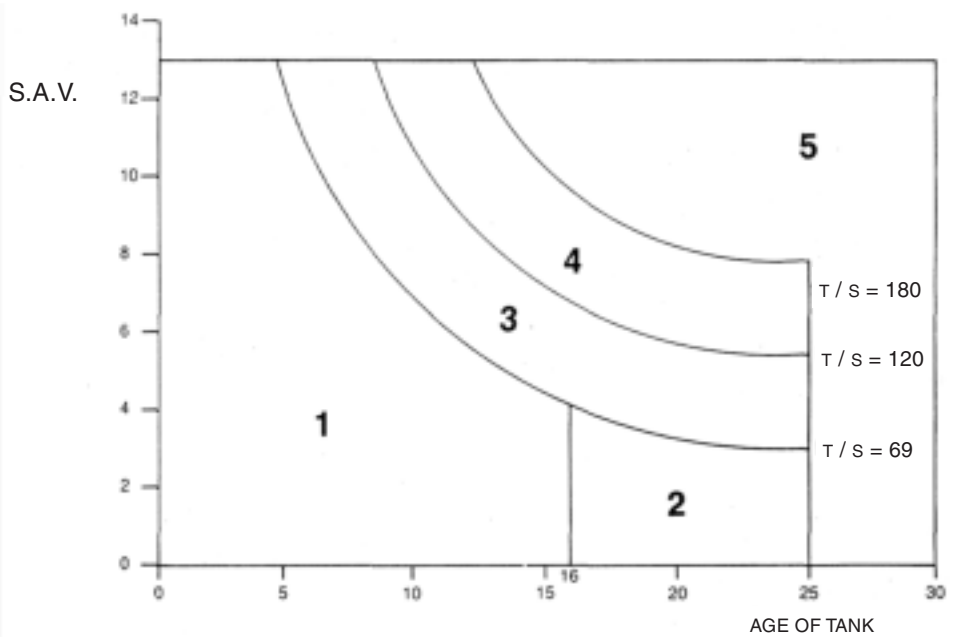
The tank must be replaced before the tank reaches 25 years after its installation and subject to a leak detection test in accordance with the second paragraph of section 8.130 of the Construction Code within 12 months as of the year of assessment of its condition and every five years afterward;

Zone 4

The tank must be replaced before obtaining a T/S of 180 or before the tank reaches 25 years after its installation and subject to a leak detection test in accordance with the second paragraph of section 8.130 of the Construction Code every year;

Zone 5

The tank must be replaced immediately.



8059

Gouvernement du Québec

O.C. 222-2007, 21 February 2007

Building Act
(R.S.Q., c. B-1.1; 2005, c. 10)

Regulation
— Amendments

Regulation to amend the Regulation respecting the application of the Building Act

WHEREAS, under section 4.1 and subparagraph 1 of the first paragraph of section 182 of the Building Act (R.S.Q., c. B-1.1), amended respectively by sections 27 and 61 of chapter 10 of the Statutes of 2005, the Government may, by regulation, exempt from the application, in whole or in part of the Act, categories of contractors, owner-builders, owners of petroleum equipment installations and categories of installations and equipment;

WHEREAS, under section 80 of the Act to amend the Act respecting petroleum products and equipment, the Building Act and other legislative provisions (2005, c. 10), the private inspection programs approved under section 57 of the Act respecting petroleum products and equipment (R.S.Q., c. P-29.1) remain valid until the approval expires and the holder of an approval may also be exempted from furnishing the certificates of conformity required under section 35 of the Building Act, as determined by the Government under section 182 of the Act;

WHEREAS, under subparagraph 3 of the first paragraph of section 182 of the Act, the Government may, by regulation, determine the extent to which the Government, its departments and agencies that are mandataries of the State are bound by the Act;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Regulation respecting the

application of the Building Act was published in Part 2 of the *Gazette officielle du Québec* of 13 December 2006 with a notice that it could be made by the Government, with or without amendment, on the expiry of 45 days following that publication;

WHEREAS comments received have been examined;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Labour:

THAT the Regulation to amend the Regulation respecting the application of the Building Act, attached hereto, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the application of the Building Act *

Building Act
(R.S.Q., c. B-1.1, ss. 4.1, 182, 1st par., subpars. 1 and 3, and s. 192; 2005, c. 10, ss. 27, 61 and 80)

1. The Regulation respecting the application of the Building Act is amended by replacing "or on an installation designed to use or to distribute gas" in the second paragraph of section 1 by ", an installation designed to use or distribute gas or a petroleum equipment installation".

2. The Regulation is amended by inserting the following after section 1:

"**1.1.** Subject to section 49 of the Act, amended by section 44 of chapter 10 of the Statutes of 2005, a contractor and an owner-builder are exempt from the application of Chapter IV of the Act as regards the requirement to hold a "4515 petroleum equipment installation contractor" licence in the subcategory of the category of specialized contractor and in the subcategory of the category of owner-builder referred to in Schedule B to the Regulation respecting the professional qualification of building contractors and owner-builders approved by Order in Council 876-92 dated 10 June 1992 where

(1) the planned construction work involves the installation of an aboveground tank outside the building, if the tank is not connected by piping to an apparatus designed to use, dispense or transfer a petroleum product or to another tank, and the tank's capacity is

(a) less than 2500 L for a tank that is to contain gasoline, fuel ethanol or aviation fuel; or

(b) less than 5000 L for a tank that is to contain diesel fuel, biodiesel fuel or fuel oil;

(2) the planned construction work involves the installation or removal of an aboveground petroleum equipment installation outside a building when the installation was manufactured and a tank was connected by piping, during the manufacturing, to an apparatus designed to use, dispense or transfer a petroleum product, and the tank's capacity is

(a) less than 2500 L for a tank that is to contain gasoline, fuel ethanol or aviation fuel; or

(b) less than 5000 L for a tank that is to contain diesel fuel, biodiesel fuel or fuel oil; or

(3) the planned construction work involves the installation, maintenance, repair or alteration of an apparatus that is part of a petroleum equipment installation.".

3. The Regulation is amended by inserting the following after section 3.3.0.1:

"**DIVISION I.2**
EXEMPTION FROM THE APPLICATION OF SECTION 35 OF THE BUILDING ACT

3.3.0.2. The owner of a petroleum equipment installation that includes high-risk petroleum equipment is exempted from furnishing the certificate of conformity required under section 35 of the Building Act if the owner holds an approval referred to in section 80 of the Act to amend the Act respecting petroleum products and equipment, the Building Act and other legislative provisions (2005, c. 10).".

4. The Regulation is amended by inserting the following after section 3.3.5:

* The Regulation respecting the application of the Building Act, made by Order in Council 375-95 dated 22 March 1995 (1995, *G.O.* 2, 1100), was last amended by the regulation made by Order in Council 676-2006 dated 28 June 2006 (2006, *G.O.* 2, 1919A). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2006, updated to 1 September 2006.

"**DIVISION II.3**
EXEMPTION FROM THE APPLICATION OF CHAPTER VIII OF THE CONSTRUCTION CODE AND CHAPTER VI OF THE SAFETY CODE

3.3.6. The following are exempt from the application of Chapter VIII of the Construction Code and Chapter VI of the Safety Code:

(1) any apparatus that uses a petroleum product in a petroleum equipment installation and that is to be connected by piping to a tank designed to hold such a product; and

(2) any petroleum equipment or petroleum equipment installation manufactured and designed to use a petroleum product.".

5. Section 3.5 is amended by inserting ", their petroleum equipment installations" after "gas".

6. Section 3.6 is amended by inserting ", their petroleum equipment installations" after "electrical installations".

7. This Regulation comes into force on 1 April 2007.

8058

M.O., 2007

Order of the Minister of Sustainable Development, Environment and Parks dated 20 February 2007

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

Assignment of a temporary protection status as a proposed biodiversity reserve to a portion of the territory of the former Seigneurie du Triton

WHEREAS, under the first paragraph of section 27 of the Natural Heritage Conservation Act (R.S.Q., c. C-61.01), for the purpose of protecting land to be established as a new protected area, the Minister of Sustainable Development, Environment and Parks may, with the approval of the Government, prepare the plan of that area, establish a conservation plan and assign temporary protection status to the area as a proposed aquatic reserve, biodiversity reserve, ecological reserve or man-made landscape;

WHEREAS, under section 28 of the Act, the setting aside of land under the first paragraph of section 27 is valid for a period of not more than four years, subject to subsequent renewals or extensions that may not, unless authorized by the Government, be such that the term of the setting aside exceeds six years;

CONSIDERING that, in view of the ecological value of the areas, the Minister of Sustainable Development, Environment and Parks has been authorized by the Government to assign temporary protection status as a proposed biodiversity reserve to that portion of the territory, and that the plan and the proposed conservation plan for the area have been approved, as provided in Order in Council 130-2007 dated 14 February 2007;

THEREFORE, the Minister of Sustainable Development, Environment and Parks orders as follows:

(1) proposed biodiversity reserve status is assigned to the proposed Seigneurie-du-Triton biodiversity reserve, the plan and conservation plan for the area for the term of the assigned temporary protection being those approved by the Government;

(2) the status is assigned for a term of four years commencing on the date on which the notice of the setting aside of the land is published in the *Gazette officielle du Québec*.

Québec, 20 February 2007

CLAUDE BÉCHARD,
Minister of Sustainable Development, Environment and Parks

8040

M.O., 2007

Order of the Minister of Sustainable Development, Environment and Parks dated 20 February 2007

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

Assignment of temporary protection status as proposed biodiversity reserves to certain lands of the domain of the State

WHEREAS, under the first paragraph of section 27 of the Natural Heritage Conservation Act (R.S.Q., c. C-61.01), for the purpose of protecting land to be established as a new protected area, the Minister of Sustainable Development, Environment and Parks shall, with the approval of the Government, prepare the plan of that area, establish a conservation plan and assign temporary protection

status to the area as a proposed aquatic reserve, biodiversity reserve, ecological reserve or man-made landscape;

WHEREAS, under section 28 of the Act, the setting aside of land under the first paragraph of section 27 is valid for a period of not more than four years, subject to subsequent renewals or extensions that may not, unless authorized by the Government, be such that the term of the setting aside exceeds six years;

CONSIDERING that, in view of the ecological value of the areas, the Minister of Sustainable Development, Environment and Parks has been authorized by the Government to assign temporary protection status as proposed biodiversity reserves to the five areas appearing in the Schedule, and that the plan and the proposed conservation plan for each area have been approved, as provided in Order in Council 81-2007 dated 6 February 2007;

THEREFORE, the Minister of Sustainable Development, Environment and Parks orders as follows:

(1) proposed biodiversity reserve status is assigned to the five areas appearing in the Schedule, the plan and conservation plan for each area for the term of the assigned temporary protection being those approved by the Government;

(2) the status is assigned for a term of four years commencing for each area on the date on which the notice of the setting aside of the land is published in the *Gazette officielle du Québec*.

Québec, 20 February 2007

CLAUDE BÉCHARD,
Minister of Sustainable Development, Environment and Parks

SCHEDULE
PROPOSED BIODIVERSITY RESERVES

Proposed Anneaux-Forestiers biodiversity reserve

Proposed Esker-Mistaouac biodiversity reserve

Proposed Dunes-de-la-Rivière-Attic biodiversity reserve

Proposed Plateau-du-Lac-des-Huit-Chutes biodiversity reserve

Proposed Albanel-Témiscamie-Otish biodiversity reserve

8039

M.O., 2007

Order of the Minister of Sustainable Development, Environment and Parks dated 20 February 2007

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

Assignment of temporary protection status as the proposed Opémican biodiversity reserve to a portion of the territory of Municipalité régionale de comté de Témiscamingue

WHEREAS, under the first paragraph of section 27 of the Natural Heritage Conservation Act (R.S.Q., c. C-61.01), for the purpose of protecting land to be established as a new protected area, the Minister of Sustainable Development, Environment and Parks may, with the approval of the Government, prepare the plan of that area, establish a conservation plan and assign temporary protection status to the area as a proposed aquatic reserve, biodiversity reserve, ecological reserve or man-made landscape;

WHEREAS, under section 28 of the Act, the setting aside of land under the first paragraph of section 27 is valid for a period of not more than four years, subject to subsequent renewals or extensions that may not, unless authorized by the Government, be such that the term of the setting aside exceeds six years;

CONSIDERING that, in view of the ecological value of the areas, the Minister of Sustainable Development, Environment and Parks has been authorized by the Government to assign temporary protection status as a proposed biodiversity reserve to the portion of the territory of Municipalité régionale de comté de Témiscamingue, and that the plan and the proposed conservation plan for the area have been approved, as provided in Order in Council 134-2007 dated 14 February 2007;

THEREFORE, the Minister of Sustainable Development, Environment and Parks orders as follows:

(1) proposed biodiversity reserve status is assigned to the proposed Opémican biodiversity reserve, the plan and conservation plan for the area for the term of the assigned temporary protection being those approved by the Government;

(2) the status is assigned for a term of four years commencing on the date on which the notice of the setting aside of the land is published in the *Gazette officielle du Québec*.

Québec, 20 February 2007

CLAUDE BÉCHARD,
Minister of Sustainable Development, Environment and Parks

8042

Notice

An Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., c. A-2.1)

Commission d'accès à l'information — Code of ethics of the members

Please take note that under section 110.1 of the Act respecting Access to documents held by public bodies and the Protection of personal information, la Commission d'accès à l'information adopted the Code of ethics of the members of the Commission d'accès à l'information at its meeting held on 14 December 2006.

JACQUES SAINT-LAURENT,
Chair

Code of ethics of the members of the Commission d'accès à l'information

An Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., c. A-2.1, ss. 110.1 and 112)

DIVISION I
GENERAL

1. Members must abide by the rules of ethics set out in the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., c. A-2.1) and in this Code.

DIVISION II
PERFORMANCE OF THE DUTIES OF OFFICE

2. Members must perform their duties of office with care, dignity and integrity.

3. Members must perform their duties with complete independence, free of any interference.

4. Members must be overtly objective and impartial.

5. Members must act in a respectful and courteous manner towards the persons appearing before them, while exercising the authority required for the proper conduct of the hearing.

6. Members must uphold the integrity of the Commission and defend its independence, in the best interest of justice.

7. Members must perform their duties of office conscientiously and diligently.

8. Members must respect the secrecy of deliberation.

9. Members are bound to confidentiality regarding any information they obtain and to discretion regarding any matter brought to their knowledge in the performance of their duties.

10. Members must take the measures required to maintain and improve the knowledge and skills necessary to the performance of their duties.

DIVISION III
GENERAL DUTIES OF MEMBERS

11. Members must refrain from engaging in any activity or placing themselves in any situation which could affect the dignity of their office or discredit the Commission.

12. Members must act with reserve and prudence in public.

13. Members must be politically neutral and not engage in any partisan political activity that is incompatible with the duties of their office.

14. Members must disclose to the Chair of the Commission any direct or indirect interest they have in any enterprise that could cause a conflict between personal interest and the duties of their office.

15. Members may exercise functions within non-profit organizations, but not for reward, insofar as the functions do not compromise their impartiality or the effective performance of their duties.

16. The following are incompatible with the office of member:

(1) soliciting or collecting donations, except in the case of limited community, school, religious or family activities that do not compromise the other duties imposed by this Code;

(2) associating the status of member of the Commission with the activities referred to in paragraph 1; and

(3) participating in organizations likely to be involved in a matter before the Commission.

Adopted on 14 December 2006

8038

M.O., 2007

Order of the Minister of Sustainable Development, Environment and Parks dated 20 February 2007

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

Extension of temporary protection status for three areas as proposed aquatic reserves and for sixteen areas as proposed biodiversity reserves

WHEREAS, in accordance with the provisions of the Natural Heritage Conservation Act (R.S.Q., c. C-61.01), and as provided in the Minister's Order dated 18 March 2003 (2003, *G.O*. 2, 1404), the following land was set aside for a term of four years beginning on 7 May 2003:

Proposed aquatic reserves:

— Ashuapmushuan river
— North Harricana river
— Moisie river

Proposed biodiversity reserves:

— Boatswain bay
— Muskuuchii hills
— Pasteur lake
— Sabourin lake
— Ministikawatin peninsula
— Missisicabi plain

WHEREAS, under section 90 of the Act, the following land is deemed to have been set aside as proposed biodiversity reserves in accordance with Title III of the Act for a term of four years beginning on 19 June 2003:

Proposed biodiversity reserves:

— Guernesé lake foothills
— Lac aux Sauterelles knolls
— Brador hills
— Harrington Harbour shore
— René-Levasseur island
— Bright Sand lake
— Gensart lake
— Belmont and Magpie lakes massif
— Monts Groulx
— Natashquan river valley

WHEREAS an additional term of four years is necessary to complete the various steps necessary for the granting of permanent protection status to all or part of the land concerned;

WHEREAS, under section 28 of the Natural Heritage Conservation Act, the renewal or extension of the setting aside of land under section 27 of the Act may not, unless authorized by the Government, be such that the term of the setting aside exceeds six years;

WHEREAS such an authorization was given, the Government having authorized the Minister of Sustainable Development, Environment and Parks to extend the setting aside of land for an additional term of four years, as provided in Order in Council 132-2007 dated 14 February 2007;

THEREFORE, the Minister of Sustainable Development, Environment and Parks orders as follows:

the setting aside of the following land is hereby extended for a term of four years beginning on 7 May 2007:

Proposed aquatic reserves:

— Ashuapmushuan river
— North Harricana river
— Moisie river

Proposed biodiversity reserves:

— Boatswain bay
— Muskuuchii hills
— Pasteur lake
— Sabourin lake
— Ministikawatin peninsula
— Missisicabi plain

the setting aside of the following land is hereby extended for a term of four years beginning on 19 June 2007:

Proposed biodiversity reserves:

— Guernesé lake foothills
— Lac aux Sauterelles knolls
— Brador hills
— Harrington Harbour shore

— René-Levasseur island
— Bright Sand lake
— Gensart lake
— Belmont and Magpie lakes massif
— Monts Groulx
— Natashquan river valley

Québec, 20 February 2007

CLAUDE BÉCHARD,
Minister of Sustainable Development, Environment and Parks

8041

Draft Regulations

Draft Regulation

Professional Code
(R.S.Q., c. C-26; 2006, c. 20)

Dispensing opticians
— Equivalence standards

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 equivalence standards for the issue of permits by the Ordre des opticiens d'ordonnances, made by the Bureau of the Ordre des opticiens d'ordonnances, may be submitted to the Government which may approve it, with or without amendment, on the expiry of 45 days following this publication.

The purpose of the Regulation that replaces the Regulation currently in force is to update the diploma equivalence standards according to the training program offered by the two institutions authorized to provide the program of contact lens techniques. The Regulation also establishes training equivalence standards. An additional purpose is to modify the procedure for recognizing an equivalence so that a decision may be the subject of a review by persons other than those who made it.

The Order advises that the Regulation has no impact on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Gilles Nolet, Director of professional services and secretary of the Ordre des opticiens d'ordonnances du Québec, 630, rue Sherbrooke Ouest, bureau 601, Montréal (Québec) H3A 1E4; telephone: 514 288-7542; toll free: 1 800 563-6345; fax: 514 288-5982.

Any person having comments to make is asked to send them in writing, before the expiry of the 45-day period, to the Chair of the Office des professions du Québec, 800, place D'Youville, 10e étage, Québec (Québec) G1R 5Z3. The comments will be forwarded by the Office to the Minister responsible for the administration of legislation respecting the professions; they may also be sent to the professional order that made the Regulation and to the persons, departments and other bodies concerned.

GAÉTAN LEMOYNE,
Chair of the Office des professions du Québec

Regulation respecting equivalence standards for the issue of permits by the Ordre des opticiens d'ordonnances

Professional Code
(R.S.Q., c. C-26, s. 93, pars. *c* and *c*.1; 2006, c. 20, s. 4)

DIVISION I
GENERAL

1. This Regulation determines the diploma and training equivalence standards for the issue of permits by the Ordre des opticiens d'ordonnances.

2. In this Regulation,

"diploma equivalence" means recognition, in accordance with subparagraph *g* of the first paragraph of section 86 of the Professional Code (R.S.Q., c. C-26), that a diploma awarded by an educational institution outside Québec certifies that the candidate's level of knowledge and skills is equivalent to the level attained by the holder of a diploma recognized by the Government as giving access to the permit; and

"training equivalence" means recognition, in accordance with subparagraph *g* of the first paragraph of section 86 of the Code, that a candidate's training has enabled the candidate to attain a level of knowledge and skills equivalent to the level attained by the holder of a diploma recognized by the Government that gives access to the permit.

DIVISION II
DIPLOMA EQUIVALENCE STANDARDS

3. A candidate who holds a diploma granted by an educational institution outside Québec is granted a diploma equivalence if the diploma was obtained upon completion of studies at a level equivalent to college level comprising a minimum of 2,670 hours, including 2,010 hours of training specific to optics and are apportioned as follows:

(1) a minimum of 192 hours in the principles of optics and chemical phenomena in the field of ophthalmics;

(2) a minimum of 216 hours in ocular anatomy, physiology and pathology, including prevention and antimicrobial control;

(3) a minimum of 412 hours in the characteristics of lenses for eyeglasses, the selection of lenses for eyeglasses and frames, the manufacturing and repair of eyeglasses, and the delivery and adjustment of eyeglasses;

(4) a minimum of 225 hours in the characteristics, fitting and adjustment of contact lenses, and after-sale follow-up;

(5) a minimum of 84 hours in communications and sales psychology and communication with clients and professional resources in the field of eye and vision care;

(6) a minimum of 48 hours in the use and application of sales and business management techniques;

(7) a minimum of 72 hours in vision evaluation and assessment techniques;

(8) a minimum of 24 hours in the application of laws and regulations pertaining to the professional practice; and

(9) a minimum of 280 hours of clinical training in the field of eye and vision care.

4. Despite section 3, if the diploma for which an equivalence application is made was obtained more than five years before the application and, considering the developments in the profession, the knowledge and skills certified by the diploma no longer correspond to the knowledge and skills at the time of the application in the program of studies leading to a diploma recognized by the Government as giving access to a permit, the candidate is granted a training equivalence pursuant to section 5 if the candidate has attained the required level of knowledge and skills since obtaining his or her diploma.

DIVISION III
TRAINING EQUIVALENCE STANDARDS

5. A candidate is granted a training equivalence if the candidate demonstrates having a level of knowledge and skills equivalent to the level attained by the holder of a diploma recognized by the Government as giving access to a permit.

6. In assessing the training equivalence of a candidate, the following factors are taken into particular account:

(1) the nature and duration of the candidate's work experience;

(2) the fact that the candidate holds one or more post-secondary diplomas awarded in Québec or elsewhere;

(3) the nature, content and duration of courses taken and the results obtained;

(4) training periods in the field of eye and vision care and other continuing training or upgrading activities; and

(5) the total number of years of schooling.

To complete the assessment of the level of knowledge and skills, the candidate may be required to come to an interview, to pass an examination or to complete a training period, or to satisfy any combination of those conditions.

DIVISION IV
DIPLOMA AND TRAINING EQUIVALENCE RECOGNITION PROCEDURE

7. A candidate wishing to have a diploma or training equivalence recognized must

(1) provide a written application to the secretary of the Order together with the application examination fees prescribed by the Bureau of the Order under paragraph 8 of section 86.0.1 of the Professional Code;

(2) provide, if applicable, to the secretary of the Order,

(a) the original or a certified true copy of any diploma obtained;

(b) the candidate's academic record, including the official transcript of the results obtained bearing the seal of the educational institution, or a certified true copy thereof, a description of courses taken and the number of credits or hours for each course;

(c) an attestation by the educational institution that issued the diploma certifying the candidate's successful completion of training periods;

(d) an attestation of the candidate's participation in continuing training or upgrading activities in the field of eye and vision care;

(e) an attestation and description of the candidate's work experience in the field of eye and vision care;

(f) a certified true copy of the candidate's birth certificate or, failing that, a certified true photocopy of the candidate's passport; and

(g) a recent passport-type photo.

Documents in a language other than French or English submitted in support of an application must be accompanied by a French or English translation certified by the translator.

8. The secretary must send the documents referred to in section 7 to a committee formed by the Bureau under paragraph 2 of section 86.0.1 of the Professional Code to study applications for a diploma or training equivalence and make an appropriate recommendation.

For the purposes of the first paragraph, the committee is to take all appropriate means and consult the provincial, national or international teaching network, the diplomatic network or any other appropriate body to obtain an opinion on the candidate's level of knowledge and skills.

9. At the first meeting following the date of receipt of the committee's recommendation, the Bureau must decide

(1) to recognize the diploma or training equivalence;

(2) to recognize the training equivalence in part; or

(3) to refuse to recognize the diploma or training equivalence.

Within 30 days of the decision, the Bureau must send the decision to the candidate in writing.

If the Bureau refuses to recognize the equivalence applied for or recognizes the training equivalence in part, it must, at the same time, inform the candidate in writing of the education programs, bridging programs, training periods or examinations that the candidate could successfully complete within the allotted time to enable the candidate to be granted the training equivalence.

10. A candidate who is informed of the Bureau's decision not to recognize the equivalence applied for or to recognize the equivalence in part may apply to the Bureau for a review, provided that the candidate applies to the secretary in writing within 30 days of receiving the decision and sends the fees determined in paragraph 8 of section 86.0.1 of the Professional Code. The secretary must forward the application to the committee formed by the Bureau under paragraph 2 of section 86.0.1 of the Professional Code to examine review applications for diploma or training equivalence. The committee is composed of persons who are not members of the Bureau or the committee referred to in section 8.

The committee must examine the application at a meeting within 60 days following the date of receipt of the application by the secretary and, before disposing of the application, allow the candidate to make submissions at the meeting.

A candidate who wishes to be present at the meeting to make submissions must notify the secretary at least five days before the date scheduled for the meeting. The candidate may, however, send written submissions to the secretary at any time before the date scheduled for the meeting.

The decision of the committee is final and must be sent to the candidate in writing by certified mail within 30 days following the date of the decision. The Bureau must also be informed of the committee's decision.

DIVISION V
FINAL

11. This Regulation replaces the Regulation respecting equivalence standards for diplomas of dispensing opticians made by a decision dated 9 February 1983 (1983, *G.O.* 2, 1702).

Despite the foregoing, a diploma equivalence application must be decided on the basis of the replaced Regulation if the committee referred to in section 8 of that Regulation has sent a recommendation to the Bureau in respect of the application before the date of coming into force of this Regulation.

12. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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Notices

Notice

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

Assignment of temporary protection status as a proposed biodiversity reserve

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 assigned, by Minister's Order dated 20 February 2007, temporary protection status as proposed Opémican biodiversity reserve to the area described in the Schedule for a term of four years commencing on the date of publication of this notice in the *Gazette officielle du Québec*;

(2) that the permanent protection status proposed for the area is that of national park, the granting of the permanent status being governed by the Parks Act (R.S.Q., c. P-9);

(3) a copy of the plan of the proposed Opémican biodiversity reserve may be obtained on payment of a fee by contacting Joanne Laberge, Direction du patrimoine écologique et des parcs, Ministère du Développement durable, de l'Environnement et des Parcs, 675, boulevard René-Lévesque Est, 4e étage, boîte 21, Québec (Québec) G1R 5V7; telephone: 418 521-3907, extension 4426; fax: 418 646-6169; e-mail: joanne.laberge@mddep.gouv.qc.ca

CLAUDE BÉCHARD,
Minister of Sustainable Development, Environment and Parks

SCHEDULE

Proposed biodiversity reserve

Proposed Opémican biodiversity reserve

Location: The proposed Opémican biodiversity reserve is located in the Abitibi-Témiscamingue administrative region, between 46°48' and 47°07' north latitude and 79°25' and 78°50' west longitude.

QUÉBEC STRATEGY FOR PROTECTED AREAS

Proposed Opémican biodiversity reserve

Conservation plan

February 2007

Québec

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 permanent protection status sought is to be that of "national park" under the Parks Act (R.S.Q., c. P-9).

The provisional name is "Réserve de biodiversité projetée d'Opémican". The official toponym will be determined at the time of 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 Opémican biodiversity reserve are shown on the map attached as a Schedule.

The proposed Opémican biodiversity reserve is located in the Abitibi-Témiscamingue administrative region, between 46°48' and 47°07' north latitude and 79°25' and 78°50' west longitude. It is located some 35 km to the south of Ville de Ville-Marie and 15 km to the north of Ville de Témiscaming.

The protected area is in Municipalité régionale de comté (MRC) de Témiscamingue, part within unorganized territory and part within Ville de Témiscaming.

The proposed Opémican biodiversity reserve covers a total area of 237.7 km^2 and is composed of five separate sectors. The reserve borders part of the shores of Témiscamingue and Kipawa lakes and contains a certain number of islands and one peninsula. Along the shores of Kipawa lake, the boundaries of the reserve are at an elevation of 270 m.

Within the proposed biodiversity reserve, the Kipawa river (at its natural high water mark), a portion of public road (40-metre right-of-way) and multi-purpose trail (20-metre right-of-way), a forest road having a 30-metre right-of-way (in the eastern portion of the Marsac lake sector), three surface material extraction sites (SMS 31M03-15, SMS 31L14-09 and SMS 31L14-26), one electric power transmission line (right-of-way of some 50 metres), power distribution lines and an area covered by a lease for sugar bush operations are excluded from the proposed biodiversity reserve.

2.2 Ecological overview

The proposed biodiversity reserve is in the Southern Laurentian natural province, in the Plateau de la Dumoine natural region.

The topography is that of a plateau, sloped from east to west, dissected by a network of valleys with a number of hills having an average elevation of some 360 m. The protected area rises gradually from Témiscamingue lake to Kipawa lake and beyond, from an elevation of 200 m to more than 300 m.

The proposed biodiversity reserve is almost entirely within the Grenville geologic province of the Canadian Shield. The northernmost portion of the protected area is marked by a major geologic boundary with the Superior geologic province called the "Grenville Front", and shows age and rock type differences. The geological base is almost wholly composed of metamorphic rocks, mainly Proterozoic gneiss interspersed with a few strips of paragneiss, schist and remnants of granitic intrusive rocks formed in the Archean era. In terms of its structural geology, the reactivation of old faults some 180 million years ago caused rock to fall in tiers on either side of a deeper trench that became the bed of Témiscamingue lake and the Outaouais river. Cliffs nearly 90 m high bordering Témiscamingue lake form the boundary in the northwestern portion of the proposed biodiversity reserve. The bed of the Kipawa river also follows a fault system.

The protected area is generally covered by glacial deposits (till) that are thick in the valleys and thin on the hills. Some veneer of ice-contact and glacio-lacustrine deposits are present at low elevations. Part of the McConnell lake moraine adjoins the central part of the area. Some portions of the shores of Témiscamingue lake are marked by old terraces of the proglacial Barlow-Ojibway lake that reached an elevation of some 250 m in the region.

The area constituting the proposed Opémican biodiversity reserve is in the Outaouais river watershed. It drains partly into Kipawa lake which itself drains into Témiscamingue lake, and directly into that latter lake. The Marsac lake subbasin covering more than 50% of the protected area is entirely within the proposed biodiversity reserve. The reserve also includes 165 km of the Kipawa lake shores, including the insular portions, and 23 km of the Témiscamingue lake shores, or more than 13% of the Québec side of the shores of the lake which borders Ontario. The lattice hydrographic network is influenced by the geological structure that channels the watercourses according to the fractures in the NW-SE and NE-SW directions, forming right angles in a number of locations.

Over 50 lakes and watercourses of all sizes are scattered throughout the protected area, the largest being Marsac lake with an area of 4.4 km^2. The major part of the Kipawa river is also included in the proposed biodiversity reserve.

The protected area is characterized by a subpolar and subhumid continental climate where the average annual daily temperature is 2.8°C. Rainfall is moderate with an annual average of 820 mm. The average annual insolation is 1,853 hours and the frost-free season is approximately 120 days.

The proposed Opémican biodiversity reserve is at the junction of the balsam fir-yellow birch and sugar maple-yellow birch bioclimatic domains. It has been partially or completely logged at numerous times so that a number of stands are varying stages of regeneration.

A preliminary analysis reveals the following features of interest:

— An excellent representation of white and red pine forests prevalent between Pointe Opémican and Kipawa lake in relation to a rocky ridge having a SW-NE orientation. The stands are of various ages and the regeneration being vigorous, the quality of the forest cover will be well re-established within a few years. Pine is also present along the shores of Témiscamingue lake where it dominates the cliffs;

— A concentration of stands associated with the sugar maple-yellow birch domain in the SE sector of Marsac lake. A complex mosaic of various stands composed of yellow birch or sugar maple on occasion associated with softwood is present. Eastern hemlock is widespread in the sector and its density is sufficient to form a small stand near Goguet bay;

— Marshes and swamps are well developed. The plant communities are particularly interesting because of their prevalence along the Marsac stream and at the head of the numerous deep bays that characterize the shores of Kipawa lake and its islands. The head of Deschênes bay and the entire depressed sector linking it to Des Aigles and Croche lakes is covered by a coniferous cedar forest. It is the only large area covered by this type of stand within the protected area;

— There is a strong likelihood that rare plants associated with the presence of remnants of sedimentary rock on the shores of Témiscamingue lake may be discovered.

The proposed Opémican biodiversity reserve includes a heronry on an island in Kipawa lake. The last inventory in 2002 showed nineteen active nest sites. A peregrine falcon active nest site is also located on the cliffs of Témiscamingue lake.

There are four recognized archaeological sites in the protected area. In 1983, the Pointe Opémican site received historic site classification as a shipyard active in the 19th and 20th centuries under the official name "Poste de relais pour le flottage du bois d'Opémican". The hub of wood transportation on Témiscamingue lake, Pointe Opémican was used early by the many travelers and settlers to the region as a place to stay, replenish supplies or stop over. The oldest of the site's existing buildings was used as an inn as early as 1883.

2.3 Occupation and land uses

Thirteen rights for vacation resort purposes and 39 rough shelter leases have been granted within the proposed biodiversity reserve. One lease for commercial accommodation units has been granted for an outfitting operation without exclusive rights, as has a lease for viewpoint purposes. A right of way for a hiking trail and two rights of way for Hydro-Québec's KPW224 and LRV238 power distribution lines are present in the territory.

The proposed biodiversity reserve also includes a private island in Marsac lake, part (10.8 ha) of a private lot and Opémican regional park with a private portion belonging to Corporation Opémican.

The proposed biodiversity reserve has two trapping and three Native camps. It partially straddles twelve registered traplines, four of which are vacant.

Some 160 km of unpaved forest roads of all categories are present in the proposed biodiversity reserve. Hunters and fishers have access to the area.

3. Activities framework

Activities carried on within the proposed Opémican biodiversity reserve are governed by the provisions of the Natural Heritage Conservation Act (R.S.Q., c. C-61.01).

This conservation plan does not prohibit activities in addition to the activities already prohibited in proposed biodiversity reserves under the Act. It also does not authorize activities or add restrictions to activities permitted under the Act.

3.1 Prohibited activities

As provided in the Natural Heritage Conservation Act, the main activities prohibited in an area to which status as a proposed biodiversity reserve has been assigned are

— mining, and gas or petroleum development;

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

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

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

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

— earthwork or construction work.

3.2 Activities governed by other statutes

Certain activities likely to be carried on within the proposed biodiversity reserve are also governed by other legislative and regulatory provisions, including provisions that require the issue of a permit or authorization or the payment of fees. Certain activities may also be prohibited or limited by other Acts or regulations that are applicable within the proposed biodiversity reserve.

A special legal framework may govern permitted and prohibited activities within the proposed biodiversity 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 conservation and management of the proposed Opémican biodiversity reserve and is therefore responsible for supervising and monitoring the activities allowed in the reserve. The Minister in the management of the reserve works collaboratively with other government representatives having specific responsibilities in or adjacent to the reserve, 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 OPÉMICAN BIODIVERSITY RESERVE

Notice

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

Assignment of temporary protection status as a proposed biodiversity reserve

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 assigned, by Minister's Order dated 20 February 2007, temporary protection status as proposed Seigneurie-du-Triton biodiversity reserve to the area described in the Schedule for a term of four years commencing on the date of publication of this notice in the *Gazette officielle du Québec*;

(2) that the permanent protection status proposed for the area is that of biodiversity reserve in continuation with the temporary status already assigned, the granting of the permanent status being governed by the Natural Heritage Conservation Act;

(3) a copy of the plan of the proposed Seigneurie-du-Triton biodiversity reserve may be obtained on payment of a fee by contacting Joanne Laberge, Direction du patrimoine écologique et des parcs, Ministère du Développement durable, de l'Environnement et des Parcs, 675, boulevard René-Lévesque Est, 4e étage, boîte 21, Québec (Québec) G1R 5V7; telephone: 418 521-3907, extension 4426; fax: 418 646-6169; e-mail: joanne.laberge@mddep.gouv.qc.ca

CLAUDE BÉCHARD,
Minister of Sustainable Development, Environment and Parks

SCHEDULE

Proposed biodiversity reserve

Proposed Seigneurie-du-Triton biodiversity reserve

Location: The proposed Seigneurie-du-Triton biodiversity reserve is located in part in the Mauricie administrative region and in part in the Capitale-Nationale administrative region, between 47°28' and 47°43' north latitude and 71°50' and 72°15' west longitude.

QUÉBEC STRATEGY FOR PROTECTED AREAS

Proposed Seigneurie-du-Triton biodiversity reserve

(provisional name)

Conservation plan

February 2007

Québec

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 provisional name is "Réserve de biodiversité projetée de la Seigneurie-du-Triton". The official toponym will be determined at the time of 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 Seigneurie-du-Triton biodiversity reserve are shown on the map attached as a Schedule.

The proposed Seigneurie-du-Triton biodiversity reserve is located in part in the territory of Ville de La Tuque in the Mauricie administrative region and in part in the unorganized territory of Lac-Croche, in Municipalité régionale de comté de La Jacques-Cartier, in the Capitale-Nationale administrative region. The proposed biodiversity reserve is located between 47°28' and 47°43' north latitude and 71°50' and 72°15' west longitude, some 45 km northeast of downtown La Tuque. It covers an area of 407.7 km^2.

A surface material extraction site (SMS-21M12-017), authorized by the Minister of Natural Resources and Wildlife and located east of the proposed biodiversity reserve, is excluded from the boundaries of the area.

2.2 Ecological overview

The proposed Seigneurie-du-Triton biodiversity reserve is in the Southern Laurentian natural province, in two natural regions. It lies mostly in the Jacques-Cartier Lake Highlands natural region in the Saint-Henri Lake Low Hills physiographic unit. The western portion of the proposed biodiversity reserve is located in the La Tuque Depression natural region in the Wayagamac Lake Low Hills physiographic unit.

The proposed biodiversity reserve is a complex of glacial low hills having an elevation between 340 m and 680 m. Deposits are mostly till, and rock outcrops are found on some steep summits and slopes. The small plains are composed of proglacial glaciofluvial sands. In the eastern portion, a few bogs are present in depressions.

The forest consisting of mixed stands (43%) and hardwood stands (39%) covers some 87% of the proposed biodiversity reserve. Although mature stands (90 years old or older) are not as abundant (22%), nearly half are over 120 years old.

White birch stands are present in the territory (55%) with black spruce stands and some trembling aspen stands in the western portion of the proposed biodiversity reserve. A large number of yellow birch stands, some over 300 years old, are also present.

The proposed biodiversity reserve covers the watersheds of the Batiscan and Métabetchouane rivers.

2.3 Occupation and land uses

The proposed biodiversity reserve overlaps certain structured wildlife habitats. The Nature Triton outfitting operation is entirely within the proposed biodiversity reserve. Two small portions cover ZEC Kiskissink to the north and ZEC de la Rivière-Blanche to the south. The portions concerned are respectively 10.2 km^2 and 8.7 km^2 in area. The eastern portion of the proposed biodiversity reserve includes the Laurentides wildlife sanctuary over an area of 201.2 km^2. A trapline covers nearly half the proposed biodiversity reserve namely portions located in the wildlife sanctuary and both controlled zones.

Forty-one leases for resort purposes are located in the eastern portion with a number of leases concentrated around Cleveland and Trois Caribous lakes. The Nature Triton outfitting operation holds a commercial lease for an outfitting operation on the shores of Trois Caribous lake and one commercial lease (not specified) is located on the shores of Norrie lake.

Some fifteen portages exist in and around the territory of the Nature Triton outfitting operation. A canoe-kayak route crosses the proposed biodiversity reserve near the northeast boundary and follows the Métabetchouane river and Hugh and Petit Lac Métascouac lakes. Another canoe-kayak route between Édouard lake and the Batiscan river runs through the proposed biodiversity reserve and the outfitting operation. Two canoe-kayak routes cross the outfitting operation from Edouard lake through Aux Biscuits, Steers, Gauthier, De Travers, Trois Caribous, Faiseur de Pluie, Foi, Espérance, Charité et À la Croix lakes and Castors Noirs river.

The proposed biodiversity reserve lies within four fur-bearing animal management units (33-A, 34-C, 38 and 39) and two hunting areas (26 and 27).

The forest road network is poorly developed and is situated for the most part near or on the boundaries of the proposed biodiversity reserve, especially in the northwestern, western and southwestern portions. A road between Trois Caribous and Brûlé lakes runs through the centre of the protected area. A railway lies along the western boundary of the proposed biodiversity reserve.

3. Activities framework

Activities carried on within the proposed Seigneurie-du-Triton biodiversity reserve are governed by the provisions of the Natural Heritage Conservation Act (R.S.Q., c. C-61.01).

This conservation plan does not prohibit activities in addition to the activities already prohibited in proposed biodiversity reserves under the Act. It also does not authorize activities or add restrictions to activities permitted under the Act.

3.1 Prohibited activities

As provided in the Natural Heritage Conservation Act, the main activities prohibited in an area to which status as a proposed biodiversity reserve has been assigned are

— mining, and gas or petroleum development;

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

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

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

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

— earthwork or construction work.

3.2 Activities governed by other statutes

Certain activities likely to be carried on within the proposed biodiversity reserve are also governed by other legislative and regulatory provisions, including provisions that require the issue of a permit or authorization or the payment of fees. Certain activities may also be prohibited or limited by other Acts or regulations that are applicable within the proposed biodiversity reserve.

A special legal framework may govern permitted and prohibited activities within the proposed biodiversity 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 conservation and management of the proposed Seigneurie-du-Triton biodiversity reserve and is therefore responsible for supervising and monitoring the activities allowed in the reserve. The Minister in the management of the reserve works collaboratively with other government representatives having specific responsibilities in or adjacent to the reserve, 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 SEIGNEURIE-DU-TRITON BIODIVERSITY RESERVE (PROVISIONAL NAME)

Notice

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

Permanent protection status as an ecological reserve assigned under the name Réserve écologique de la Chênaie-des-Îles-Finlay to a portion of the territory forming part of Municipalité de Waltham, in the Outaouais region

Notice is hereby given, in accordance with section 44 of the Natural Heritage Conservation Act (R.S.Q., c. C-61.01), that the Government made Order in Council 133-2007 dated 14 February 2007 assigning permanent ecological reserve status to the Chênaie-des-Îles-Finlay ecological reserve, the plan and conservation plan of the reserve being attached to this Order in Council.

CLAUDE BÉCHARD,
Minister of Sustainable Development, Environment and Parks

8045

Notice

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

Temporary protection status as proposed biodiversity reserves assigned to five areas

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 has assigned, by Minister's Order dated 20 February 2007, temporary protection status as proposed biodiversity reserves to the five areas described in the Schedule for a term of four years commencing on the date of publication of this notice in the *Gazette officielle du Québec*;

(2) that the permanent protection status proposed for the areas, except the proposed Albanel-Témiscamie-Otish biodiversity reserve, is that of biodiversity reserve in continuation with the temporary status already assigned, the granting of permanent status being governed by the Natural Heritage Conservation Act;

(3) that the permanent protection status proposed for the proposed Albanel-Témiscamie-Otish biodiversity reserve is that of national park, the granting of permanent status being governed by the Parks Act (R.S.Q., c. P-9);

(4) a copy of the plan of the five new proposed biodiversity reserves may be obtained on payment of a fee by contacting Joanne Laberge, Direction du patrimoine écologique et des parcs, Ministère du Développement durable, de l'Environnement et des Parcs, 675, boulevard René-Lévesque Est, 4e étage, boîte 21, Québec (Québec) G1R 5V7; telephone: 418 521-3907, extension 4426; fax: 418 646-6169; e-mail: joanne.laberge@mddep.gouv.qc.ca

CLAUDE BÉCHARD,
Minister of Sustainable Development, Environment and Parks

SCHEDULE

Proposed biodiversity reserves

Proposed Anneaux-Forestiers biodiversity reserve

Location: The proposed Anneaux-Forestiers biodiversity reserve is located in the Nord-du-Québec administrative region, between 49°37' and 49°43' north latitude and 79°18' and 79°30' west longitude.

Proposed Esker-Mistaouac biodiversity reserve

Location: The proposed Esker-Mistaouac biodiversity reserve is located in the Nord-du-Québec administrative region, between 49°06' and 49°31' north latitude and 78°31' and 78°59' west longitude.

Proposed Dunes-de-la-Rivière-Attic biodiversity reserve

Location: The proposed Dunes-de-la-Rivière-Attic biodiversity reserve is located in the Abitibi-Témiscamingue administrative region, between 48°09' and 48°14' north latitude and 76°40' and 76°53' west longitude.

Proposed Plateau-du-Lac-des-Huit-Chutes biodiversity reserve

Location: The proposed Plateau-du-Lac-des-Huit-Chutes biodiversity reserve is located in the Saguenay-Lac-Saint-Jean administrative region, between 48°50' and 48°57' north latitude and 70°44' and 70°54' west longitude.

Proposed Albanel-Témiscamie-Otish biodiversity reserve

Location: The proposed Albanel-Témiscamie-Otish biodiversity reserve is located almost entirely in the Nord-du-Québec administrative region and small portions cover the Saguenay–Lac-Saint-Jean administrative region. The proposed biodiversity reserve is located between 50° and 52° north latitude and between 70° and 74° west longitude.

QUÉBEC STRATEGY FOR PROTECTED AREAS

Proposed Anneaux-Forestiers biodiversity reserve

Conservation plan

November 2006

Québec

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 provisional name is "Réserve de biodiversité projetée des Anneaux-Forestiers". The official toponym will be determined at the time of 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 Anneaux-Forestiers biodiversity reserve are shown on the map attached as a Schedule.

The proposed Anneaux-Forestiers biodiversity reserve is located in the Nord-du-Québec administrative region, between 49°37' and 49°43' north latitude and 79°18' and 79°30' west longitude. It is situated some 50 km to the north of Village de Val-Paradis and 120 km to the west of Ville de Matagami. It covers an area of 133.9 km^2 and lies within the territory of Municipalité de Baie-James which is outside the regional county municipality.

2.2. Ecological overview

The proposed Anneaux-Forestiers biodiversity reserve is in the Abitibi and James Bay Lowlands natural province, in the Turgeon River Plain natural region and in the Wawagosic River Plain physiographic unit.

The proposed biodiversity reserve is a glacial plain mostly covered by peat bogs (44%). These organic deposits are replaced by glacial till deposits particularly along the Turgeon river and Garneau stream. Near the northeastern boundary of the proposed biodiversity reserve, recent fluviatile alluviums are present where the Turgeon river forms a meander. These sandy-textured deposits were formed in the plain by the river overflow during spring floods.

The elevation of the plain varies little, between 255 m and 301 m, with an average elevation of 266 m.

The proposed biodiversity reserve protects a special ecological phenomenon that has not yet been explained, namely forest rings that appear on aerial photos as giant rings in stands of black spruce (*Picea mariana*). More than 600 rings are present in the southwest sector of James Bay. The whitish colour comes from an opening up of the forest cover. The diameter of the rings varies between 300 m and 2 km and the rings are visible on aerial photos at a scale of 1: 15,000 or from flights at an altitude of several hundred meters. Studies seem to indicate that the rings correspond to a round zone of lower productivity of black spruce. To date, there is no scientific explanation for the low productivity.

The proposed biodiversity reserve is in the black-spruce domain. Trembling aspen (*Populus tremuloides*) and balsam fir (*Abies balsamea*) are present with black spruce on the banks of the Turgeon river, particularly in the steeper riparian portions. Nearly 25% of the forest in the proposed biodiversity reserve has been recently logged and 70% of the forest cover consists of old-growth black-spruce stands that are nearly all 120 years old or older.

The proposed biodiversity reserve is part of the Turgeon river watershed.

2.3. Occupation and land uses

One lease for vacation resort purposes is located on the banks of the Turgeon river and three rough shelter leases are located near the Turgeon river. The Turgeon river is a recognized canoe-kayak route.

The proposed biodiversity reserve lies entirely within the Abitibi beaver reserve. It lies within fur-bearing animal management unit 06 and is part of hunting area 16.

The land of the proposed biodiversity reserve is classified as Category III land under the James Bay and Northern Québec Agreement 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).

A moderately developed network of forest roads serves the proposed biodiversity reserve.

3. Activities framework

Activities carried on within the proposed Anneaux-Forestiers biodiversity reserve are governed by the provisions of the Natural Heritage Conservation Act (R.S.Q., c. C-61.01).

This conservation plan does not prohibit activities in addition to the activities already prohibited in proposed biodiversity reserves under the Act. It also does not authorize activities or add restrictions to activities permitted under the Act.

3.1. Prohibited activities

As provided in the Natural Heritage Conservation Act, the main activities prohibited in an area to which status as a proposed biodiversity reserve has been assigned are

— mining, and gas or petroleum development;

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

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

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

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

— earthwork or construction work.

3.2. Activities governed by other statutes

Certain activities likely to be carried on within the proposed biodiversity reserve are also governed by other legislative and regulatory provisions, including provisions that require the issue of a permit or authorization or the payment of fees. Certain activities may also be prohibited or limited by other Acts or regulations that are applicable within the proposed biodiversity reserve.

A special legal framework may govern permitted and prohibited activities within the proposed biodiversity 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);

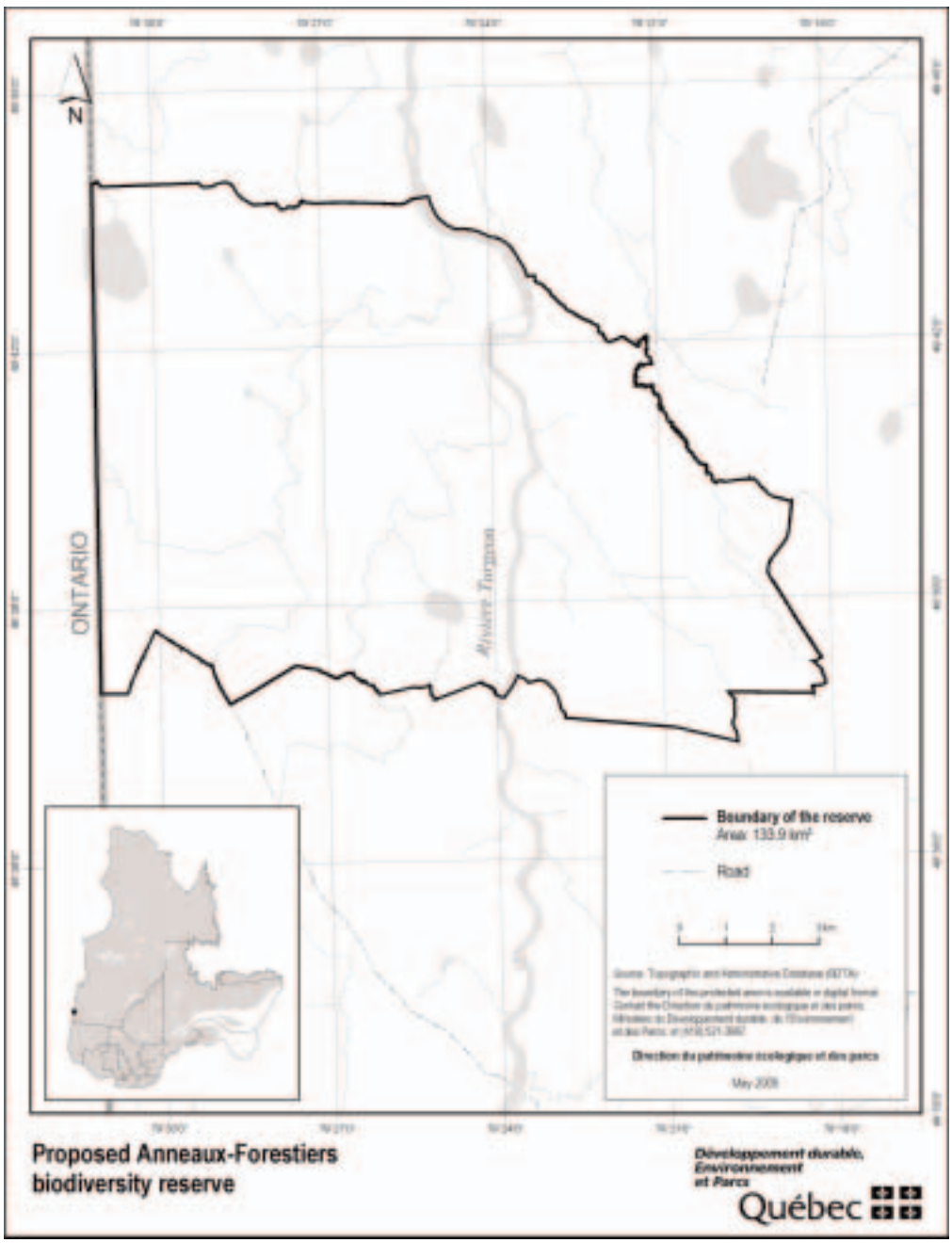
— Operation of vehicles: measures set out in particular in the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) and in the regulation on motor vehicle traffic in certain fragile environments made under the Environment Quality Act (R.S.Q., c. Q-2).

4. Responsibilities of the Minister of Sustainable Development, Environment and Parks

The Minister of Sustainable Development, Environment and Parks is responsible for conservation and management of the proposed Anneaux-Forestiers biodiversity reserve and is therefore responsible for supervising and monitoring the activities allowed in the reserve. The Minister in the management of the reserve works collaboratively with other government representatives having specific responsibilities in or adjacent to the reserve, 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 Anneaux-Forestiers biodiversity reserve



QUÉBEC STRATEGY FOR PROTECTED AREAS

Proposed Esker-Mistaouac biodiversity reserve

Conservation plan

November 2006

Québec

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 provisional name is "Réserve de biodiversité projetée de l'Esker-Mistaouac". The official toponym will be determined at the time of 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 Esker-Mistaouac biodiversity reserve are shown on the map attached as a Schedule.

The proposed Esker-Mistaouac biodiversity reserve is located in the Nord-du-Québec administrative region, between 49°06' and 49°31' north latitude and 78°31' and 78°59' west longitude. It is situated some 22 km to the west of Village de Joutel and 35 km to the east of Village de Villebois. It covers an area of 456.3 km^2 and lies within the territory of Municipalité de Baie-James which is outside the regional county municipality.

Several forest road segments still in use have been excluded from the boundaries of the proposed biodiversity reserve over a width of 40 metres. A forest camp along the esker road and eight sand and gravel extraction sites have also been excluded. Those sites are: SMS 32E07-17, SMS 32E07-05, SMS 32E07-04, SMS 32E07-03, SMS 32E07-02, SMS 32E07-01, SMS 32E02-06 and SMS 32E02-09.

2.2. Ecological overview

The proposed Esker-Mistaouac biodiversity reserve is in the Abitibi and James Bay Lowlands natural province. It covers two natural regions, namely the Abitibi Plain natural region in the Turgeon Lake Plain physiographic unit and the Turgeon Lake Plain natural region in the Wawagosic River Plain physiographic unit.

The proposed biodiversity reserve is a glacio-lacustrine plain crossed by a large esker. The eastern portion of the proposed biodiversity reserve on either side of the esker consists of clay loam glacio-lacustrine deposits. The northwestern portion of the proposed biodiversity reserve is characterized by a significant presence of ombrotrophic and minerotrophic bogs dotted by clay silt of glacio-lacustrine origin. The esker, the product of a fluvioglacial phenomenon, is one of the largest in western Québec and is the main point of interest in the proposed biodiversity reserve. The esker has a total length of 120 km with portions located in the municipalities of Berry and Saint-Mathieu to the south. The portion within the proposed biodiversity reserve is some 48 km long. The southern portion of the proposed biodiversity reserve has some glacio-lacustrine deposits along the esker. The southeastern portion is represented by Mont Plamondon reaching an elevation of 552 m with rock outcrops washed by glacial lake waters, and some glacial till deposits. The sector has been bare of vegetation ever since. The elevation of the flat plain varies little, between 270 m and the peak of Mont Plamondon, with an average elevation of some 284 m.

The area around Mont Plamondon is of great ecological and geomorphological interest. The raised beaches on the slopes of Mont Plamondon represent one of the best developed and more complete sequences of glacial lake beach ridges in Eastern Canada. The Mont Plamondon beaches cover a vertical section of more than 100 m and include several levels clearly showing the gradual decrease of the water levels of the glacial Barlow-Ojibway lake when it receded. This site, unique with its beaches arranged in tiers on several levels, is a complete record of the last phase of Ojibway lake, maybe the last 500 to 1,000 years of its existence.

Some 50% of the proposed biodiversity reserve is covered by forests because of the large proportion of unwooded bogs and the Mistaouac and Wawagosic lakes. The portions under plant cover are mostly softwood. Black spruce (*Picea mariana*) is widely present in the proposed biodiversity reserve (55%). Some white birch stands (*Betula papyrifera*) and poplar stands (*Populus* sp.) are present around Mistaouac lake and in the southern portion near Mont Plamondon. Jack pine (*Pinus banksiana*, 8% of the forest cover) grows mostly in the southern portion of the proposed biodiversity reserve, particularly in the sandy deposits, including the esker, in addition to being present to the east of Mistaouac lake. Mont Plamondon is covered by white birch. Mixed stands make up some 5% of the forest cover of the proposed biodiversity reserve. Most of the forest cover (65%) is composed of young forests resulting from recent logging operations that are located on Mesic sites and 34% of the forest cover is 90 years old or older.

A heronry is located on the western shore of Mistaouac lake.

The proposed biodiversity reserve adjoins three watersheds, the Wawagosic river, the Mistaouac river, a subbasin of the Wawagosic river, and the Plamondon river.

2.3. Occupation and land uses

There are five leases for vacation resort purposes, mostly on the shores of the Wawagosic river, and sixteen rough shelter leases. Two public interest rights for forest conservation and protection (SOPFEU radiocommunications tower) including one on the summit of Mont Plamondon where a few related buildings have been built. There is a trapping camp on the eastern shore of Wawagosic lake.

The proposed biodiversity reserve is entirely within the Abitibi beaver reserve and the fur-bearing animal management unit 06 and hunting area 16. The "Club de chasse et pêche Mistawac" outfitting operation with exclusive rights is located almost entirely within the proposed biodiversity reserve.

The land in the proposed biodiversity reserve is classified as Category III land under the James Bay and Northern Québec Agreement 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).

A little developed network of forest roads is located in the northeastern and the southern portions of the proposed biodiversity reserve. Some unpaved roads suitable for vehicles run through the proposed biodiversity reserve, particularly along the esker.

A snowmobile trail crosses the proposed biodiversity reserve in an east-west direction to the south of Wawagosic lake.

3. Activities framework

Activities carried on within the proposed Esker-Mistaouac biodiversity reserve are governed by the provisions of the Natural Heritage Conservation Act (R.S.Q., c. C-61.01).

This conservation plan does not prohibit activities in addition to the activities already prohibited in proposed biodiversity reserves under the Act. It also does not authorize activities or add restrictions to activities permitted under the Act.

3.1. Prohibited activities

As provided in the Natural Heritage Conservation Act, the main activities prohibited in an area to which status as a proposed biodiversity reserve has been assigned are

— mining, and gas or petroleum development;

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

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

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

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

— earthwork or construction work.

3.2. Activities governed by other statutes

Certain activities likely to be carried on within the proposed biodiversity reserve are also governed by other legislative and regulatory provisions, including provisions that require the issue of a permit or authorization or the payment of fees. Certain activities may also be prohibited or limited by other Acts or regulations that are applicable within the proposed biodiversity reserve.

— A special legal framework may govern permitted and prohibited activities within the proposed biodiversity 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);

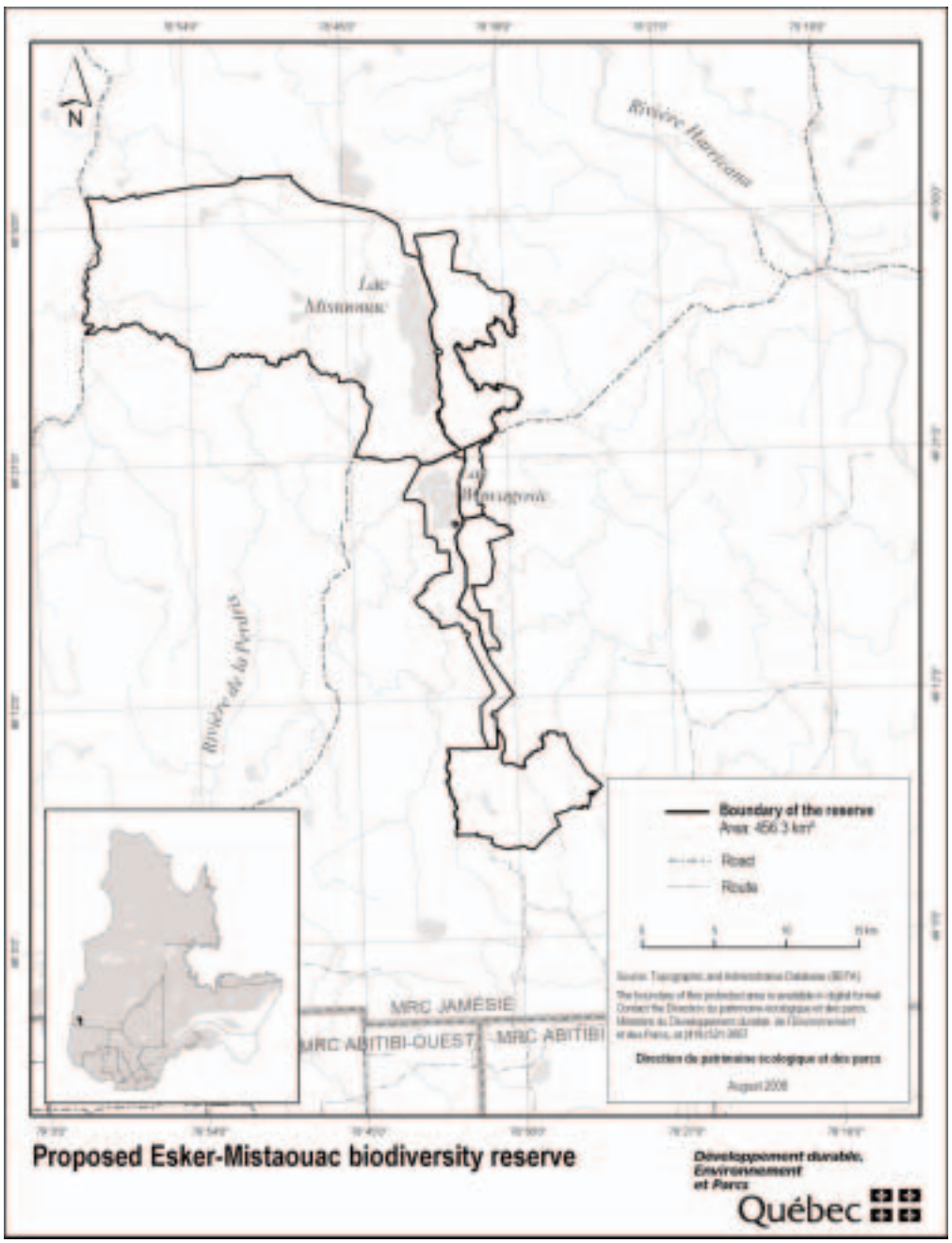
— Operation of vehicles: measures set out in particular in the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) and in the regulation on motor vehicle traffic in certain fragile environments made under the Environment Quality Act (R.S.Q., c. Q-2).

4. Responsibilities of the Minister of Sustainable Development, Environment and Parks

The Minister of Sustainable Development, Environment and Parks is responsible for conservation and management of the proposed Esker-Mistaouac biodiversity reserve and is therefore responsible for supervising and monitoring the activities allowed in the reserve. The Minister in the management of the reserve works collaboratively with other government representatives having specific responsibilities in or adjacent to the reserve, 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 Esker-Mistaouac biodiversity reserve



QUÉBEC STRATEGY FOR PROTECTED AREAS

Proposed Dunes-de-la-Rivière-Attic biodiversity reserve

Conservation plan

November 2006

Québec

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 provisional name is "Réserve de biodiversité projetée des Dunes-de-la-Rivière-Attic". The official toponym will be determined at the time of 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 Dunes-de-la-Rivière-Attic biodiversity reserve are shown on the map attached as a Schedule.

The proposed Dunes-de-la-Rivière-Attic biodiversity reserve is located in the Abitibi-Témiscamingue administrative region, between 48°09' and 48°14' north latitude and 76°40' and 76°53' west longitude. It is situated some 32 km to the southeast of Ville de Senneterre and some 38 km to the northeast of the Lac-Simon Algonquin village. It covers an area of 77.7 km^2 and lies within the territory of Ville de Senneterre. The northwest boundary runs along the highwater mark of the Mégiscane river.

2.2. Ecological overview

The proposed Dunes-de-la-Rivière-Attic biodiversity reserve is located almost entirely (90%) in the Abitibi and James Bay Lowlands natural province, in the Abitibi Plain natural region and in the Sabourin Lake Plain physiographic unit. A portion of the proposed biodiversity reserve is located in the Mistassini Highlands natural province, in the Mégiscane Lake Hills natural region and in the Buttes du Lac Faillon physiographic unit.

The proposed biodiversity reserve is a plain formed by sandy deposits of various origins. The depressions and very poorly drained sectors are covered by organic deposits forming ombrotrophic bogs that represent nearly half of the area of the proposed biodiversity reserve. Thick sandy glacio-lacustrine deposits and a small proportion of glacial till without morphology are also present. The northeast boundary of the proposed biodiversity reserve is the confluence of two large glaciofluvial valleys, one from the east, the valley of the Attic river, and the other from the north where Cacamackipato lake is located. The convergence of these two quaternary events explains the significant presence of sandy deposits. An esker runs north-south between the Attic and Assup rivers and an esker borders the glaciofluvial depression along the eastern boundary of the proposed biodiversity reserve. Dunal deposits between the two main reaches of the Attic river in the proposed biodiversity reserve are fixed dunes produced by the transportation of glaciofluvial sands after deglaciation. These dune ecosystems are rare and constitute the main interest in protecting the area. Sandy deposits, namely subactual fluviatile alluviums, are present along the Attic river. The elevation of the flat plain varies little, between 339 m and 384 m, with an average elevation of 342 m.

On hydric sites, the vegetation consists of stands of black spruce (*Picea mariana*) of varying density covering some 65% of the forest area. The xeric sites, in particular sandy glacio-lacustrine deposits, dunes and eskers, are mostly covered by jack pine (*Pinus banksiana*) consisting in some 35% of the forest area. A few small stands of white birch and trembling aspen are present, especially on the glacial till and alluviums. In general, 80% of the forest is middle-aged, between 50 and 70 years old, and less than 10% of the forest is 90 years old or older.

The proposed biodiversity reserve includes part of two wildlife habitats, a muskrat habitat and an aquatic bird concentration area.

The proposed biodiversity reserve is part of two watersheds, namely the Attic river in the eastern portion. That watershed and the remaining territory of the proposed biodiversity reserve belong to the Mégiscane river watershed.

2.3. Occupation and land uses

One right for vacation resort purposes and 11 rough shelter leases have been granted within the proposed biodiversity reserve. There is also a landing strip that was built some 30 years ago.

The proposed biodiversity reserve adjoins five traplines and lies within fur-bearing animal management unit 05 and is part of hunting area 13.

The land in the proposed biodiversity reserve is classified as Category III land under the James Bay and Northern Québec Agreement 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).

A little developed network of unpaved roads is located near the northern and eastern boundaries of the proposed biodiversity reserve. The Attic river is a recognized canoe-kayak route. One snowmobile trail runs along several kilometres of the boundaries of the proposed biodiversity reserve and another crosses the proposed biodiversity reserve in its northeastern portion.

3. Activities framework

Activities carried on within the proposed Dunes-de-la-Rivière-Attic biodiversity reserve are governed by the provisions of the Natural Heritage Conservation Act (R.S.Q., c. C-61.01).

This conservation plan does not prohibit activities in addition to the activities already prohibited in proposed biodiversity reserves under the Act. It also does not authorize activities or add restrictions to activities permitted under the Act.

3.1. Prohibited activities

As provided in the Natural Heritage Conservation Act, the main activities prohibited in an area to which status as a proposed biodiversity reserve has been assigned are

— mining, and gas or petroleum development;

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

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

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

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

— earthwork or construction work.

3.2. Activities governed by other statutes

Certain activities likely to be carried on within the proposed biodiversity reserve are also governed by other legislative and regulatory provisions, including provisions that require the issue of a permit or authorization or the payment of fees. Certain activities may also be prohibited or limited by other Acts or regulations that are applicable within the proposed biodiversity reserve.

A special legal framework may govern permitted and prohibited activities within the proposed biodiversity 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);

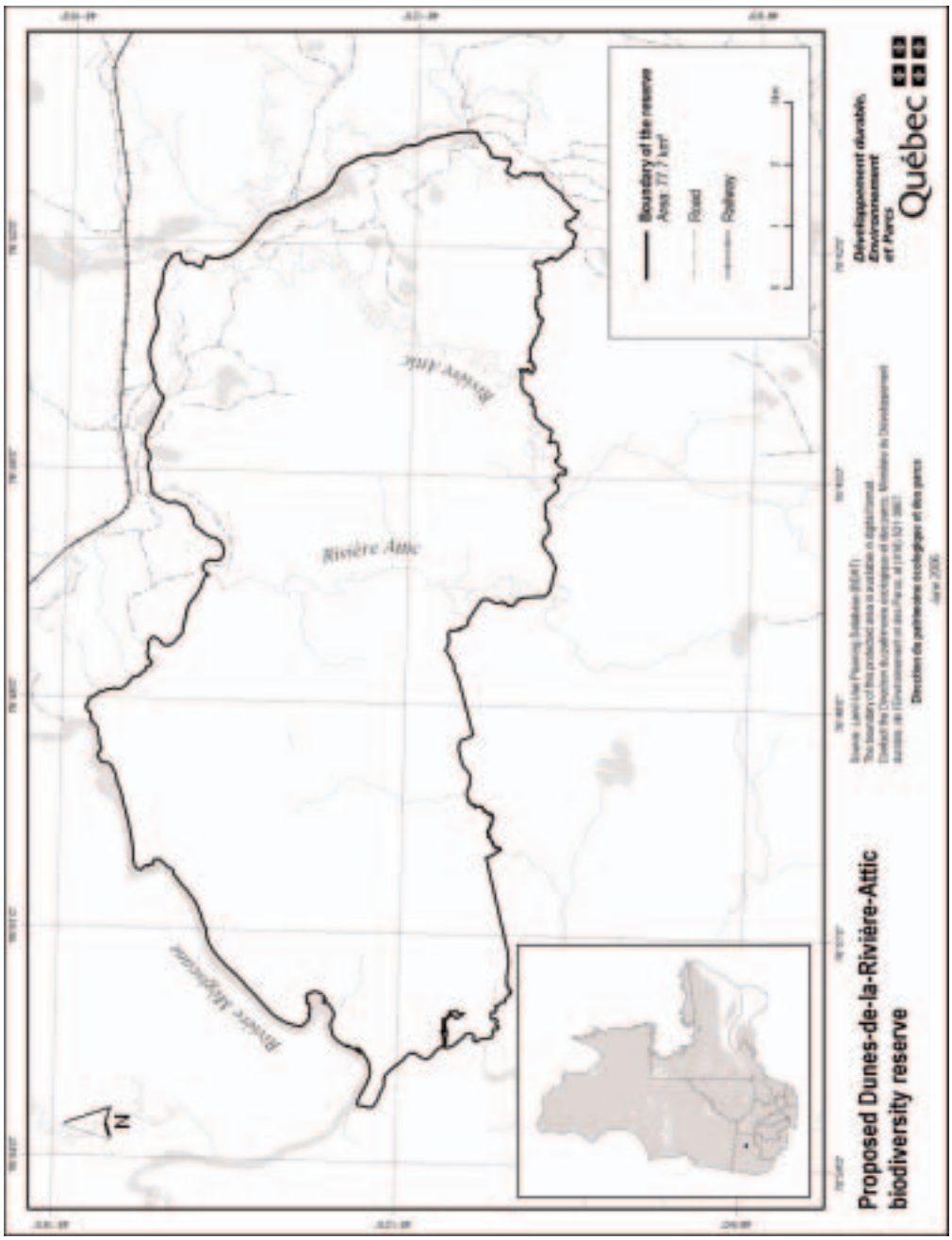
— Operation of vehicles: measures set out in particular in the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) and in the regulation on motor vehicle traffic in certain fragile environments made under the Environment Quality Act (R.S.Q., c. Q-2).

4. Responsibilities of the Minister of Sustainable Development, Environment and Parks

The Minister of Sustainable Development, Environment and Parks is responsible for conservation and management of the proposed Dunes-de-la-Rivière-Attic biodiversity reserve and is therefore responsible for supervising and monitoring the activities allowed in the reserve. The Minister in the management of the reserve works collaboratively with other government representatives having specific responsibilities in or adjacent to the reserve, 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 Dunes-de-la-Rivière-Attic biodiversity reserve



QUÉBEC STRATEGY FOR PROTECTED AREAS

Proposed Plateau-du-Lac-des-Huit-Chutes biodiversity reserve

Conservation plan

November 2006

Québec

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 provisional name is "Réserve de biodiversité projetée du Plateau-du-Lac-des-Huit-Chutes". The official toponym will be determined at the time of 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 Plateau-du-Lac-des-Huit-Chutes biodiversity reserve are shown on the map attached as a Schedule.

The proposed Plateau-du-Lac-des-Huit-Chutes biodiversity reserve is located in the Saguenay–Lac-Saint-Jean administrative region, between 48°50' and 48°57' north latitude and 70°44' and 70°54' west longitude. It is situated some 45 km to the north of the borough of Chicoutimi in Ville de Saguenay, 15 km to the north of Municipalité de Saint-David-de-Falardeau. It covers an area of 102.7 km^2 and lies within the unorganized territory of Mont-Valin in Municipalité régionale de comté du Fjord-du-Saguenay. An unpaved road suitable for vehicles crosses the proposed biodiversity reserve but is excluded from the protected area over a total width of 40 metres, as are two surface material extraction sites (SMS 22D15-50 and SMS 22D15-51).

2.2. Ecological overview

The proposed Plateau-du-Lac-des-Huit-Chutes biodiversity reserve is in the Central Laurentian natural province, in the Monts Valin natural region and in the Lac Moncouche Plateau physiographic unit. The elevation of the plateau is higher than the adjoining region, varying between 624 m and 835 m, with an average elevation of 722 m. The topography is a complex of mounds in which numerous lakes occupy the depressions. The plateau with its characteristics is a rare element in the Central Laurentian natural province.

The area of the proposed biodiversity reserve was formed mainly by glacial phenomena and therefore consists almost exclusively of morainic deposits without morphology, composed of till. A disintegration moraine is present to the north of Dobe lake. Small peat bogs in certain depressions and some ice-contact glacioflucial sandy deposits are also present.

Three species dominate the predominantly softwood forest in the proposed biodiversity reserve, namely balsam fir (*Abies balsamea*, 65%), black spruce (*Picea mariana*, 28%) and white birch (*Betula papyrifera*, 1%). Tree stands and areas of regeneration represent 81% of the territory and are uniformly distributed. Of the remaining 19%, water occupies 17.5% of the land and the remainder consists of wetlands (1%), islands and alder groves. Recently logged, some 20% of the forest cover consists of young forests and a little over 40% of the forest cover consists of forests 90 years old or older.

The proposed biodiversity reserve is next to the watersheds of the Shipshaw, À la Tête Blanche and Aux Sables rivers.

2.3. Occupation and land uses

Thirty-nine leases for vacation resort purposes and a supplementary establishment have been granted within the proposed biodiversity reserve. Three trapping camps and fifteen launching ramps are also present in the proposed biodiversity reserve. There are no trails with land rights in the proposed biodiversity reserve and the snowmobile trail is excluded from the reserve.

The proposed biodiversity reserve covers part of seven traplines and lies within the fur-bearing animal management unit 53 and hunting area 28. It is entirely within the boundaries of the Onatchiway-Est controlled zone.

A very developed and dense network of unpaved roads and roads not suitable for vehicles (forest roads) runs through the proposed biodiversity reserve.

3. Activities framework

Activities carried on within the proposed Plateau-du-Lac-des-Huit-Chutes biodiversity reserve are governed by the provisions of the Natural Heritage Conservation Act (R.S.Q., c. C-61.01).

This conservation plan does not prohibit activities in addition to the activities already prohibited in proposed biodiversity reserves under the Act. It also does not authorize activities or add restrictions to activities permitted under the Act.

3.1. Prohibited activities

As provided in the Natural Heritage Conservation Act, the main activities prohibited in an area to which status as a proposed biodiversity reserve has been assigned are

— mining, and gas or petroleum development;

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

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

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

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

— earthwork or construction work.

3.2. Activities governed by other statutes

Certain activities likely to be carried on within the proposed biodiversity reserve are also governed by other legislative and regulatory provisions, including provisions that require the issue of a permit or authorization or the payment of fees. Certain activities may also be prohibited or limited by other Acts or regulations that are applicable within the proposed biodiversity reserve.

A special legal framework may govern permitted and prohibited activities within the proposed biodiversity 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 conservation and management of the proposed Plateau-du-Lac-des-Huit-Chutes biodiversity reserve and is therefore responsible for supervising and monitoring the activities allowed in the reserve. The Minister in the management of the reserve works collaboratively with other government representatives having specific responsibilities in or adjacent to the reserve, 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 Plateau-du-Lac-des-Huit-Chutes biodiversity reserve

QUÉBEC STRATEGY FOR PROTECTED AREAS

Proposed Albanel-Témiscamie-Otish biodiversity reserve

Conservation plan

November 2006

Québec

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 permanent protection status sought is to be that of "national park" under the Parks Act (R.S.Q., c. P-9).

The provisional name is "Réserve de biodiversité projetée Albanel-Témiscamie-Otish". The official toponym will be determined at the time of 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 Albanel-Témiscamie-Otish biodiversity reserve are shown on the map attached as a Schedule.

The proposed Albanel-Témiscamie-Otish biodiversity reserve covers an area of 10,934.8 km^2 and is located almost entirely in Municipalité de Baie-James, outside the regional county municipality; a small portion in the sector of À l'Eau Froide lake is situated in Municipalité régionale de comté de Maria-Chapdelaine, and two other small portions to the east cover Municipalité régionale de comté du Fjord-du-Saguenay. The proposed reserve is located between 50° and 52° north latitude and between 70° and 74° west longitude, northeast of Ville de Chibougamau and the Mistissini Cree community.

Two roads give access to the reserve. Route 167 runs north from Chibougamau to Village de Mistissini, the northeast shore of Albanel lake and the mouth of the Témiscamie river. There is also a road on the northwest shore of Mistassini lake, by way of Route du Nord.

A little developed network of forest roads is located in the part of the proposed biodiversity reserve leading to Cosnier lake from Route 167.

Two corridors have been excluded from the portion of the reserve from the Témiscamie river to À l'Eau Froide lake to allow access to significant timber supply areas.

Hydro-Québec uses the data from a meteorological station within the boundaries of the proposed biodiversity reserve. The station has been excluded from the proposed biodiversity reserve.

2.2. Ecological overview

The proposed Albanel-Témiscamie-Otish biodiversity reserve represents chiefly the Mistassini River Highlands natural province and to a lesser extent the Central Laurentian, Grande-Rivière Low Hills and Nord-du-Québec Central Plateau natural provinces. The proposed biodiversity reserve is the hydrographic hub of central Québec and the source of the Rupert, Eastmain and La Grande rivers that flow into James Bay, and of the Péribonka, Aux Outardes and Manicouagan rivers that feed the St. Lawrence River.

The proposed biodiversity reserve is characteristic of three major vegetation zones typical of Northern Québec. The northern limit of the boreal forest is approximately 60 km northwest of the Témiscamie river. At the foot of the Otish mountains, the forest is gradually replaced by taiga, open woodland dominated by black spruce, lichens and heaths. Vast tundra areas characterize the high peaks of the Otish mountains. A sizeable array of northern Québec components are to be found in the proposed biodiversity reserve.

With an area of 2,336 km^2, Mistassini lake is the largest natural lake in Québec and the source of the Rupert river. The Mistassini and Albanel lakes region is characterized by large limestone formations isolated within the Canadian Shield. This sedimentary bed supports calcicole flora unusual in a boreal forest. To date, 497 different species of vascular plants and more than 400 species of non-vascular plants have been listed. This special geology also explains the presence of a number of species of plants, bryophytes and lichens that are currently vulnerable in Québec.

The Rupert river starts its course toward James Bay, dividing into three branches and creating huge islands surrounded by interlacing lakes traversed by long eskers from which round hills emerge in the vast plain forming the spillway of Mistassini lake on the perimeter of the Sakami frontal moraine some 630 kilometres long. Large sand beaches form the bed of the downstream portion of the Témiscamie over 40 kilometres. Old-growth white spruce stands are interspersed on its shores and other old-growth forest ecosystems are home to woodland caribou along the historic canoe route linking Saint-Jean lake and the James Bay territory through À l'Eau Froide lake.

The Otish mountains massif comprises a number of summits over 1,000 metres high, including Mont Yapeitso at 1,135 metres. The mountains are characterized by Proterozoic sedimentary formations with cuesta topography. The massif is one of the last regions in Québec to be freed from the ice after the Wisconsin continental glaciation 7,000 years ago. The tundra flora composed of lichens, moss and stunted shrub is characteristic of Arctic Québec landscapes. South slopes are home to old-growth white spruce forests over a hundred years old, which are rare at this latitude.

Naococane lake with its indefinite contour in the northern part of the proposed biodiversity reserve near the Caniapiscau reservoir contains numerous islands of all sizes that are remains of the submergence of one of the largest disintegration moraine in the world. It is a landscape typical of the Nord-du-Québec Central Plateau with as much water as land. Open woodlands are characteristic of the taiga and the islands have remains of the last balsam firs to take shelter there before disappearing in more northerly areas.

The area of the proposed Albanel-Témiscamie-Otish biodiversity reserve protects nine vascular plants that may be designated as threatened or vulnerable. In the south, Mistassini and Albanel lakes and the Témiscamie river are home to seven of those species, namely *Amerorchis rotundifolia*, *Calypso bulbosa* var. *americana*, *Carex petricosa* var. *misandroides*, *Drosera linearis*, *Salix arbusculoides*, *Salix maccaliana* and *Salix pseudomonticola*. In the north, the Otish mountains have colonies of two of those species, *Agoseris aurantiaca* and *Gnaphalium norvegicum*. The southern part of the proposed biodiversity reserve is the habitat of three species of animals likely to be designated as threatened or vulnerable, namely the caribou (ecotype woodland), the hoary bat and the southern bog lemming.

2.3. Occupation and land uses

There is one outfitting facility and two campgrounds on the shores of Mistassini and Albanel lakes and at the mouth of the Rupert river. Three eco-tourism shelters for hikers are located northeast of the Otish mountains. An outfitting camp is situated at Pluto lake, at the southern piedmont of the Otish mountains, and there is a vacation resort lease at Naococane lake. Four commercial leases have been issued for the southern portion of the proposed biodiversity reserve, three of the sites (land rights) being in the same sector. Two of the sites have a floatplane base, one of which is beside the Témiscamie river bridge near Albanel lake to provide the only access currently possible to the Otish mountains.

Cree hunters and trappers have over one hundred camps throughout the region used to continue their traditional activities.

The proposed biodiversity reserve is on Category II and Category III land in the trapping territories of the Mistissini nation under the James Bay and Northern Québec Agreement 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). It also touches upon the Roberval beaver reserve and includes part of the Lacs-Albanel-Mistassini-et-Waconichi wildlife sanctuary.

The proposed Albanel-Témiscamie-Otish biodiversity reserve has more than fifty listed archaeological sites, mainly along the Témiscamie river (nearly thirty sites), Albanel lake (about ten sites) and Mistassini lake (about ten sites), as well as the Colline-Blanche archaeological sites including a Mistassini quartzite quarry and the Antre du Lièvre or “Wapushakamikw”. Those sites were classified in 1976 by the Ministère des Affaires culturelles (current Ministère de la Culture et des Communications). Other archaeological sites may be discovered in the proposed Albanel-Témiscamie-Otish biodiversity reserve. Such is the case with the Uupiichun portage sector between Albanel and Mistassini lakes where three French establishments dating to the contact period mentioned in the archives have not yet been located: Louis Jolliet’s house, Dorval house and the Sainte-Famille mission.

3. Activities framework

Activities carried on within the proposed Albanel-Témiscamie-Otish biodiversity reserve are governed by the provisions of the Natural Heritage Conservation Act (R.S.Q., c. C-61.01).

This conservation plan does not prohibit activities in addition to the activities already prohibited in proposed biodiversity reserves under the Act. It also does not authorize activities or add restrictions to activities permitted under the Act.

3.1. Prohibited activities

As provided in the Natural Heritage Conservation Act, the main activities prohibited in an area to which status as a proposed biodiversity reserve has been assigned are

— mining, and gas or petroleum development;

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

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

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

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

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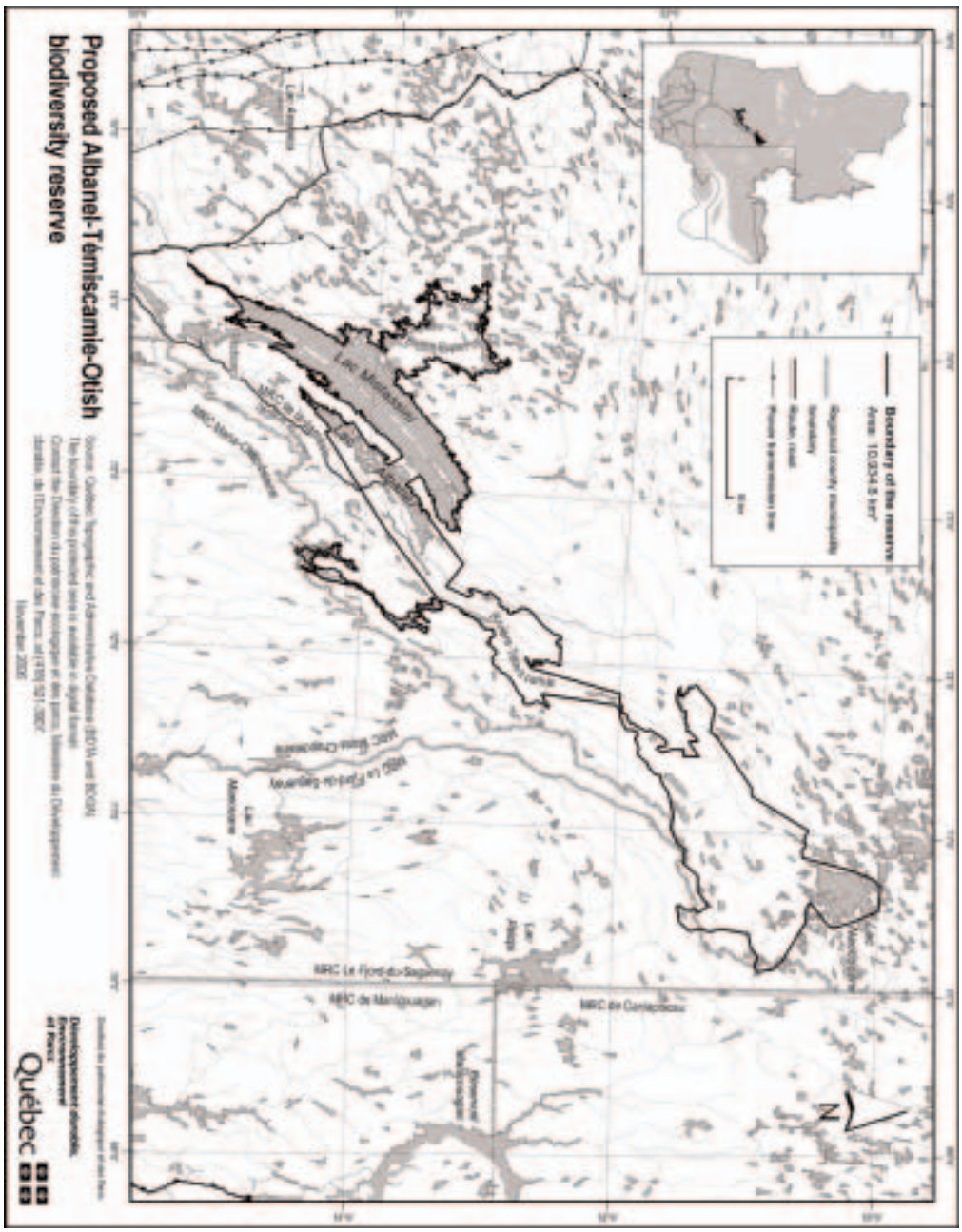
SCHEDULE

Map of the proposed Albanel-Témiscamie-Otish biodiversity reserve



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