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Coming into force of Acts

Gouvernement du Québec

O.C. 129-2008, 20 February 2008

**An Act to amend the Act respecting Services
Québec and other legislative provisions (2007, c. 32)
— Coming into force of the provisions**

COMING INTO FORCE of the provisions of the Act to amend the Act respecting Services Québec and other legislative provisions

WHEREAS the Act to amend the Act respecting Services Québec and other legislative provisions (2007, c. 32) was assented to on 13 December 2007;

WHEREAS section 16 of the Act provides that the Act comes into force on the date or dates to be set by the Government;

WHEREAS it is expedient to set the dates of coming into force of the Act;

IT IS ORDERED, therefore, on the recommendation of the Minister of Government Services:

THAT sections 1 to 4 of the Act to amend the Act respecting Services Québec and other legislative provisions come into force on 20 February 2008;

THAT sections 5 to 15 of the Act come into force on 1 April 2008.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

8575

Regulations and other acts

Gouvernement du Québec

O.C. 136-2008, 20 February 2008

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

Conservation plans for the proposed biodiversity and aquatic reserves

— Approval of the amendments

Approval of the Amendments to the conservation plans for the proposed biodiversity and aquatic reserves

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 31 of the Act, the Minister may, on the same conditions, amend, replace or revoke the plan of land set aside under the first paragraph of section 27 or the conservation plan established for that land, and no amendment to or replacement of a plan may affect the period of time for which the land has been set aside;

WHEREAS sections 33, 34 and 36 of the Natural Heritage Conservation Act (R.S.Q., c. C-61.01) confer on the Minister of Sustainable Development, Environment and Parks and on the Government the powers set forth therein with respect to the conservation plans for the proposed biodiversity and aquatic reserves;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Amendments to the conservation plans for the proposed biodiversity and aquatic reserves was published in Part 2 of the *Gazette officielle du Québec* of 6 July 2005 with a notice that they could be approved by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to approve the Amendments with amendments to take into consideration the new proposed biodiversity and aquatic reserves created since the publication in the *Gazette officielle du Québec* and the comments received following the publication;

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

THAT the Amendments to the conservation plans for the proposed biodiversity and aquatic reserves, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Amendments to the conservation plans for the proposed biodiversity and aquatic reserves

Natural Heritage Conservation Act
(R.S.Q., c. C-61.01, ss. 27, 31, 33, 34 and 36)

1. Subject to the special measures provided for in sections 2 to 4, Division 3 of the conservation plans for the proposed biodiversity and aquatic reserves listed in the Schedule* is replaced by the following:

“3. Activities framework

§1. Introduction

Activities carried on within the proposed reserve are governed mainly by the provisions of the Natural Heritage Conservation Act.

This Division prohibits activities in addition to those prohibited under the Act and provides the framework for the various activities permitted so as to better protect the natural environment in keeping with the conservation

principles and other management objectives established for the proposed reserves. Accordingly, certain activities require the prior authorization of the Minister and compliance with the conditions determined by the Minister.

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

— mining, and gas or petroleum development;

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

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

The measures in the Natural Heritage Conservation Act and in this conservation plan apply subject to the provisions of the agreements under the Act approving the Agreement concerning James Bay and Northern Québec (R.S.Q., c. C-67) and the Act approving the Northeastern Québec Agreement (R.S.Q., c. C-67.1).

* The conservation plans for the proposed biodiversity reserves listed in paragraphs 1 to 10 of the Schedule, approved by Order in Council 1269-2003 dated 3 December 2003, were published with the Order in Council on 17 December 2003 (2003, *G.O.* 2, 3495) and have not been amended since.

— The conservation plans for the proposed biodiversity and aquatic reserves listed in paragraphs 11 to 19 of the Schedule, approved by Orders in Council 109-2003 and 110-2003 dated 6 February 2003 (2003, *G.O.* 2, 951 and 1049), were published on 7 May 2003 with the notice of the establishment of the reserves (2003, *G.O.* 2, 1553) and have not been amended since, except the plans of the proposed reserves in paragraphs 12, 14, 17 and 18, the text of which was revised by Orders in Council 955-2007 dated 31 October 2007 (2007, *G.O.* 2, 2941) and 637-2005 dated 23 June 2005 (2005, *G.O.* 2, 2615) to reflect modifications to the boundaries of the proposed reserves.

— The conservation plans for the proposed biodiversity and aquatic reserves listed in paragraphs 20 to 27 of the Schedule, approved by Order in Council 484-2004 dated 19 May 2004 (2004, *G.O.* 2, 1745), were published on 4 August 2004 with the notice of the establishment of the reserves (erratum) (2004, *G.O.* 2, 2417) and have not been amended since, except the plans of the proposed reserves in paragraphs 23 and 24, the text of which was revised by Orders in Council 1069-2004 dated 16 November 2004 (2004, *G.O.* 2, 3257) and 637-2005 dated 23 June 2005 (2005, *G.O.* 2, 2615) to reflect modifications to the boundaries of the proposed reserves.

— The conservation plans for the proposed biodiversity and aquatic reserves listed in paragraphs 28 to 45 of the Schedule, approved by Order in Council 636-2005 dated 23 June 2005 (2005, *G.O.* 2, 2503), amended by Order in Council 1051-2005 dated 9 November 2005 (2005, *G.O.* 2, 4931), were published on 7 September 2005 with the notice of establishment of the reserves (2005, *G.O.* 2, 3799) and have not been amended since.

— The conservation plans for the proposed biodiversity reserves listed in paragraphs 46 to 50, approved by Order in Council 81-2007 dated 6 February 2007, (2007, *G.O.* 2, 1124), were published on 7 March 2007 with the notice of establishment of the reserves (2007, *G.O.* 2, 1212) and have not been amended since.

— The conservation plan for the proposed biodiversity reserve listed in paragraph 51, approved by Order in Council 130-2007 dated 14 February 2007, (2007, *G.O.* 2, 1110), was published on 7 March 2007 with the notice of establishment of the reserve (2007, *G.O.* 2, 1207) and has not been amended since.

— The conservation plan for the proposed biodiversity reserve listed in paragraph 52, approved by Order in Council 134-2007 dated 14 February 2007, (2007, *G.O.* 2, 1124), was published on 7 March 2007 with the notice of establishment of the reserve (2007, *G.O.* 2, 1201) and has not been amended since.

§2. Prohibitions, prior authorizations and other conditions governing activities in the proposed reserve

§2.1. Protection of resources and the natural environment

3.1. Subject to the prohibition in the second paragraph, no person may establish in the proposed reserve any specimens or individuals of a native or non-native species of fauna, including by stocking, unless the person has been authorized by the Minister and complies with the conditions the Minister determines.

No person may stock a watercourse or body of water for aquaculture, commercial fishing or any other commercial purpose.

No person may establish in the proposed reserve a non-native species of flora, unless the person has been authorized by the Minister and complies with the conditions the Minister determines.

Before issuing an authorization under this section, the Minister is to take into consideration, in addition to the characteristics and the number of species involved, the risk of biodiversity imbalance, the importance of conserving the various ecosystems, the needs of the species in the ecosystems, the needs of rehabilitating degraded environments or habitats within the proposed reserve, and the interest in reintroducing certain species that have disappeared.

3.2. No person may use fertilizer or fertilizing material in the proposed reserve. Compost for domestic purposes is permitted if used at least 20 metres from a watercourse or body of water measured from the high-water mark.

The high-water mark means the high-water mark defined in the Protection Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains, adopted by Order in Council 468-2005 dated 18 May 2005.

3.3. No person may, unless the person has been authorized by the Minister and carries on the activity in compliance with the conditions the Minister determines,

(1) intervene in a wetland area, including a marsh, swamp or bog;

(2) modify the reserve's natural drainage or water regime, including by creating or developing watercourses or bodies of water;

(3) dig, fill, obstruct or divert a watercourse or body of water;

(4) install or erect any structure, infrastructure or new works in or on the bed, banks, shores or floodplain of a watercourse or body of water, although no authorization is required for minor works such as a wharf, platform or boathouse erected for private purposes and free of charge under section 2 of the Regulation respecting the water property in the domain of the State made by Order in Council 81-2003 dated 29 January 2003;

(5) carry on any activity other than those referred to in the preceding subparagraphs that is likely to degrade the bed, banks or shores of a body of water or watercourse or directly and substantially affect the quality of the biochemical characteristics of aquatic or riparian environments or wetland areas in the proposed reserve, including by discharging or dumping waste or pollutants into those areas;

(6) carry out soil development work, including any burial, earthwork, removal or displacement of surface materials or vegetation cover, for any purpose including recreational and tourism purposes such as trail development;

(7) install or erect any structure, infrastructure or new works;

(8) reconstruct or demolish an existing structure, infrastructure or works,

(9) carry on an activity that is likely to severely degrade the soil or a geological formation or damage the vegetation cover, such as stripping, the digging of trenches or excavation work, although no authorization is required for the removal of soapstone by beneficiaries within the meaning of section 1 of the Act respecting the land regime in the James Bay and New Québec territories (R.S.Q., c. R-13.1);

(10) use a pesticide, although no authorization is required for the use of personal insect repellent;

(11) carry on educational or research-related activities if the activities are likely to significantly damage or disturb the natural environment, in particular because of the nature or size of the samples taken or the invasive character of the method or process used; or

(12) hold a sports event, tournament, rally or similar event if more than 15 persons are likely to participate in the activity and have access to the proposed reserve at the same time; no authorization may be issued by the Minister if the activity involves motor vehicle traffic, unless it has been shown to the Minister that it is impossible to organize the activity elsewhere or that bypassing the proposed reserve is highly unfeasible.

The conditions determined by the Minister for the authorization may pertain to the location of the authorized activity, the methods used, the areas that may be cleared or deforested, the types of material that may be used including on-site materials, and the presence of ancillary works or facilities. The conditions may also include a requirement to ensure periodic follow-up or to report to the Minister, in particular as regards the results obtained from the research to which subparagraph 11 of the first paragraph refers.

3.4. Despite subparagraphs 6, 7, 8 and 9 of the first paragraph of section 3.3, no authorization is required to carry out work referred to in subparagraph 1 of this section when the requirements of subparagraph 2 are met.

(1) The work involves

(a) work to maintain, repair or upgrade an existing structure, infrastructure or works such as a camp, cottage, road or trail, including ancillary facilities such as look-outs or stairs;

(b) the construction or erection of

i. an appurtenance or ancillary facility of a trapping camp, rough shelter, shelter or cottage such as a shed, well, water intake or sanitary facilities; or

ii. a trapping camp, rough shelter, shelter or cottage if such a building was permitted under the right to use or occupy the land but had not been constructed or installed on the effective date of the status as a proposed reserve; or

(c) the demolition or reconstruction of a trapping camp, rough shelter, shelter or cottage, including an appurtenance or ancillary facility such as a shed, well, water intake or sanitary facilities.

(2) The work is carried out in compliance with the following requirements:

(a) the work involves a structure, infrastructure or works permitted within the proposed reserve;

(b) the work is carried out within the area of land or right-of-way subject to the right to use or occupy the land in the proposed reserve, whether the right results from a lease, servitude or other form of title, permit or authorization;

(c) the nature of the work or elements erected by the work will not operate to increase the area of land that may remain deforested beyond the limits permitted under

the provisions applicable to the sale, lease and granting of immovable rights under the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) and, if applicable, the limits allowed under an authorization for the structure, works or infrastructure; and

(d) the work is carried out in compliance with the conditions of a permit or authorization issued for the work or in connection with the structure, infrastructure or works involved, and in accordance with the laws and regulations that apply.

For the purposes of this section, repair and upgrading work includes work to replace or erect works or facilities to comply with the requirements of an environmental regulation.

3.5. No person may bury, abandon or dispose of waste, snow or other residual materials elsewhere than in waste disposal containers, facilities or sites determined by the Minister or in another place with the authorization of the Minister and in compliance with the conditions the Minister determines.

Despite the first paragraph, an outfitting operation does not require an authorization to use a disposal facility or site in compliance with the Environment Quality Act and its regulations if the outfitting operation was already using the facility or site on the effective date of the protection status as a proposed reserve.

§2.2. Rules of conduct for users

3.6. Every person staying, carrying on an activity or travelling in the proposed reserve is required to maintain the premises in a satisfactory state and before leaving, return the premises to their natural state to the extent possible.

3.7. Every person who makes a campfire must

(1) first clear an area around the fire site sufficient to prevent the fire from spreading by removing all branches, scrub, dry leaves and other combustible material;

(2) ensure that the fire is at all times under the immediate supervision of a person on the premises; and

(3) ensure that the fire is completely extinguished before leaving the premises.

3.8. In the proposed reserve, no person may

(1) cause any excessive noise;

(2) behave in a manner that unduly disturbs other persons or interferes with their enjoyment of the proposed reserve; or

(3) harass wildlife.

For the purposes of subparagraphs 1 and 2 of the first paragraph, behaviour that significantly disturbs other persons and constitutes unusual or abnormal conditions for the carrying on of an activity or for the permitted use of property, a device or an instrument within the proposed reserve is considered excessive or undue.

3.9. No person may enter, carry on an activity or travel in a vehicle in a given sector of the proposed reserve if the signage erected by the Minister restricts access, traffic or certain activities in order to protect the public from a danger or to avoid placing the fauna, flora or other components of the natural environment at risk, unless the person has been authorized by the Minister and complies with the conditions the Minister determines.

3.10. No person may destroy, remove, move or damage any poster, sign, notice or other types of signage posted by the Minister within the proposed reserve.

§2.3. Activities requiring an authorization

3.11. No person may occupy or use the same site in the proposed reserve for a period of more than 90 days in the same year, unless the person has been authorized by the Minister and complies with the conditions the Minister determines.

(1) For the purposes of the first paragraph,

(a) the occupation or use of a site includes

i. staying or settling in the proposed reserve, including for vacation purposes;

ii. installing a camp or shelter in the proposed reserve; and

iii. installing, burying or leaving property in the proposed reserve, including equipment, any device or a vehicle;

(b) “same site” means any other site within a radius of 1 kilometre from the site.

(2) Despite the first paragraph, no authorization is required if a person,

(a) on the effective date of the protection status as a proposed reserve, was a party to a lease or had already obtained another form of right or authorization allowing the person to legally occupy the land under the Act respecting the lands in the domain of the State or, if applicable, the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), and whose right to occupy the land is renewed or extended on the same conditions, subject to possible changes in fees;

(b) in accordance with the applicable provisions of law, has entitlement under a sublease, an assignment of a lease or a transfer of a right or authorization referred to in paragraph a, and whose right to occupy the land is renewed or extended on the same conditions, subject to possible changes in fees; or

(c) elects to acquire land the person legally occupies on the effective date of the protection status as a proposed reserve, pursuant to the Act respecting the lands in the domain of the State.

3.12. (1) No person may carry on forest management activities to meet domestic needs or for the purpose of maintaining biodiversity, unless the person has been authorized by the Minister and carries on the activities in compliance with the conditions the Minister determines.

The conditions determined by the Minister for the authorization may pertain, among other things, to species of trees or shrubs, the size of the stems that may be cut, the quantities authorized and the places where the activities may be carried on.

(2) Despite subsection 1, the authorization of the Minister is not required if a person staying or residing in the proposed reserve collects wood to make a campfire.

An authorization is also not required if a person collects firewood to meet domestic needs in the following cases and on the following conditions:

(a) the wood is collected to supply a trapping camp or a rough shelter permitted within the proposed reserve if

i. the wood is collected by a person in compliance with the conditions set out in the permit for the harvest of firewood for domestic purposes issued by the Minister of Natural Resources and Wildlife under the Forest Act;

ii. the quantity of wood collected does not exceed 7 apparent cubic metres per year;

(b) in all other cases if

i. the wood is collected within a sector designated by the Minister of Natural Resources and Wildlife as a sector for which a permit for the harvest of firewood for domestic purposes under the Forest Act may be issued, and for which, on the effective date of the protection status as a proposed reserve, a designation as such had already been made by the Minister;

ii. the wood is collected by a person who, on the effective date of the protection status as a proposed reserve or in any of the three preceding years, held a permit for the harvest of firewood for domestic purposes allowing the person to harvest firewood within the proposed reserve;

iii. the wood is collected by a person in compliance with the conditions set out in the permit for the harvest of firewood for domestic purposes issued by the Minister of Natural Resources and Wildlife under the Forest Act.

(3) Despite subsection 1, an authorization to carry on a forest management activity is not required if a person authorized by lease to occupy land within the proposed reserve in accordance with this conservation plan carries on the forest management activity for the purpose of

(a) clearing the permitted areas, maintaining them or creating visual openings, or any other similar removal work permitted under the provisions governing the sale, lease and granting of immovable rights under the Act respecting the lands in the domain of the State, including work for access roads, stairs and other trails permitted under those provisions; or

(b) clearing the necessary area for the installation, connection, maintenance, repair, reconstruction or upgrading of facilities, lines or mains for water, sewer, electric power or telecommunications services.

If the work referred to in paragraph *b* of subsection 3 is carried on for or under the responsibility of an enterprise providing any of those services, the work requires the prior authorization of the Minister, other than in the case of the exemptions in sections 3.13 and 3.15.

(4) Despite subsection 1, an authorization to carry on a forest management activity to maintain a sugar bush and harvest maple products for domestic needs is not required if

(a) the activity is carried on by a person who, on the effective date of the protection status as a proposed reserve or in any of the three preceding years, held a sugar bush management permit issued by the Minister of Natural Resources and Wildlife under the Forest Act

allowing the person to carry on within the proposed reserve the activities associated with operating a sugar bush;

(b) the activity is carried on within a zone for which the permit obtained allowed the carrying on of sugar bush operations on the effective date of the protection status as a proposed reserve or in any of the three preceding years; or

(c) the activity is carried on by a person in compliance with the conditions set out in the sugar bush management permit issued by the Minister of Natural Resources and Wildlife under the Forest Act.

§2.4. Authorization exemptions

3.13. Despite the preceding provisions, an authorization is not required for an activity or other form of intervention within the proposed reserve if urgent action is necessary to prevent harm to the health or safety of persons, or to repair or prevent damage caused by a real or apprehended disaster. The person concerned must, however, immediately inform the Minister of the activity or intervention that has taken place.

3.14. The members of a Native community who, for food, ritual or social purposes, carry on an intervention or an activity within the proposed reserve are exempted from obtaining an authorization.

For greater certainty, the provisions of this conservation plan also apply subject to the authorization exemptions and other provisions in the Act respecting hunting and fishing rights in the James Bay and New Québec territories (R.S.Q., c. D-13.1).

3.15. Despite the preceding provisions, the following activities and interventions involving the transmission, distribution or production of electricity carried out by Hydro-Québec (Société) or by any other person for Hydro-Québec do not require the prior authorization of the Minister under this conservation plan:

(1) any activity or intervention required within the proposed reserve to complete a project for which express authorization had previously been given by the Government and the Minister, or only by the Minister, in accordance with the Environment Quality Act (R.S.Q., c. Q-2), if the activity or intervention is carried out in compliance with the authorizations issued;

(2) any activity or intervention necessary for the preparation and presentation of a pre-project report for a project requiring an authorization under the Environment Quality Act;

(3) any activity or intervention relating to a project requiring the prior authorization of the Minister under the Environment Quality Act if the activity or intervention is in response to a request for a clarification or for additional information made by the Minister to the Société, and the activity or intervention is carried out in conformity with the request; and

(4) any activity or intervention by the Société, if the conditions for the carrying out of the activity or intervention have been determined in an agreement between the Minister and the Société and the activity or intervention is carried out in compliance with those conditions.

The Société is to keep the Minister informed of the various activities or interventions referred to in this section it proposes to carry out before the work is begun in the reserve.

For the purposes of this section, the activities and interventions of the Société include but are not restricted to pre-project studies, analysis work or field research, work required to study and ascertain the impact of electric power transmission and distribution line corridors and rights-of-way, geological or geophysical surveys and survey lines, and the opening and maintenance of roads required for the purpose of access, construction or equipment movement incidental to the work.

§2.5. *General provisions*

3.16. Every person who applies to the Minister for an individual authorization or an authorization for a group or a number of persons must provide all information or documents requested by the Minister for the examination of the application.

3.17. The Minister's authorization, which is general or for a group, may be communicated for the benefit of the persons concerned by any appropriate means including a posted notice or appropriate signage at the reception centre or any other location within the proposed reserve that is readily accessible to the public. The Minister may also provide a copy to any person concerned.

§3. *Activities governed by other statutes*

Certain activities likely to be carried on within the proposed 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 reserve.

A special legal framework may govern permitted activities within the proposed reserves in connection with the following matters:

— Environmental protection: measures set out in particular in the Environment Quality Act (R.S.Q., c. Q-2) and its regulations;

— Removal of species of flora designated as threatened or vulnerable: measures set out in the Act respecting threatened or vulnerable species (R.S.Q., c. E-12.01) prohibiting the removal of such species;

— Development and conservation 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, in particular the fishery regulations; in Northern regions: special measures set out in the Act respecting hunting and fishing rights in the James Bay and New Québec territories (R.S.Q., c. D-13.1);

— Archaeological research: measures set out in particular in the Cultural Property Act (R.S.Q., c. B-4);

— Access and land rights related to the domain of the State: 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 Watercourses Act (R.S.Q., c. R-13) and, in Northern regions, in the Act respecting the land regime in the James Bay and New Québec territories (R.S.Q., c. R-13.1);

— 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 respecting motor vehicle traffic in certain fragile environments made under the Environment Quality Act;

— Construction and development standards: regulatory measures adopted by regional and local municipal authorities under the Acts applicable to them.”

2. The conservation plan for the proposed Upper Harricana aquatic reserve, amended pursuant to section 1, is also amended by inserting the following after section 3.12:

“**3.12.1.** Mining exploration, including prospecting, digging and boring, if the activities necessitate stripping, the digging of trenches, excavation or deforestation, is permitted within the proposed reserve on land reserved to the State under section 304 of the Mining Act (R.S.Q., c. M-13.1), provided that all the following conditions are met:

(1) the activities are not carried on in or on the Harricana river, on the islands in the river or on a 50-metre wide strip on either bank of the river. The width of the strip of land is calculated horizontally from the shoreline appearing on the maps in Québec's Topographic Database (BDTQ, scale 1:20,000);

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

(3) the activities are carried on by or on behalf of a person who is authorized to carry on mining exploration, prospecting, digging or boring within the proposed reserve in accordance with the measures set out in the Mining Act;

(4) the activities, when they necessitate deforestation, are carried on by or on behalf of a person who is authorized to carry on such activities as provided in sections 20 and 21 of the Forest Act; and

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

(a) the person authorized to carry on the exploration work must

- i. recover all drilling muds;
- ii. ensure that no petroleum products are spilled into the environment;
- iii. install a lining to protect against spills of toxic materials into the environment; and
- iv. ensure that residual materials other than sediments, sludge and cuttings from the work are stored, processed or disposed of outside the proposed reserve;

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

- i. the person must have written authorization from the Minister of Sustainable Development, Environment and Parks; and
- ii. the person must install a protective lining under the pump to protect against spills of petroleum products into the environment; and

(c) the person must comply with any conditions of authorization determined by the Minister of Sustainable Development, Environment and Parks with a view to minimizing the impacts on the environment.”

3. Despite section 1, sections 3.1, 3.3, 3.4, 3.5, 3.7, 3.11 and 3.12 of Division 3 of the conservation plan of the proposed Bonaventure river estuary aquatic reserve are to be read as follows:

“**3.1.** Subject to the prohibition in the second paragraph, no person may establish in the proposed reserve any specimens or individuals of a native or non-native species of fauna or flora, including by stocking, unless the person has been authorized by the Minister and complies with the conditions the Minister determines.

No person may stock a watercourse or body of water for aquaculture, commercial fishing or any other commercial purpose.

Before issuing an authorization under this section, the Minister is to take into consideration, in addition to the characteristics and the number of species involved, the risk of biodiversity imbalance, the importance of conserving the various ecosystems, the needs of the species in the ecosystems, the needs of rehabilitating degraded environments or habitats within the proposed reserve, and the interest in reintroducing certain species that have disappeared.

In addition, no person may remove the following species of flora and fauna, unless the person has been authorized by the Minister and carries on the activity in compliance with the conditions the Minister determines:

- (1) mat muhly (*Muhlenbergia richardsonis*);
- (2) harlequin duck (*Historionicus historionicus*);
- (3) Barrow's goldeneye (*Bucephala islandica*);
- (4) red-headed woodpecker (*Melanerpes erythrocephalus*).

3.3. No person may, unless the person has been authorized by the Minister and carries on the activity in compliance with the conditions the Minister determines,

(1) carry out any type of work or intervention in the proposed reserve. For the purposes of this subparagraph, an intervention includes

- (a) erecting any structure, infrastructure or new works, and reconstruction or demolition work;

(b) any burial, earthwork, excavation, removal or displacement of surface materials or vegetation cover, for any purpose including recreational and tourism purposes such as trail development;

(c) creating or developing new watercourses or bodies of water; and

(d) modifying the natural drainage or water regime;

(2) use a pesticide, although no authorization is required for the use of personal insect repellent;

(3) carry on educational or research-related activities if the activities are likely to significantly damage or disturb the natural environment, in particular because of the nature or size of the samples taken or the invasive character of the method or process used; or

(4) hold a tournament or similar event.

The conditions determined by the Minister for the authorization may pertain to the location of the authorized activity, the methods used, the types of material that may be used including on-site materials, and the presence of ancillary works or facilities. The conditions may also include a requirement to ensure periodic follow-up or to report to the Minister, in particular as regards the results obtained from the research to which subparagraph 3 of the first paragraph refers.

If the proposed activity is situated in a wetlands or in or on the bed, banks or floodplain of a watercourse or body of water, no authorization may be issued by the Minister under this section unless the applicant, in addition to showing that the activity will not degrade or affect the integrity of the watercourse or body of water, has shown to the Minister, as the case may be,

(1) that it is impossible to hold the activity elsewhere;

(2) the importance or necessary character of the activity for the advancement of scientific knowledge of the ecosystems; or

(3) the necessity of holding the activity to preserve ecosystems or to rehabilitate or restore disturbed or degraded hydric environments or wetlands.

3.4. Despite subparagraph 1 of the first paragraph of section 3.3, no authorization is required to carry out work referred to in subparagraph 1 of this section when the requirements of subparagraph 2 are met.

(1) The work involves

(a) work to maintain, repair or upgrade an existing structure, infrastructure or works such as a shelter or trail, including ancillary facilities such as lookouts or stairs;

(b) the construction or erection of an appurtenance or ancillary facility for an existing shelter or building in the aquatic reserve such as a shed, well, water intake or sanitary facilities; or

(c) the demolition or reconstruction of a shelter or building or of an appurtenance or ancillary facility such as a shed, well, water intake or sanitary facilities.

(2) The work is carried out in compliance with the following requirements:

(a) the work involves a structure, infrastructure or works permitted within the proposed reserve;

(b) the work is carried out within the area of land or right-of-way subject to the right to use or occupy the land in the proposed reserve, whether the right results from a lease, servitude or other form of title, permit or authorization; and

(c) the work is carried out in compliance with the conditions of a permit or authorization issued for the work in connection with the structure, infrastructure or works involved, and in accordance with the laws and regulations that apply.

For the purposes of this section, repair and upgrading work includes work to replace or erect works or facilities to comply with the requirements of an environmental regulation.

3.5. No person may bury, abandon or dispose of waste, snow or other residual materials elsewhere than in waste disposal containers, facilities or sites determined by the Minister or in another place with the authorization of the Minister and in compliance with the conditions the Minister determines.

3.7. With the exception of campfires which are allowed on Île aux Pirates, fires, including fireworks, are prohibited in the proposed reserve.

Every person who makes a campfire on the island must

(1) first clear an area around the fire site sufficient to prevent the fire from spreading;

(2) ensure that the fire is at all times under the immediate supervision of a person on the premises; and

(3) ensure that the fire is completely extinguished before leaving the premises.

3.11. No person may occupy or use a site in the proposed reserve, unless the person has been authorized by the Minister and complies with the conditions the Minister determines.

For the purposes of this section, the occupation or use of a site includes staying or settling in the proposed reserve, including for vacation purposes, installing a camp or shelter in the proposed reserve or leaving, burying or installing equipment, any device or a vehicle.

3.12. No person may carry on forest management activities to meet domestic needs or for the purpose of maintaining biodiversity, unless the person has been authorized by the Minister and carries on the activities in compliance with the conditions the Minister determines.

The conditions determined by the Minister for the authorization may pertain, among other things, to species of trees or shrubs, the size of the stems that may be cut, the quantities authorized and the places where the activities may be carried on.”.

4. Despite section 1, sections 3.5, 3.11 and 3.12 of Division 3 of the conservation plan of the proposed Saint-Elzéar karst biodiversity reserve are to be read as follows:

“**3.5.** No person may bury, abandon or dispose of waste, snow or other residual materials elsewhere than in waste disposal containers, facilities or sites determined by the Minister or in another place with the authorization of the Minister and in compliance with the conditions the Minister determines.

3.11. No person may occupy or use a site in the proposed reserve, unless the person has been authorized by the Minister and complies with the conditions the Minister determines.

For the purposes of this section, the occupation or use of a site includes staying or settling in the proposed reserve, including for vacation purposes, installing a camp or shelter in the proposed reserve or leaving, burying or installing equipment, any device or a vehicle.

An authorization is not required if a person,

(1) on the effective date of the protection status as a proposed reserve, was a party to a lease or had already obtained another form of right or authorization allowing the person to legally occupy the land under the Act respecting the lands in the domain of the State (R.S.Q.,

c. T-8.1) or, if applicable, the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), and whose right to occupy the land is renewed or extended on the same conditions, subject to possible changes in fees;

(2) in accordance with the applicable provisions of law, has entitlement under a sublease, an assignment of a lease or a transfer of a right or authorization referred to in paragraph 1, and whose right to occupy the land is renewed or extended on the same conditions, subject to possible changes in fees; or

(3) elects to acquire land the person legally occupies on the effective date of the protection status as a proposed reserve, pursuant to the Act respecting the lands in the domain of the State.

3.12. No person may carry on forest management activities to meet domestic needs or for the purpose of maintaining biodiversity, unless the person has been authorized by the Minister and carries on the activities in compliance with the conditions the Minister determines.

The conditions determined by the Minister for the authorization may pertain, among other things, to species of trees or shrubs, the size of the stems that may be cut, the quantities authorized and the places where the activities may be carried on.

Despite the first paragraph, an authorization is not required if a person staying or residing in the proposed reserve collects wood to make a campfire.”.

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

SCHEDULE

(s. 1)

LIST OF PROPOSED BIODIVERSITY AND AQUATIC RESERVES

(1) Proposed René-Levasseur island biodiversity reserve (s. 90, Natural Heritage Conservation Act);

(2) Proposed Monts Groulx biodiversity reserve (s. 90, Natural Heritage Conservation Act);

(3) Proposed Gensart lake biodiversity reserve (s. 90, Natural Heritage Conservation Act);

(4) Proposed Bright Sand lake biodiversity reserve (s. 90, Natural Heritage Conservation Act);

- (5) Proposed Belmont and Magpie lakes massif biodiversity reserve (s. 90, Natural Heritage Conservation Act);
- (6) Proposed Lac aux Sauterelles knolls biodiversity reserve (s. 90, Natural Heritage Conservation Act);
- (7) Proposed Natashquan river valley biodiversity reserve (s. 90, Natural Heritage Conservation Act);
- (8) Proposed Harrington Harbour shore biodiversity reserve (s. 90, Natural Heritage Conservation Act);
- (9) Proposed Guernesé lake foothills biodiversity reserve (s. 90, Natural Heritage Conservation Act);
- (10) Proposed Brador hills biodiversity reserve (s. 90, Natural Heritage Conservation Act);
- (11) Proposed Ashuapmushuan river aquatic reserve (M.O. dated 18 March 2003, 2003, *G.O.* 2, 1404);
- (12) Proposed Moisie river aquatic reserve (M.O. dated 18 March 2003, 2003, *G.O.* 2, 1404);
- (13) Proposed North Harricana river aquatic reserve (M.O. dated 18 March 2003, 2003, *G.O.* 2, 1404);
- (14) Proposed Pasteur lake biodiversity reserve (M.O. dated 18 March 2003, 2003, *G.O.* 2, 1404);
- (15) Proposed Boatswain bay biodiversity reserve (M.O. dated 18 March 2003, 2003, *G.O.* 2, 1404);
- (16) Proposed Ministikawatin peninsula biodiversity reserve (M.O. dated 18 March 2003, 2003, *G.O.* 2, 1404);
- (17) Proposed Missisicabi plain biodiversity reserve (M.O. dated 18 March 2003, 2003, *G.O.* 2, 1404);
- (18) Proposed Muskuuchii hills biodiversity reserve (M.O. dated 18 March 2003, 2003, *G.O.* 2, 1404);
- (19) Proposed Sabourin lake biodiversity reserve (M.O. dated 18 March 2003, 2003, *G.O.* 2, 1404);
- (20) Proposed Upper Harricana aquatic reserve (M.O. dated 17 June 2004, 2004, *G.O.* 2, 2301);
- (21) Proposed Taibi lake biodiversity reserve (M.O. dated 17 June 2004, 2004, *G.O.* 2, 2301);
- (22) Proposed Decelles reservoir biodiversity reserve (M.O. dated 17 June 2004, 2004, *G.O.* 2, 2301);
- (23) Proposed Parent lake marshlands biodiversity reserve (M.O. dated 17 June 2004, 2004, *G.O.* 2, 2301);
- (24) Proposed Waskaganish biodiversity reserve (M.O. dated 17 June 2004, 2004, *G.O.* 2, 2301);
- (25) Proposed Piché-Lemoine forest biodiversity reserve (M.O. dated 17 June 2004, 2004, *G.O.* 2, 2301);
- (26) Proposed Opasatica lake biodiversity reserve (M.O. dated 17 June 2004, 2004, *G.O.* 2, 2301);
- (27) Proposed Des Quinze lake biodiversity reserve (M.O. dated 17 June 2004, 2004, *G.O.* 2, 2301);
- (28) Proposed Lac au Foin aquatic reserve (M.O. dated 27 July 2005, 2005, *G.O.* 2, 4072);
- (29) Proposed Sainte-Marguerite river valley aquatic reserve (M.O. dated 27 July 2005, 2005, *G.O.* 2, 4072);
- (30) Proposed Bonaventure river estuary aquatic reserve (M.O. dated 27 July 2005, 2005, *G.O.* 2, 4072);
- (31) Proposed Niquet stream biodiversity reserve (M.O. dated 27 July 2005, 2005, *G.O.* 2, 4072);
- (32) Proposed Saint-Cyr lake biodiversity reserve (M.O. dated 27 July 2005, 2005, *G.O.* 2, 4072);
- (33) Proposed Wetetnagami lake biodiversity reserve (M.O. dated 27 July 2005, 2005, *G.O.* 2, 4072);
- (34) Proposed Plétipi lake biodiversity reserve (M.O. dated 27 July 2005, 2005, *G.O.* 2, 4072);
- (35) Proposed Onistagan lake biodiversity reserve (M.O. dated 27 July 2005, 2005, *G.O.* 2, 4072);
- (36) Proposed Berté lake biodiversity reserve (M.O. dated 27 July 2005, 2005, *G.O.* 2, 4072);
- (37) Proposed Paul-Provencher biodiversity reserve (M.O. dated 27 July 2005, 2005, *G.O.* 2, 4072);
- (38) Proposed Godbout river valley biodiversity reserve (M.O. dated 27 July 2005, 2005, *G.O.* 2, 4072);
- (39) Proposed Frégate lake burn area biodiversity reserve (M.O. dated 27 July 2005, 2005, *G.O.* 2, 4072);
- (40) Proposed Pipmuacan east islands biodiversity reserve (M.O. dated 27 July 2005, 2005, *G.O.* 2, 4072);
- (41) Proposed Akumunan biodiversity reserve (M.O. dated 27 July 2005, 2005, *G.O.* 2, 4072);
- (42) Proposed Ménistouc lake biodiversity reserve (M.O. dated 27 July 2005, 2005, *G.O.* 2, 4072);

(43) Proposed Racine de Bouleau river biodiversity reserve (M.O. dated 27 July 2005, 2005, *G.O.* 2, 4072);

(44) Proposed Clérac lake drumlins biodiversity reserve (M.O. dated 27 July 2005, 2005, *G.O.* 2, 4072);

(45) Proposed Saint-Elzéar karst biodiversity reserve (M.O. dated 27 July 2005, 2005, *G.O.* 2, 4072);

(46) Proposed Anneaux-Forestiers biodiversity reserve (M.O. dated 20 February 2007, 2007, *G.O.* 2, 1192);

(47) Proposed Esker-Mistaouac biodiversity reserve (M.O. dated 20 February 2007, 2007, *G.O.* 2, 1192);

(48) Proposed Dunes-de-la-Rivière-Attic biodiversity reserve (M.O. dated 20 February 2007, 2007, *G.O.* 2, 1192);

(49) Proposed Plateau-du-Lac-des-Huit-Chutes biodiversity reserve (M.O. dated 20 February 2007, 2007, *G.O.* 2, 1192);

(50) Proposed Albanel-Témiscamie-Otish biodiversity reserve (M.O. dated 20 February 2007, 2007, *G.O.* 2, 1192);

(51) Proposed Seigneurie-du-Triton biodiversity reserve (M.O. dated 20 February 2007, 2007, *G.O.* 2, 1192);

(52) Proposed Opémican biodiversity reserve (M.O. dated 20 February 2007, 2007, *G.O.* 2, 1193).

Draft Regulations

Draft Regulation

Tobacco Act
(R.S.Q., c. T-0.01)

Regulation

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 under the Tobacco Act, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation determines the products, other than tobacco products, that are considered to be tobacco, determines standards under the Act that apply to tobacco advertising in tobacco retail outlets and printed newspapers and magazines, provides standards for the display of specialized publications about tobacco or accessories that may be used for tobacco smoking, and identifies the tobacco products that cannot be sold in a package containing fewer units than the quantity of units determined by the draft Regulation.

The draft Regulation has no significant impact on citizens or enterprises, including small and medium-sized businesses.

Further information on the draft Regulation may be obtained by contacting Geneviève Defoy, 1000, route de l'Église, 3^e étage, bureau 310, Québec (Québec) G1V 3V9; telephone: 418 643-6407; fax: 418 646-5789; e-mail: genevieve.defoy@msss.gouv.qc.ca

Any interested person wishing to comment on the draft Regulation may submit written comments to the Minister of Health and Social Services, 1075, chemin Sainte-Foy, 15^e étage, Québec (Québec) G1S 2M1, within the 45-day period.

PHILIPPE COUILLARD,
*Minister of Health and
Social Services*

Regulation under the Tobacco Act

Tobacco Act
(R.S.Q., c. T-0.01, s. 19, s. 25, 1st par., subpars. 1, 2 and 4, and s. 29.1)

1. For the purposes of the Tobacco Act (R.S.Q., c. T-0.01), any product that does not contain tobacco and is intended to be smoked is considered to be tobacco.

2. In a tobacco retail outlet, all advertising disseminated pursuant to subparagraph 9 of the first paragraph of section 24 of the Act must be displayed on one display board only.

The display board must be fixed, rectangular, flat and opaque, and not have a raised surface. Only one of its sides, having a maximum surface area of 3,600 cm², may display the advertising, which may be written or printed directly on the board or posted on it by means of a sign. In the latter case, the sign must be affixed to the board, not be embossed and not extend beyond the edges of the display board.

Only black and white may be used on the display board and in the advertising it displays.

3. The display board referred to in section 2 may display no advertising other than the advertising referred to in that section.

No lighting, sound or other effect may be used to draw the attention of the public to the advertising.

4. In a printed newspaper or magazine, advertising disseminated pursuant to subparagraph 8 of the first paragraph of section 24 of the Act must

(1) be rectangular, have a maximum area of 400 cm², be high and wide enough to hold the warning concerning the harmful effects of tobacco on health prescribed by regulation of the Minister of Health and Social Services and be bordered by a line that is not less than 0.5 nor more than 1.5 points wide;

(2) be in black and white only, not be embossed, and have consistent characters as regards the font, size and colour; and

(3) not appear on the first or last page of the newspaper or magazine and be printed on paper of the same size and quality as that usually used in the newspaper or magazine.

The advertising space may contain no advertising other than the advertising to which this section refers. If several tobacco advertisements are disseminated in the same printed newspaper or magazine, they must be grouped to appear on one or, if need be, two or more successive pages.

5. Specialized publications about tobacco or accessories that may be used for tobacco smoking on sale in a business must be displayed in such a manner as to be visible only from the inside of the business. They must also be placed so that, for each issue of a publication, the cover page of only one copy of the issue is visible.

No lighting, sound or other effect may be used to draw the attention of the public to the publications.

6. Subject to the provisions of section 19 of the Act and the provisions of the second paragraph of this section, the operator of a tobacco retail outlet may not sell a tobacco product except in a package that contains at least ten units of the product.

The prohibition in the first paragraph does not apply to a package of tobacco or a unit of tobacco sold at a price higher than \$5.

7. The violation of any of sections 2 to 6 constitutes an offence.

8. This Regulation comes into force on 31 May 2008.

8577

Draft Regulation

Tobacco Act
(R.S.Q., c. T-0.01)

Health and Social Services — Warning attributed to the Minister concerning the harmful effects of tobacco on health

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R18.1), that the Regulation respecting the warning attributed to the Minister of Health and Social Services concerning the harmful effects of tobacco on health, appearing below, may be made by the Minister of Health and Social Services on the expiry of 45 days following this publication.

The draft Regulation establishes the warning attributed to the Minister of Health and Social Services concerning the harmful effects of tobacco on health that must be displayed in tobacco advertising in a printed newspaper or magazine that has an adult readership of not less than 85%. It also sets out the standards that apply to the warning.

The draft Regulation has no significant impact on citizens or enterprises, including small and medium-sized businesses.

Further information on the draft Regulation may be obtained by contacting Geneviève Defoy, 1000, route de l'Église, 3^e étage, bureau 310, Québec (Québec) G1V 3V9; telephone: 418 643-6407; fax: 418 646-5789; e-mail: genevieve.defoy@msss.gouv.qc.ca

Any interested person wishing to comment on the draft Regulation may submit written comments to the Minister of Health and Social Services, 1075, chemin Sainte-Foy, 15^e étage, Québec (Québec) G1S 2M1, within the 45-day period.

PHILIPPE COUILLARD,
*Minister of Health and
Social Services*

Regulation respecting the warning attributed to the Minister of Health and Social Services concerning the harmful effects of tobacco on health

Tobacco Act
(R.S.Q. c. T-0.01, s. 25.1)

1. All advertising placed in a printed newspaper or magazine in accordance with section 4 of the Regulation under the Tobacco Act must include one of the warnings in the Schedule to this Regulation based on the surface area of the advertising and the language in which the newspaper or magazine is published.

2. Advertisements having a surface area of 100 cm² or less must include the warning in Format 1. Advertisements having a surface area of between 100 cm² and 200 cm² and advertisements having a surface area of 200 cm² or more must include the warning in Format 2 or Format 3, respectively.

3. Advertising in a French-language printed newspaper or magazine must include the warning in French. Advertising in an English-language printed newspaper or magazine must include the warning in English. Advertising in a printed newspaper or magazine published in a language other than French or English must display the French-language warning.

4. The warning must be placed in the upper left corner of the advertisement. The warning must be adjacent to the left and upper borders of the advertisement.

5. The warning must be downloaded from the Ministère de la Santé et des Services sociaux website at the following address: <http://www.msss.gouv.qc.ca>. It must not be altered after the downloading.

6. The violation of any of sections 1 to 5 constitutes an offence.

7. This Regulation comes into force on 31 May 2008.

SCHEDULE

Format 1



Format 2



Format 3



**FUMER
TUE 10 000
PERSONNES
PAR ANNÉE
AU QUÉBEC**

1 866 jarrête
(527-7383)

Le ministre de la Santé et des Services sociaux

Québec 



**SMOKING
KILLS 10,000
QUEBECERS
EVERY YEAR**

1 866 jarrête
(527-7383)

Health and Social Services Minister

Québec 

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

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