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Laws and Regulations

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Summary

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PROVINCE OF QUÉBEC

1ST SESSION

38TH LEGISLATURE

QUÉBEC, 6 MAY 2008

OFFICE OF THE LIEUTENANT-GOVERNOR*Québec, 6 May 2008*

This day, at twenty minutes past ten o'clock in the morning, His Excellency the Lieutenant-Governor was pleased to sanction the following bills:

- 40 An Act to amend the Courts of Justice Act and the Act to amend the Act respecting municipal courts, the Courts of Justice Act and other legislative provisions
- 61 An Act to amend the Act respecting the Société des établissements de plein air du Québec and the Act respecting the Société québécoise de récupération et de recyclage
- 78 Appropriation Act No. 2, 2008-2009

To these bills the Royal assent was affixed by His Excellency the Lieutenant-Governor.

Regulations and other acts

Gouvernement du Québec

O.C. 432-2008, 7 May 2008

Financial Administration Act
(R.S.Q., c. A-6.001)

Amendments to Schedules 1, 2 and 3

Amendments to Schedules 1, 2 and 3 to the Financial Administration Act

WHEREAS section 2 of the Financial Administration Act (R.S.Q., c. A-6.001), as amended by chapter 34 of the Statutes of 2005 and chapters 26, 38 and 58 of the Statutes of 2006 and chapter 3 of the Statutes of 2007, provides that, for the purposes of the Act, the budget-funded bodies listed in Schedule 1 and the bodies other than budget-funded bodies listed in Schedule 2 are government bodies and the enterprises listed in Schedule 3 are government enterprises;

WHEREAS, under section 3 of the Act, the Government may amend a schedule to the Act following the establishment or abolition of a body or enterprise or the amendment of the Act constituting a body or enterprise, or where a body or enterprise no longer possesses the characteristics of the category in which it is classified according to the Government's accounting policies;

WHEREAS, under section 3 of the Act, the Government may also amend a schedule to the Act to add a body or enterprise that has acquired the characteristics of a government body or enterprise according to the Government's accounting policies;

WHEREAS certain government enterprises no longer possess the characteristics of the category in which they are classified according to the Government's accounting policies and acquire the characteristics of a body other than a budget-funded body according to those policies;

WHEREAS bodies have been established or abolished;

WHEREAS it is expedient to amend Schedules 1, 2 and 3 to the Act;

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

THAT Schedule 1 to the Financial Administration Act be amended by inserting "Conseil du médicament" in alphabetical order;

THAT Schedule 2 to the Financial Administration Act be amended

(1) by inserting the following in alphabetical order: "Corporation d'hébergement du Québec", "Financement-Québec", "Société de développement de la Baie James", "Société de l'assurance automobile du Québec in the exercise of its functions in a capacity other than that of trustee" and "Société des établissements de plein air du Québec";

(2) by striking out "Observatoire québécois de la mondialisation";

THAT Schedule 3 to the Financial Administration Act be amended by striking out "Corporation d'hébergement du Québec", "Financement-Québec", "Société de développement de la Baie James", "Société de l'assurance automobile du Québec in the exercise of its functions in a capacity other than that of trustee" and "Société des établissements de plein air du Québec".

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

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Gouvernement du Québec

O.C. 435-2008, 7 May 2008

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

Roll of professional orders

Regulation respecting the roll of professional orders

WHEREAS, under subparagraph *a* of subparagraph 6 of the third paragraph of section 12 of the Professional Code (R.S.Q., c. C-26), replaced by paragraph 1 of section 148 of chapter 22 of the Statutes of 2006, the Office des professions du Québec must determine, by regulation and after consultation with the Québec Interprofessional Council, the information other than the

information provided for in section 46.1 of the Code that must be included in the roll of an order, as well as the standards governing the preparation, updating and publication of the roll;

WHEREAS the Office has conducted the required consultations;

WHEREAS the Office made the Regulation respecting the roll of professional orders at its meeting held on 14 June 2007 to replace the Regulation respecting the membership rolls of professional orders (R.R.Q., 1981, c. C-26, r.7);

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 4 July 2007 with a notice that it could be submitted to the Government for approval, with or without amendment, on the expiry of 45 days following that publication;

WHEREAS comments were sent to the Chair of the Office after that publication;

WHEREAS, pursuant to section 13 of the Professional Code, the Office must submit the Regulation to 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 responsible for the administration of legislation respecting the professions:

THAT the Regulation respecting the roll of professional orders, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation respecting the roll of professional orders

Professional Code
(R.S.Q., c. C-26, s. 12, 3rd par., subpar. 6, subpar. a and 4th par. and s. 46.1, 1st par., subpar. 9; 2006, c. 22, ss. 148 and 150)

DIVISION I

CONTENT APPLICABLE TO EACH PROFESSIONAL ORDER

1. The roll of a professional order is titled “Roll of the (name of order)”.
2. The roll of an order contains for each member, in addition to the information required by the Professional Code (R.S.Q., c. C-26),
 - (1) mention of the fact that the member’s permit has been revoked; and
 - (2) the sector of practice in which the member principally practises.

For the purposes of this Regulation, “sector of practice” means the sector of activity or the area of practice, or a combination of the two.

DIVISION II

CONTENT APPLICABLE TO CERTAIN PROFESSIONAL ORDERS

3. The roll of the Ordre professionnel des chimistes du Québec contains for each member
 - (1) the member’s e-mail address at work; and
 - (2) the year in which a professional inspection was conducted of the member.
4. The roll of the Ordre professionnel des comptables agréés du Québec contains for each member the name of the assignee of the member’s records.
5. The roll of the Ordre professionnel des infirmières et infirmiers du Québec contains for each member
 - (1) the main functions of the member;
 - (2) the level of service of the professional activities engaged in by the member;

(3) the number of hours during which the member practised from 1 January to 31 December of the year preceding the member's entry on the roll; and

(4) the member's number.

6. The roll of the Ordre professionnel des inhalothérapeutes du Québec contains for each member the member's number.

7. The roll of the Ordre professionnel des médecins du Québec contains for each member

(1) the name of the assignee of the member's records; and

(2) the member's number.

8. The roll of the Ordre professionnel des pharmaciens du Québec contains for each member the member's number.

9. The roll of the Ordre professionnel des technologues en radiologie du Québec contains for each member the member's number.

10. The information referred to in this Division is complementary to the information required by Division I and the Professional Code.

DIVISION III PREPARATION AND UPDATING

11. The secretary of the order prepares the roll and enters in it the information required by the Professional Code and this Regulation.

12. The secretary updates the roll, entering when and as applicable any modification brought to the secretary's attention that pertains to the information the roll is to contain.

DIVISION IV FINAL

13. This Regulation replaces the Regulation respecting the membership rolls of professional orders (R.R.Q., 1981, c. C-26, r.7).

14. 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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Gouvernement du Québec

O.C. 436-2008, 7 May 2008

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

Infirmières et infirmiers auxiliaires — Standards of equivalence for diplomas and training for the issue of a permit by the Ordre — Amendments

Regulation to amend the Regulation respecting standards of equivalence for diplomas and training for the issue of a permit by the Ordre des infirmières et infirmiers auxiliaires du Québec

WHEREAS, under paragraph *c* of section 93 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order must, by regulation, prescribe standards for equivalence of diplomas issued by educational establishments situated outside Québec, for the purposes of issuing a permit or specialist's certificate, and standards of equivalence of the training of a person who does not hold a diploma required for such purposes;

WHEREAS, under paragraph *c.1* of section 93 of the Professional Code, the Bureau must, by regulation, determine a procedure for recognizing an equivalence, standards for which are to be established in a regulation under paragraph *c* of that section, providing that a decision must be reviewed by persons other than those who made it and, for that purpose, provide that the Bureau's power to decide an application or review a decision may be delegated to a committee established under paragraph 2 of section 86.0.1 of the Code;

WHEREAS the Bureau of the Ordre des infirmières et infirmiers auxiliaires du Québec made the Regulation to amend the Regulation respecting the standards of equivalence for diplomas and training for the issue of a permit by the Ordre des infirmières et infirmiers auxiliaires du Québec;

WHEREAS, pursuant to section 95 of the Professional Code and subject to sections 95.1 and 95.2 of the Code, every regulation made by the Bureau under the Code or an Act constituting a professional order must be transmitted to the Office des professions du Québec for examination and be 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 14 February 2007 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, 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 to amend the Regulation respecting the standards of equivalence for diplomas and training for the issue of a permit by the Ordre des infirmières et infirmiers auxiliaires du Québec, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting standards of equivalence for diplomas and training for the issue of a permit by the Ordre des infirmières et infirmiers auxiliaires du Québec*

Professional Code
(R.S.Q., c. C-26, s. 93, pars. *c* and *c.1*)

1. The Regulation respecting standards of equivalence for diplomas and training for the issue of a permit by the Ordre des infirmières et infirmiers auxiliaires du Québec is amended in section 1

(1) by replacing “the recognition by the Bureau of the Order, pursuant to subparagraph *g* of the first paragraph of section 86 of the Professional Code,” in the definition of “diploma equivalence” in the third paragraph by “recognition pursuant to the Professional Code”;

(2) by replacing “the recognition by the Bureau of the Order, pursuant to subparagraph *g* of the first paragraph of section 86 of the Professional Code, that a person’s training demonstrates that he” in the definition of “train-

ing equivalence” in the third paragraph by “recognition pursuant to the Professional Code that a person’s training demonstrates that the person”.

2. Section 3 is replaced by the following:

“**3.** A person who holds a diploma issued by an educational institution outside Québec is granted a diploma equivalence if the person’s diploma was obtained upon completion of Secondary IV studies in Québec, or the equivalent, comprising at least 1,800 hours apportioned as follows:

(1) a minimum of 945 theoretical and laboratory hours obtained in subjects dealing with professional training for nursing assistants including

(a) 150 hours on the profession, its ethical and legal aspects in the context of a comprehensive approach to health, and communication at work;

(b) 135 hours in basic care procedures and in establishing a helping relationship;

(c) 330 hours in the musculoskeletal, nervous and sensory systems, endocrine system, cardiovascular and respiratory systems, digestive system, urinary and reproductive systems;

(d) 90 hours in nutrition and pharmacotherapy;

(e) 90 hours of first aid and infection control;

(f) 30 hours in palliative care; and

(g) 120 hours in approaches to mental health and approaches to persons with cognitive deficits and intellectual impairments;

(2) a minimum of 855 hours of training apportioned as follows:

(a) 135 hours of specific care and basic care to persons suffering from a loss of autonomy;

(b) 120 hours in geronto-geriatric care;

(c) 120 hours of care of persons with mental health problems and persons with physical or intellectual impairments;

(d) 330 hours of care including at least 120 hours in medical care, at least 90 hours of pre- and postoperative care to adults and at least 90 hours of physical rehabilitation care; and

* The Regulation respecting standards of equivalence for diplomas and training for the issue of a permit by the Ordre des infirmières et infirmiers auxiliaires du Québec, approved by Order in Council 749-98 dated 3 June 1998 (1998, *G.O.* 2, 2211), has not been amended since.

(e) 60 hours of care to persons suffering from a loss of autonomy in family or intermediate-type establishments.

3.1. Despite section 3, if the diploma relating to the application for equivalence was obtained more than four years before the application and the knowledge to which it attests no longer corresponds, given the developments within the profession, to the knowledge currently taught, the candidate shall be granted training equivalence in accordance with section 4, provided the candidate has acquired the required level of knowledge and skills since the candidate obtained his or her diploma.”.

3. Section 4 is amended by replacing subparagraph 1 of the first paragraph by the following:

“(1) attained a level of knowledge and skills equivalent to the level that may be attained upon completion of Secondary IV studies in Québec or the equivalent, comprising the hours specified in paragraph 1 of section 3; and”.

4. Section 8 is amended by replacing “Bureau of the Order” in the first paragraph by “administrative committee”.

5. Section 9 is amended

(1) by replacing “Bureau of the Order” wherever it appears by “administrative committee”;

(2) by replacing “Bureau” wherever it appears by “administrative committee”.

6. Section 10 is replaced by the following:

“**10.** A person who is granted partial training equivalence by the administrative committee or is not granted a diploma or training equivalence may apply for a review of the decision provided that the person applies to the secretary in writing within 30 days of receiving the decision.

The review must be made within 90 days following the date of receipt of the application by a committee formed by the Bureau, pursuant to paragraph 2 of section 86.0.1 of the Professional Code. The committee must be composed of persons other than members of the administrative committee or of the committee referred to in section 8. The committee must, before making its decision, allow the person concerned to present observations.

For that purpose, the secretary must inform the person concerned of the date, time and place of the meeting where the application will be examined, by means of a written notice sent by registered or certified mail at least 10 days before the date set for the meeting.

A person who wishes to present observations in person must inform the secretary at least 5 days before the date set for the meeting. The person may also submit written observations to the secretary at any time before the date set for the meeting.

The decision of the committee is final and must be sent to the person concerned in writing within 30 days following the date of the meeting.”.

7. A diploma or training equivalence application which, on the date of coming into force of this Regulation, was the subject of a recommendation pursuant to section 8 of the Regulation respecting standards of equivalence for diplomas and training for the issue of a permit by the Ordre des infirmières et infirmiers auxiliaires du Québec, approved by Order in Council 749-98 dated 3 June 1998, is examined on the basis of the replaced Regulation.

8. Section 10, as introduced by section 6 of this Regulation, applies to a decision made pursuant to section 9 of the Regulation respecting standards of equivalence for diplomas and training for the issue of a permit by the Ordre des infirmières et infirmiers auxiliaires du Québec before 5 June 2008 if the review period provided for in section 10 of the Regulation, as it reads before 5 June 2008, has not expired on the date of coming into force of this Regulation, and also applies to an application for review in respect of which a decision has not been made before that date.

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

Gouvernement du Québec

O.C. 437-2008, 7 May 2008

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

Notaires

— Terms and conditions for the issuance of permits by the Chambre — Amendments

Regulation to amend the Regulation respecting terms and conditions for the issuance of permits by the Chambre des notaires du Québec

WHEREAS, under paragraph *c* of section 93 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order must, by regulation, prescribe standards for equivalence of diplomas issued by educational establishments situated outside Québec, for the purposes of issuing a permit or specialist's certificate, and standards of equivalence of the training of a person who does not hold a diploma required for such purposes;

WHEREAS, under paragraph *c.1* of section 93 of the Professional Code, the Bureau must, by regulation, determine a procedure for recognizing an equivalence, standards for which are to be established in a regulation under paragraph *c* of that section, providing that a decision must be reviewed by persons other than those who made it and, for that purpose, provide that the Bureau's power to decide an application or review a decision may be delegated to a committee established under paragraph 2 of section 86.0.1 of the Code;

WHEREAS, under paragraph *h* of section 94 of the Professional Code, the Bureau of a professional order may, by regulation, determine, among the professional activities that may be engaged in by members of the order, those that may be engaged in by the persons or categories of persons indicated in the regulation, in particular persons serving a period of professional training determined pursuant to paragraph *i*, and the terms and conditions on which such persons may engage in such activities;

WHEREAS, under paragraph *i* of section 94 of the Professional Code, the Bureau of a professional order may, by regulation, determine the other terms and conditions for issuing permits, in particular the obligation to serve the periods of professional training and to pass the professional examinations it determines; the regulation may also fix standards of equivalence applicable to the terms and conditions determined therein;

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

WHEREAS the Bureau of the Chambre des notaires du Québec made the Regulation to amend the Regulation respecting terms and conditions for the issuance of permits by the Chambre des notaires du Québec;

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 October 2007 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, 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 to amend the Regulation respecting terms and conditions for the issuance of permits by the Chambre des notaires du Québec, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting terms and conditions for the issuance of permits by the Chambre des notaires du Québec*

Professional Code
(R.S.Q., c. C-26, s. 93, pars. *c* and *c.1*, and s. 94,
pars. *h* and *i*)

1. The Regulation respecting terms and conditions for the issuance of permits by the Chambre des notaires du Québec is amended in section 1

* The Regulation respecting terms and conditions for the issuance of permits by the Chambre des notaires du Québec was approved by Order in Council 775-2004 dated 10 August 2004 (2004, *G.O.* 2, 2539) and has not been amended since.

(1) by replacing paragraph 2 by the following:

“(2) hold a diploma determined by the Government, pursuant to the first paragraph of section 184 of the Professional Code (R.S.Q., c. C-26), as giving access to the permit issued by the Order or be granted diploma or training equivalence pursuant to Division II;”;

(2) by striking out “recognized by the Administrative Committee” in paragraph 3.

2. Section 8 is replaced by the following:

“**8.** The secretary of the Order shall send the documents listed in section 2 to the Admissions Committee formed by the Bureau pursuant to paragraph 2 of section 86.0.1 of the Professional Code and composed of persons other than members of the Administrative Committee.”.

3. Section 9 is amended by replacing the first paragraph by the following:

“**9.** The Admissions Committee shall consider the application for equivalence and dispose of it as provided in section 10.”.

4. Section 10 is replaced by the following:

“**10.** The Admissions Committee, after giving the candidate the opportunity to make submissions, shall decide

(1) to recognize diploma or training equivalence;

(2) to recognize partial training equivalence and determine the programs of study, training periods or examinations that the candidate will have to successfully complete within the allotted time; or

(3) to refuse to recognize diploma or training equivalence.

A candidate who is informed of the decision in subparagraph 2 or 3 of the first paragraph may apply for a review of the decision by the Administrative Committee. The candidate must apply for review to the secretary of the Order in writing within 30 days of receiving the decision and pay the required fees.

The Administrative Committee has 60 days from the date of receipt of the application for review to render its decision. The secretary shall inform the candidate of the date of the meeting at which the application will be examined at least 15 days before that date. A candidate who wishes to make submissions in person 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.”.

5. Section 11 of the French text is amended by replacing “le candidat par écrit” by “, par écrit, le candidat”.

6. Section 12 is amended

(1) by replacing “courses required under a decision rendered under paragraph 2 of the first paragraph of section 10” by “programs of study, training periods or examinations determined in a decision under subparagraph 2 of the first paragraph of section 10 within the allotted time”;

(2) by replacing “Administrative” by “Admissions”.

7. Section 38 is amended by replacing “recommend to the Administrative Committee one of the decisions the latter may render pursuant to” by “dispose of it as provided in”.

8. Section 40 is replaced by the following:

“**40.** The Admissions Committee, after giving the candidate the opportunity to make submissions, shall decide

(1) to recognize training period equivalence;

(2) to recognize partial training period equivalence and determine the training period activities that must be successfully completed within the allotted time; or

(3) to refuse to recognize training period equivalence.

A candidate who is informed of the Admissions Committee’s decision in subparagraph 2 or 3 of the first paragraph may apply for a review of the decision by the Administrative Committee.

The Administrative Committee has 60 days from the date of receipt of the application for review to render its decision. The secretary shall inform the candidate of the date of the meeting at which the application will be examined at least 15 days before that date. A candidate who wishes to make submissions in person 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.”.

9. Section 41 of the French text is amended by replacing “le candidat par écrit” by “, par écrit, le candidat”.

10. Section 42 is amended by replacing “Administrative” by “Admissions” wherever it appears and “paragraph 2” by “subparagraph 2”.

11. 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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Gouvernement du Québec

O.C. 438-2008, 7 May 2008

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

Professional orders

— Diplomas issued by designated educational institutions which give access to permits or specialist’s certificates

— Amendment

Regulation to amend the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist’s certificates of professional orders

WHEREAS, under the first paragraph of section 184 of the Professional Code (R.S.Q., c. C-26), after obtaining the advice of the Office des professions du Québec in accordance with subparagraph 7 of the third paragraph of section 12 of the Code, and of the order concerned being the Ordre des opticiens d’ordonnances du Québec, the Government may, by regulation, determine the diplomas issued by the educational institutions it indicates which give access to a permit or specialist’s certificate;

WHEREAS, under subparagraph 7 of the third paragraph of section 12 of the Code, the Office must, before advising the Government, consult the educational institutions and the order concerned, the Conference of Rectors and Principals of Quebec Universities in the case of a university-level diploma, the Fédération des cégeps in the case of a college-level diploma and the Minister of Education, Recreation and Sports;

WHEREAS, pursuant to that provision, the Office carried out the required consultations;

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 diplomas issued by designated educational institutions which give access to permits or specialist’s certificates of professional orders was published in Part 2 of the *Gazette*

officielle du Québec of 22 August 2007 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS, on 29 September 2006, the Ordre des opticiens d’ordonnances du Québec gave a favourable opinion in respect of the submitted text;

WHEREAS, on 13 December 2007, the Office gave an opinion favourable to the Regulation attached to this Order in Council being made by the Government;

WHEREAS it is expedient to make the Regulation;

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

THAT the Regulation to amend the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist’s certificates of professional orders, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist’s certificates of professional orders*

Professional Code
(R.S.Q., c. C-26, s. 184, 1st par.)

1. Section 2.03 of the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist’s certificates of professional orders is replaced by the following:

“**2.03.** The diploma of college studies awarded by the Minister of Education, Recreation and Sports following studies completed in visual orthosis techniques at the Édouard-Montpetit and François-Xavier-Garneau general and vocational colleges gives access to the permit issued by the Ordre des opticiens d’ordonnances du Québec.”

* The Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist’s certificates of professional orders, made by Order in Council 1139-83 dated 1 June 1983 (1983, *G.O.* 2, 2369), was last amended by the regulation made by Order in Council 670-2007 dated 14 August 2007 (2007, *G.O.* 2, 2452). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2008 updated to 1 March 2008.

2. 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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Gouvernement du Québec

O.C. 439-2008, 7 May 2008

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

Psychologists
— Code of ethics

Code of ethics of psychologists

WHEREAS, under section 87 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order must make, by regulation, a code of ethics governing the general and special duties of the members of the Order towards the public, their clients and their profession;

WHEREAS the Bureau of the Ordre des psychologues du Québec made the Code of ethics of psychologists to replace the Code of ethics of psychologists, approved by Order in Council 3048-82 dated 21 December 1982 and replaced by a decision dated 18 February 1983;

WHEREAS, under section 95.3 of the Professional Code, a draft 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 Code and 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 must 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 Code of ethics of psychologists was published in Part 2 of the *Gazette officielle du Québec* of 21 December 2005 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office des professions du Québec 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 Code of ethics of psychologists, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Code of ethics of psychologists

Professional Code
(R.S.Q., c. C-26, s. 87)

CHAPTER I
GENERAL

1. This Code determines, pursuant to section 87 of the Professional Code (R.S.Q., c. C-26), the duties and obligations of psychologists regardless of the context or manner in which they engage in their professional activities or the nature of their contractual relationship with clients.

2. Psychologists may not exempt themselves, even indirectly, from a duty or obligation contained in this Code.

CHAPTER II
GENERAL DUTIES

3. In their practice, psychologists must show respect for the dignity and freedom of persons.

4. The conduct of psychologists towards every person with whom they enter into a professional relationship, whether physical or psychological, must be beyond reproach.

5. Psychologists must practise according to generally recognized scientific and professional principles, in keeping with good practice in psychology.

6. Psychologists must consider all foreseeable consequences of their research and work on society.

7. Psychologists must discharge their professional obligations with competence, integrity, objectivity and moderation.

Psychologists must avoid any misrepresentation with respect to their competence or the efficiency of their own services or those generally provided by the members of their profession.

8. In their practice, psychologists must assume full personal civil liability. They may not evade or attempt to evade personal civil liability or request that a client or person renounce any recourse taken in a case of professional negligence on their part. They may not invoke the liability of the partnership or joint-stock company within which they carry on their professional activities or that of another person also carrying on activities as a ground for excluding or limiting their personal professional liability.

9. Psychologists must take reasonable measures to ensure that every person collaborating with them and any partnership or joint-stock company within which they practise complies with the Professional Code and its regulations, including this Code.

CHAPTER III DUTIES AND OBLIGATIONS TOWARDS CLIENTS

DIVISION I CONSENT

10. Before agreeing with a client to provide professional services, psychologists must consider the client's request and expectations and the extent of their skills and means at their disposal.

11. Before providing professional services, psychologists must, except in an emergency, obtain the free and enlightened consent of the client, the client's representative or the client's parents in the case of a child under 14 years of age, informing the client of

(1) the objective, nature, relevance and main terms of the professional services, the advantages and disadvantages of the services and alternatives, the limits and mutual responsibilities of the parties, including any agreement on fees and terms of payment;

(2) the possibility of refusing the professional services offered or ceasing to receive professional services at any time; and

(3) the rules and limits of confidentiality and the terms related to the transmission of confidential information pertaining to the intervention.

Disclosure of the information must be adapted to the context of the professional services provided.

12. Psychologists must take the reasonable and necessary measures, including when the emergency has ended, to ensure that the consent is free and enlightened by ensuring that the client has properly understood the information communicated.

13. Psychologists must ensure that the consent remains free and enlightened throughout the professional relationship.

DIVISION II CONFIDENTIAL INFORMATION

14. Psychologists must respect the privacy of the persons with whom they enter into a professional relationship, refraining from gathering information and exploring aspects of private life that have no relation with the professional services agreed on with the client.

15. Psychologists, for the purpose of preserving professional secrecy,

(1) must not disclose any information on their client, except the information authorized in writing by the client, or verbally in an emergency, or unless so ordered by law;

(2) must inform a client who intends to authorize the communication of confidential information to a third party of the consequences of the disclosure and of any reservations they may have;

(3) must not disclose that a client has requested their professional services or intends to use their professional services;

(4) must not mention any factual information likely to identify the client and must modify, if required, certain information identifying the client when using information obtained from the client for didactical, pedagogical or scientific purposes;

(5) must obtain prior written authorization from the client to record or videotape an interview or activity; the authorization must specify the subsequent use of the recording and the terms of revocation of the authorization; and

(6) must not disclose, without authorization, the name of a client when consulting or being supervised by another professional.

16. Psychologists providing professional services to a couple or a family must preserve each member's right to professional secrecy.

17. Psychologists providing professional services to a group must inform the members of the group of the possibility of some aspect of the private life of one of the members or a third party being revealed. They must secure a commitment from the members of the group to preserve the confidentiality of information on the private life of the members or third party.

18. Psychologists may communicate information protected by professional secrecy to prevent an act of violence, including a suicide, where they have reasonable cause to believe that there is an imminent danger of death or serious bodily injury to a person or an identifiable group of persons.

Despite the foregoing, psychologists may only communicate the information to a person exposed to the danger or that person's representative, and to the persons who can come to that person's aid.

Psychologists may only communicate such information as is necessary to achieve the purposes for which the information is communicated.

19. Psychologists who communicate information protected by professional secrecy to prevent an act of violence must enter the following particulars in the client's record:

(1) the reasons supporting the decision to communicate the information and the other available means that did not enable the psychologist to prevent the act of violence; and

(2) the circumstances of the communication, the information that was communicated and the identity of the person or persons to whom the communication was addressed.

DIVISION III **RIGHTS OF ACCESS TO INFORMATION AND** **CORRECTION OF DOCUMENTS**

20. Psychologists must respond promptly, at the latest within 30 days of its receipt, to any written request made by a client or a person authorized by the client to consult or obtain a copy of documents that concern the client in any record made in his or her respect.

Psychologists may charge the client reasonable fees not exceeding the cost of reproducing or transcribing documents or the cost of transmitting a copy of the documents.

Psychologists who intend to charge such fees must inform the client of the approximate amount to be paid before reproducing, transcribing or transmitting the information.

Psychologists may temporarily deny access to information contained in a record established in the client's respect if its disclosure would likely cause serious harm to the client's health. In such a case, psychologists must inform the client of the reasons for the refusal, enter the reasons in the record and inform the client of the client's recourses.

Psychologists must refuse to release to a client personal information concerning the client if its disclosure would likely reveal personal information concerning a third party or the existence of such information, and the disclosure could seriously harm that third party, unless the latter consents to the communication of the information or in the case of an emergency that threatens the life, health or safety of the person concerned.

21. Psychologists must respond promptly, at the latest within 30 days of its receipt, to any written request made by a client or a person authorized by the client to have information that is inaccurate, incomplete, ambiguous, outdated or unjustified corrected or deleted in any document concerning the client or to make written comments in the record.

Psychologists must provide the client, free of charge, with a duly dated copy of the document or part of the document filed in the record so that the client may verify that the information has been corrected or deleted or, as applicable, with an attestation stating that the client's written comments have been filed in the record.

Psychologists who refuse to grant a request to correct or delete information in any document concerning the client must notify the client of the reasons for the refusal, enter the reasons in the record and inform the client of the client's recourses.

22. Psychologists must respond promptly to any written request from a client to have a document returned to the client.

DIVISION IV **CONFLICT OF INTEREST AND PROFESSIONAL** **INDEPENDENCE**

23. Psychologists must subordinate their personal interests or, where applicable, the interests of their employer or colleagues to those of their clients.

24. Psychologists must, except in an emergency, avoid providing professional services to persons with whom they have a relationship that is likely to affect the professional nature of the relationship and the quality of the professional services.

25. Psychologists must refrain from interfering in the personal affairs of their client.

26. During the professional relationship, psychologists must not establish relations of an intimate nature likely to affect the quality of the professional services, or relations of an amorous or sexual nature with a client, and must refrain from making remarks or improper gestures of a sexual nature to a client.

The duration of the professional relationship is determined taking particular account of the nature of the problems and the duration of the professional services provided, the client's vulnerability and the likelihood of having to provide professional services to the client again.

27. Psychologists may not act as such for a third party in a dispute against a client.

28. Psychologists must not, for the same client, intervene in a manner that is likely to affect the quality of their professional services.

29. A psychologist acting as an expert may not become the attending psychologist of a person having been the subject of the expertise, unless expressly requested by the person and the psychologist has obtained authorization from the persons concerned by the change of role.

30. Psychologists must not use the professional relationship established with a client for personal, political or commercial purposes.

31. Psychologists must safeguard their professional independence and avoid any situation in which they would be in conflict of interest, particularly when the interests concerned are such that they may tend to favour certain interests over those of their client or their integrity and loyalty towards their client may be adversely affected.

32. If psychologists become aware that they are in a real or apparent conflict of interest, they must define the nature and meaning of their obligations and responsibilities, notify their client and agree with the client on the appropriate measures, if any.

33. If psychologists provide professional services to several clients who may have divergent interests, they must inform them of their duty to be objective and of the

specific actions that will be undertaken to provide the services. If the situation becomes irreconcilable with their duty to be objective, psychologists must terminate the professional relationship.

34. Except for the remuneration to which they are entitled, psychologists may not receive, pay or promise to pay any benefit, rebate or commission in connection with their practice other than customary tokens of appreciation or gifts of small value.

DIVISION V **WITHDRAWAL OF PROFESSIONAL SERVICES**

35. Psychologists may cease to provide professional services to a client solely for just and reasonable grounds, including

(1) loss of the relationship of trust between the client and the psychologist;

(2) lack of benefit to the client from the professional services offered by the psychologist;

(3) the likelihood that maintaining the professional services may, in the psychologist's judgment, become more harmful than beneficial for the client;

(4) the impossibility for the psychologist to maintain a professional relationship with the client, particularly in the presence of a conflict of interest;

(5) inducement by the client to perform illegal, unfair or fraudulent acts or to contravene the provisions of this Code;

(6) non-compliance by the client with the conditions agreed on and the impossibility of entering with the client into a reasonable agreement to reinstate the conditions, including professional fees; and

(7) the psychologist's decision to scale down his or her practice or to put an end to the practice for personal or professional reasons.

36. Psychologists who wish to terminate the relationship with a client must give the client reasonable notice and ensure that the withdrawal of the professional services does not cause prejudice to the client or causes as little prejudice as possible. Psychologists must ensure insofar as they are able that the client may continue to obtain the professional services required.

DIVISION VI

QUALITY OF PROFESSIONAL SERVICES

37. Psychologists must refrain from practising their profession or performing professional acts if their state of health is an obstacle to doing so, or in any condition or state that may compromise the quality of the professional services.

38. Psychologists must establish a psychological diagnosis in respect of their client and give advice to the client only if they have sufficient professional and scientific information to be able to do so.

39. Psychologists must develop, perfect and maintain their knowledge and skills in the field in which they carry on their professional activities.

40. Psychologists must, as soon as the interest of their client so requires, consult another psychologist, a member of another professional order or another competent person, or refer the client to one of those persons.

41. Psychologists must seek to establish or maintain a relationship of mutual trust and respect with their clients.

42. Psychologists must acknowledge the client's right to consult another psychologist or any other competent person. Psychologists may not, by any means whatsoever, interfere with the client's freedom of choice.

43. Psychologists must be available and diligent in respect of their client. If unable to meet a request within a reasonable time that will not be prejudicial to the client, they must inform the client of the time when they will be available. If the situation could cause prejudice to the client, the client must be referred to an appropriate resource.

44. Psychologists may not persistently or unwarrantedly urge a person to have recourse to their professional services.

45. Psychologists may not perform unwarranted professional acts or unnecessarily increase the number of such professional acts, and must refrain from performing acts that are inappropriate or disproportionate to the client's needs.

46. Psychologists called upon to make an assessment must

(1) clearly inform the person who is being assessed of the person to whom the assessment report is being sent and of the manner in which a copy of the report may be requested;

(2) avoid obtaining any information from that person or making any interpretations or comments not relevant to the assessment; any information received that is unrelated to the assessment must remain confidential; and

(3) limit their report or recommendations and, if applicable, their deposition before the court to information relevant to the assessment.

DIVISION VII

USE OF PSYCHOLOGICAL MATERIAL

47. Psychologists must comply with the scientific and professional principles generally accepted in psychology when using, administering, correcting and interpreting psychological tests, and when publishing tests and information that must be provided with the related manuals and documents.

48. Psychologists must recognize the inherent limits of the measurement instruments they use and exercise caution in interpreting the psychometric material, in particular taking into account

(1) the specific characteristics of the tests or of the client that may interfere with their judgment or affect the validity of their interpretation;

(2) the context of the intervention; and

(3) factors that could affect the validity of the measurement instruments and necessitate changes in the administering of tests or the weighting of standards.

49. Psychologists may not give to a third party, other than another psychologist, any raw, unprocessed data from an assessment or resulting from a psychological consultation.

50. Psychologists must take the means necessary to not compromise the methodological and metrological validity of a test by revealing the protocol to the client or a third party who is not a psychologist.

51. In every written or verbal psychological report, psychologists must limit their comments to the interpretation of the psychological material and to the relevant conclusions.

DIVISION VIII

FEES

52. Psychologists must charge and accept fair and reasonable fees warranted by the circumstances and the costs of providing the professional services. To determine their fees, psychologists must consider the following factors:

- (1) their experience or particular competence;
- (2) the time required to provide the professional services;
- (3) the complexity and extent of the professional services;
- (4) the performance of professional services that are unusual or provided in unusual conditions; and
- (5) the performance of professional services that require exceptional competence or celerity.

53. Psychologists must provide their client with all the explanations required for the understanding of the statement of fees and terms of payment.

54. Psychologists may, by written agreement with the client,

- (1) require an advance to cover the payment of expenses necessary to perform the professional services required;
- (2) require partial payment if they act as consultants to a client in connection with a long-term contract;
- (3) require administrative fees for an appointment missed by the client according to predetermined and agreed-upon conditions, those fees not to exceed the amount of the lost fees; and
- (4) subject to the applicable legislative provisions, charge fees supplementary to those reimbursed by a third party.

55. Psychologists may not provide a receipt or other document that falsely indicates that professional services have been or will be provided.

56. Psychologists may not charge interest on accounts unless the client has been duly notified. The interest so charged is at the agreed rate or, if none, at the legal rate.

57. Before instituting legal proceedings, psychologists must have exhausted all other means available to recover all outstanding fees and other expenses.

CHAPTER IV DUTIES AND OBLIGATIONS TOWARDS THE PUBLIC

58. In public statements dealing with psychology, psychologists must avoid making any exaggerated or purely sensational affirmations.

59. Psychologists who give information to the public on psychological procedures and techniques must indicate the restrictions, limits and contraindications that apply to their use.

60. Psychologists must avoid publicly discrediting, without substantiation, any traditional or new psychological techniques that differ from those they use in their practice if the techniques are consistent with the professional and scientific principles generally accepted in psychology.

61. Psychologists acting as professional consultants informing the public must stress the relative value of the information or advice being given.

CHAPTER V DUTIES AND OBLIGATIONS TOWARDS THE PROFESSION

62. To the extent of their resources, qualifications and experience, psychologists must seek to promote the development and credibility of the profession.

63. Psychologists may not, in any way whatsoever, intimidate or hinder a representative of the Ordre des psychologues du Québec acting in the performance of duties assigned to the representative by the Professional Code and its regulations.

64. Psychologists recognize the Order's responsibility to ensure the protection of the public and the practice of the profession by competent professionals. They are to collaborate by

- (1) informing the Order that a candidate does not meet the conditions of admission and entry on the roll of members of the Order;
- (2) informing the Order that a person is appropriating the title of psychologist or permits or holds out that he or she is a psychologist when the person is not authorized to act as such; and
- (3) promptly answering all oral or written requests from the secretary of the Order, a syndic, a member of the review committee or professional inspection committee or an investigator, expert or inspector of that committee.

65. A psychologist who is informed of an inquiry into the psychologist's professional conduct or competence or of a complaint lodged against the psychologist may not communicate with any person who requested the inquiry without the prior written authorization of the syndic of the Order. A psychologist must never seek to

intimidate a person or take reprisals or threaten to take reprisals against any person who has taken part or cooperated in such an inquiry or complaint or intends to do so, or has reported behaviour that is contrary to the provisions of this Code or intends to do so.

66. In their practice, psychologists must preserve their professional autonomy and recognize that they are not required to perform any task contrary to their conscience or to the principles governing their practice, including informing the Order of the pressures on them that are of a nature such as to interfere with their practice.

67. If a psychologist learns, outside a confidential client relationship, that another psychologist is not acting professionally in his or her practice, is unfit to practise or contravenes the provisions of this Code, and has reasonable grounds to believe that the information is valid, the psychologist must inform the Order. If the information is given to the psychologist in the psychologist's practice, the information is to be disclosed only with the explicit authorization of the client.

68. Psychologists must cooperate with their colleagues and not abuse a colleague's good faith, breach the colleague's trust or use unfair practices.

69. Psychologists must respect any commitment entered into with the Bureau, the administrative committee, the secretary of the Order, a syndic or the professional inspection committee.

CHAPTER VI RESEARCH

70. Before undertaking research involving persons, psychologists must obtain the approval of the project by a research ethics committee that complies with the standards in force, particularly in regard to the composition of the committee and its operating methods; in the absence of such a committee, a psychologist must ensure that the project complies with the standards generally recognized in research ethics.

However, in the case of research undertaken in an institution within the meaning of the Act respecting health services and social services (R.S.Q., c. S-4.2), the psychologist must obtain the approval of the project by the research ethics committee set up by the Minister of Health and Social Services or by any other research ethics committee that complies with the standards in force, particularly in regard to the composition of the committee and its operating methods.

Psychologists must ensure that all their collaborators in the research are informed of their ethical obligations and share their concern for the respect of the participants' human dignity.

Psychologists may not knowingly hide the negative results of research in which they took part.

71. In their relations with participants or their legal representatives, psychologists must ensure

(1) that all participants or, where applicable, their legal representatives have been properly informed on the nature of the research, its goal, objectives, the benefits they would derive from conventional professional services, if needed, and the major, special or unusual risks inherent in the research and any other consideration likely to assist the participants in making a decision regarding their participation;

(2) that free and enlightened consent is obtained in writing from the participants or, where applicable, their legal representatives before they begin to take part in the research or whenever any significant change is made to the research in progress; and

(3) that participants or, where applicable, their legal representatives are informed that their consent may be revoked at all times verbally.

72. Psychologists must be honest and open in their relations with participants. Where the research methodology requires that certain aspects of the research not be disclosed to the participants immediately, psychologists must explain the reasons to the participants as soon as their participation is over and provide them with any other information relevant to the research that was not disclosed.

73. Psychologists must refuse to take part in any research if it appears to them that the risks to the physical or psychological well-being of the participants are disproportionate to the potential benefits that the participants could derive from the research or the benefits they would derive from conventional professional services, if needed.

74. Psychologists who undertake or participate in research must declare to the research ethics committee any interest they have and disclose any actual, apparent or potential conflict of interest.

In the course of a research project, psychologists may not enter into any agreement or accept or grant compensation that could compromise their professional independence.

CHAPTER VII ADVERTISING

75. Psychologists must refrain from participating as psychologists in advertising that recommends that the public buy or use a product or service unrelated to the field of psychology.

76. Psychologists who are involved in the commercial distribution of instruments, books or other products related to psychology must base any statement concerning the operation, advantages and performance of such products on proof scientifically and professionally recognized in psychology.

77. Psychologists must be able to substantiate the special skills or qualities they claim to possess in their advertising, in particular as to the effectiveness or scope of their professional services and to those generally provided by other members of their profession, or as to their level of competence.

78. Psychologists must keep a copy of every advertisement for a period of 3 years following the date on which it was last broadcast or published. The copy must be given, on request, to a syndic, a member of the professional inspection committee or an inspector or investigator on that committee.

CHAPTER VIII USE OF THE GRAPHIC SYMBOL OF THE ORDER

79. Psychologists who reproduce the graphic symbol of the Order for advertising purposes must ensure that the symbol conforms to the original held by the Order.

80. Where psychologists use the graphic symbol of the Order in their advertising, they may not suggest that such advertising emanates from the Order.

81. Psychologists who carry on their professional activities within a partnership or joint-stock company must ensure that any use of the graphic symbol of the Order in the partnership or joint-stock company complies with sections 79 and 80.

82. Psychologists must ensure that a partnership or joint-stock company within which they carry on their professional activities does not use the graphic symbol of the Order in connection with the advertising or name of the partnership or joint-stock company unless all the services provided by the partnership or joint-stock company are professional services provided by psychologists.

In the case of a partnership or joint-stock company which provides the professional services of psychologists and the services of persons other than psychologists, the graphic symbol of the Order may be used in connection with the name of the partnership or joint-stock company or in its advertising provided the graphic symbol identifying each of the professional orders or organizations to which such persons belong is also used.

The graphic symbol of the Order may, however, always be used in connection with the name of a psychologist.

83. This Code of ethics replaces the Code of ethics of psychologists, approved by Order in Council 3048-82 dated 21 December 1982 and replaced by a decision dated 18 February 1983, and the Regulation respecting advertising by psychologists (R.R.Q., 1981, c. C-26, r.153).

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

8716

Gouvernement du Québec

O.C. 445-2008, 7 May 2008

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

Authorization to assign the status of proposed aquatic reserve to two territories and the status of proposed biodiversity reserve to twenty other territories and approval of the plan of each of those areas and of their 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 the ecological value of the territories listed below requires their temporary protection in order to maintain biodiversity with a view to establish new protected areas;

WHEREAS it is advisable to authorize the Minister of Sustainable Development, Environment and Parks to assign the status of proposed aquatic reserve to the proposed territories of Rivière-Dumoine and Vallée-de-la-Haute-Rouge;

WHEREAS it is advisable to authorize the Minister of Sustainable Development, Environment and Parks to assign the status of proposed biodiversity reserve to the proposed territories of Paakumshumwaa-Maatuskaau, Lac-Dana, Tourbières-Boisées-du-Chiwakamu, Montagnes-Blanches, Basses-Collines-du-Ruisseau-Serpent, Vallée-de-la-Rivière-Maganasipi, Wanaki, Mont-O'Brien, Montagne-du-Diable, Îles-du-Kiamika, Lac-Némiscachingue, Basses-Collines-du-Lac-au-Sorcier, Canyon-de-la-Rivière-aux-Rats, Basses-Collines-du-Lac-Coucou, Brûlis-du-Lac-Oskélanéo, Sikitakan Sipi, Plateau-de-la-Pierriche, Buttes-et-Buttons-du-Lac-Panache, Forêt-Montmorency and Vallée-Tousignant;

WHEREAS it is expedient to approve the attached conservation plan and plan of each proposed aquatic reserve and biodiversity reserve;

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 aquatic reserve to the proposed territories of Rivière-Dumoine and Vallée-de-la-Haute-Rouge;

THAT the Minister of Sustainable Development, Environment and Parks be authorized to assign the status of proposed biodiversity reserve to the proposed territories of Paakumshumwaa-Maatuskaau, Lac-Dana, Tourbières-Boisées-du-Chiwakamu, Montagnes-Blanches, Basses-Collines-du-Ruisseau-Serpent, Vallée-de-la-Rivière-Maganasipi, Wanaki, Mont-O'Brien, Montagne-du-Diable, Îles-du-Kiamika, Lac-Némiscachingue, Basses-Collines-du-Lac-au-Sorcier, Canyon-de-la-Rivière-aux-Rats, Basses-Collines-du-Lac-Coucou, Brûlis-du-Lac-Oskélanéo, Sikitakan Sipi, Plateau-de-la-Pierriche, Buttes-et-Buttons-du-Lac-Panache, Forêt-Montmorency and Vallée-Tousignant;

THAT the attached conservation plan and plan of each proposed aquatic reserve and biodiversity reserve be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

QUÉBEC STRATEGY FOR PROTECTED AREAS



Proposed Rivière- Dumoine aquatic reserve

Conservation plan



April 2008

Québec 

1. Protection status and toponym

The description of a protection status for the following territory is Proposed Aquatic Reserve, status ruled under the Natural Heritage Conservation Act (R.S.Q., c. C-61.01).

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

The provisional toponym is: Proposed Rivière-Dumoine aquatic reserve. The official toponym will be determined when the territory is given permanent protection status. The Algonquins called this river Cakawitopikak Sipi and Ekonakwasi Sipi, which mean respectively “alder river”, due to the numerous alders found along both banks, and “river of desire”. A map by Nicolas Bellin, from 1755, names it Acounagousin. Lotter, in 1762, and Carver, in 1776, used the same name for it and attributed Caouinagamic lake as its source. The present name may come from the trading post built toward the end of the French Regime at the mouth of the river.

2. Plan and description

2.1. Geographical location, boundaries and dimensions

The boundaries and location of the proposed Rivière-Dumoine aquatic reserve appear in the map attached in appendix 1.

The proposed Rivière-Dumoine aquatic reserve borders the administrative regions of Abitibi-Témiscamingue and Outaouais, between 46°12' and 47°25' north latitude and 77°37' and 78°02' west longitude. With a length of about 140 km, the southern part is about 10 km to the west of Rapides-des-Joachims, while the cities of Témiscaming and Belleterre are respectively 85 km and 60 km to the west of the reserve. The Algonquin communities of Kitcisakik, Lac-Rapide, Kebaowek, Hunter's Point and Winneway are at distances varying from 60 km to 80 km from the reserve. The proposed aquatic reserve covers an area of 1445.0 km². The portion in Abitibi-Témiscamingue lies primarily in the unorganized territory of Lacs-du-Témiscamingue, in the MRC of Témiscamingue. However, the northern portion is in the unorganized territory of Dozois reservoir, in the MRC of La Vallée-de-l'Or. The part in the Outaouais region is almost wholly in the unorganized territory of Lac-Nilgaut, in the MRC of Pontiac. A small portion to the south-east forms part of the municipality of Rapides-des-Joachims in the same MRC. The southern boundary of the territory coincides with the line which marks the 153.92-metre point above sea level.

2.2. Ecological overview

The proposed Rivière-Dumoine aquatic reserve is located in the southern Laurentian natural province. With its large area and elongated form, it touches on several elements of the ecological reference framework. It is spread across two natural regions, the La Vérendrye hillocks (northern part) and the Dumoine plateau (most of the territory). The northern part belongs primarily to the physiographic unit of the Lac Bruce knolls, with small portions in the physiographic unit of the Lac Cawatose rolling plain. The southern portion of the reserve touches on three physiographic units: from north to south, the physiographic units of the Lac Desjardins knolls, the Lac Memekin low hills and the Lac Esber low hills.

The reserve is intended to protect the Dumoine river, along with its valley and immediate watershed. Running through a steep-sided glacial valley, it is one of the last major unharnessed rivers. Separating the Pontiac and the Témiscamingue, and some 140 km long, the river takes its source in Machin lake to the north of Antiquois lake, flows south into Dumoine lake and empties into Holden lake, a widening of the Outaouais river, a dozen kilometres to the west of Rapides-des-Joachims. The territory is essentially a valley, becoming more and more steep-sided as one approaches the mouth of the Dumoine at the Outaouais. The Dumoine river flows through a major fracture in a large till plateau where the bumpy topography consists of an assemblage of irregular knolls. The bottom of the valley presents numerous sandy deposits of fluvio-glacial origin. The landscape varies in altitude from 160 to 460 m with an average of around 350 m. The Dumoine river is considered one of the most beautiful in Canada.

The bedrock consists of three types of rock: granitic and tonalitic gneiss in the north, magmatite in the south, and here and there paragneiss. The territory lies in the Grenville geological province.

The proposed reserve is characterized by a mild, subhumid, subpolar climate with a long growing season. The southern half is in the maple-yellow birch bioclimatic domain, while the northern half is in the balsam fir-white birch domain. With its great size and elongated north-south orientation, the territory includes a significant gradient of common ecosystems, with the exception of the sandy deposits of fluvio-glacial origin in the Dumoine lake sector. It also includes a significant gradient of forest environments.

The mixed forest of the territory offers a wide diversity of stands of varied species. The steeper slopes of the valley are covered by stands of white pine, which are

more common in the southern part of the reserve. The tops of the knolls are covered by stands of maple sugar and white birch. On various sites one finds intolerant deciduous species (white birch and trembling aspen). In the flatter and more northern parts of the reserve, particularly near Dumoine lake, there are stands of black spruce. Certain areas where conditions are difficult, for example the complex of pronounced knolls near Joncas and Orignal lakes, have been colonized by Eastern white cedar. There is a higher proportion of mature forests in the southern half of the reserve. In general the hillier and less accessible areas with tolerant deciduous species have been preserved.

The reserve includes the entire primary watershed of the Dumoine river (the watershed as a whole comprises 4400 km²), which empties into the Outaouais. It includes Dumoine lake, which is particularly large in area (76 km²).

The proposed aquatic reserve includes the ancient forest of Rivière-Poussière, recognized as an exceptional forest ecosystem.

In terms of fauna, species in this territory include eagles, buzzards, hawks, great blue herons, kingfishers, loons, beaver, otter, muskrat, mink, black bear, deer, moose and wolves. There are two *Haliaeetus leucocephalus* (bald eagle) habitats which is designated as vulnerable. There are also two fish spawning area, one for the walleye and one for the lake charr.

2.3. Occupation and uses of the land

The territory includes 65 vacation leases and 22 shelter leases. The latter are almost all located south of Dumoine lake and west of Laforge lake. In the area around Dumoine lake the Lac des Dix Mille outfitting operation holds three leases for establishments related to its activities. An inn, Auberge du lac Joncas, holds a commercial right on the banks of Joncas lake. There are also three sites operated by the Société de Protection des Forêts contre le Feu. In the southern part of the reserve several hiking trails cross the territory, some of which were developed by the Dumoine ZEC. In a few places a snowmobile trail enters the proposed aquatic reserve.

The Dumoine river is famed among paddlers as an intermediate canoe-kayak route (rated 5 stars by the Fédération québécoise de canoé-kayak). There are camp sites all along the route, and in the months of July and August a good many paddlers pass through. The river offers around a dozen white-water rapids, at least five chutes, 25 R1, 20 R2, 10 R3, 5 R4, 1 R5 and 1 R6, and eleven portages to bypass the more dangerous rapids. Almost all of the rapids come in the 70 last kilometres.

The spectacular Grande Chute plunges down a drop of nearly 40 metres. Still to be found are a few vestiges of the great log slide that was used until 1895. At the end of the route the impressive Aigles cliffs are nearly 170 metres high.

The proposed aquatic reserve touches on fur-bearing animal management units 01, 07 and 13. It also touches on hunting zones 12 and 13. The northern third of the territory is in the Grand-Lac-Victoria beaver reserve, in which the Algonquins have special rights regarding fur-bearing animals. The rest touches twelve trapping grounds and one trapping camp is located in the reserve. The proposed biodiversity reserve is superimposed over numerous structured wildlife territories. The northern part lies in the La Vérendrye wildlife reserve and touches on a small part of the Kipawa ZEC. At Dumoine lake, the reserve touches on two outfitting operations with exclusive rights, Kipawa and Lac Dix Mille. The Kipawa outfitting has established four chalets and two camps. More to the south, the part to the west of the Dumoine river is in the Dumoine ZEC, while the part to the east of the river is in the Rapide-des-Joachims ZEC. Lastly, the Triple R outfitter with exclusive rights touches on part of the reserve.

An undeveloped network of unpaved roads crosses the proposed aquatic reserve.

Rich in history, the Dumoine river numbers 91 discovered sites that have archaeological potential. All are included in the territory of the reserve.

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. The permitted and prohibited activities considered for the period that follows the granting of a permanent status by the government are the same with the necessary adjustments to take into account the enforcement of article 46 and 47 of the act.

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.

§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;

(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.

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;

— 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);

— 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.

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

The conservation and management of the proposed Rivière-Dumoine aquatic reserve are the responsibility of the Minister of Sustainable Development, Environment and Parks, who is therefore responsible for the monitoring and control of activities permitted there. In managing the reserve the Minister works with the collaboration and participation of other government representatives having specific responsibilities in or adjacent to the territory, 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 now been granted them. No additional conservation measure is, at this point, considered. Regarding zoning, the conservation objectives for the period of temporary protection are the same for the entire area, the proposed reserve being only one conservation area.

Moreover, the Minister of Sustainable Development, Environment and Parks commits herself, until such time as the status of permanent protection has been granted to this territory, to work with the aboriginal communities concerned, including the community of Wolf Lake, towards the management and development of this protected area and, where relevant, will enter into partnerships on certain specific activities.

QUÉBEC STRATEGY FOR PROTECTED AREAS



Proposed Vallée-de-la- Haute-Rouge aquatic reserve

Conservation plan



April 2008

Québec 

1. Protection status and toponym

The description of a protection status for the following territory is Proposed Aquatic Reserve, status ruled under the Natural Heritage Conservation Act (R.S.Q., c. C-61.01).

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

The provisional toponym is: Proposed Vallée-de-la-Haute-Rouge aquatic reserve. The official toponym will be determined at the time when permanent protection status is accorded to the territory. Several hypotheses have been suggested to explain the toponym, the most likely being that the name stems from the slightly reddish colouring of the river due to oxidation of the rock of Canadian Shield, into which the river has cut its bed. Moreover, the Iroquois and Algonquin peoples employ red chalk gathered in the Lac-Nominingue region for body painting.

2. Plan and description

2.1. Geographic location, boundaries and dimensions

The boundaries and location of the proposed Vallée-de-la-Haute-Rouge aquatic reserve are indicated on the map in the appendix 1.

The proposed Vallée-de-la-Haute-Rouge aquatic reserve is mainly located in the Laurentian administrative region, between 46°35' and 47°02' latitude north and 74°22' and 74°48' longitude west. A minor area to the northeast is located in the Lanaudière administrative region. The reserve is approximately 5 km northeast of the municipality of L'Ascension and 55 km from the towns of Mont-Laurier and Saint-Jovite. It is located less than 20 km south of the Attikamek community of Manawan. The proposed aquatic reserve covers an area of 142.4 km². Its Laurentide portion lies within the non-municipalized territories of Baie-des-Chaloupes and Lac-de-la-Maison-de-Pierre as well as the municipality of L'Ascension in the Antoine-Labelle regional municipal county. The eastern part of the reserve is located in the non-municipalized territory of Lac-Matawin in Matawinie regional municipal county.

2.2. Ecological overview

The proposed aquatic reserve is located in the Southern Laurentide natural province. It lies in the main within the Mont Laurier Depression natural region, but its North-

east end is located in the Massif du mont Tremblant natural region. The reserve fronts on numerous ecological districts, from the south-west to the north-east: the Fond de vallée du lac Nominingue (southern extremity), Buttes de la rivière Rouge, Buttes du lac de la Maison de Pierre, Buttes de la rivière Royale and Basses collines du lac Puppy districts.

The reserve protects part of the upper Rivière-Rouge watershed, principally its upper valley. This territory is shaped in the form of a sometimes-embanked valley, cutting through a landscape of low hills with thin till. The valley is at times landscaped with steep slopes and infrequent rocky outcroppings. The upper part of the reserve becomes a till plateau. The glacial origin landscape has an altitude of between 260 metres and 675 metres with an average of 450 metres. The escarped faces reach as much as 160 m in drop. In some places the valley widens to form terraces of proglacial sand and gravel fill with sub-current fluvial alluvia. This territory belongs to the Grenville geological province and its substratum is composed of multiples types of rock: syenite, alkali-syenite, monzonite, paragneiss, granitic and tonalitic gneiss, charnockitic gneiss and granulite.

Characterized by a sub-polar, subhumid climate with a long growing season in the valley and a sub-polar, subhumid climate with a medium growing season on the plateau, this reserve has a highly diversified forest cover. The southern quarter of the reserve is located in the sugar maple-yellow birch forest bioclimatic field while the greater part of the territory resides in the yellow birch fir bioclimatic field. This more southern sector is comprised of stands of sugar maple, yellow birch, balsam fir, white birch, black spruce and quaking aspen. Here and there occasional stands jack pine are to be found. To the north, sugar maple gives way to yellow and white birch, black spruce and balsam fir that in particular cover the plateau.

Some sections of the reserve have already been logged, but in general, the land is characterized by forests of medium age. The most embanked part of the Rouge river valley contains mature stands, as do the various crests of the low hills and the plateau.

The proposed aquatic reserve is almost entirely located in the Rivière-Rouge watershed. Part of the plateau to the northeast is located in the Matawin river watershed.

2.3. Land occupation and use

Six vacation leases exist within the proposed aquatic reserve. The reserve abuts fur-bearing animal management units 21, 22, 27-D, 28 and 29 (five in all). It also fronts on three hunting zones (11E, 15O and 15E). The reserve is partially superimposed on the Rouge-Matawin wildlife reserve while to the west it abuts the Maison-de-Pierre ZEC. The corresponding plateau portion of the reserve is located on the land of the Boullé ZEC.

A small portion to the north of the reserve borders the Abitibi beaver reserve on which the Manowan Attikamek community hold exclusive rights with respect to fur-bearing animals.

The area has a high density of highways, roads and trails but few traverse the reserve itself.

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. The permitted and prohibited activities considered for the period that follows the granting of a permanent status by the government are the same with the necessary adjustments to take into account the enforcement of article 46 and 47 of the act.

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.

§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;

(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.

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;

— 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);

— 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;

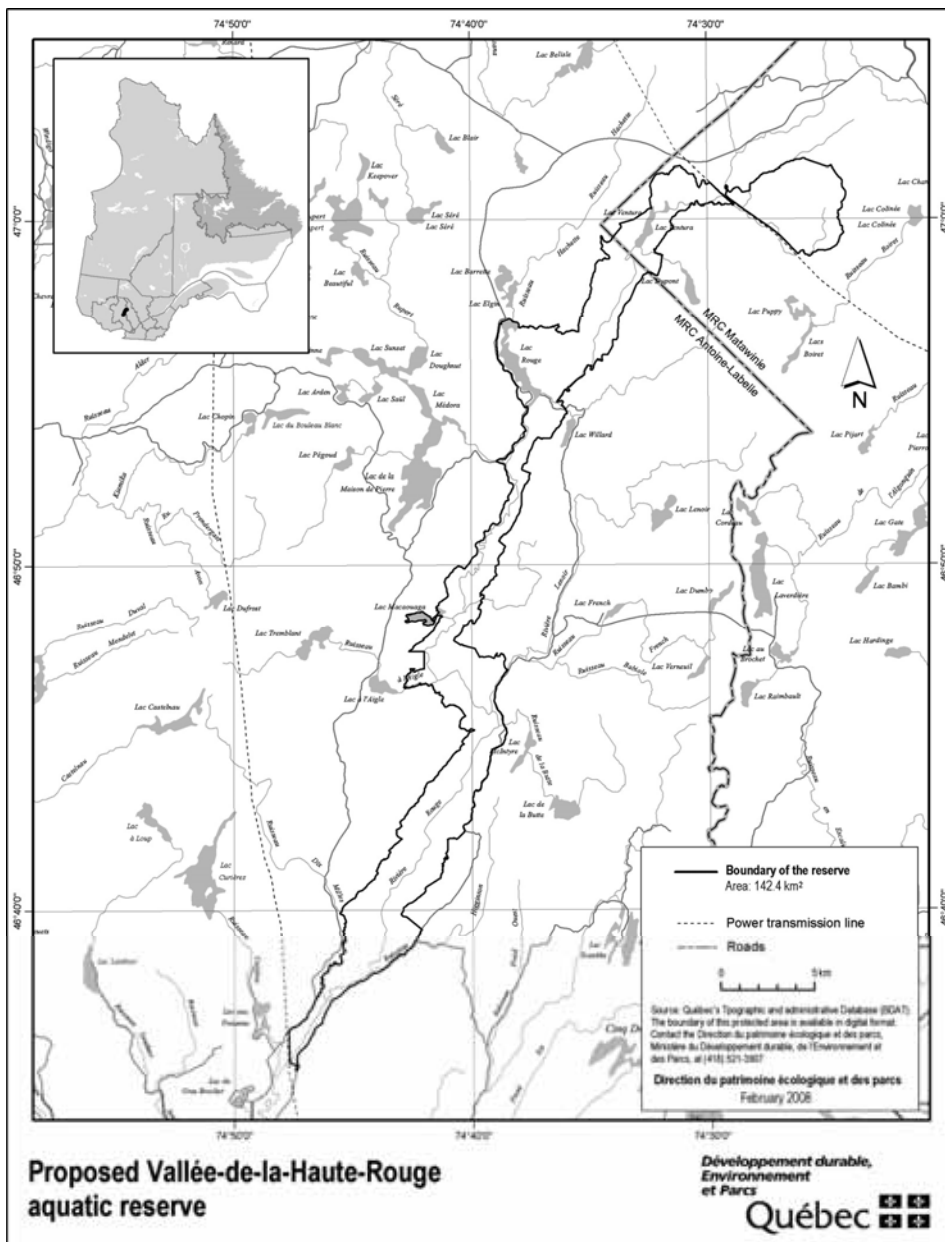
— Construction and development standards: regulatory measures adopted by regional and local municipal authorities under the Acts applicable to them.

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

Conservation and management of the proposed Vallée-de-la-Haute-Rouge aquatic reserve are the responsibility of the Minister of Sustainable Development, Environment and Parks, which monitors and controls activities as may take place in it. In exercising its mandate, the Minister enjoys the collaboration of other government stakeholders such as the Minister of Natural Resources and Wildlife that have specific responsibilities for this territory or for adjacent areas. In exercising their authority they will take particular account of the desired protection of these natural biotopes and the protection status that is now accorded them. No additional conservation measure is, at this point, considered. Regarding zoning, the conservation objectives for the period of temporary protection are the same for the entire area, the proposed reserve being only one conservation area.

APPENDIX 1

MAP OF THE PROPOSED VALLÉE-DE-LA-HAUTE-ROUGE AQUATIC RESERVE



QUÉBEC STRATEGY FOR PROTECTED AREAS



**Proposed
Vallée-
Tousignant
biodiversity
reserve**

Conservation plan

April 2008

1. Protection status and toponym

The description of a protection status for the following territory is Proposed Biodiversity Reserve, status ruled under the Natural Heritage Conservation Act (R.S.Q., c. C-61.01).

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

The provisional toponym is: Proposed Vallée-Tousignant biodiversity reserve. The official toponym will be determined at the time when permanent protection status is accorded to the territory.

2. Plan and description

2.1. Geographic location, boundaries and dimensions

The boundaries and location of the proposed Vallée-Tousignant biodiversity reserve are shown on the map in the appendix 1. Boundaries that border on the reservoirs of lake Tousignant and lake Soucis have been drawn in respect of their maximum water level which are 315.79 m and 318.82 m respectively.

The Vallée-Tousignant biodiversity reserve covers an area of 42.6 km² and is located between 46°59' and 47°06' latitude north and 73°07' and 73°14' longitude west. It is found within the Saint-Maurice wildlife reserve, approximately 44 km southwest of the city of La Tuque and 54 km northwest of the town of Saint-Tite. The proposed biodiversity reserve is located inside the Lac-Normand non-municipalized territory in the heart of the Mékinac regional municipal county within the Mauricie administrative region.

2.2. Ecological overview

The proposed Vallée-Tousignant biodiversity reserve is located in the Southern Laurentide natural province. More precisely, it lies within the Buttes du lac Normand ecological district, part of the Basses collines du lac Normand physiographic unit. However, the proposed biodiversity reserve sector located southwest of Tousignant Lake belongs to the Basses collines de la rivière Wessonneau ecological district, which is part of the Basses collines de la rivière Saint-Maurice physiographic unit. The proposed Vallée-Tousignant biodiversity reserve aims at protecting its rare sandy plain ecosystems and respecting the wishes of the government to create at least one biodiversity reserve within each wildlife reserve.

2.2.1. Representative elements

Climate: The territory is characterized by a continental climate with a mild sub-polar average temperature (1.9°C to 4.5°C), subhumid annual precipitation (800 to 1359 mm) and a long growing season (180 to 209 days). The territory belongs principally to the yellow birch fir bioclimatic field. The proposed biodiversity reserve sector to the southwest of Tousignant lake belongs however to the sugar maple-yellow birch forest bioclimatic field.

Geology and geomorphology: The territory of the proposed Vallée-Tousignant biodiversity reserve belongs to the Grenville geological province, composed of Precambrian rock deformed by the Labrador and Grenville orogeny more than a billion years ago. The geological substratum in the proposed reserve is composed of intrusive metamorphic rock (charnockitic gneiss and orthopyroxene granitoids). The dominant geomorphological feature is the presence of till deposits at least one meter thick, found on the hilltops. Rocky outcroppings are also present on the escarpments and summits while basal till of at least one meter in thickness covers the lower slopes concave areas. Glaciofluvial deposits are responsible for the sandy plains observed in the Soucis and Tousignant lake sector. Organic deposits and fluvial alluvia are also found near watercourses. Altitude within the proposed biodiversity reserve varies from 288 to 524 metres.

Hydrography: The hydrographic network of the proposed biodiversity reserve is comprised of 61 lakes of which the main ones are lake loutre (33 ha) and lake Solitaire (18 ha). Soucis and Tousignant lakes have been excluded from the proposed biodiversity reserve since they are reservoirs used for the generation of electricity, which is a prohibited activity within biodiversity reserves. The entire proposed biodiversity reserve lies within the Saint-Maurice river watershed. The main watercourse on the reserve is the Wessonneau river which flows out of Tousignant lake.

Vegetation: The proposed Vallée-Tousignant biodiversity reserve is comprised of forests covering 92% (40 km²) of the protected land. Mixed and hardwood forests respectively cover 59% and 19% of the proposed biodiversity reserve while softwood forests account for 16%. Dominant stands are comprised of yellow birch (*Betula alleghaniensis*) mixed forest. Logging has been done on the reserve and hardwood-dominated regeneration is currently taking place. Stands of sugar maple and red maple (*Acer saccharum* and *rubrum*), cedar (*Thuja occidentalis*), Eastern white pine (*Pinus strobus*) as well as some minor plantings have

also been observed on the site of the proposed reserve. Concerning stand age, the major part of the Vallée-Tousignant biodiversity reserve forest is approximately 80 years old.

2.3. Land occupation and use

As the proposed Vallée-Tousignant biodiversity reserve is located within the Saint-Maurice wildlife reserve, the territory is widely used for hunting, fishing and recreational activities. In addition, the territory is included in fur-bearing management unit 04.

No land leases exist within the limits of the proposed biodiversity reserve.

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. The permitted and prohibited activities considered for the period that follows the granting of a permanent status by the government are the same with the necessary adjustments to take into account the enforcement of article 46 of the act.

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.

§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;

(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.

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;

— 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);

— 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;

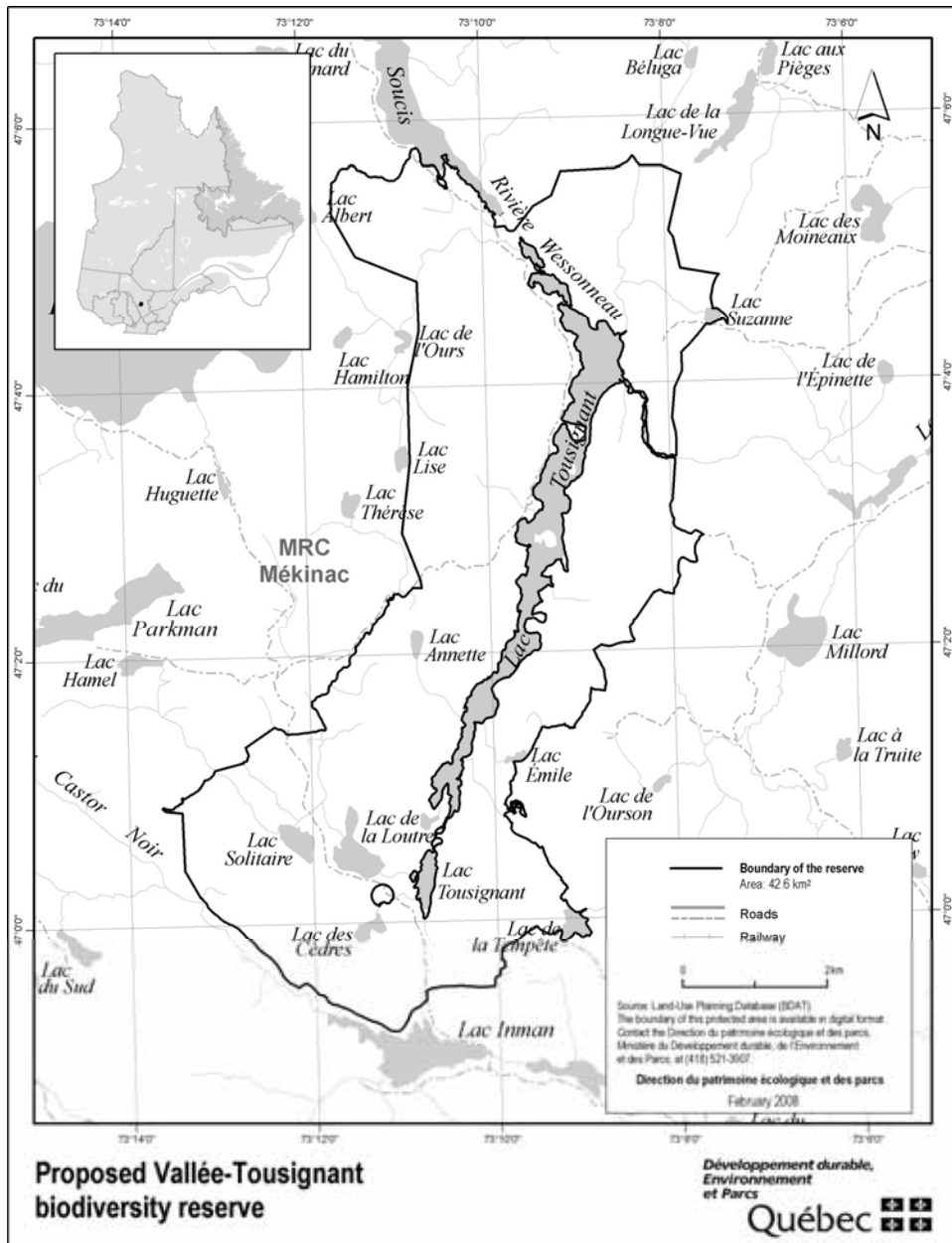
— Construction and development standards: regulatory measures adopted by regional and local municipal authorities under the Acts applicable to them.

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

Conservation and management of the proposed Vallée-Tousignant biodiversity reserve are the responsibility of the Minister of Sustainable Development, Environment and Parks, which monitors and controls activities as may take place in it. In exercising its mandate, the Minister enjoys the collaboration of other government stakeholders such as the Minister of Natural Resources and Wildlife that have specific responsibilities for this territory or adjacent areas. In exercising their authority they will take particular account of the desired protection of these natural biotopes and the protection status that is now accorded them. No additional conservation measure is, at this point, considered. Regarding zoning, the conservation objectives for the period of temporary protection are the same for the entire area, the proposed reserve being only one conservation area.

APPENDIX 1

MAP OF THE PROPOSED VALLÉE-TOUSIGNANT BIODIVERSITY RESERVE



QUÉBEC STRATEGY FOR PROTECTED AREAS



Proposed Basses- Collines-du- Lac-au- Sorcier biodiversity reserve

Conservation plan



April 2008

1. Protection status and toponym

The description of a protection status for the following territory is Proposed Biodiversity Reserve, status ruled under the Natural Heritage Conservation Act (R.S.Q., c. C-61.01).

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

The provisional toponym is: Proposed Basses-Collines-du-Lac-au-Sorcier biodiversity reserve. The official toponym will be determined at the time when permanent protection status is accorded to the territory. The name “Lac au Sorcier” finds its origins in an ancient Amerindian legend according to which a sorcerer haunted its island and caused strange noises to be heard, making it impossible for people to sleep.

2. Plan and description

2.1. Geographic location, boundaries and dimensions

The boundaries and location of the proposed Basses-Collines-du-Lac-au-Sorcier biodiversity reserve are shown on the map in the appendix 1.

The proposed Basses-Collines-du-Lac-au-Sorcier biodiversity reserve is located partially in the Lanaudière administrative region and partially in the Mauricie administrative region, between 46°38' and 46°46' latitude north and 73°17' and 73°34' longitude west, approximately 30 km east of the municipality of Saint-Michel-des-Saints. The Attikamek community of Manawan and the Abenaki community of Odanak and Wôlinak are located approximately 80 km from the proposed biodiversity reserve. The reserve covers an area of 191.1 km². Its western end extends into the Baie-de-la-Bouteille non-municipalized territory of the regional municipal county of Matawinie while its eastern end is located on the territory of the parish of Saint-Alexis-des-Monts in the regional municipal county of Maskinongé.

2.2. Ecological overview

The proposed biodiversity reserve is situated in the Southern Laurentide natural province and belongs to the natural region of the La Tuque Depression. More precisely, this reserve is part of the Basses collines du lac au Sorcier physiographic unit.

The reserve protects the Grand Lac des Îles and Sorcier lakes as well as their immediate visual landscape, extending to the summits of the neighbouring low hills. This is a sector comprised of low hills and thin till with rocky outcroppings. Sandy glaciofluvial deposits can be found in the vicinity of the lakes while organic deposits fill the ravines. This landscape of glacial origin is at an altitude of between 300 and 600 m with a 400 m average.

Located in the Grenville geological province, the reserve has a rocky substratum composed of granitic and tonalitic gneiss.

The reserve is characterized by a mild sub-polar, subhumid climate with a long growing season and is located in the sugar maple-yellow birch forest bioclimatic field.

The territory contains a surprisingly wide variety of wood species for such a small area. The irregular relief, generally speaking, creates a number of well-drained and well-defined sites where sugar maple, yellow birch, white birch, black spruce and balsam fir are found without any one species being dominant. Some species occur in particular areas, such as quaking aspen – found on the eastern slopes of du Sorcier lake – and Eastern white pine, native to the steep slopes of the northern part of the reserve. The various stand age groups are represented in equal proportions. However, mature stands are mainly found on the steeper slopes and in difficult to reach locations.

The proposed biodiversity reserve is located in the Rivière-du-Loup watershed.

One of the principal du Sorcier lake feeders is the des Îles river, which has several spawning and stocking sites for the landlocked salmon.

2.3. Land occupation and use

No land rights exist for this territory. A canoe and kayak course uses the Grand Lac des Îles and Sorcier lakes where some portages have been carved out.

The reserve is located in fur-bearing animal management unit 36-A and hunting zone 26-O and resides entirely within the Mastigouche wildlife reserve. Five lakeside camping spaces have been cleared on du Sorcier lake. The reserve touches ten trapping concessions.

This territory is criss-crossed by numerous unpaved roads and trails.

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. The permitted and prohibited activities considered for the period that follows the granting of a permanent status by the government are the same with the necessary adjustments to take into account the enforcement of article 46 of the act.

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.

§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;

(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.

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;

— 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);

— 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;

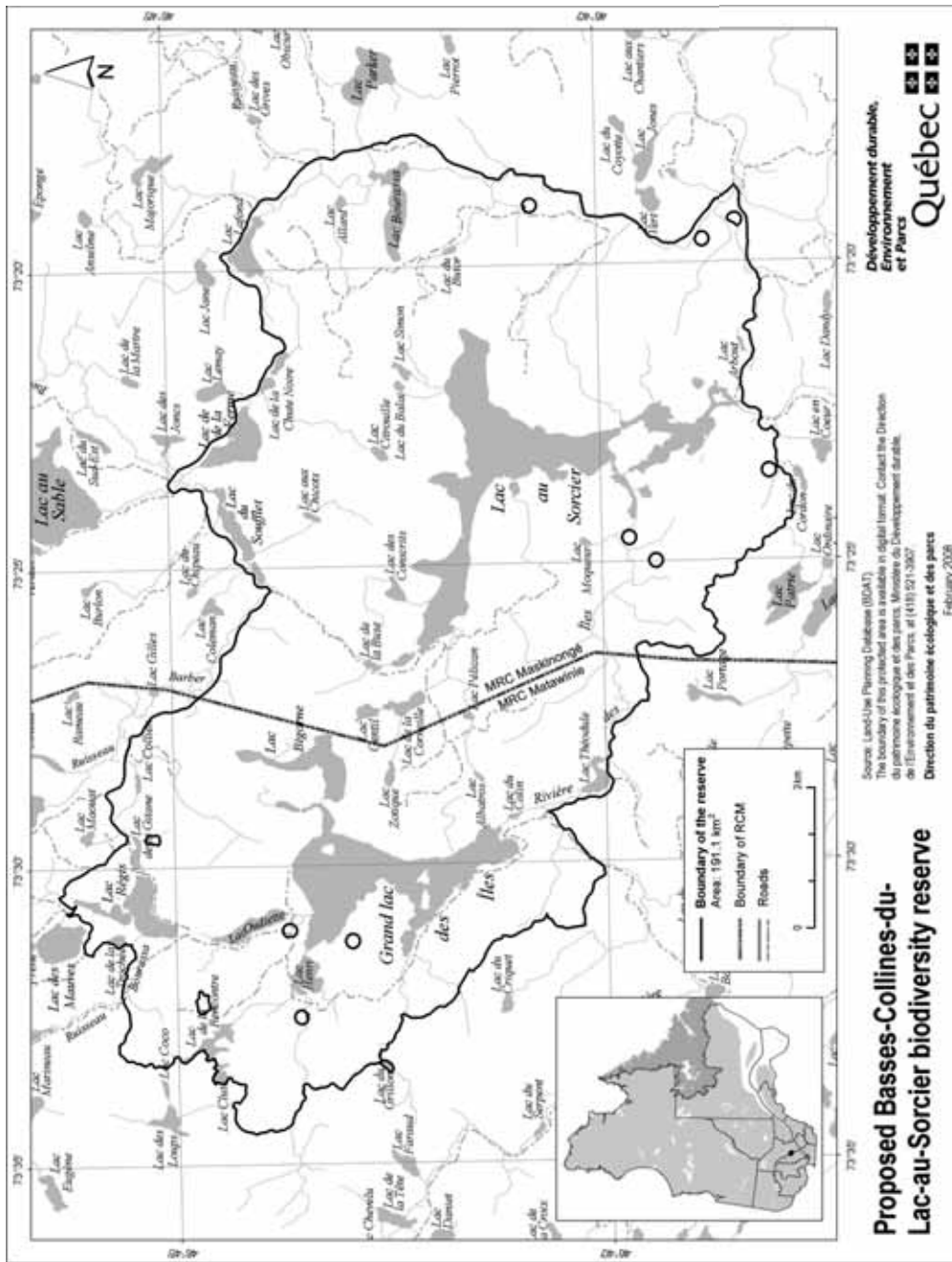
— Construction and development standards: regulatory measures adopted by regional and local municipal authorities under the Acts applicable to them.

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

Conservation and management of the proposed Basses-Collines-du-Lac-au-Sorcier biodiversity reserve are the responsibility of the Minister of Sustainable Development, Environment and Parks, which monitors and controls activities as may take place in it. In exercising its mandate, the Minister enjoys the collaboration of other government stakeholders such as the Minister of Natural Resources and Wildlife that have specific responsibilities for this territory or adjacent areas. In exercising their authority they will take particular account of the desired protection of these natural biotopes and the protection status that is now accorded them. No additional conservation measure is, at this point, considered. Regarding zoning, the conservation objectives for the period of temporary protection are the same for the entire area, the proposed reserve being only one conservation area.

APPENDIX 1

MAP OF THE PROPOSED BASSES-COLLINES-DU-LAC-AU-SORCIER BIODIVERSITY RESERVE



QUÉBEC STRATEGY FOR PROTECTED AREAS



**Proposed
Sikitakan Sipi
biodiversity
reserve**

Conservation plan



March 2008

1. Protection status and place name

The description of a protection status for the following territory is Proposed Biodiversity Reserve, status ruled under the Natural Heritage Conservation Act (R.S.Q., c. C-61.01).

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

The provisional place name is: Proposed Sikitakan Sipi Biodiversity Reserve. The official place name will be determined once the territory has been assigned permanent protection status.

2. Plan and description

2.1. Geographic situation, boundaries and dimensions

The boundaries and location of the proposed Sikitakan Sipi biodiversity reserve are identified on the plan that is enclosed in appendix 1.

The proposed Sikitakan Sipi biodiversity reserve is located in the administrative region of Mauricie, between 48°18' and 48°29' north latitude and 74°24' and 74°32' west longitude. It is situated approximately 35.2 km northwest of the community of Parent and 48.6 km southeast of the Attikamek community of Obedjiwan and 64 km northwest of the Attikamek community of Wemotaci. The territory covers an area of 91.4 km². It is located within the municipal limits of La Tuque (city with regional county municipality jurisdiction).

2.2. Ecological overview

The proposed Sikitakan Sipi biodiversity reserve is located in the natural province of the southern Laurentides. More specifically, it is included in the natural region of the trough of the Gouin Reservoir.

The territory consists of a uniform landscape of ecosystems of mounds and knolls with low hills and sand, with glacial deposits (mixture of homogeneous thin layers of till more than one metre deep) and fluvio-glacial deposits interspersed with rare organic deposits.

The landscape of mounds and knolls shows little variation in altitude, ranging from 405 m to 561 m, with an average altitude of 438 m. The proposed biodiversity reserve falls within the balsam fir – white birch domain. Forest cover consists of a mixture of fir and white birch, often associated with the presence of trembling aspen, black spruce and jack pine. An estimated 30% of forest

cover, originating from logging activity, is between 10 and 30 years old and consists of mixed forest (white birch, trembling aspen, black spruce and fir) and 30% of forests are between 70 to 120 years old, consisting mainly of coniferous species.

The proposed biodiversity reserve forms part of the Saint-Maurice river watershed.

2.3. Occupations and use of the territory

The proposed biodiversity reserve is located entirely within hunting zone 14 and within fur-bearing animal management unit (UGAF) 31. It is situated within the Abitibi beaver reserve, in which the Atikamekw community of Obedjiwan holds exclusive rights to fur-bearing animals.

Thirty (30) land rights have been granted within the boundaries of the territory:

- 27 vacation resort leases (cottage)
- 3 commercial leases for outfitter businesses

A few unpaved roads and a number of rudimentary roads run throughout the territory of the reserve.

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. The permitted and prohibited activities considered for the period that follows the granting of a permanent status by the government are the same with the necessary adjustments to take into account the enforcement of article 46 of the act.

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.

§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;

(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.

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;

— 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);

— 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;

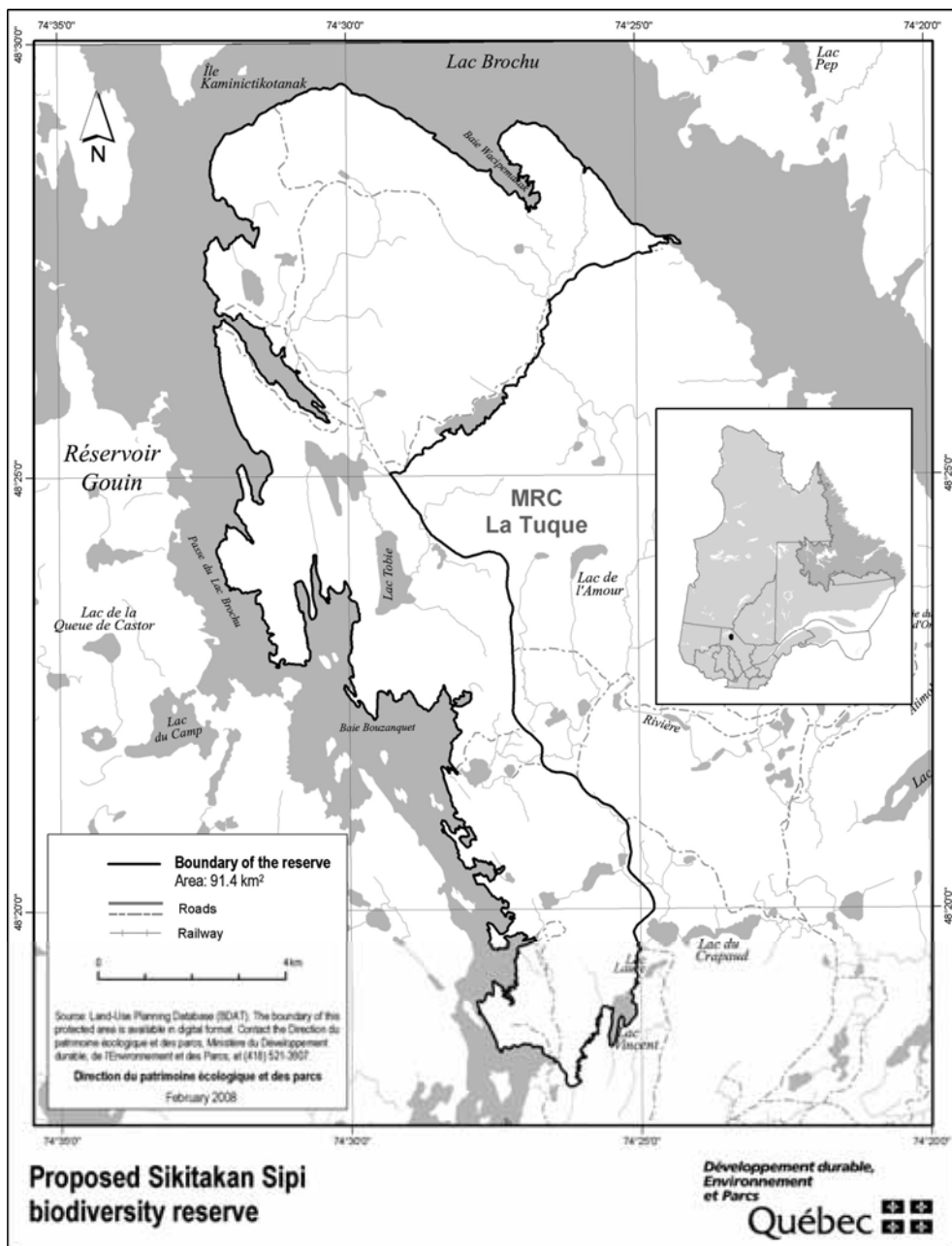
— Construction and development standards: regulatory measures adopted by regional and local municipal authorities under the Acts applicable to them.

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 Sikitakan Sipi biodiversity reserve and is therefore responsible for supervising and monitoring activities allowed in the proposed biodiversity reserve. In the exercise of management responsibilities, the Minister benefits from the cooperation and participation of other government officials who hold specific responsibilities within or in proximity to this territory, such as the Minister of Natural Resources and Wildlife. In the exercise of their powers, Ministers shall take into account the desired protection for these natural environments and the protection status these environments have now been granted. No additional conservation measure is, at this point, considered. Regarding zoning, the conservation objectives for the period of temporary protection are the same for the entire area, the proposed reserve being only one conservation area.

APPENDIX 1

MAP OF THE PROPOSED SIKITAKAN SIPI BIODIVERSITY RESERVE



QUÉBEC STRATEGY FOR PROTECTED AREAS



**Proposed
Basses-
Collines-du-
Ruisseau-
Serpent
biodiversity
reserve**

Conservation plan

April 2008

1. Protection status and toponym

The description of a protection status for the following territory is Proposed Biodiversity Reserve, status ruled under the Natural Heritage Conservation Act (R.S.Q., c. C-61.01).

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

The provisional toponym is: Proposed Basses-Collines-du-Ruisseau-Serpent biodiversity reserve. The official toponym will be determined at the time when permanent protection status is accorded to the territory.

2. Plan and description

2.1. Geographic location, boundaries and dimensions

The boundaries and location of the proposed Basses-Collines-du-Ruisseau-Serpent biodiversity reserve are shown on the map in the appendix 1.

The proposed Basses-Collines-du-Ruisseau-Serpent biodiversity reserve is located in the Abitibi-Témiscamingue administrative region, between 46°25' and 46°35' latitude north and 78°43' and 78°52' longitude west, approximately 25 km southeast of the centres of Témiscaming and the Algonquin community of Kebaowek. It covers an area of 112.3 km². The reserve lies on the land of the city of Témiscaming and the Laacs-du-Témiscamingue non-municipalized territory, which are part of the regional municipal county of Témiscamingue. The southern boundary of the territory coincides with the line which marks the 179.2-metre point above sea level.

2.2. Ecological overview

The proposed Basses-Collines-du-Ruisseau-Serpent biodiversity reserve is located in the Southern Laurentide natural province, more precisely within the Plateau de la Dumoine natural region and the Basses collines du lac Esber physiographic unit. The reserve extends to two ecological districts, the Basses collines du lac des Loups and the Basses collines du lac Memewin.

This territory is composed of low hills with thin till and moderately abundant rocky outcroppings. The valley of Serpent creek and lakes Marin and Bangs is comprised of glaciolacustrine, thick sandy deposits. The low-hilled landscape relief is irregular, with an altitude varying between 185 and 400 m and an average of approximately 300 m. The reserve is situated in the

Grenville geological province. The deposits cover a rocky substratum mainly composed of granitic and tonalitic gneiss, with occasional paragneiss.

The territory is characterized by a mild sub-polar, subhumid climate with a long growing season and is within the sugar maple-yellow birch forest bioclimatic field.

The semi-virgin mixed and hardwood forest cover is mainly comprised of sugar maple, with yellow birch and hemlock on the higher reaches of the low hills. White birch and quaking aspen dominate the slopes while the latter species is predominant in the valley. Eastern white pine forests are notable on some highly drained escarpments as well as on a sandy hillock in the valley. A sizable proportion (about 50 %) of mature stands, mainly sugar maple, yellow birch and Eastern hemlock, can be found on the low hills, especially in the northern half of the reserve.

The proposed biodiversity reserve immediately neighbours the Mattawa white-tailed deer containment area.

The proposed biodiversity reserve lies mainly within the Ruisseau-du-Serpent watershed. However, its eastern part belongs to the Rivière-Antoine watershed. Both river basins flow into the Rivière-des-Outaouais. There are two lake charr lakes (Clair and Marin lakes).

2.3. Land occupation and use

Seven vacation leases, thirteen simple shelter leases as well as two unspecified commercial rights exist within the perimeter of the proposed biodiversity reserve.

The proposed biodiversity reserve is partially superimposed on the Maganasipi ZEC and abuts 5 trapping concessions. One trapping camp is located in the reserve. It is included in fur-bearing animal management unit 01 and in hunting zone 13.

A little-developed network of unpaved roads crisscrosses the proposed biodiversity reserve, especially in the valley. A power transmission line and railroad cross through the southern end of the reserve.

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. The permitted and prohibited activities considered for the period that follows the granting of a permanent status by the government are the same with the necessary adjustments to take into account the enforcement of article 46 of the act.

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.

§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;

(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 up-grading 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.

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;

— 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);

— 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.

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

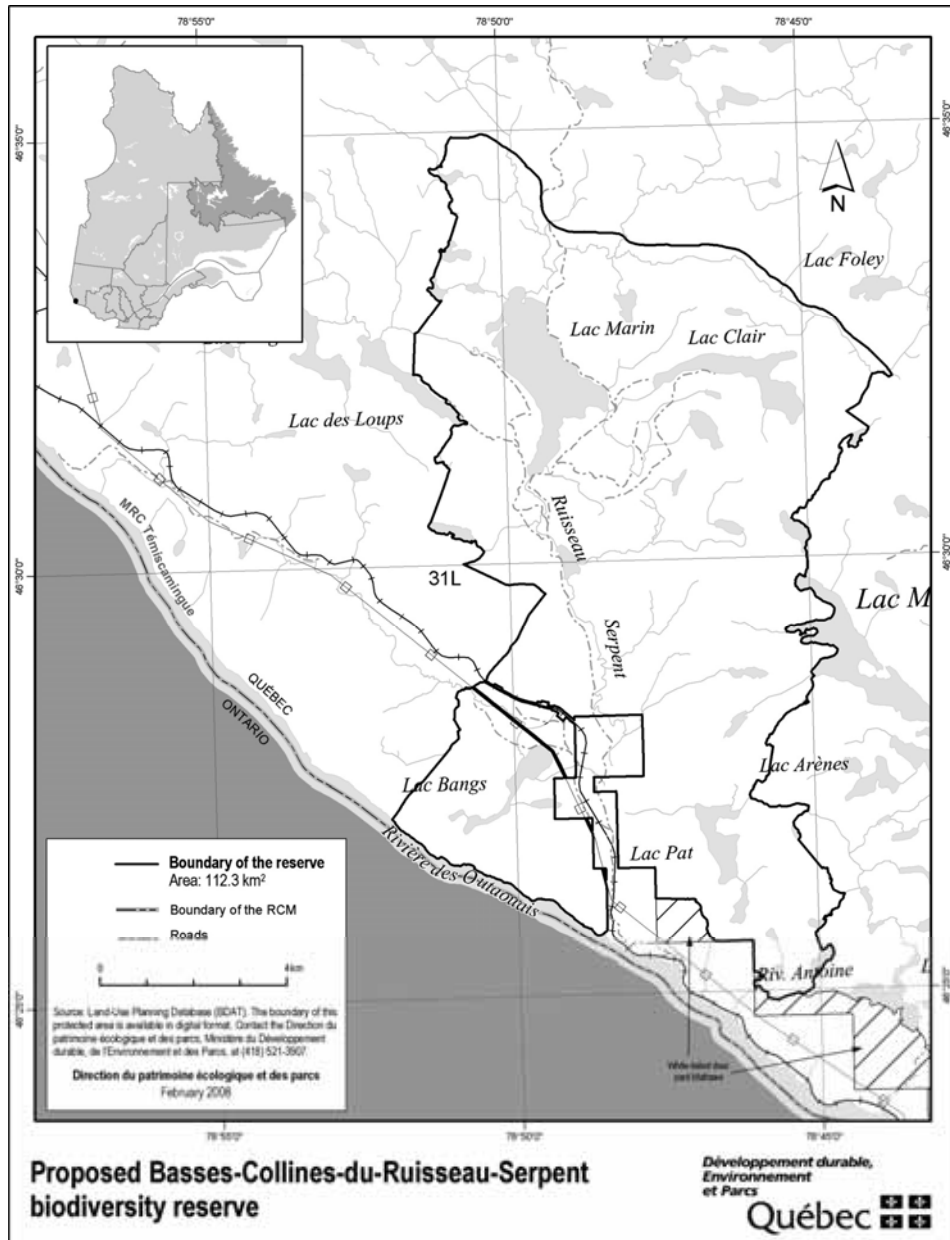
Conservation and management of the proposed Basses-Collines-du-Ruisseau-Serpent biodiversity reserve are the responsibility of the Minister of Sustainable Development, Environment and Parks, which monitors and

controls activities as may take place in it. In exercising its mandate, the Minister enjoys the collaboration of other government stakeholders such as the Minister of Natural Resources and Wildlife that have specific responsibilities for this territory or for adjacent areas. In exercising their authority they will take particular account of the desired protection of these natural biotopes and the protection status that is now accorded them. No additional conservation measure is, at this point, considered. Regarding zoning, the conservation objectives for the period of temporary protection are the same for the entire area, the proposed reserve being only one conservation area.

Moreover, the Minister of Sustainable Development, Environment and Parks commits herself, until such time as the status of permanent protection has been granted to this territory, to work with the aboriginal communities concerned, including the community of Wolf Lake, towards the management and development of this protected area and, where relevant, will enter into partnerships on certain specific activities.

APPENDIX 1

MAP OF THE PROPOSED BASSES-COLLINES-DU-RUISSEAU-SERPENT BIODIVERSITY RESERVE



QUÉBEC STRATEGY FOR PROTECTED AREAS



Proposed Canyon-de-la- Rivière-aux- Rats biodiversity reserve

Conservation plan



April 2008

1. Protection status and toponym

The description of a protection status for the following territory is Proposed Biodiversity Reserve, status ruled under the Natural Heritage Conservation Act (R.S.Q., c. C-61.01).

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

The provisional toponym is: Proposed Canyon-de-la-Rivière-aux-Rats biodiversity reserve. The official toponym will be determined at the time when permanent protection status is accorded to the territory. The “Rats” in the river’s name refers to muskrats, which are found in abundance in the area. The Abenaki know this watercourse as the Moskwastekw, meaning “Muskrat River.”

2. Plan and description

2.1. Geographic location, boundaries and dimensions

The boundaries and location of the proposed Canyon-de-la-Rivière-aux-Rats biodiversity reserve are shown on the map in the appendix 1.

The proposed Canyon-de-la-Rivière-aux-Rats biodiversity reserve is located in the Mauricie administrative region, between 47°18’ and 47°32’ latitude north and 72°57’ and 73°13’ longitude west. It is less than 15 kilometres west of La Tuque, roughly 70 kilometres from the Attikamek community of Wemotaci, and covers an area of 208.5 km². The proposed reserve is located on the territory of the Ville de La Tuque, which holds regional municipal county authority. The boundary of the territory coincides with the line of the lac Cinconsine which marks the 274.01-metre point above sea level.

2.2. Ecological overview

The proposed Canyon-de-la-Rivière-aux-Rats biodiversity reserve is situated in the Southern Laurentian natural province and more precisely in the natural region of the La Tuque Depression. Mainly located in the Buttes du lac Devenyns physiographic unit, its southeastern end resides in the Basses collines du lac Normand physiographic unit. It abuts three ecological districts, principally the Basses collines du lac Cinconsine, but the Buttes du lac Turcotte and Buttes du lac Bellavance in part.

The reserve protects the ecosystems of the low hill and variable-till hillock surrounding topography of Lake Cinconsine. The Rivière-aux-Rats valley is highly

embanked within the reserve. The valley escarpment slopes reach considerable altitude (with a drop of more than 150 m in some places) and give it characteristics typical of a canyon. Here and there in the canyon, the valley turns into an open depression of glaciofluvial sand. This low hill landscape has a pronounced relief whose altitude varies between 160 and 475 m with an average height of around 350 m.

Located in the Grenville geological province, the reserve has a rocky substratum composed of charnockitic gneiss and granulite.

The reserve is characterized by a mild sub-polar, subhumid climate with a long growing season and is located in the yellow birch fir bioclimatic field.

The western end of the reserve is covered with young forest while stands of average age cover half the territory. Some mature stands exist in a number of more topographically uneven locations. These rare mature stands are almost exclusively of yellow birch and sugar maple, with occasional black spruce. The forest cover of the reserve is highly diversified. In addition to the aforementioned species, white birch, jack pine, quaking aspen and balsam fir can be found, as well as a few isolated stands of Eastern white pine.

The proposed biodiversity reserve is within the Rivière-aux-Rats watershed.

There are one *Salvelinus alpinus* oquassa (arctic charr “oquassa”) habitat which is likely to be designated as threatened or vulnerable species and one *Glyptemys insculpta* (wood turtle) habitat which is designated as vulnerable.

2.3. Land occupation and use

Besides the two simple shelter leases, the territory is mainly occupied by 28 vacation leases that are almost all located on the shores of Cinconsine lake. The Rivière-aux-Rats is used as a canoe and kayak course and its valley is also traversed by a snowmobile trail.

The reserve abuts fur-bearing animal management units 33-A and 35-A and is located within hunting zone 26-O. It is superimposed on the territories of three exclusive-rights outfitters (J.E. Goyette Inc., Club de chasse et pêche B & B and Pourvoy’air ltée) and one controlled economic zone, the Wessoneau ZEC. The reserve superimposes five trapping concessions.

This is a highly fragmented territory with many road and trails, some of which give access to the Cinconsine lake recreational area.

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. The permitted and prohibited activities considered for the period that follows the granting of a permanent status by the government are the same with the necessary adjustments to take into account the enforcement of article 46 of the act.

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.

§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;

(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.

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;

— 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);

— 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.

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

Conservation and management of the proposed Canyon-de-la-Rivière-aux-Rats biodiversity reserve are the responsibility of the Minister of Sustainable Development, Environment and Parks, which monitors and controls activities as may take place in it. In exercising its mandate, the Minister enjoys the collaboration of other government stakeholders such as the Minister of Natural Resources and Wildlife that have specific responsibilities for this territory or for adjacent areas. In exercising their authority they will take particular account of the desired protection of these natural biotopes and the protection status that is now accorded them. No additional conservation measure is, at this point, considered. Regarding zoning, the conservation objectives for the period of temporary protection are the same for the entire area, the proposed reserve being only one conservation area.

QUÉBEC STRATEGY FOR PROTECTED AREAS



**Proposed
Plateau-de-la-
Pierriche
biodiversity
reserve**

Conservation plan

April 2008

1. Protection status and toponym

The description of a protection status for the following territory is Proposed Biodiversity Reserve, status ruled under the Natural Heritage Conservation Act (R.S.Q., c. C-61.01).

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

The proposed reserve is to have the name: Proposed Plateau-de-la-Pierriche biodiversity reserve. The official toponym will be determined when the land is granted permanent protection status.

2. Plan and description

2.1. Location, boundaries and dimensions

The boundaries and location of the proposed Plateau-de-la-Pierriche biodiversity reserve are shown at the appendix 1.

The proposed Plateau-de-la-Pierriche biodiversity reserve, which covers an area of 341.2 km², is located between 48°3' and 48°21' north latitude and 72°59' and 73°18' west longitude. It lies roughly 60 kilometres to the southwest of Saint-Félicien and 65 kilometres to the southwest of Roberval. The proposed biodiversity reserve is mostly located within the unorganized territory of Lac-Ashuapmushuan in the Domaine-du-Roy regional county municipality in the Saguenay – Lac-Saint-Jean administrative region, and partly within the territory of the city of La Tuque, in the regional county municipality of the same name in the Mauricie administrative region.

2.2. Ecological overview

The proposed Plateau-de-la-Pierriche biodiversity reserve is located in the natural province of the Southern Laurentians. More specifically, most of the reserve is in the ecological district of the Hillocks of Sauvageau Lake and the physiographic unit of the Hillocks of Trenché Lake. Small parts of the proposed reserve belong to the physiographic units of the Hills of Trenché River and the Hills of Meilleur Lake. The purpose of the proposed Plateau-de-la-Pierriche biodiversity reserve is to protect a plateau that constitutes a rare topographical facies.

2.2.1. Representative elements

Climate: The proposed biodiversity reserve has a subpolar continental climate (mean temperature -1.5°C to -1.9°C), with subhumid (800 to 1359 mm) annual

precipitation and an average growing season (150 to 179 days), except in the south and east sectors of the proposed reserve, which have a mild subpolar climate (mean temperature 1.9°C to 4.5°C) and a long growing season (180 to 209 days). It belongs to the bioclimatic domain of balsam fir stands with white birch, but the south-east sectors of the proposed reserve are in the bioclimatic domain of balsam fir with yellow birch.

Geology and morphology: The proposed Plateau-de-la-Pierriche biodiversity reserve is in the Grenville geologic province, constituted of Pre-Cambrian rock deformed during the Labrador and Grenville orogenies over one billion years ago. The bedrock in the proposed reserve is composed of intrusive rocks (granitoids with orthopyroxene: charnockite, mangerite, jotunite and hypersthene syenite), intrusive metamorphized rocks (migmatite, charnockitic gneiss and granitoids with orthopyroxene) and metamorphized sedimentary rocks (calcosilicated rocks, marble, dolomite, schist and quartzite). In terms of its geomorphology, the dominant element is ground moraine in a layer less than one metre thick on the tops of the hillocks and knolls. Zones of exposed rock are found on summits and steep slopes, while a thicker layer of ground till is located at the base of slopes and in depressions. Fluvioglacial deposits and organic deposits of peat are also found along watercourses and in depressions. The altitude of the proposed biodiversity reserve varies from 336 m to 625 m.

Hydrography: Water covers 6% of the proposed biodiversity reserve in the form of almost 470 lakes, the largest of which are Gourmet (188 ha) and Martel (105 ha) lakes. All of the protected area lies within the Saint-Maurice river watershed. In terms of watercourses, several head-streams drain the area of the proposed biodiversity reserve and several rivers cross the area, the largest of which are the Pierriche and Bonhomme rivers.

Vegetation: The proposed Plateau-de-la-Pierriche biodiversity reserve is forest-covered over 76% (257 km²) of the protected area, while 7% is exposed rock. Mixed forests cover 40% of the area of the proposed biodiversity reserve, hardwood stands 20%, and softwood stands less than 17%. Stands dominated by white birch (*Betula papyrifera*) cover 30% of the area of the proposed biodiversity reserve, while stands dominated by poplar (*Populus* sp.) and stands dominated by either black spruce (*Picea mariana*) cover 11% and 10% of the area, respectively. Stands dominated by jack pine (*Pinus banksiana*) cover 9% of the proposed reserve. With regard to stand age, 63% of the proposed biodiversity reserve has stands less than 30 years old, while old-growth stands cover 3% of the area.

2.3. Occupation and land uses

Some roads provide access to and within the proposed Plateau-de-la-Pierriche biodiversity reserve. The road system within the proposed biodiversity reserve is made up of unpaved roads suitable for vehicle traffic, and roads unsuitable for vehicle traffic (former forest roads). The resulting fragmentation of the road system mainly affects the east and west extremities of the proposed reserve. Nine sand and gravel pits have been placed outside the boundaries of the biodiversity reserve to provide the materials necessary to maintain the unpaved roads.

The area lies within the Roberval and Abitibi beaver reserves, where the Innu communities of Masteuiash and Atikamekw de Weymontachingue have special rights concerning the hunting and trapping of fur-bearing animals. A small part of the west section of the proposed biodiversity reserve is outside the beaver reserve in fur-bearer management unit 47 and 50. Moreover, the reserve is located inside the hunting and fishing zone 28.

Eighty-four leases have been granted on land within the proposed Plateau-de-la-Pierriche biodiversity reserve: eighty-one for cottages and three for rough shelters.

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. The permitted and prohibited activities considered for the period that follows the granting of a permanent status by the government are the same with the necessary adjustments to take into account the enforcement of article 46 of the act.

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.

§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;

(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.

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;

— 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);

— 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.

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

The Minister of Sustainable Development, Environment and Parks is responsible for the conservation and management of the proposed Plateau-de-la-Pierriche biodiversity reserve and is therefore responsible for supervising and monitoring the activities that may be carried on within the reserve. In managing the reserve, the Minister will work collaboratively with other government representatives having specific responsibilities within the boundaries of the reserve or on adjoining land, such as the Minister of Natural Resources and Wildlife. In the exercise of their powers and functions, the Ministers will take into consideration the protection sought for these natural environments and the protection status that has been granted. No additional conservation measure is, at this point, considered. Regarding zoning, the conservation objectives for the period of temporary protection are the same for the entire area, the proposed reserve being only one conservation area.

QUÉBEC STRATEGY FOR PROTECTED AREAS



Proposed Buttes-et- Buttons-du- Lac-Panache biodiversity reserve

Conservation plan



April 2008

1. Protection status and toponym

The description of a protection status for the following territory is Proposed Biodiversity Reserve, status ruled under the Natural Heritage Conservation Act (R.S.Q., c. C-61.01).

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

The proposed reserve is to have the name: Proposed Buttes-et-Buttons-du-Lac-Panache biodiversity reserve. The official toponym will be determined when the land is granted permanent protection status.

2. Plan and description

2.1. Location, boundaries and dimensions

The boundaries and location of the proposed Buttes-et-Buttons-du-Lac-Panache biodiversity reserve are shown at the appendix 1.

The proposed Buttes-et-Buttons-du-Lac-Panache biodiversity reserve, which covers an area of 123.4 km², is located between 48°13' and 48°25' north latitude and 72°28' and 72°42' west longitude in the De La Lièvre controlled zone roughly 26 kilometres to the southwest of Roberval. The proposed biodiversity reserve lies partly within the unorganized territory of Lac-Ashuapmushuan and partly within the territory of the municipality of Sainte-Hedwige in the Domaine-du-Roy regional county municipality of the Saguenay – Lac-Saint-Jean administrative region.

2.2. Ecological overview

The proposed Buttes-et-Buttons-du-Lac-Panache biodiversity reserve is located in the natural province of the Southern Laurentians. More specifically, the reserve lies at the junction of three ecological districts: the Hills of Aux Goélands Lake, the Hillside of À l'Ours Lake, and the Hillocks of Des Commissaires Lake. These three districts are part of the physiographic unit of the Hillocks of Des Commissaires Lake. The purpose of the proposed Buttes-et-Buttons-du-Lac-Panache biodiversity reserve is to protect representative ecosystems in the physiographic unit (till hillocks and knolls) and also to protect several archaeological sites from the prehistoric aboriginal period (12 000 to 450 BCE)

2.2.1. Representative elements

Climate: The proposed biodiversity reserve has a continental climate that is mild subpolar (mean temperature 1.9 to 4.5°C) or subpolar in the south-east sec-

tion (mean temperature -1.5°C to -1.9°C), with subhumid annual precipitations (800 to 1359 mm) and an average growing season (150 to 179 days). It belongs to the bioclimatic domain of balsam fir stands with white birch.

Geology and morphology: The proposed Buttes-et-Buttons-du-Lac-Panache biodiversity reserve is in the Grenville geologic province, constituted of Pre-Cambrian rock deformed during the Labrador and Grenville orogenies over one billion years ago. The bedrock in the proposed reserve is mainly composed of intrusive metamorphic rock (migmatites). In terms of its geomorphology, the tops of the hillocks and knolls in the proposed reserve is covered by a layer of ground till less than one metre thick and exposed rock. A thicker layer of ground till is present at the base of slopes, along with fluvioglacial deposits and organic deposits of peat in the depressions. The altitude of the proposed biodiversity reserve varies from 340 m to 544 m.

Hydrography: Water covers roughly 6% of the proposed biodiversity reserve in the form of about 180 lakes, the largest of which is Panache lake which has an area of 1.7 km². Most of the protected area lies within the Saint-Maurice river watershed, while the northeast section lies within the Aux Iroquois river watershed. In terms of watercourses, several head-streams drain the area of the proposed biodiversity reserve and several rivers cross the area, the largest of which is the Croche river.

Vegetation: The proposed Buttes-et-Buttons-du-Lac-Panache biodiversity reserve is forest-covered over roughly 78% of the protected area, while 3% is wetland. Softwood stands cover 42% of the area of the proposed biodiversity reserve, mixed stands cover 20% and hardwood stands cover less than 16%. Stands of jack pine (*Pinus banksiana*) predominate, covering almost 10% of the area, and stands in which jack pine is the dominant species cover a total of almost 22% of the area. Stands dominated by black spruce (*Picea mariana*) cover 23% of the area, while stands dominated by white birch (*Betula papyrifera*) cover 18% of the proposed reserve. With regard to stand age, 35% of the proposed biodiversity is home to young, regenerating stands less than 30 years old, more than a third is home of commercially mature stands (more than 70 years old) while a little over 1% of the proposed biodiversity reserve is home to stands over 90 years old.

2.3. Occupation and land uses

The proposed Buttes-et-Buttons-du-Lac-Panache biodiversity reserve is part of furbearer management unit 48 and is home to six trapping grounds.

A canoe-kayak route is found on the Croche river which crosses the proposed biodiversity reserve. Moreover, the Panache lake area is a high concentration area of native prehistoric archaeological sites.

Fifty-four leases have been granted on land within the proposed biodiversity reserve: fifty-one for cottages and three for rough shelters.

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. The permitted and prohibited activities considered for the period that follows the granting of a permanent status by the government are the same with the necessary adjustments to take into account the enforcement of article 46 of the act.

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.

§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 water-

course 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;

(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.

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 out 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;

— 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);

— 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.

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

The Minister of Sustainable Development, Environment and Parks is responsible for the conservation and management of the proposed des Buttes-et-Buttons-du-Lac-Panache biodiversity reserve and is therefore responsible for supervising and monitoring the activities that may be carried on within the reserve. In managing the reserve, the Minister will work collaboratively with other government representatives having specific responsibilities within the boundaries of the reserve or on adjoining land, such as the Minister of Natural Resources and Wildlife. In the exercise of their powers and functions, the Ministers will take into consideration the protection sought for these natural environments and the protection status that has been granted. No additional conservation measure is, at this point, considered. Regarding zoning, the conservation objectives for the period of temporary protection are the same for the entire area, the proposed reserve being only one conservation area.

QUÉBEC STRATEGY FOR PROTECTED AREAS



**Proposed
Paakumshumwaau
-Maatuskaau
biodiversity
reserve**

Conservation plan



April 2008

1. Protection status and toponym

The description of a protection status for the following territory is Proposed Biodiversity Reserve, status ruled under the Natural Heritage Conservation Act (R.S.Q., c. C-61.01).

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

The proposed reserve is to have the name: Proposed Paakumshumwaau-Maatuskaau biodiversity reserve. The official toponym will be determined when the land is granted permanent protection status.

2. Plan and description

2.1. Location, boundaries and dimensions

The boundaries and location of the proposed Paakumshumwaau-Maatuskaau biodiversity reserve are shown at the appendix 1.

The proposed Paakumshumwaau-Maatuskaau biodiversity reserve is located in the Nord-du-Québec administrative region between 52°30' and 53°15' north latitude and 76°46' and 78°53' west longitude. It lies roughly 7.9 kilometres to the southeast of the Cree village of Wemindji and 32.5 kilometres to the north of the Cree village of Eastmain in the territory of the municipality of Baie-James, which is not in a regional county municipality. The proposed biodiversity reserve covers an area of 4259.3 km² which is divided between a marine portion of 146.5 km² and a terrestrial portion 4112.8 km².

2.2. Ecological overview

The proposed Paakumshumwaau-Maatuskaau biodiversity reserve is located in the natural province of the La Grande Hills. More specifically, it lies within the natural regions of the Lake Duncan Plain and the Opinaca Hills.

The reserve comprises a littoral plain to the west, climbing gradually to the east as far as the depression containing the Opinaca reservoir. The eastern section of the reserve is characterized by littoral and marine deposits, while the central and western sections are dominated by organic deposits alternating with rock and drumlinized, littoral and marine deposits.

The landscape of plains and low hills has little variation in relief; the altitude varies from 0 m to 236 m with an average of 120 m. The proposed biodiversity reserve is situated in the domain of mossy spruce stands, and the forest cover is mostly mature black spruce with lichens

in the higher, drier areas, with mossy spruce stands in the more humid environments. Fire, the main natural disturbance, has left ecosystems of burned vegetation covering almost 25% of the area.

The proposed biodiversity reserve lies within the Vieux-Comptoir and Du Peuplier watersheds. The conservation of a large part of the last unharnessed watersheds in the natural province will provide protection for a representative sample of the shoreline structured by a hydrographic system featuring rivers flowing from the east to the west and part of the low plateau of the Opinaca river.

2.3. Occupation and land uses

The proposed biodiversity reserve lies entirely within the Vieux Comptoir beaver reserve and is also part of hunting zone 22. The James Bay highway crosses the eastern extremity of the reserve. The territory of the dike OA-33 which is concerns by the placing at the disposal of Hydro-Québec is excluded of the proposed biodiversity reserve.

The proposed biodiversity reserve is located on Category II and Category III lands of the community of Wemindji, pursuant to the James Bay and Northern Québec Agreement signed in 1975 and Act respecting the land regime in the James Bay and New Québec territories (R.S.Q., c. R-13.1). Six traplines of the Cree community of Wemindji overlap parts of the proposed biodiversity reserve. The protection of this area follows a proposal made by the Cree community of Wemindji, which wished to preserve the watersheds of the Vieux Comptoir and Peuplier rivers, a territory traditionally used by the community for over 3500 years.

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. The permitted and prohibited activities considered for the period that follows the granting of a permanent

status by the government are the same with the necessary adjustments to take into account the enforcement of article 46 of the act.

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).

§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 includ-

ing 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;

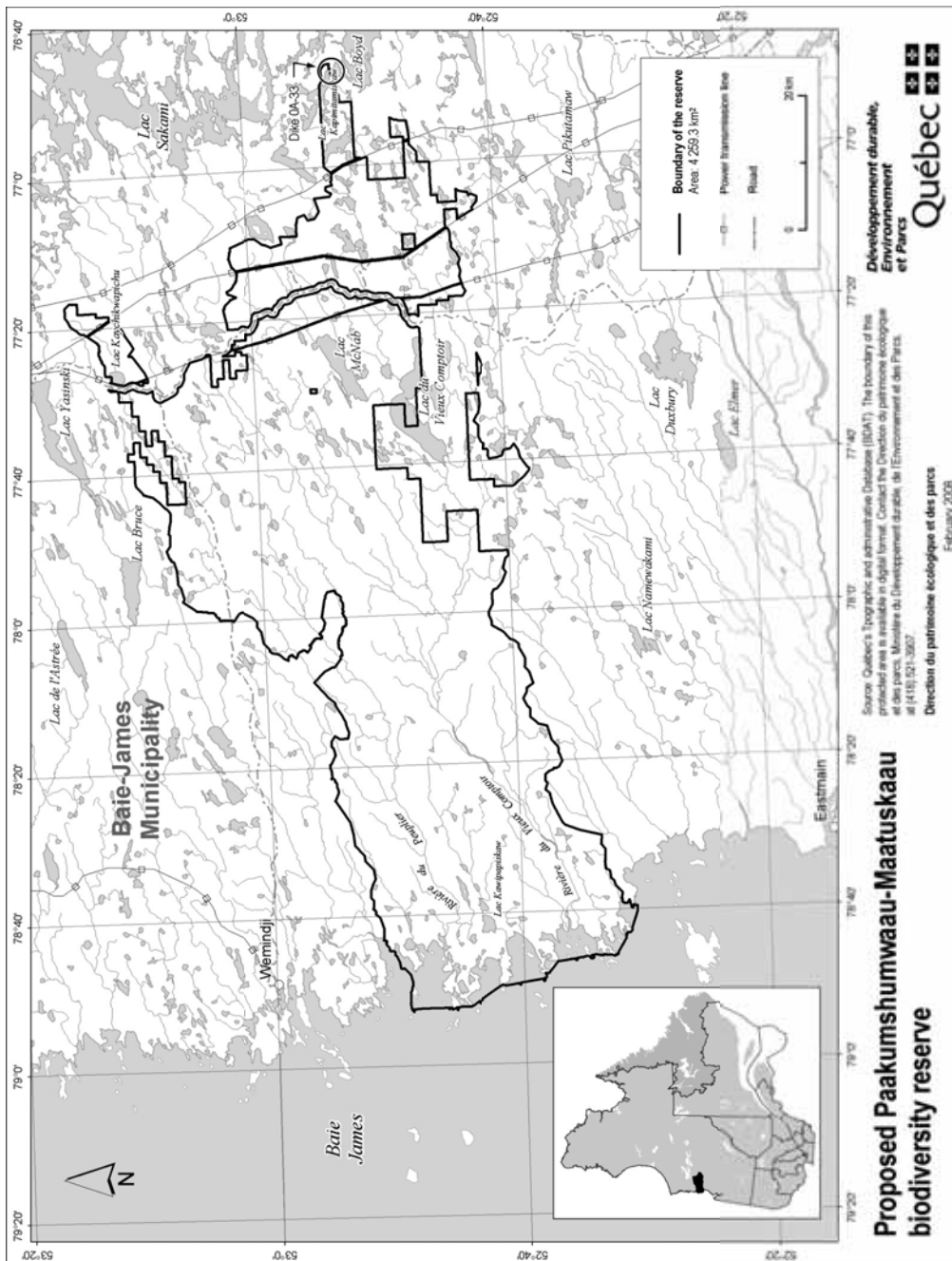
— Construction and development standards: regulatory measures adopted by regional and local municipal authorities under the Acts applicable to them.

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

The Minister of Sustainable Development, Environment and Parks is responsible for the conservation and management of the proposed Paakumshumwaa-Maatuskaau biodiversity reserve and is therefore responsible for supervising and monitoring the activities that may be carried on within the reserve. In managing the reserve, the Minister will work collaboratively with other government representatives having specific responsibilities within the boundaries of the reserve or on adjoining land, such as the Minister of Natural Resources and Wildlife. In the exercise of their powers and functions, the Ministers will take into consideration the protection sought for these natural environments and the protection status that has been granted. No additional conservation measure is, at this point, considered. Regarding zoning, the conservation objectives for the period of temporary protection are the same for the entire area, the proposed reserve being only one conservation area.

APPENDIX 1

MAP OF PROPOSED PAAKUMSHUMWAAU-MAATUSKAAU BIODIVERSITY RESERVE



QUÉBEC STRATEGY FOR PROTECTED AREAS



Proposed Brûlis-du-Lac- Oskélanéo biodiversity reserve

Conservation plan



March 2008

1. Protection status and toponym

The description of a protection status for the following territory is Proposed Biodiversity Reserve, status ruled under the Natural Heritage Conservation Act (R.S.Q., c. C-61.01).

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

The proposed reserve is to have the name: Brûlis-du-Lac-Oskélanéo biodiversity reserve. The official toponym will be determined when the land is granted permanent protection status.

2. Plan and description

2.1. Location, boundaries and dimensions

The boundaries and location of the proposed Brûlis-du-Lac-Oskélanéo biodiversity reserve are shown at the appendix 1.

The proposed Brûlis-du-Lac-Oskélanéo biodiversity reserve is located in the Mauricie administrative region, between 48°0' and 48°17' north latitude and 75°3' and 75°19' west longitude. It lies roughly 35.2 km to the north-west of the village of Parent and 48.6 km to the south of the village of Obédjiwan, and covers an area of 263.3 km² in the territory of Ville de La Tuque (a city with the powers of a regional county municipality).

2.2. Ecological overview

The proposed Brûlis-du-Lac-Oskélanéo biodiversity reserve is located in the natural province of the Southern Laurentians. More specifically, it straddles two natural regions, the Chochocouane Hills and the Gouin Reservoir Depression.

The landscape of the area is characterized by hillocks and knolls, with glacial deposits (mixtures of undifferentiated till over one metre thick, and thin deposits) and fluvioglacial deposits, especially in the southern sector, alternating with organic deposits.

The plain-like landscape has little variation in relief; the altitude varies from 405 m to 570 m with an average of 430 m. The proposed biodiversity reserve is in the domain of balsam fir stands with white birch. Most of the forest cover (50%) is black spruce. Stands of jack pine (20%) and white birch (15%) have been identified, mainly in the northern sector, while forest fires have severely disturbed the southern landscape in the Oskélanéo Lake sector. As a result, 50% of the existing

forest cover is made up of black spruce stands 50 to 70 years old, while young uneven-aged stands are found in the southeast sector of the reserve.

The proposed biodiversity reserve lies within the Saint-Maurice river watershed.

2.3. Occupation and land uses

The proposed biodiversity reserve lies entirely within hunting zone 14, and overlaps two fur-bearing animal management units (FAMUs). A single major road traverses the centre of the reserve.

The region is used for recreational canoeing and kayaking, especially on Tessier lake on the eastern border of the reserve. It is important to note that the Oskélanéo river, which rises within the protected area, is also used for that purpose.

Twenty-one (21) leases have been granted on land within the reserve:

- 12 cottage leases
- 9 commercial outfitting leases

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. The permitted and prohibited activities considered for the period that follows the granting of a permanent status by the government are the same with the necessary adjustments to take into account the enforcement of article 46 of the act.

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.

§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;

(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.

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;

— 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);

— 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;

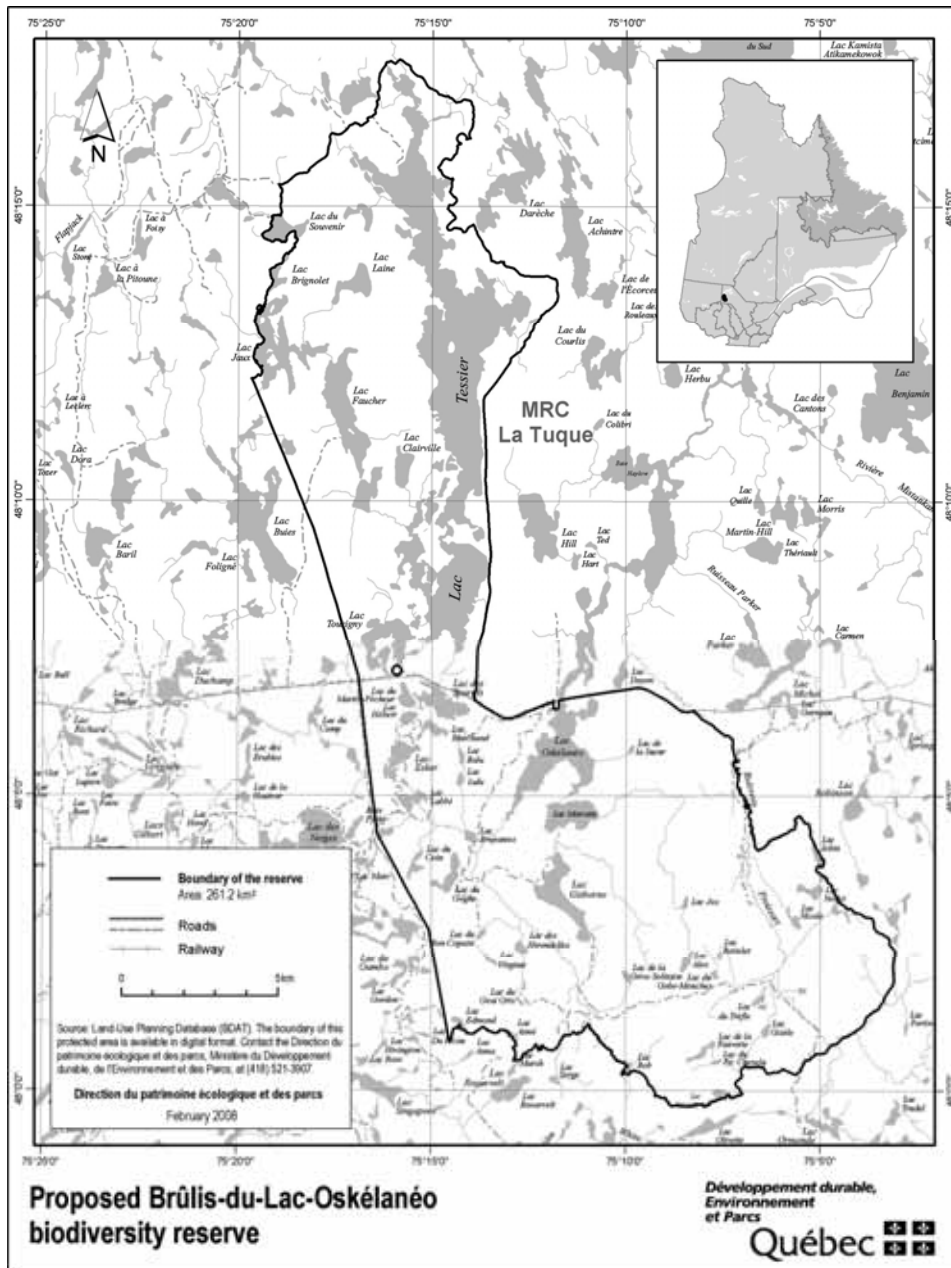
— Construction and development standards: regulatory measures adopted by regional and local municipal authorities under the Acts applicable to them.

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

The Minister of Sustainable Development, Environment and Parks is responsible for the conservation and management of the proposed Brûlis-du-Lac-Oskélanéo biodiversity reserve and is therefore responsible for supervising and monitoring the activities that may be carried on within the reserve. In managing the reserve, the Minister will work collaboratively with other government representatives having specific responsibilities within the boundaries of the reserve or on adjoining land, such as the Minister of Natural Resources and Wildlife. In the exercise of their powers and functions, the Ministers will take into consideration the protection sought for these natural environments and the protection status that has been granted. No additional conservation measure is, at this point, considered. Regarding zoning, the conservation objectives for the period of temporary protection are the same for the entire area, the proposed reserve being only one conservation area.

APPENDIX 1

MAP OF PROPOSED BRÛLIS-DU-LAC-OSKÉLANÉO BIODIVERSITY RESERVE



QUÉBEC STRATEGY FOR PROTECTED AREAS



Proposed Lac- Némiscachingue Biodiversity Reserve

Conservation plan



April 2008

1. Protection status and toponym

The description of a protection status for the following territory is Proposed Biodiversity Reserve, status ruled under the Natural Heritage Conservation Act (R.S.Q., c. C-61.01).

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

The provisional name is: Proposed Lac-Némiscachingue biodiversity reserve. The official toponym will be established when the area is assigned permanent protection status.

2. Plan and description

2.1. Geographic location, boundaries and dimensions

The boundaries and location of the proposed Lac-Némiscachingue biodiversity reserve are shown on the map attached in appendix 1.

Most of the proposed Lac-Némiscachingue biodiversity reserve is in the Lanaudière administrative region, between 47°18' and 47°36' north latitude and 74°18' and 74°34' west longitude. Its eastern portion, however, is in the Laurentides administrative region. It is about 15 km to the northwest of the Attikamek community of Manawan. The nearest urban centres, all about 80 km away, are Sainte-Anne-du-Lac, L'Ascension and Saint-Michel-des-Saints. This proposed biodiversity reserve covers an area of 253.1 km². The reserve touches on the Baie-Obaoca and Baie-Atibenne unorganized territories of Municipalité régionale de comté de Matawinie and the Lac-Bazinet and Lac-Akonapwehikan unorganized territories of Municipalité régionale de comté d'Antoine-Labelle. The boundary of the territory coincides with the line of the réservoir Kempt which marks the 419.37-metre point above sea level.

2.2. Ecological profile

The proposed biodiversity reserve is in the Southern Laurentian natural province and is part of the Plateau de Parent natural region. The reserve touches on two ecological districts: Buttes du Lac Kempt to the south and Buttes du Lac du Tabac to the north.

The area has two distinct formations. The north portion is composed of low hills with thin till and frequent sections of bare rock. Rivière Némiscachingue has cut a moderately deep and somewhat steeply banked valley out of this rocky massif. The southern portion of the

reserve features a complex of till hummocks. A few sandy fluvio-glacial deposits cover some flat areas along the drainage networks. Lac Némiscachingue, with a surface area of 35 km², accounts for a significant portion of this part of the reserve. The altitude of this glacially formed landscape ranges from 420 m to 660 m, with an average elevation of about 500 m.

Being in the Grenville geological province, this area features a basement complex composed mainly of granitic and tonalitic gneiss. In the area surrounding Lac du Pinson Doré, the basement complex is composed of paragneiss, while the northwest portion of the reserve contains charnockitic gneiss and granulite.

The area lies in a transition zone between two climates. The low-lying portions are characterized by a mild sub-polar, subhumid climate with a long growing season while the till-covered mounds and low hills are characterized by a subpolar, humid climate with an average-length growing season. Accordingly, the south portion of the reserve is in the balsam fir-yellow birch bioclimatic domain and the north portion with its low hills is in the balsam fir-white birch bioclimatic domain.

Because the area has two distinct geomorphological units, its forest ecosystems are different as well. The complex of low hills is composed mainly of stands of black spruce and white birch. As for the complex of hummocks, most of it is covered by white birch stands. Even so, there are many yellow birch stands and, rarely, sugar maple bushes. Black spruce is also present in this part of the reserve. On the sandy deposits to the north of Lac Némiscachingue, jack pine is the dominant species, and it is occasionally mixed with trembling aspen. The forests of this reserve are mainly of middle age. A few mature forests can be found on the higher hummocks near Lac Némiscachingue.

The proposed biodiversity reserve is partly in the Rivière du Lièvre watershed and partly in the Rivière Manouane watershed.

2.3. Occupation and land uses

There are eleven resort leases in the proposed biodiversity reserve. There is one commercial lease for an outfitting operation on the shores of Lac Némiscachingue.

The reserve is almost entirely within fur-bearing animal management unit 29, but some of it is in unit 21. It touches on hunting zones 14 and 15E. Along Lac Némiscachingue, the reserve overlaps with the ZEC Normandie. The reserve also has two outfitting operations with exclusive rights, namely Pourvoirie des Cents

Lacs Sud and Pourvoirie Air Mont-Laurier. It is almost entirely within the Abitibi beaver reserve, where the Attikamekw community of Manouane holds exclusive rights to fur-bearing animals.

This area is almost entirely free of roads, with the result that it is fragmented very little and therefore undisturbed.

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. The permitted and prohibited activities considered for the period that follows the granting of a permanent status by the government are the same with the necessary adjustments to take into account the enforcement of article 46 of the act.

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.

§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;

(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.

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;

— 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);

— 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.

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

The Minister of Sustainable Development, Environment and Parks is responsible for the conservation and management of the proposed Lac-Némiscachingue biodiversity reserve and therefore supervises and monitors the activities allowed in the reserve. In managing the reserve, the Minister benefits from the input and participation of other government bodies with specific responsibilities pertaining to the reserve and its adjoining lands, 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 now granted to them. No additional conservation measure is, at this point, considered. Regarding zoning, the conservation objectives for the period of temporary protection are the same for the entire area, the proposed reserve being only one conservation area.

QUÉBEC STRATEGY FOR PROTECTED AREAS



**Proposed
Wanaki
biodiversity
reserve**

Conservation plan



April 2008

1. Protection status and place name

The description of a protection status for the following territory is Proposed Biodiversity Reserve, status ruled under the Natural Heritage Conservation Act (R.S.Q., c. C-61.01).

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

The provisional place name is: Proposed Wanaki Biodiversity Reserve. The official place name will be determined once the territory has been assigned a permanent protection status. The word Wanaki means *peace*.

2. Plan and description

2.1. Geographic situation, boundaries and dimensions

The boundaries and location of the proposed Wanaki biodiversity reserve are identified on the plan that is enclosed in appendix 1.

The proposed Wanaki biodiversity reserve is located in the administrative region of Abitibi-Témiscamingue, between 47°26' and 47°35' north latitude and 77°16' and 77°31' west longitude. It is situated approximately 65 km southeast of downtown Val-d'Or, near the Algonquin community of Kitcisakik. The proposed reserve covers an area of 137.9 km². It is located within the territory without municipal organization of Réservoir-Dozois and is part of the regional county municipality of La Vallée-de-l'Or. The boundary of the territory coincides with the line which marks the 346.26-metre point above sea level for the réservoir Dozois and the 326.14-metre point above sea level for the Grand Lac Victoria.

2.2. Ecological overview

The proposed Wanaki biodiversity reserve is located in the natural province of the southern Laurentides, more specifically within the natural region of the knolls of La Vérendrye and the physiographic systems of the Lac Cawatoise undulating plain. The reserve cuts across three ecological districts: the knolls of Grand Lac Victoria (western portion), the knolls of the Outaouais river (central portion) and mounds of the Dozois-Ouest réservoir (eastern portion).

This territory consists of a series of mounds comprised of thin layers of till, laying over a foundation of granitic and tonalitic gneiss that is part of the Grenville geological province. The territory also has a sandy glacial lacustrine plain and troughs filled with bog-type organic

deposits. The portion of the territory surrounding Lac Newcomb, however, is not included in the boundaries of the reserve. Along the eastern edge of this plain an ice-marginal fluvioglacial system cuts through the reserve in a north and northeast direction. The landscape of mounds has a relatively uniform topography, where altitude ranges between 330 and 440 m, with an average altitude of 350 m.

Because the territory is part of the balsam fir – white birch bioclimate domain and under the influence of a subhumid and subpolar climate that has a long growing season, the territory's deciduous forest consists mainly of white birch stands. Small numbers of other species (yellow birch, sugar maple, black spruce, trembling aspen, eastern white cedar, eastern white pine, jack pine and red pine), share the remainder of the territory. An estimated 40% of the reserve's forest cover is comprised of mature stands, which include sugar maple and yellow birch growing in rough and hard-to-access areas.

The proposed biodiversity reserve forms part of the Outaouais river (upper) watershed. The Transparent lake is a lake charr lake.

2.3. Occupations and use of the territory

Located entirely within the La Vérendrye wildlife reserve, the territory contains no land rights. The proposed biodiversity reserve is also part of the Grand-Lac-Victoria beaver reserve in which the community of Kitcisakik holds special rights to fur-bearing animals. The territory is part of fur-bearing animal management unit 07 and is in hunting zone 13.

An undeveloped network of unpaved roads runs throughout the proposed biodiversity reserve.

The projected biodiversity reserve surrounds the Kitcisakik community's targeted Wanaki project site to establish its new village, scheduled for construction over the next few years.

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. The permitted and prohibited activities considered for the period that follows the granting of a permanent status by the government are the same with the necessary adjustments to take into account the enforcement of article 46 of the act.

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.

§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;

(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.

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;

— 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);

— 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;

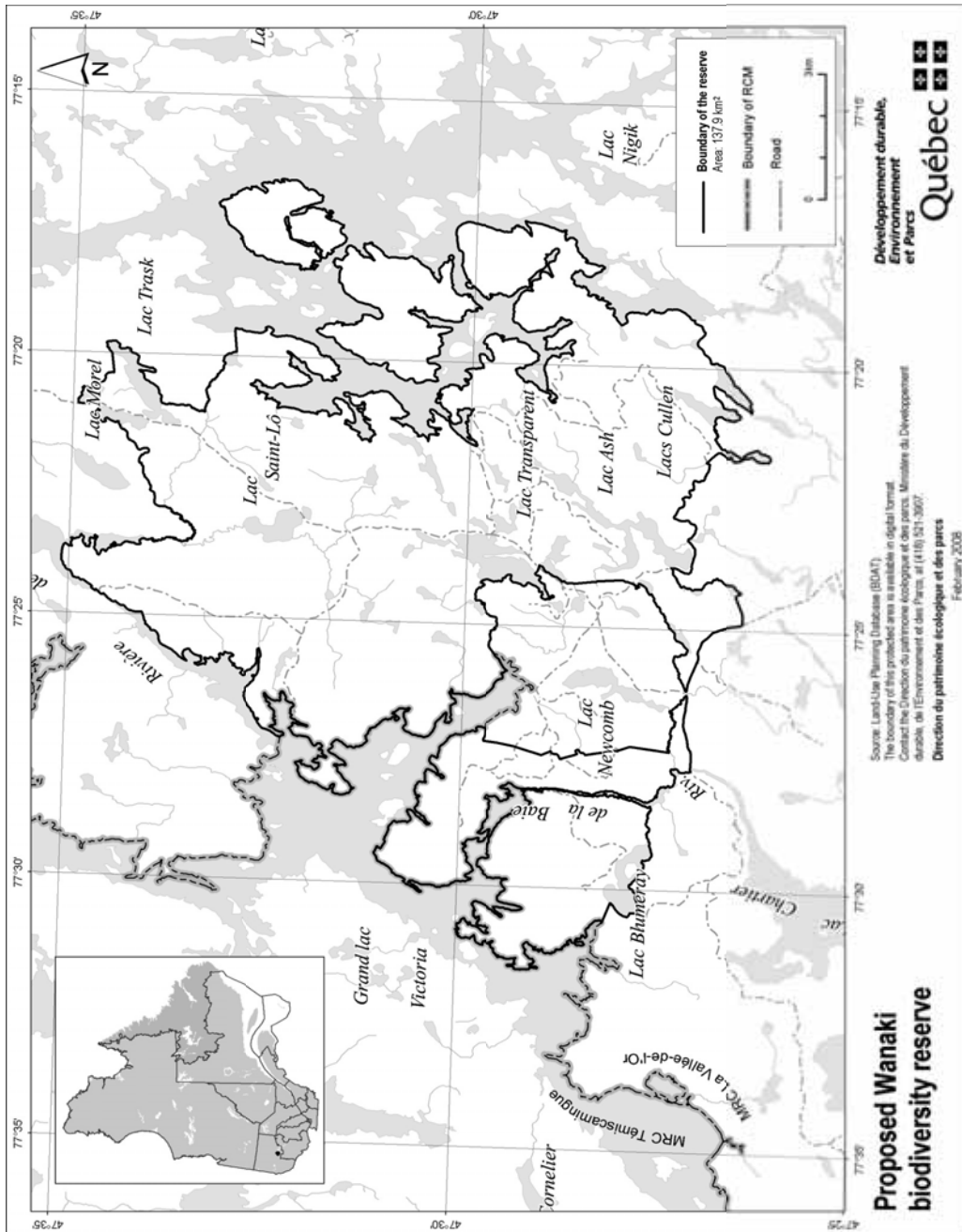
— Construction and development standards: regulatory measures adopted by regional and local municipal authorities under the Acts applicable to them.

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 Wanaki biodiversity reserve and is therefore responsible for supervising and monitoring activities allowed in the proposed biodiversity reserve. In the exercise of management responsibilities, the Minister benefits from the cooperation and participation of other government officials who hold specific responsibilities within or in proximity to this territory, such as the Minister of Natural Resources and Wildlife. In the exercise of their powers, Ministers shall take into account the desired protection for these natural environments and the protection status these environments have now been granted. No additional conservation measure is, at this point, considered. Regarding zoning, the conservation objectives for the period of temporary protection are the same for the entire area, the proposed reserve being only one conservation area.

APPENDIX 1

MAP OF THE PROPOSED WANAKI BIODIVERSITY RESERVE



QUÉBEC STRATEGY FOR PROTECTED AREAS



Proposed Montagnes- Blanches Biodiversity Reserve

Conservation plan



April 2008

1. Protection status and toponym

The description of a protection status for the following territory is Proposed Biodiversity Reserve, status ruled under the Natural Heritage Conservation Act (R.S.Q., c. C-61.01).

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

The provisional name is: Proposed Montagnes-Blanches biodiversity reserve. The official toponym will be established when the area is assigned permanent protection status.

2. Plan and description

2.1. Geographic location, boundaries and dimensions

The boundaries and location of the proposed Montagnes-Blanches biodiversity reserve are shown on the map attached in appendix 1.

The proposed Montagnes-Blanches biodiversity reserve is, for the most part (98.9%), in the Saguenay–Lac-Saint-Jean administrative region, and a small part is in the Côte-Nord administrative region; it is between 50°42' and 51°24' north latitude and 69°59' and 70°27' west longitude. It is about 55 kilometres to the west of the Manicouagan reservoir and 225 kilometres to the north-west of Baie-Comeau. It covers an area of 959.2 km². Most of the reserve (948 km²) is in the unorganized territory of Mont-Valin in the Municipalité régionale de comté du Fjord-du-Saguenay and partly in the unorganized territory of Rivière-aux-Outardes within the Municipalité régionale de comté de Manicouagan.

2.2. Ecological profile

The proposed Montagnes-Blanches biodiversity reserve is in the Central Laurentian natural province. More precisely, the proposed biodiversity reserve will help conserve a portion of three physiographic units: Buttes du Lac-à-la-Croix in the Cuvette natural region of the Manicouagan reservoir and Hautes Collines du Lac-à-la-Croix and Basses collines du Lac Manouanis in the Massif de la Manouanis natural region. Protecting this area will also help to conserve the intact mossy spruce stands and peat bogs adjoining the forestry operations zone.

2.2.1. Representative elements

Climate: The area is characterized by a continental climate, namely a cold subpolar average temperature (-9.4°C to -6.0°C), a subhumid annual precipitation (800 to 1359 mm) and an average-length growing season (150 to 179 days) except at the summit of the mountains where the growing season is short (120 to 149 days). The area belongs to the mossy-spruce bioclimatic domain.

Geology and geomorphology: The Montagnes Blanches lie within the Grenville geological province, which is composed of Precambrian rock deformed during the Labradorian and Grenvillian orogenies more than one billion years ago. The geological stratum in the proposed reserve is composed mainly of mafic or ultramafic rock (anorthosite and gabbro-norite) and acid, intermediate or gneissic rocks (grey gneiss bearing quartz, plagioclase, biotite and/or hornblende, mafic gneiss bearing hornblende and/or biotite and amphibolite gneiss). In addition, the south point of the proposed biodiversity reserve is composed of charnockitic gneiss and orthopyroxene granitoid. The reserve's geomorphology features surface rock strewn with till on the summits, while the slopes are layered with till deposits (basal moraines), which can be several metres thick in the concave portions of the longer slopes. The valley floors are carpeted with ice-marginal and proglacial fluvio-glacial deposits where eskers are sometimes observed and with recent alluvia alongside watercourses. Organic deposits are also found in the depressions where peat accumulates. The elevation of the proposed biodiversity reserve varies between 490 m and 996 m.

Hydrography: The hydrographic network of the biodiversity reserve accounts for 10% (98 km²) of the surface area and comprises more than 800 lakes, the two main ones being Lac Manouanis and Lac à la Croix with respective surface areas of 33 km² and 25 km². Lac à la Croix is part of the Rivière aux Outardes watershed and Lac Manouanis is in the Rivière Betsiamites watershed; a few small lakes in the west central region of the reserve are part of the Rivière Péribonca watershed. The main watercourses are Rivière Betsiamites and Rivière Manouanis, which flow into Lac Manouanis, Rivière Memepishin, which flows into Lac à la Croix, and Rivière à la Croix, which flows out of the proposed biodiversity reserve to Rivière Outardes.

Vegetation: Forested areas account for 69% (666 km²) of the proposed Montagnes-Blanches biodiversity reserve, exposed rock accounts for 13% (123 km²), and wetlands account for 5%. Softwood forests occupy 67.9%

of the area and mixed forests occupy 1.5%. The dominant species in the area are black spruce (*Picea mariana*), whose communities cover 307 km²; less dominant are balsam fir (*Abies balsamea*) and white spruce (*Picea glauca*). Some stands of jack pine (*Pinus banksiana*) and some stands dominated by white birch (*Betula papyrifera*) have also been observed in the proposed biodiversity reserve, covering 15 km² and 1 km² respectively. Eastern white cedar (*Thuja occidentalis*) and tamarack (*Larix laricina*) are also present over small areas. As for the age of the forests, 64% of the proposed biodiversity reserve or 611 km² is covered with forest 90 years of age or older, the majority being black spruce over 120 years old (297 km²) and uneven-age old-growth stands of balsam fir or white spruce (209 km²).

Wildlife: A portion of the proposed Montagnes-Blanches biodiversity reserve is mapped as being part of the overall intensive-use area of the woodland (forest ecotype) caribou (*Rangifer tarandus caribou*).

Moreover, the Montagnes-Blanches biodiversity reserve is entirely located within the area covered by the recovery program of forest dwelling caribous (*Rangifer tarandus caribou*).

2.2.2. Outstanding elements

As noted above, the woodland (forest ecotype) caribou (*Rangifer tarandus caribou*), which was designated a vulnerable species in March 2005, makes use of the area in the proposed biodiversity reserve.

2.3. Occupation and land uses

The entire proposed biodiversity reserve lies within the Bersimis beaver reserve, in which the Pessamit Innu community in particular is entitled to harvest fur-bearing animals.

A patrimonial site project identified in the Agreement-in-principle of a General Nature between the First Nations of Mamuitun Mak Nutashkuan and the Governments of Québec and Canada have been proposed in the area. This territory would become a patrimonial site managed by the Pessamit First nation and would be regulated by an adapted Quebec's regulation focused toward protection of patrimonial rights. This regulation would be mutually agreed. The patrimonial site project is located around lake Manouane and by a one kilometer band on both sides of Betsiamites river.

Seven land leases have been granted within the limits of the proposed Montagnes-Blanches biodiversity reserve. Of these, 5 are for personal resort use (cottage) and 2 are for rough shelters.

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. The permitted and prohibited activities considered for the period that follows the granting of a permanent status by the government are the same with the necessary adjustments to take into account the enforcement of article 46 of the act.

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.

§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;

(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.

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;

— 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);

— 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;

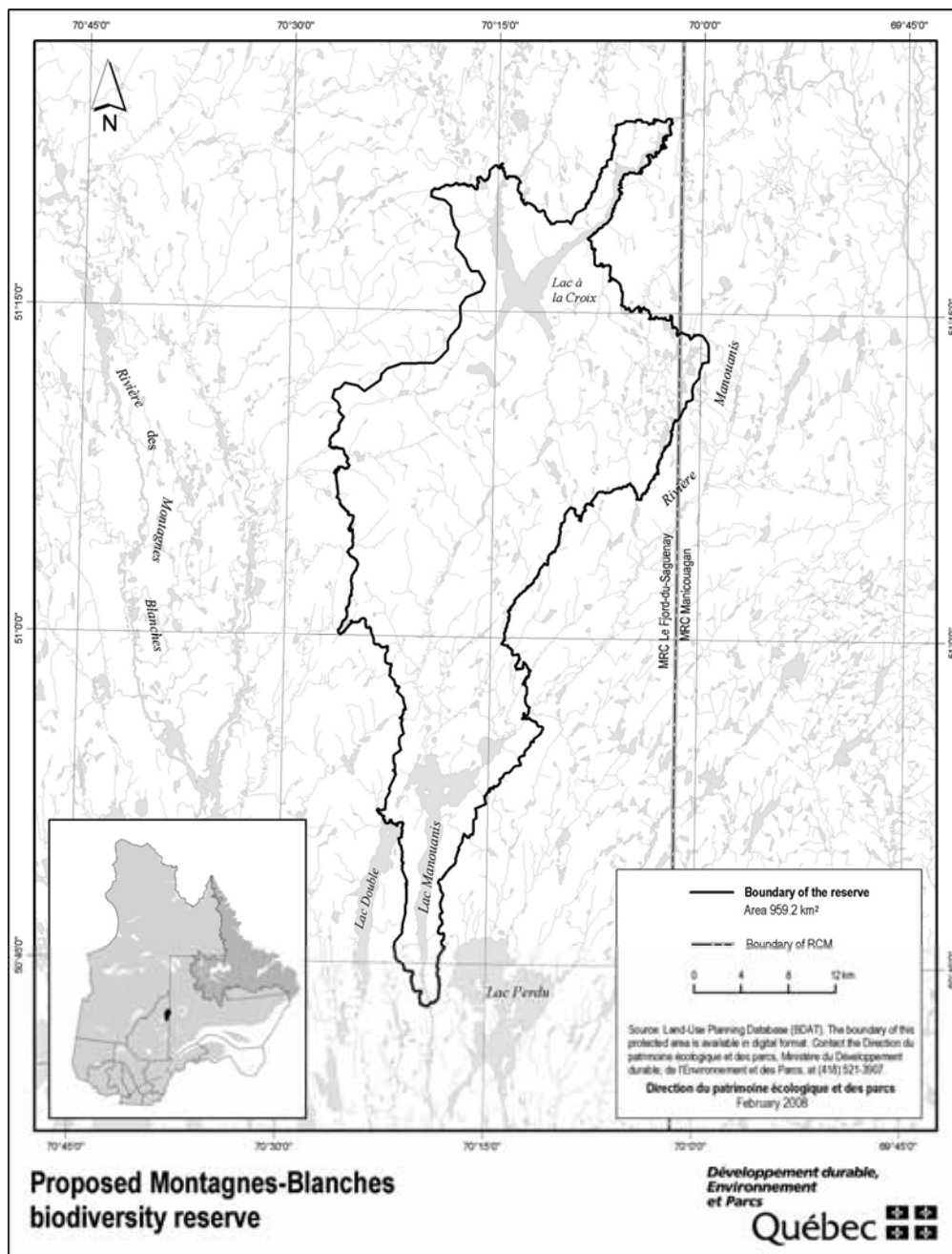
— Construction and development standards: regulatory measures adopted by regional and local municipal authorities under the Acts applicable to them.

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

The Minister of Sustainable Development, Environment and Parks is responsible for the conservation and management of the proposed Montagnes-Blanches biodiversity reserve and therefore supervises and monitors the activities allowed in the reserve. In managing the reserve, the Minister benefits from the input and participation of other government bodies with specific responsibilities pertaining to the reserve and its adjoining lands, 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 now granted to them. No additional conservation measure is, at this point, considered. Regarding zoning, the conservation objectives for the period of temporary protection are the same for the entire area, the proposed reserve being only one conservation area.

APPENDIX 1

MAP OF THE PROPOSED MONTAGNES-BLANCHES BIODIVERSITY RESERVE



QUÉBEC STRATEGY FOR PROTECTED AREAS



**Proposed
Forêt-
Montmorency
Biodiversity
Reserve**

Conservation plan



April 2008

1. Protection status and toponym

The description of a protection status for the following territory is Proposed Biodiversity Reserve, status ruled under the Natural Heritage Conservation Act (R.S.Q., c. C-61.01).

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

The provisional name is: Proposed Forêt-Montmorency biodiversity reserve. The official toponym will be established when the area is assigned permanent protection status.

2. Plan and description

2.1. Geographic location, boundaries and dimensions

The boundaries and location of the proposed Forêt-Montmorency biodiversity reserve are shown on the map attached in appendix 1.

The proposed Forêt-Montmorency biodiversity reserve covers an area of 8.7 km² and is located between 47°12' and 47°23' north latitude and 71°5' and 71°11' west longitude. It is about 30 kilometres to the northeast of Stoneham and 45 kilometres to the north of Québec. It lies within the unorganized territory of Lac-Jacques-Cartier, centrally located in the Municipalité régionale de comté de la Côte-de-Beaupré in the Capitale-Nationale administrative region.

2.2. Ecological profile

The proposed biodiversity reserve is in the Southern Laurentian natural province. More precisely, it lies mostly within the ecological district of Basses collines de la Rivière Noire in the Hautes collines du Lac des Neiges physiographic unit. A small portion of the south section of the proposed biodiversity reserve is part of the Massif de la Rivière Jacques-Cartier physiographic unit. The proposed Forêt-Montmorency biodiversity reserve will protect a generally 60-metre-wide riparian buffer along a segment of Rivière Montmorency and a segment of Rivière Noire. It will also protect a portion of the Lac Laflamme watershed and a hill, a slope and a marsh. The borders of this protected area have been established by forestry and wood-science students from Université Laval for the purpose of protecting the environments representative of the Montmorency forest. Having a protected area within the forest used for university research and

instruction will enable future forestry engineers to gain first-hand knowledge in biodiversity protection and sustainable forest management.

2.2.1. Representative elements

Climate: The proposed reserve is characterized by a continental climate, namely a subpolar average temperature (-1.5°C to -1.9°C), a humid annual precipitation (more than 1360 mm) and an average-length growing season (150 to 179 days). The area belongs to the balsam fir-white birch bioclimatic domain.

Geology and geomorphology: The proposed Forêt-Montmorency biodiversity reserve lies within the Grenville geological province, which is composed of Precambrian rock deformed during the Labradorian and Grenvillian orogenies more than one billion years ago. The geological stratum in the proposed reserve is composed mainly of metamorphised intrusive rocks (charnockitic gneiss and orthopyroxene granitoid). The dominant element of the area's geomorphology is the basal till more than one metre deep at the foot of the slopes and in concave sites. Basal moraines less than one metre thick are found on the upper parts of the hills and steep slopes. Fluvial alluvia are also observed at former meanders near the existing rivers and streams. Organic peat deposits are also found in the depressions. The elevation of the proposed biodiversity reserve varies between 501 m and 920 m.

Hydrography: The hydrographic network of the proposed biodiversity reserve accounts for nearly 6% of its surface area. The reserve protects about 12 kilometres of Rivière Montmorency, about 10 kilometres of Rivière Noire, and Lac Laflamme, which covers just over 6 hectares. Almost all of the protected area lies within the Rivière Montmorency watershed except a portion of the south point, which is in the Rivière Jacques-Cartier watershed.

Vegetation: Some 91% (146 km²) of the proposed Forêt-Montmorency biodiversity reserve is covered by forest. Mixed forests occupy 54% of it and softwood forests occupy 36%. The dominant species are balsam fir (*Abies balsamea*), covering nearly 25% of the area, and white birch (*Betula papyrifera*) mixed with firs or white spruce (*Picea glauca*), covering nearly 22% of the area. There are some small yellow birch stands (*Betula alleghaniensis*) and white-spruce and black-spruce plantations. As for the age of the forests, 45% of the proposed biodiversity reserve or 4 km² is covered with forest 30 to 50 years of age and 42% is covered with forests up to 30 years of age.

2.2.2. Outstanding elements

Occurrences of Barrow's goldeneye (*Bucephala islandica*), a species susceptible of being designated imperilled or vulnerable, have been signalled in the north-western part of the proposed biodiversity reserve.

2.3. Occupation and land uses

A few transportation routes allow for entering and moving about within the proposed Forêt-Montmorency biodiversity reserve. The road network has unpaved roads suitable for vehicles and tracks not suitable for vehicles (old logging roads).

The proposed Forêt-Montmorency biodiversity reserve is in Forêt Montmorency, which is a territory managed by Université Laval for its research and instruction purposes. Recreational outdoor and lodging activities are also offered.

With regard to wildlife harvesting, most of the area lies within fur-bearing animal management unit 39.

No land leases have been granted within the limits of the proposed Montmorency biodiversity reserve.

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. The permitted and prohibited activities considered for the period that follows the granting of a permanent status by the government are the same with the necessary adjustments to take into account the enforcement of article 46 of the act.

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.

§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;

(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.

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;

— 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);

— 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;

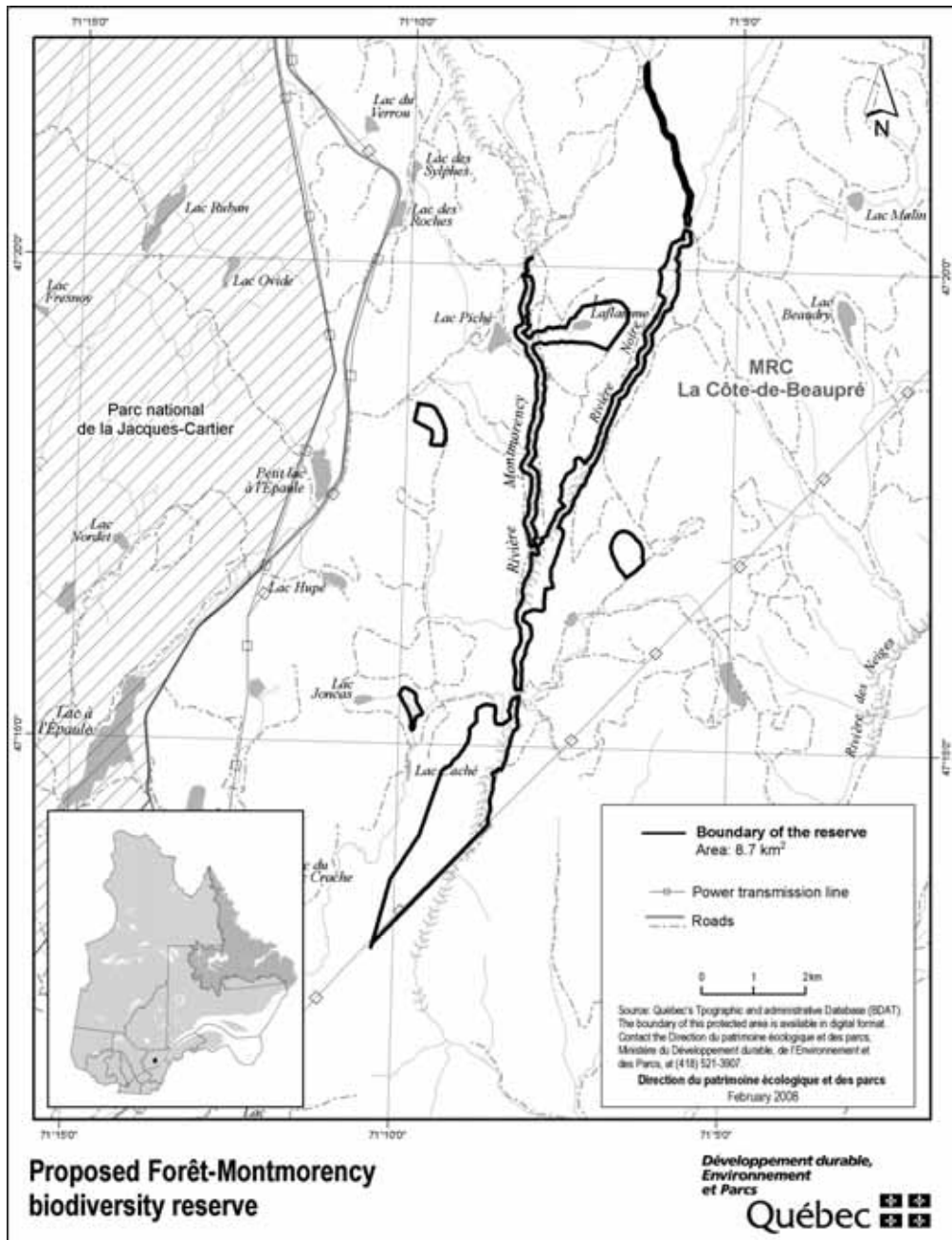
— Construction and development standards: regulatory measures adopted by regional and local municipal authorities under the Acts applicable to them.

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

The Minister of Sustainable Development, Environment and Parks is responsible for the conservation and management of the proposed Forêt-Montmorency biodiversity reserve and therefore supervises and monitors the activities allowed in the reserve. In managing the reserve, the Minister benefits from the input and participation of other government bodies with specific responsibilities pertaining to the reserve and its adjoining lands, 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 now granted to them. No additional conservation measure is, at this point, considered. Regarding zoning, the conservation objectives for the period of temporary protection are the same for the entire area, the proposed reserve being only one conservation area.

APPENDIX 1

MAP OF THE PROPOSED FORÊT-MONTMORENCY BIODIVERSITY RESERVE



QUÉBEC STRATEGY FOR PROTECTED AREAS



Proposed Montagne-du- Diablo Biodiversity Reserve

Conservation plan



April 2008

1. Protection status and toponym

The description of a protection status for the following territory is Proposed Biodiversity Reserve, status ruled under the Natural Heritage Conservation Act (R.S.Q., c. C-61.01).

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

The provisional name is: Proposed Montagne-du-Diable biodiversity reserve. The official toponym will be established when the area is assigned permanent protection status. The name of this elevation has been Mont Sir-Wilfrid since 1932, although it is still referred to as Montagne du Diable—which may be explained by the use of the older name, Windigo, in the surrounding area.

2. Plan and description

2.1. Geographic location, boundaries and dimensions

The boundaries and location of the proposed Montagne-du-Diable biodiversity reserve are shown on the map attached in appendix 1.

The proposed Montagne-du-Diable biodiversity reserve is located in the Laurentides administrative region, between 46°37' and 46°44' north latitude and 75°32' and 75°42' west longitude. It lies less than 10 km to the northwest of Ville de Mont-Laurier and about 45 km to the northeast of the Algonquin community of Kitigan Zibi. It covers an area of 80.4 km². It lies partly within the territory of Ville de Mont-Laurier and partly within the territory of Municipalité de Ferme-Neuve, two municipalities within the Municipalité régionale de comté d'Antoine-Labelle.

2.2. Ecological profile

The proposed biodiversity reserve is in the Southern Laurentian natural province. It is part of the natural region of Dépression du Mont-Laurier and, more specifically, the ecological district of Buttes du Lac Windigo.

This small, artificially outlined reserve will serve to protect Mont Sir-Wilfrid and some of its spurs and piedmonts. Its relief rises gradually to form an oblong mass about 8 km long and 5 km wide. Ten or so streams fed by sources on Mont Sir-Wilfrid delineate the elevation in all directions and drain into the small bodies of groundwater in the surrounding area. The altitude of this glacially formed landscape composed mainly of thin till, ranges from 290 m to 783 m at the peak of Mont Sir-

Wilfrid, with an average altitude of 560 m. To the south of Lac Windigo, the complex of till hummocks is dotted with sandy glaciofluvial deposits and a few peat bogs in the depressions.

The substratum of this area, which is part of the Grenville geological province, is composed mainly of magmatite. Its north portion is composed of paragneiss while its south portion is composed of carbonate rock (marble).

This area is characterized by a mild subpolar, subhumid climate and a long growing season and belongs to the balsam fir-yellow birch bioclimatic domain.

The proposed biodiversity reserve protects a large number of sugar maple stands, along with stands of yellow birch on the slopes and in the hollows. These are all mature forests with a high ecological and forestry value. The highest portion of Mont Sir-Wilfrid is forested with balsam fir and white birch. This part of the reserve also has a mix of young, middle-aged and mature forests. There are a few groves of black spruce and trembling aspen on sandy sites in the basin to the south of Lac Windigo and tamarack are found on poorly drained sites of organic deposits. A few rare sites have cedar bushes.

The line dividing the Rivière Gatineau and Rivière du Lièvre watersheds runs through the proposed biodiversity reserve.

The reserve touches on the two portions of the exceptional forest ecosystem of the Montagne-du-Diable old-growth forests.

The reserve's fauna include the beaver, snowshoe hare, moose, deer, fox, red squirrel, black squirrel, eastern chipmunk, stone marten, black bear and wolf.

There are two likely to be designated as threatened or vulnerable species. It is *Catharus bicknelli* and *Utricularia resupinata*.

2.3. Occupation and land uses

Being not too distant from Ville de Mont-Laurier, this area is partially occupied and used. The reserve has 2 resort leases and 2 commercial leases for telecommunication towers. As well, Municipalité de Ferme-Neuve has 4 municipality-related leases (for recreation, sports and/or education). There are also one community lease for recreational activities. A network of snowmobile trails encircles Lac Windigo and some of these trails go into the reserve. A trail for all-terrain vehicles goes through the reserve to reach the peak of Mont Sir-Wilfrid,

as does one of the snowmobile trail segments. Three types of trails follow a same trajectory, from the north-west shore of Lac Windigo to the peak of Mont Sir-Wilfrid, namely hiking, snowshoeing and equestrian trails.

The proposed reserve lies within fur-bearing animal management unit 22 and is part of hunting area 11E.

A moderately developed network of unpaved roads criss-crosses the proposed biodiversity reserve.

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. The permitted and prohibited activities considered for the period that follows the granting of a permanent status by the government are the same with the necessary adjustments to take into account the enforcement of article 46 of the act.

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.

§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 water-course 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;

(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.

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;

— 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);

— 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.

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

The Minister of Sustainable Development, Environment and Parks is responsible for the conservation and management of the proposed Montagne-du-Diable biodiversity reserve and therefore supervises and monitors the activities allowed in the reserve. In managing the reserve, the Minister benefits from the input and participation of other government bodies with specific responsibilities pertaining to the reserve and its adjoining lands, 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 now granted to them. No additional conservation measure is, at this point, considered. Regarding zoning, the conservation objectives for the period of temporary protection are the same for the entire area, the proposed reserve being only one conservation area.

QUÉBEC STRATEGY FOR PROTECTED AREAS



**Proposed
Mont-O'Brien
biodiversity
reserve**

Conservation plan

April 2008

1. Protection status and toponym

The description of a protection status for the following territory is Proposed Biodiversity Reserve, status ruled under the Natural Heritage Conservation Act (R.S.Q., c. C-61.01).

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

The provisional toponym is: Proposed Mont-O’Brien biodiversity reserve. The official toponym will be determined when the territory is given permanent protection status.

2. Plan and description

2.1. Geographical location, boundaries and dimensions

The boundaries and location of the proposed Mont-O’Brien biodiversity reserve appear in the map attached in appendix 1.

The proposed reserve is located in the administrative region of Outaouais, between 45°50’ and 45°55’ north latitude and 76°12’ and 76°19’ west longitude. It is situated some 10 km east of the village of Otter Lake and some 50 km south of the Algonquin community of Kitigan Zibi. The proposed biodiversity reserve covers an area of 24.1 km². It lies in the territory of the municipality of Allevy-et-Cawood in the MRC of Pontiac.

2.2. Ecological overview

The proposed biodiversity reserve is located in the southern Laurentian natural province. It is situated in the natural region of the Mont-Laurier depression, more precisely in the physiographic unit of the Lac Lapêche knolls and the ecological district of the Ladysmith knolls.

The reserve is composed of the few public lands that are left in this sector, which is why its borders do not correspond to an ecological district. The territory can be described as a sandy plain of fluvio-glacial origin with a few scattered knolls and hummocks of thin till, along with rocky outcrops and depressions occupied by peat bogs. The landscape presents an average altitude of about 225 m, ranging from 210 m to 392 m atop Mont O’Brien. The territory is in the Grenville geological province and the bedrock consists of paragneiss.

The proposed reserve is characterized by a moderate, subhumid climate with a long growing season. Almost all of it is in the sugar maple-basswood bioclimatic domain, except for the western portion, which is in the sugar maple-yellow birch domain.

In the forests, trembling aspen predominate in flat areas while sugar maple take over the knolls and hummocks. White pine occupy some of the steeper slopes. Also found are a few small stands of black spruce, Eastern white cedar and balsam fir. Mont O’Brien however is dominated by stands of deciduous trees.

The proposed reserve lies almost entirely in the watershed of the Kazabazua river, with a portion in the north-west being in the watershed of the Picanoc river. These two rivers form part of the drainage basin of the Gatineau river.

Along its southern border the proposed reserve is back to back with the Ladysmith white-tailed deer confinement area.

There are two habitats of species that are designated as threatened. It is *Nerodia sipedon* and *Conopholis americana*.

2.3. Occupation and uses of the land

No land right has been granted in the territory of the proposed biodiversity reserve, which forms part of fur-bearing animal management unit 09 and hunting zone 10-O.

An undeveloped network of roads unsuitable for motor vehicles crosses the proposed biodiversity reserve.

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. The permitted and prohibited activities considered for

the period that follows the granting of a permanent status by the government are the same with the necessary adjustments to take into account the enforcement of article 46 of the act.

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.

§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;
- (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 lookouts 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.

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 recep-

tion 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;

— 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);

— 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;

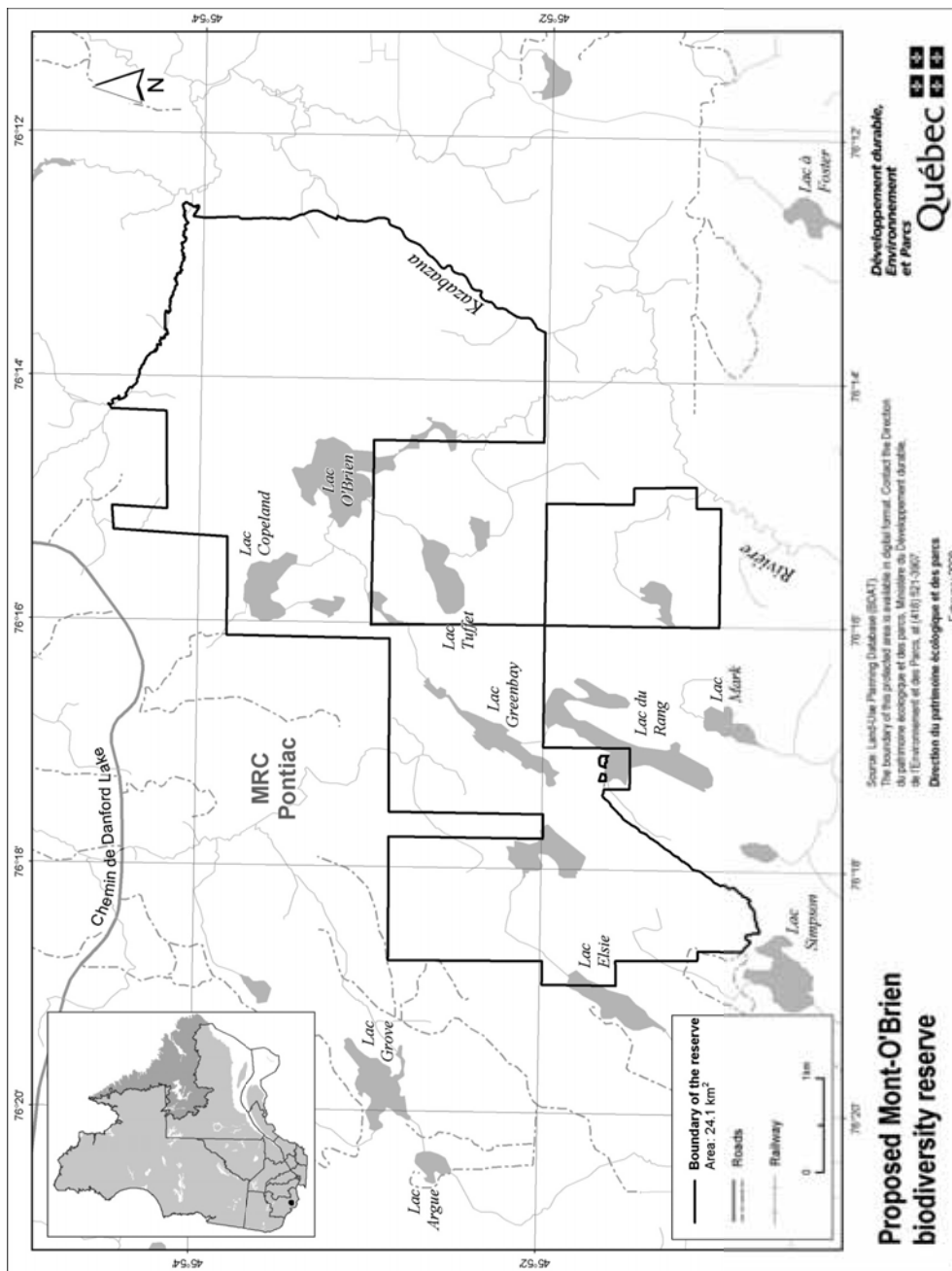
— Construction and development standards: regulatory measures adopted by regional and local municipal authorities under the Acts applicable to them.

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

The conservation and management of the proposed Mont-O'Brien biodiversity reserve are the responsibility of the Minister of Sustainable Development, Environment and Parks, who is therefore responsible for the monitoring and control of activities permitted there. In managing the reserve the Minister works with the collaboration and participation of other government representatives having specific responsibilities in or adjacent to the territory, 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 now been granted them. No additional conservation measure is, at this point, considered. Regarding zoning, the conservation objectives for the period of temporary protection are the same for the entire area, the proposed reserve being only one conservation area.

APPENDIX 1

PROPOSED MONT-O'BRIEN BIODIVERSITY RESERVE



QUÉBEC STRATEGY FOR PROTECTED AREAS



Proposed Vallée-de-la- Rivière- Maganasipi biodiversity reserve

Conservation plan



April 2008

1. Protection status and toponym

The description of a protection status for the following territory is Proposed Biodiversity Reserve, status ruled under the Natural Heritage Conservation Act (R.S.Q., c. C-61.01).

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

The provisional toponym is: Proposed Vallée-de-la-Rivière-Maganasipi biodiversity reserve. The official toponym will be determined when the territory is given permanent protection status. Of Amerindian origin, from the Algonquin nation, the name Maganasipi means “narrow river” or “wolf river”.

2. Plan and description

2.1. Geographical location, boundaries and dimensions

The boundaries and location of the proposed Vallée-de-la-Rivière-Maganasipi biodiversity reserve appear in the map attached in appendix 1.

The proposed reserve is located in the administrative region of Abitibi-Témiscamingue, between 46°15' and 46°27' north latitude and 78°15' and 78°28' west longitude. It is situated some 45 km west of the municipality of Rapides-des-Joachims and some 55 km south-east of Témiscaming and the Algonquin community of Kebaowek. It covers an area of 89.6 km². It lies in the unorganized territory of Lacs-du-Témiscamingue, which is in the MRC of Témiscamingue. The southern boundary of the territory coincides with the line which marks the 153.92-metre point above sea level.

2.2. Ecological overview

The proposed biodiversity reserve is located in the southern Laurentian natural province, more precisely in the natural region of the Dumoine plateau and the physiographic unit of the Lac Esber low hills. It forms part of the ecological district of the Rivière Maganasipi low hills.

The territory is located in the Grenville geological province, and the bedrock consists of migmatite, gneiss and paragneiss. The landscape is a complex of low hills with steep slopes, composed of thin till with infrequent rocky outcrops. The Maganasipi river valley consists of proglacial sands and subactual fluvial alluvions. These deposits are accompanied by glaciolacustrine sands in the delta formed where the Maganasipi river empties

into the Outaouais. The landscape has a highly accentuated relief with the altitude varying from 160 m to 430 m and an average altitude of about 315 m.

The reserve is situated in the sugar maple-yellow birch bioclimatic domain and is characterized by a mild, subpolar, subhumid climate with a long growing season. The southern part however has a moderate, subhumid climate with a long growing season.

The deciduous forest consists primarily of stands of sugar maples on the upper portions of the low hills, with yellow and occasionally white birch covering the slopes. Trembling aspen populate various sites in the southern part of the reserve. Worth noting is the high proportion of stands of white pine on the steepest slopes and strongly-drained sites like the sandy delta. In the southern half of the reserve, stands of white pine share well-drained sites with stands of red pine. About 80% of the reserve is composed of mature stands of trees. Only the knolls north-east of Johnson lake exhibit forests of medium age. Young stands are almost nonexistent in the reserve.

The proposed biodiversity reserve surrounds the Lac-Percival old-growth forest, which is recognized as an exceptional forest ecosystem. It is therefore possible to find stands in the proposed reserve that have exceptional characteristics similar to those of the Lac-Percival old-growth forest.

The territory of the reserve is in the watershed of the Maganasipi river, which empties into the Outaouais river.

There is an *Haliaeetus leucocephalus* (bald eagle) habitat which is a designated vulnerable specie. There are also five fish spawning area for the brook trout (two at lake McArthur, two at lake Percival and one at lake Vernède).

2.3. Occupation and uses of the land

There are four leases for vacation purposes within the perimeter of the proposed biodiversity reserve. There is also a considerable network of hiking trails.

The proposed reserve touches on five trapping grounds and one trapping camp. It forms part of fur-bearing animal management unit 01 and hunting zone 13.

An undeveloped network of unpaved roads crosses the territory, especially in the south part of the valley.

The proposed reserve is located almost entirely in the Maganasipi ZEC. A portion to the south-east is in the Dumoine ZEC.

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. The permitted and prohibited activities considered for the period that follows the granting of a permanent status by the government are the same with the necessary adjustments to take into account the enforcement of article 46 of the act.

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.

§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;

(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.

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;

— 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);

— 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.

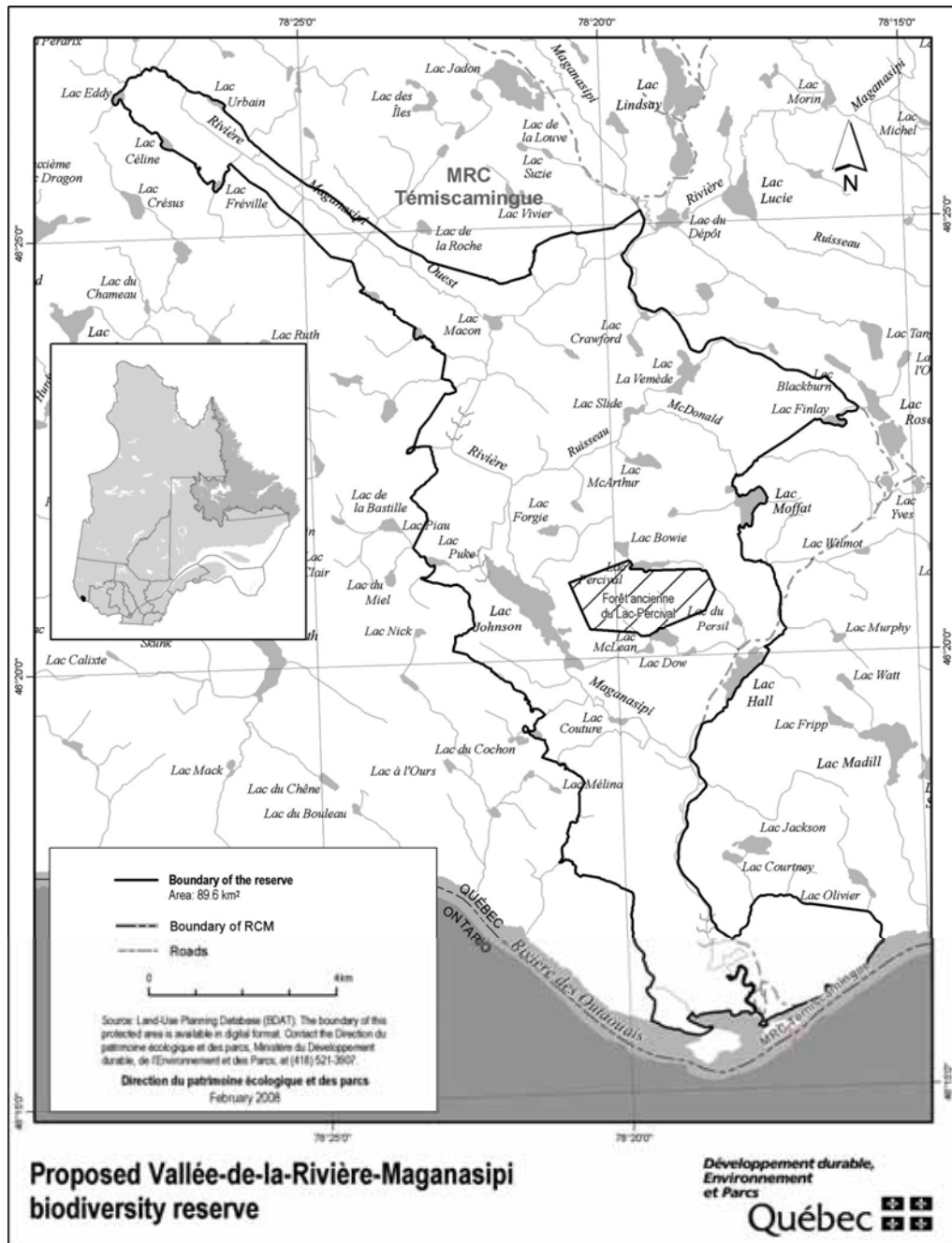
4. Responsibilities of the Minister of Sustainable Development, Environment and Parks

The conservation and management of the proposed Vallée-de-la-Rivière-Magasinapi biodiversity reserve are the responsibility of the Minister of Sustainable Development, Environment and Parks, who is therefore responsible for the monitoring and control of activities permitted there. In managing the reserve the Minister works with the collaboration and participation of other government representatives having specific responsibilities in or adjacent to the territory, 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 now been granted them. No additional conservation measure is, at this point, considered. Regarding zoning, the conservation objectives for the period of temporary protection are the same for the entire area, the proposed reserve being only one conservation area.

Moreover, the Minister of Sustainable Development, Environment and Parks commits herself, until such time as the status of permanent protection has been granted to this territory, to work with the aboriginal communities concerned, including the community of Wolf Lake, towards the management and development of this protected area and, where relevant, will enter into partnerships on certain specific activities.

APPENDIX 1

PROPOSED VALLÉE-DE-LA-RIVIÈRE-MAGANASIPI BIODIVERSITY RESERVE



QUÉBEC STRATEGY FOR PROTECTED AREAS



**Proposed
Îles-du-
Kiamika
biodiversity
reserve**

Conservation plan



April 2008

1. Protection status and toponym

The description of a protection status for the following territory is Proposed Biodiversity Reserve, status ruled under the Natural Heritage Conservation Act (R.S.Q., c. C-61.01).

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

The provisional toponym is: Proposed Îles-du-Kiamika biodiversity reserve. The official toponym will be determined when the territory is given permanent protection status. The name Kiamika is apparently due to the steep, rocky banks in certain places; it is an Algonquin word meaning “steep cliff”.

2. Plan and description

2.1. Geographical location, boundaries and dimensions

The boundaries and location of the proposed Îles-du-Kiamika biodiversity reserve appear in the map attached in appendix 1.

The proposed Îles-du-Kiamika biodiversity reserve is located in the administrative region of the Laurentides, between 46°37' and 44°41' north latitude and 75°04' and 75°07' west longitude. It is situated about 30 km to the east of Mont-Laurier and about 70 km from the communities of Kitigan Zibi and Manawan. The proposed biodiversity reserve covers an area of 15.9 km². The reserve touches on four unorganized territories, those of Lac-Douaire, Chute-Saint-Philippe, Rivière-Rouge and Lac-Saguay, which are all in the MRC of Antoine-Labelle. The boundary of the territory coincides with the line of the réservoir Kiamika which marks the 270.66-metre point above sea level.

2.2. Ecological overview

The proposed biodiversity reserve is located in the southern Laurentian natural province and forms part of the natural region of the Mont-Laurier depression. It lies entirely within the ecological district of the Kiamika reservoir medium hills.

The bedrock of the reserve, which is in the Grenville geological province, consists of paragneiss. The reserve will protect the islands of the Kiamika reservoir. Of glacial origin, the landscape ranges in altitude from 270 m to 370 m with an average altitude of 300 m.

The territory is characterized by a mild subhumid, subpolar climate with a long growing season, and is in the sugar maple-yellow birch bioclimatic domain. The rich ecosystems of mature stands of sugar maples are indeed the principal reason for protecting this territory. The vast majority of the maple stands, as well as those of yellow birch, and the few stands of Eastern white cedar and white pine, are mature.

The proposed biodiversity reserve lies entirely in the watershed of the Kiamika river.

2.3. Occupation and uses of the land

No land right has been granted in the territory of the proposed biodiversity reserve.

The reserve lies entirely within fur-bearing animal management unit 22 and on hunting zone 11-E.

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. The permitted and prohibited activities considered for the period that follows the granting of a permanent status by the government are the same with the necessary adjustments to take into account the enforcement of article 46 of the act.

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.

§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;

(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.

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;

— 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);

— 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;

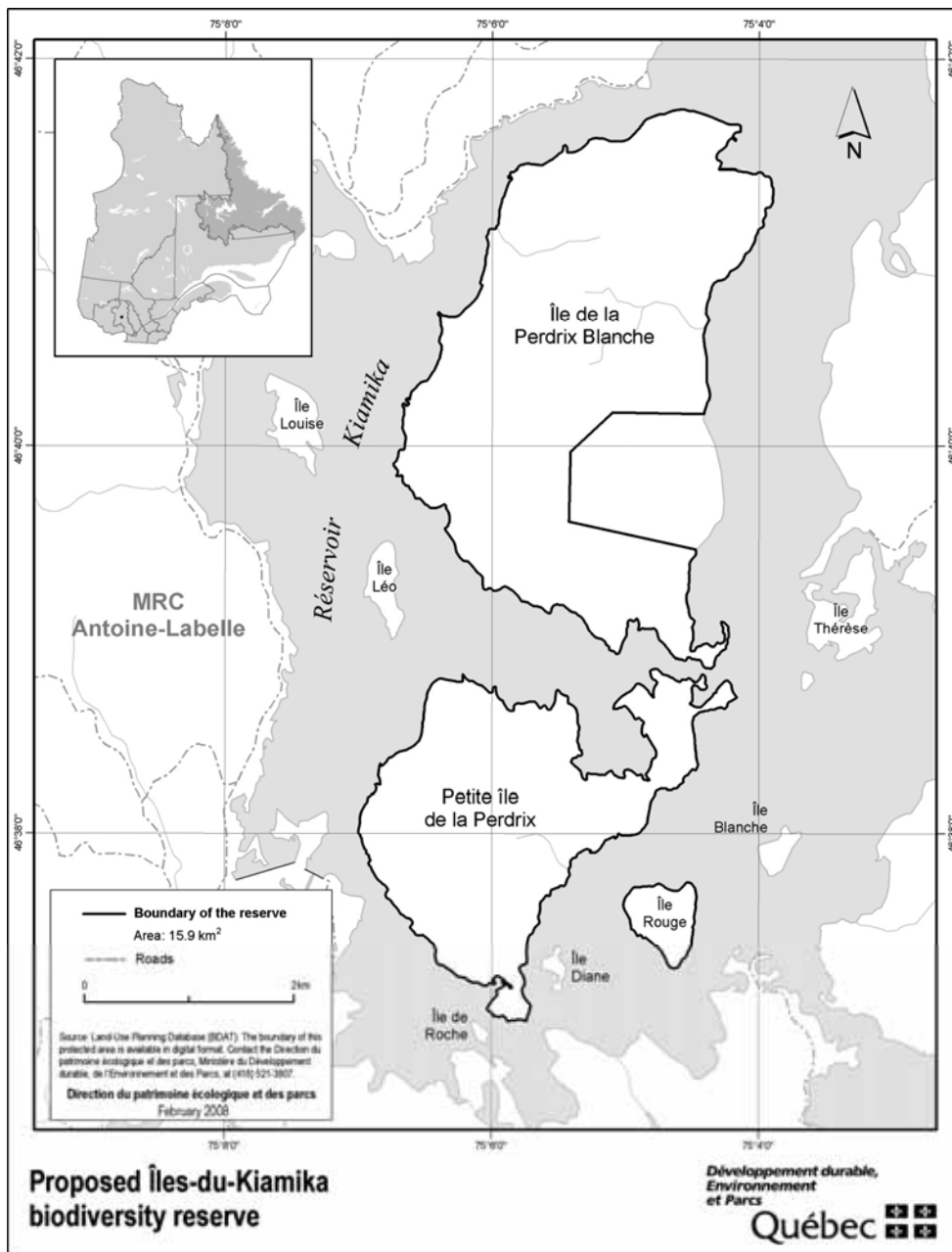
— Construction and development standards: regulatory measures adopted by regional and local municipal authorities under the Acts applicable to them.

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

The conservation and management of the proposed Îles-du-Kiamika biodiversity reserve are the responsibility of the Minister of Sustainable Development, Environment and Parks, who is therefore responsible for the monitoring and control of activities permitted there. In managing the reserve the Minister works with the collaboration and participation of other government representatives having specific responsibilities in or adjacent to the territory, 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 now been granted them. No additional conservation measure is, at this point, considered. Regarding zoning, the conservation objectives for the period of temporary protection are the same for the entire area, the proposed reserve being only one conservation area.

APPENDIX 1

PROPOSED ÎLES-DU-KIAMIKA BIODIVERSITY RESERVE



QUÉBEC STRATEGY FOR PROTECTED AREAS



**Proposed
Lac-Dana
biodiversity
reserve**

Conservation plan



April 2008

1. Protection status and toponym

The description of a protection status for the following territory is Proposed Biodiversity Reserve, status ruled under the Natural Heritage Conservation Act (R.S.Q., c. C-61.01).

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

The provisional toponym is: Proposed Lac-Dana biodiversity reserve. The official toponym will be determined when the territory is given permanent protection status.

2. Plan and description

2.1. Geographical location, boundaries and dimensions

The boundaries and location of the proposed Lac-Dana biodiversity reserve appear in the map attached in appendix 1.

The proposed Lac-Dana biodiversity reserve is located in the Nord-du-Québec administrative region, between 50°46' and 51°0' north latitude and 77°3' and 77°27' west longitude. It is situated some 115 kilometres to the north-east of Matagami and some 97 kilometres to the south-east of the Cree village of Waskaganish. It covers an area of 347.4 km² and lies within the territory of the Municipalité de Baie-James, which does not belong to an RCM.

2.2. Ecological overview

The proposed Lac-Dana biodiversity reserve is located in the natural province of the Abitibi and James Bay Lowlands. More precisely, it is part of the natural region of the Matagami depression, and at a finer level, the physiographic unit of the Lac Evans plain.

The land here is a glacial plain, the greater part of which (60%) is covered with peat bogs. In the south-eastern sector these organic deposits give way to glaciolacustrine silty clay deposits.

The glacial plain landscape presents a topography with little variation in altitude, ranging from 240 m to 307 m with an average altitude of 250 m. The proposed reserve protects rare ecosystems of wooded palsas around one of the largest lakes in the region, Evans lake, and is known as being frequented by woodland caribou, designated a vulnerable species.

The proposed biodiversity reserve is in the domain of the black spruce forest. A few stands of jack pine are found in the south-eastern sector where there is a landscape of modest hills. No logging activities have ever disturbed this territory. Thus, 50% of the forest cover consists of old stands of 120-year-old black spruce, while in the south-eastern part, 20% is stands of 50-year-old black spruce and 30% stands of mixed-age younger trees.

The proposed biodiversity reserve is in the watershed of the Broadback river.

2.3. Occupation and uses of the land

The proposed biodiversity reserve is located entirely within the Nottaway beaver reserve and is part of hunting zone 22.

The proposed biodiversity reserve is located on Category III lands 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). Two trapping grounds of the Cree community of Nemaska divide the proposed biodiversity reserve. Finally, the entire area is located on land administered under the provisions of the Agreement Concerning a New Relationship between the Government of Québec and the Crees of Québec, signed in 2002.

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. The permitted and prohibited activities considered for the period that follows the granting of a permanent status by the government are the same with the necessary adjustments to take into account the enforcement of article 46 of the act.

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).

§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;

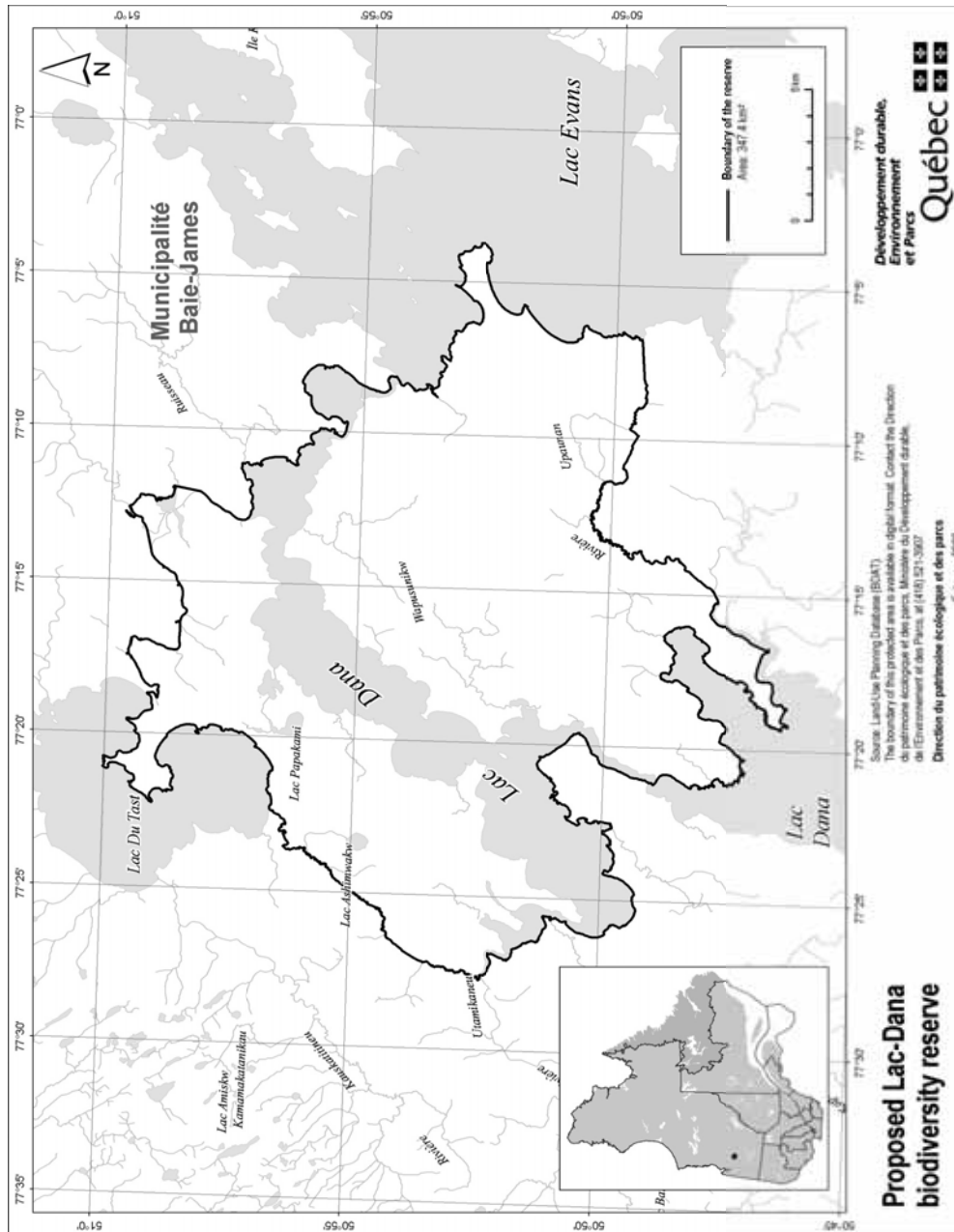
— Construction and development standards: regulatory measures adopted by regional and local municipal authorities under the Acts applicable to them.

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

The conservation and management of the proposed Lac-Dana biodiversity reserve are the responsibility of the Minister of Sustainable Development, Environment and Parks, who is therefore responsible for the monitoring and control of activities permitted there. In managing the reserve the Minister works with the collaboration and participation of other government representatives having specific responsibilities in or adjacent to the territory, 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 now been granted them. No additional conservation measure is, at this point, considered. Regarding zoning, the conservation objectives for the period of temporary protection are the same for the entire area, the proposed reserve being only one conservation area.

APPENDIX 1

PROPOSED LAC-DANA BIODIVERSITY RESERVE



QUÉBEC STRATEGY FOR PROTECTED AREAS



Proposed Basses- collines-du- Lac-Coucou biodiversity reserve

Conservation plan



April 2008

1. Protection status and place name

The description of a protection status for the following territory is Proposed Biodiversity Reserve, status ruled under the Natural Heritage Conservation Act (R.S.Q., c. C-61.01).

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

The provisional place name is: Proposed Basses-Collines-du-Lac-Coucou biodiversity reserve. The official place name will be determined once the territory has been assigned permanent protection status.

2. Plan and description

2.1. Geographic situation, boundaries and dimensions

The boundaries and location of the proposed Basses-Collines-du-Lac-Coucou biodiversity reserve are identified on the plan that is enclosed in appendix 1.

The proposed Basses-Collines-du-Lac-Coucou biodiversity reserve is located in the administrative region of Mauricie, between 47°38' and 47°48' north latitude and 73°43' and 73°55' west longitude. It is situated less than 15 km south of the Attikamek community of Wemotaci and an estimated 80 km northwest of La Tuque. The territory covers an area of 177.6 km² and is located within the municipal limits of La Tuque, which has regional county municipality jurisdiction.

2.2. Ecological overview

The proposed Basses-Collines-du-Lac-Coucou biodiversity reserve is located in the natural province of the southern Laurentides. More specifically, it forms part of the natural region of the La Tuque trough and more precisely, within the physiographic system of the Lac Bob Grant low hills and in the ecological district of the Lac Coucou mounds.

Located in a sector of mounds that consist of thin layers of till, the reserve also protects a small sandy trough that is fluvio-glacial in origin. The topography of the landscape of mounds is sharply contrasting, where altitude varies between 355 and 600 m, with an average altitude of approximately 425 m. The underlying rock mass of the territory consists of three types of rocks, which are part of the Grenville geological province, namely granitoids, granite and granitic and tonalitic gneiss.

Located in a region where two types of climate converge, the reserve is influenced by a humid and subpolar climate with a medium growing season and by a mild subhumid and subpolar climate with a long growing season. The reserve is located entirely within a balsam fir – yellow birch bioclimate domain, but is very near the transition zone with balsam fir – white birch.

Although comprised largely of young stands, the forest cover has a few areas of medium-growth forests and a few rare stands of old-growth forest in hard-to-access areas. The territory is populated mainly by stands of white birch, but the tops of low hills are dominated by stands of black spruce. Jack pine grows on the small sandy plain. Stands of yellow birch and balsam fir also grow in a few areas.

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

There is one habitat for the *Haliaeetus leucocephalus* which is designated as vulnerable.

2.3. Occupations and use of the territory

The territory has 23 vacation resort leases. The reserve superimposes the Frémont ZEC in its western part.

It is part of fur-bearing animal management unit 32 and hunting zone 26-O.

The territory is highly fragmented with many old logging roads and vacation resort access roads.

The proposed Basses-Collines-du-Lac-Coucou biodiversity reserve is located within the Abitibi beaver reserve, in which the Atikamekw community of Wemotaci holds special right to hunt and trap fur-bearing animals.

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.

The permitted and prohibited activities considered for the period that follows the granting of a permanent status by the government are the same with the necessary adjustments to take into account the enforcement of article 46 of the act.

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.

§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;

(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.

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;

— 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);

— 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.

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 Basses-Collines-du-Lac-Coucou biodiversity reserve and is therefore responsible for supervising and monitoring activities allowed in the proposed biodiversity reserve. In the exercise of management responsibilities, the Minister benefits from the cooperation and participation of other government officials who hold specific responsibilities within or in proximity to this territory, such as the Minister of Natural Resources and Wildlife. In the exercise of their powers, Ministers shall take into account the desired protection for these natural environments and the protection status these environments have now been granted. No additional conservation measure is, at this point, considered. Regarding zoning, the conservation objectives for the period of temporary protection are the same for the entire area, the proposed reserve being only one conservation area.

QUÉBEC STRATEGY FOR PROTECTED AREAS



**Proposed
Tourbières-
Boisées-du-
Chiwakamu
biodiversity
reserve**

Conservation plan



April 2008

1. Protection status and place name

The description of a protection status for the following territory is Proposed Biodiversity Reserve, status ruled under the Natural Heritage Conservation Act (R.S.Q., c. C-61.01).

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

The provisional place name is: Proposed Tourbières-Boisées-du-Chiwakamu Biodiversity Reserve. The official place name will be determined once the territory has been assigned permanent protection status.

2. Plan and description

2.1. Geographic situation, boundaries and dimensions

The boundaries and location of the proposed Tourbières-Boisées-du-Chiwakamu biodiversity reserve are identified on the plan that is enclosed in appendix 1.

The proposed Tourbières-Boisées-du-Chiwakamu biodiversity reserve is located in the administrative region of Nord-du-Québec, between 51°0' and 51°8' north latitude and 76°57' and 77°11' west longitude. It is situated approximately 80 km southwest of the Cree community of Nemaska and an estimated 109 km southeast of the Cree community of Waskaganish. The territory covers an area of 158.2 km² and is located within the municipal limits of Baie-James, which does not have regional county municipality jurisdiction.

2.2. Ecological overview

The proposed Tourbières-Boisées-du-Chiwakamu biodiversity reserve is located in the natural province of the Abitibi and James Bay Lowlands. More specifically, it forms part of the natural region of the Matagami trough and more precisely within the physiographic system of the Lac Evans plain.

The territory consists of a glacial plain where most of the area is covered by treed peatlands (60%). These organic deposits give way to glacial lacustrine deposits in the north and south sectors of the territory. The territory was selected primarily as a means to safeguard the rare till drumlins that are present.

The topography of the plain landscape shows very little variation in altitude, which is between 234 m and 276 m, with an average altitude of 250 m. The Tourbières-Boisées-du-Chiwakamu biodiversity reserve protects

common ecosystems of treed bogs on the shores of one of the region's largest lakes, Lac Evans. The primary purpose of the reserve is to protect a series of forests that are used by woodland caribou, a species that has been designated vulnerable.

The proposed biodiversity reserve is part of the black spruce domain. Therefore, forest cover consists mainly of mature black spruce on a moss floor. The landscape includes a plain and medium hill. The territory has undergone no logging activity.

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

2.3. Occupations and use of the territory

The proposed biodiversity reserve is located entirely within the territory of the Nottaway beaver reserve and is part of hunting zone 22.

The proposed biodiversity reserve is located on Category III land, in accordance with the James Bay and Northern Québec Agreement, signed in 1975, and the Act respecting the land regime in the James Bay & New Quebec Territories (R.S.Q., c. R-13.1). The proposed biodiversity reserve includes a portion of four traplines belonging to the Cree community of Nemaska. The entire area of the proposed biodiversity reserve is located above the northern limit for timber allocation.

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. The permitted and prohibited activities considered for the period that follows the granting of a permanent status by the government are the same with the necessary adjustments to take into account the enforcement of article 46 of the act.

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).

§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-1.1), 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;

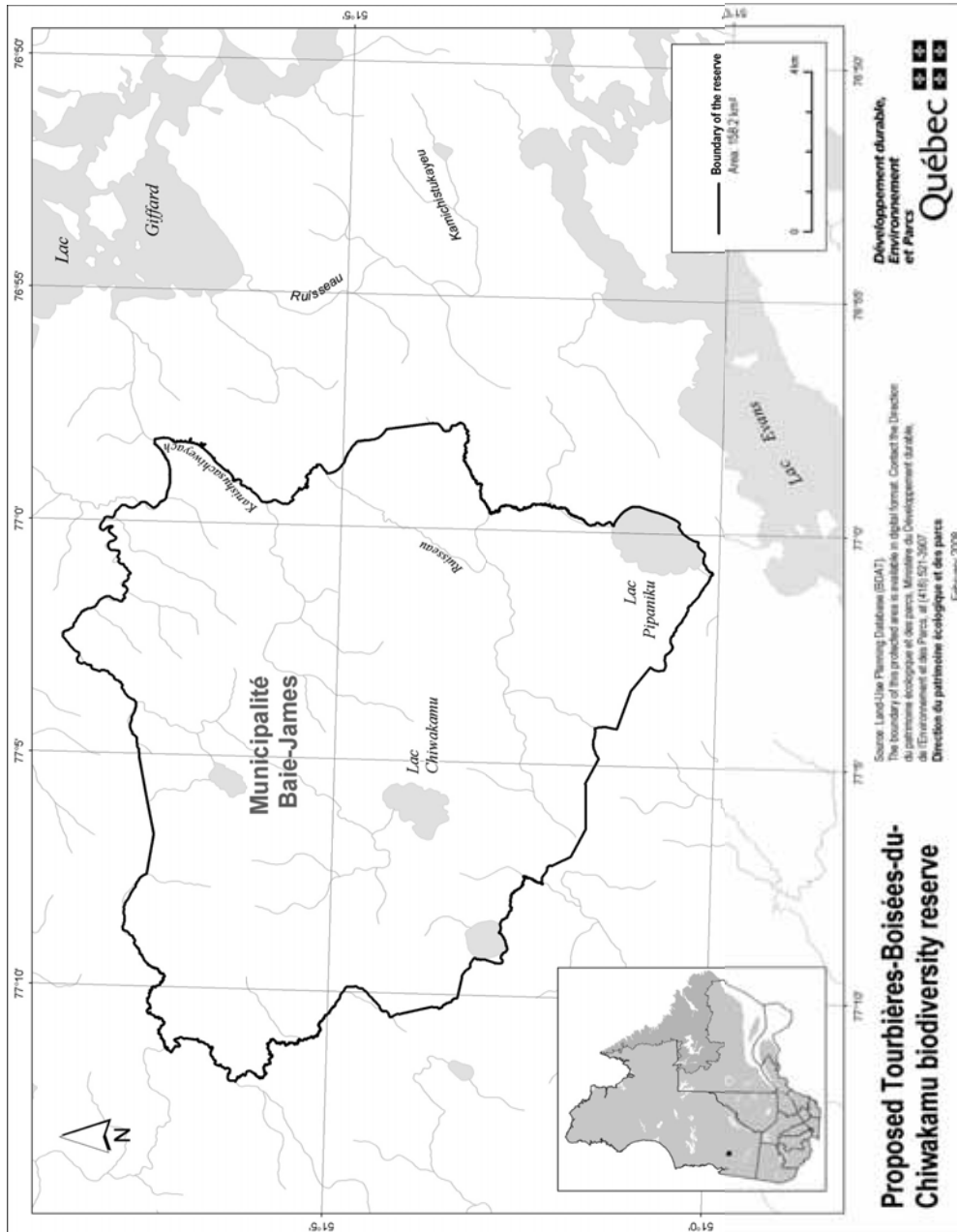
— Construction and development standards: regulatory measures adopted by regional and local municipal authorities under the Acts applicable to them.

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 Tourbières-Boisées-du-Chiwakamu biodiversity reserve and is therefore responsible for supervising and monitoring activities allowed in the proposed biodiversity reserve. In the exercise of management responsibilities, the Minister benefits from the cooperation and participation of other government officials who hold specific responsibilities within or in proximity to this territory, such as the Minister of Natural Resources and Wildlife. In the exercise of their powers, Ministers shall take into account the desired protection for these natural environments and the protection status these environments have now been granted. No additional conservation measure is, at this point, considered. Regarding zoning, the conservation objectives for the period of temporary protection are the same for the entire area, the proposed reserve being only one conservation area.

APPENDIX 1

MAP OF THE PROPOSED TOURBIÈRES-BOISÉES-DU-CHIWAKAMU BIODIVERSITY RESERVE



Gouvernement du Québec

O.C. 447-2008, 7 May 2008

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1)

Trapping activities and fur trade
— Amendments

Regulation to amend the Regulation respecting trapping activities and the fur trade

WHEREAS, under the second paragraph of section 55 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), the Government may determine by regulation the conditions on which a person determined by regulation may use a licence issued to another person;

WHEREAS, under paragraph 2 of section 97 of the Act, the Government may, by regulation, determine for each class of lease the conditions for obtaining, transferring and renewing a lease;

WHEREAS, under paragraphs 9, 16 and 20 of section 162 of the Act, the Government may make regulations determining the conditions that must be fulfilled by the holder of a licence and the obligations with which the holder of a licence must comply, prescribing norms and obligations respecting the transportation, possession and registration of animals or fish and determining the conditions for trapping and the norms used for establishing the minimum and maximum numbers of fur-bearing animals that may be captured in a territory where only trapping rights are granted;

WHEREAS the Government made the Regulation respecting trapping activities and the fur trade by Order in Council 1027-99 dated 8 September 1999;

WHEREAS it is expedient to amend the Regulation;

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 trapping activities and the fur trade was published in Part 2 of the *Gazette officielle du Québec* of 20 June 2007 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 with amendments;

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

THAT the Regulation to amend the Regulation respecting trapping activities and the fur trade, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting trapping activities and the fur trade*

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1, s. 55, 2nd par., s. 97, par. 2 and s. 162, pars. 9, 14, 16 and 20)

1. The Regulation respecting trapping activities and the fur trade is amended by replacing Divisions I and II of Chapter II by the following:

“DIVISION I
TRAPPING LICENCES

3. To trap, a person, resident or non-resident, must hold a professional trapping licence.

To obtain such a licence, a person must, at the time of the application,

(1) provide the person issuing the licence applied for with his name, address and date of birth;

(2) in the case of a resident, hold a hunter’s or trapper’s certificate under the Regulation respecting hunting made by Minister’s Order 99021 dated 27 July 1999 certifying that the person is qualified to trap, and provide the certificate number; and

(3) be at least 12 years of age, if the person is a non-resident.

* The Regulation respecting trapping activities and the fur trade, made by Order in Council 1027-99 dated 8 September 1999 (1999, *G.O.* 2, 2915), was last amended by the regulation made by Order in Council 29-2004 dated 14 January 2004 (2004, *G.O.* 2, 819). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2008, updated to 1 March 2008.

4. A professional trapping licence holder must enter his name, address and date of birth on the back of the licence when any of those particulars do not appear on the front of the licence or are inaccurate.

5. Despite section 3, every person under 18 years of age may, to trap, use the licence of a professional trapping licence holder who is at least 18 years of age, provided that the person is accompanied by the holder or the holder's spouse who must have the licence in his possession.

If the spouse is a resident, the spouse must hold a hunter's or trapper's certificate bearing code "P" and carry it with him.

For the purposes of the first paragraph, each fur-bearing animal captured by a person who is under 18 years of age is counted as a fur-bearing animal captured by the licence holder.

6. Despite section 3, the spouse of a professional trapping licence holder or, subject to section 5, their child under 18 years of age or the child under 18 years of age of either spouse, may use the holder's licence. The spouse or child must have the holder's licence with them when not accompanied by the holder.

If the spouse or one of the children referred to in the first paragraph is a resident, the spouse or child must hold a hunter's or trapper's certificate bearing code "P" and carry it with them.

For the purposes of the first paragraph, each fur-bearing animal captured by the spouse or child referred to in the first paragraph is counted as a fur-bearing animal captured by the licence holder.

7. Despite section 3, a student between 18 and 24 years of age attending a secondary or post-secondary level educational institution may use the licence issued to a professional trapping licence holder if the student complies with the conditions provided for in section 6.

A student may also trap using the licence of a professional trapping licence holder who is at least 18 years of age, provided that the student is accompanied by that holder or the holder's spouse who must carry with them the professional trapping licence concerned and, in the case of a resident, the hunter's or trapper's certificate bearing code "P".

A student referred to in the first and second paragraphs must, when trapping, carry with him the student card issued by the student's educational institution and,

if the student is a resident, the hunter's or trapper's certificate bearing code "P". The student must show them to a wildlife protection officer or wildlife protection assistant if so requested.

8. A person may not hold more than one professional trapping licence, except if it is a licence replaced in accordance with section 10 of the Regulation respecting trapping and the fur trade made by Minister's Order 99026 dated 31 August 1999.

DIVISION II

CONDITIONS AND OBLIGATIONS OF PROFESSIONAL TRAPPING LICENCE HOLDERS

9. A holder of a non-resident's professional trapping licence may trap only

(1) on his private land; and

(2) in the territory described in the lease of exclusive trapping rights of the holder of an outfitter's licence or a professional trapping licence.

10. A professional trapping licence holder must, to trap in a territory where exclusive trapping rights have been granted,

(1) have entered into a lease of exclusive trapping rights; or

(2) carry with him a document attesting to the authorization obtained under section 96 of the Act respecting the conservation and development of wildlife when carrying on trapping activities, and show it to a wildlife protection officer or wildlife protection assistant if so requested.

A person who does not hold a professional trapping licence but who is authorized to use such a licence under sections 5 to 7 must also, to trap in a territory where exclusive trapping rights have been granted, carry with him that attestation when carrying on trapping activities in such territory and show it to a wildlife protection officer or wildlife protection assistant if so requested.

11. A professional trapping licence holder who captures a black bear must, before moving it, detach the transportation coupon from the trapping licence and attach it to the animal.

If a black bear is captured in a territory under a lease granting exclusive trapping rights, the coupon must originate from the professional trapping licence of the holder

of the lease or from the licence of another professional trapping licence holder authorized to trap in that territory under section 10.

In addition, a professional trapping licence holder must ensure that the transportation coupon remains attached until the animal is cut up and, if the fur is intended for dressing, the holder must ensure that the coupon remains attached until the fur is dressed.

12. A professional trapping licence holder must, when trading in undressed furs from hunted or trapped fur-bearing animals referred to in Schedule I with a holder of a fur trade licence provided for in section 18 of the Regulation respecting trapping and the fur trade, declare the number of the FAMU from which the traded fur originates and sign, where applicable, the register referred to in paragraph 1 of section 35.”.

2. Section 22 is amended by replacing “48 hours” in the first paragraph by “15 days”.

3. Section 23 is amended

(1) by inserting “for which there is no lessee of exclusive trapping rights” in the part preceding paragraph 1 after “sanctuary”;

(2) by inserting “and at least 18 years of age” at the end of paragraph 1.

4. Section 25 is amended by replacing “on the date of issue of the lease and thereafter on 15 August of each year” by “between 1 September and 1 November of each year”.

5. The following is inserted after section 25:

“**25.1.** During the period of validity of the licence, a professional trapping licence holder who entered into a lease granting exclusive trapping rights must trade with a holder of the fur trade licence provided for in section 18 of the Regulation respecting trapping and the fur trade, made by Minister’s Order 99026 dated 31 August 1999, at least 15 undressed pelts a year from at least 5 fur-bearing animal species trapped in the territory described in the lease.

If the area of the territory described in the lease is less than or equal to 20 km², the number of undressed pelts to be traded is reduced to 10 and the pelts must come from at least 3 fur-bearing animal species trapped in the territory.”.

6. Sections 30 and 31 are replaced by the following:

“**30.** A lessee of exclusive trapping rights may transfer all the rights and obligations under the lease to a holder of a hunter’s or trapper’s certificate bearing code “P” if the lessee

(1) has sent to the Minister an application in writing designating the new lessee, not later than 1 August of the current year, together with, if applicable, a copy of the deed evidencing the transfer of the buildings or structures erected in the territory identified on the lease in favour of the certificate holder;

(2) trapped on the land referred to in the lease during the year preceding the year of the transfer;

(3) has not been convicted of an offence against the Act respecting the conservation and development of wildlife or its regulations and has not had the hunter’s or trapper’s certificate referred to in subparagraph 2 of the second paragraph of section 3 or a hunting, fishing or trapping licence suspended or cancelled during the 2 years preceding the date of the application for a transfer;

(4) has not received a notice of revocation of the lease; and

(5) has signed the deed of amendment to the lease of exclusive trapping rights and returned a signed copy to the Minister.

So that a transfer under the first paragraph may be made, the holder of a hunter’s or trapper’s certificate referred to in that paragraph must

(1) not have been convicted of an offence against the Act respecting the conservation and development of wildlife or its regulations on trapping or the fur trade and not have had the hunter’s or trapper’s certificate referred to in subparagraph 2 of the second paragraph of section 3 or a hunting, fishing or trapping licence suspended or cancelled during the 2 years preceding the date of the application for a transfer;

(2) not exercise collective and exclusive trapping rights in the territories recognized as beaver reserves under the Regulation respecting beaver reserves; and

(3) have signed the deed of amendment to the lease of exclusive trapping rights.

31. A lessee of exclusive trapping rights may transfer all the rights and obligations under the lease to another lessee of exclusive trapping rights provided that the latter lessee also transfers all the rights and obligations under the lease and that both lessees

(1) have sent to the Minister an application in writing, not later than 1 August, together with, if applicable, a copy of the deed evidencing the reciprocal transfer of the buildings or structures erected in the territories identified on their respective leases;

(2) trapped on the land referred to in the lease during the year of the transfer;

(3) have not been convicted of an offence against the Act respecting the conservation and development of wildlife or its regulations on trapping or the fur trade and have not had the hunter's or trapper's certificate referred to in subparagraph 2 of the second paragraph of section 3 or a hunting, fishing or trapping licence suspended or cancelled during the 2 years preceding the date of the application for a transfer;

(4) have not received a notice of revocation of their respective leases; and

(5) have signed the deed of amendment to each lease of exclusive trapping rights and returned a signed copy to the Minister.”.

7. Section 40 is amended by replacing “10, 12 to 17, 19 to 22, 25” by “8 to 13, 25, 25.1”.

8. Sections 22 to 43 and section 25.1, introduced by section 5, are renumbered as follows:

section 22 becomes section 13;
 section 23 becomes section 14;
 section 24 becomes section 15;
 section 25 becomes section 16;
 section 25.1 becomes section 17;
 section 26 becomes section 18;
 section 27 becomes section 19;
 section 28 becomes section 20;
 section 29 becomes section 21;
 section 30 becomes section 22;
 section 31 becomes section 23;
 section 32 becomes section 24;
 section 33 becomes section 25;
 section 34 becomes section 26;
 section 35 becomes section 27;
 section 36 becomes section 28;
 section 37 becomes section 29;
 section 38 becomes section 30;
 section 39 becomes section 31;

section 40 becomes section 32;
 section 41 becomes section 33;
 section 42 becomes section 34;
 section 43 becomes section 35.

In addition, section 12, introduced by section 1, is amended by replacing “35” by “27”, section 24 is amended by replacing “23” in the second paragraph by “14”, sections 26 and 32 are amended by replacing “27 and 28” by “19 and 20”, section 35 is amended by replacing “36” in subparagraph *c* of the second paragraph by “28”, section 39 is amended by replacing “38” in the second paragraph by “30” and section 40 is amended by replacing “25, 25.1, 27 to 29 and 35 to 39” by “16, 17, 19 to 21 and 27 to 31”.

9. This Regulation comes into force on 1 August 2008.

8717

Gouvernement du Québec

O.C. 448-2008, 7 May 2008

An Act respecting the conservation and development of wildlife
 (R.S.Q., c. C-61.1)

Scale of fees and duties related to the development of wildlife

— Amendments

Regulation to amend the Regulation respecting the scale of fees and duties related to the development of wildlife

WHEREAS, under paragraphs 10, 10.1 and 21 of section 162 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), the Government may make regulations determining the cost of issuing, replacing and renewing a licence or certificate, fixing the amount of the contribution toward the funding of the Fondation pour la conservation et la mise en valeur de la faune et de son habitat, and determining the duties payable for each undressed pelt from an animal that has been hunted or trapped and for each pelt purchased, dressed or received on consignment as an intermediary for its sale or trade;

WHEREAS the Government made the Regulation respecting the scale of fees and duties related to the development of wildlife by Order in Council 1291-91 dated 18 September 1991;

WHEREAS it is expedient to amend the Regulation;

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 scale of fees and duties related to the development of wildlife was published in Part 2 of the *Gazette officielle du Québec* of 20 June 2007 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 scale of fees and duties related to the development of wildlife, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the scale of fees and duties related to the development of wildlife*

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1, s. 162, pars. 10, 10.1 and 21)

1. Section 4 of the Regulation respecting the scale of fees and duties related to the development of wildlife is replaced by the following:

“**4.** The fees payable on the issue of a trapping licence are determined as follows:

- (1) resident professional trapping licence: \$13.65; and
- (2) non-resident professional trapping licence: \$249.65.”.

* The Regulation respecting the scale of fees and duties related to the development of wildlife, made by Order in Council 1291-91 dated 18 September 1991 (1991, *G.O.* 2, 3908), was last amended by the regulations made by Orders in Council 330-2008 dated 9 April 2008 (2008, *G.O.* 2, 1184) and 333-2008 dated 9 April 2008 (2008, *G.O.* 2, 1148). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2008, updated to 1 March 2008.

2. Section 13 is amended by replacing “indicated for the category “hunting” for the most recent season, as published annually by Statistics Canada in “Live Stock Statistics”, Catalogue 23-603” in the first paragraph by “indicated in the Bulletin Fourrure Québec published annually by the Ministère des Ressources naturelles et de la Faune”.

3. Section 14 is amended by replacing paragraph 3 by the following:

“(3) Trapping licences:

- (a) resident professional trapping licence: \$1.60; and
- (b) non-resident professional trapping licence: \$1.60.”.

4. This Regulation comes into force on 1 August 2008.

8718

Gouvernement du Québec

O.C. 449-2008, 7 May 2008

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1)

Wildlife sanctuaries — Amendments

Regulation to amend the Regulation respecting wildlife sanctuaries

WHEREAS, under paragraphs 1, 2, 4 and 5 of section 121 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), the Government may, by regulation, in respect of a wildlife sanctuary, determine the conditions on which hunting, fishing or trapping activities are permitted, the conditions governing the carrying, possession or transportation of hunting, fishing or trapping implements and the conditions governing the use for recreational purposes of vehicles, boats or motor-boats or aircraft, or prohibit their use;

WHEREAS the Government made the Regulation respecting wildlife sanctuaries by Order in Council 859-99 dated 28 July 1999;

WHEREAS it is expedient to amend the Regulation;

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 wildlife

sanctuaries was published in Part 2 of the *Gazette officielle du Québec* of 20 June 2007 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 with amendments;

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

THAT the Regulation to amend the Regulation respecting wildlife sanctuaries, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting wildlife sanctuaries*

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1, s. 121, pars. 1, 2, 4 and 5)

1. The Regulation respecting wildlife sanctuaries is amended in section 4 by replacing “holders of assistant trapper’s licences who are associated with the professional trapping licence holder” in the second paragraph by “professional trapping licence holders or a person referred to in sections 5 to 7 of the Regulation respecting trapping activities and the fur trade, made by Order in Council 1027-99 dated 8 September 1999, authorized by the lessee to trap”.

2. Section 17 is amended by replacing “holders of assistant trapper’s licences who are associated with the professional trapping licence holder” in paragraph 2 by “professional trapping licence holders or a person referred to in sections 5 to 7 of the Regulation respecting trapping activities and the fur trade, made by Order in Council 1027-99 dated 8 September 1999, authorized by the lessee to trap”.

3. Section 24 is amended by replacing the second paragraph by the following:

“A professional trapping licence holder and a person referred to in sections 5 to 7 of the Regulation respecting trapping activities and the fur trade, made by Order in Council 1027-99 dated 8 September 1999, may carry hunting implements in a wildlife sanctuary in the territory where they are authorized to trap during the trapping periods established by the Regulation for that wildlife sanctuary.”.

4. Section 26 is amended by replacing paragraph 4 by the following:

“(4) the person is the lessee of exclusive trapping rights in the wildlife sanctuary, a professional trapping licence holder or a person referred to in sections 5 to 7 of the Regulation respecting trapping activities and the fur trade, made by Order in Council 1027-99 dated 8 September 1999, authorized by the lessee to trap, and travels to the trapping grounds to engage in a trapping-related activity, as well as the person accompanying them;”.

5. This Regulation comes into force on 1 August 2008.

8719

Gouvernement du Québec

O.C. 450-2008, 7 May 2008

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1)

Hunting and fishing controlled zones — Amendment

Regulation to amend the Regulation respecting hunting and fishing controlled zones

WHEREAS, under subparagraph 4 of the first paragraph of section 110 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), the Government may, by regulation, in respect of controlled zones, authorize the use of a vehicle or access by aircraft, boat or motor-boat for recreational purposes, or prohibit such use or access on the conditions it determines;

WHEREAS the Government made the Regulation respecting hunting and fishing controlled zones by Order in Council 1255-99 dated 17 November 1999;

WHEREAS it is expedient to amend the Regulation;

* The Regulation respecting wildlife sanctuaries, made by Order in Council 859-99 dated 28 July 1999 (1999, *G.O.* 2, 2432), was last amended by the regulation made by Order in Council 330-2008 dated 9 April 2008 (2008, *G.O.* 2, 1184). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2008, updated to 1 March 2008.

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 hunting and fishing controlled zones was published in Part 2 of the *Gazette officielle du Québec* of 20 June 2007 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 with amendments;

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

THAT the Regulation to amend the Regulation respecting hunting and fishing controlled zones, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting hunting and fishing controlled zones*

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1, s. 110, 1st par., subpar. 4)

1. The Regulation respecting hunting and fishing controlled zones is amended in section 19 by replacing “or his helper” in subparagraph 6 of the second paragraph by “, a professional trapping licence holder or a person referred to in sections 5 to 7 of the Regulation respecting trapping activities and the fur trade, made by Order in Council 1027-99 dated 8 September 1999, authorized by the lessee to trap.”.

2. This Regulation comes into force on 1 August 2008.

8720

* The Regulation respecting hunting and fishing controlled zones, made by Order in Council 1255-99 dated 17 November 1999 (1999, *G.O.* 2, 4381), was last amended by the regulation made by Order in Council 55-2008 dated 31 January 2008 (2008, *G.O.* 2, 620). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2008, updated to 1 March 2008.

Gouvernement du Québec

O.C. 451-2008, 7 May 2008

Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1)

Salmon fishing controlled zones — Amendments

Regulation to amend the Regulation respecting salmon fishing controlled zones

WHEREAS, under subparagraphs 3 and 6 of the first paragraph of section 110 and the second paragraph of section 110 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), the Government may, by regulation, in respect of controlled zones, determine the categories of persons who are required to pay a fee to travel about the territory and the maximum amount of the fee exigible for that purpose;

WHEREAS the Government made the Regulation respecting salmon fishing controlled zones by Order in Council 1255-99 dated 17 November 1999;

WHEREAS it is expedient to amend the Regulation;

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 salmon fishing controlled zones was published in Part 2 of the *Gazette officielle du Québec* of 20 June 2007 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 with amendments;

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

THAT the Regulation to amend the Regulation respecting salmon fishing controlled zones, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting salmon fishing controlled zones*

An Act respecting the conservation and development of wildlife

(R.S.Q., c. C-61.1, s. 110, 1st par., subpars. 3 and 6 and 2nd par.)

1. The Regulation respecting salmon fishing controlled zones is amended in section 16 by replacing “or his helper” in subparagraph 6 of the second paragraph by “, a professional trapping licence holder or a person referred to in sections 5 to 7 of the Regulation respecting trapping activities and the fur trade, made by Order in Council 1027-99 dated 8 September 1999, authorized by the lessee to trap,”.

2. This Regulation comes into force on 1 August 2008.

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Gouvernement du Québec

O.C. 454-2008, 7 May 2008

Food Products Act
(R.S.Q., c. P-29)

Food — Amendments

Regulation to amend the Regulation respecting food

WHEREAS, under paragraphs *d*, *e.5.1*, *e.6*, *f* and *n* of section 40 of the Food Products Act (R.S.Q., c. P-29), the Government may make regulations on the matters listed therein;

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 food was published in Part 2 of the *Gazette officielle du Québec* of 27 December 2007 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 with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Agriculture, Fisheries and Food:

THAT the Regulation to amend the Regulation respecting food, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting food*

Food Products Act
(R.S.Q., c. P-29, s. 40, pars. *d*, *e.5.1*, *e.6*, *f* and *n*)

1. The Regulation respecting food is amended by inserting the following after section 1.3.1.2:

“**1.3.1.2.1.** In addition to complying with the requirements of section 1.3.1.1, an applicant for a permit or renewal of a permit referred to in the first paragraph of section 9 of the Act must state in the application that upon the issue or renewal of the permit, responsibility for the control of food hygiene and safety on the premises or in the vehicle will be assigned to the holder of a food establishment manager training certificate described in section 2.2.4.5, and specify that person’s name and certificate number.

The first paragraph does not apply to applicants for a permit or renewal of a permit required under subparagraph *c*, *d*, *k.1* or *k.2* of the first paragraph of section 9 of the Food Products Act or paragraph 4 of section 1.3.5.B.1 or 1.3.5.C.1, to persons responsible for an intermediate resource referred to in section 302 of the Act respecting health services and social services (R.S.Q., c. S-4.2) or to operators of a residence for the elderly referred to in section 346.0.1 of that Act if the residence does not have more than nine residents.”.

* The Regulation respecting salmon fishing controlled zones, made by Order in Council 1255-99 dated 17 November 1999 (1999, *G.O.* 2, 4381), was last amended by the regulation made by Order in Council 55-2008 dated 31 January 2008 (2008, *G.O.* 2, 620). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2008, updated to 1 March 2008.

* The Regulation respecting food (R.R.Q., 1981, c. P-29, r.1) was last amended by the regulation made by Order in Council 1023-2006 dated 8 November 2006 (2006, *G.O.* 2, 3584). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2008, updated to 1 March 2008.

2. The following is inserted after section 2.2.4:

2.2.4.1. An operator of premises or a vehicle where food for human consumption is prepared to be sold or to furnish services for remuneration or where an activity forming part of a restaurateur's business is carried on must assign responsibility for the control of food hygiene and safety on the premises or in the vehicle to the holder of a food establishment manager training certificate.

2.2.4.2. In addition to complying with the requirement of section 2.2.4.1, the operator must also

(1) ensure that the person responsible for the control of food hygiene and safety or at least one member of the operator's personnel who holds a food handler training certificate or a food establishment manager training certificate is present on the premises or in the vehicle during operating hours; or

(2) ensure that at least 10% of the operator's personnel assigned to product preparation or to washing or cleaning material and equipment in contact with the products, including the person responsible for the control of food hygiene and safety, hold a food handler training certificate or a food establishment manager training certificate.

2.2.4.3. An operator referred to in section 2.2.4.1 must maintain a register in which the number of personnel assigned to product preparation or to washing or cleaning material and equipment in contact with the products is entered, including the person responsible for the control of food hygiene and safety on the premises or in the vehicle, and the names of the persons who hold a food handler training certificate or a food establishment manager training certificate.

The operator must keep the register at the operating premises for as long as those persons are members of the operator's personnel and for 12 months after they have ceased to be members of the personnel.

2.2.4.4. Food handler training must be of a minimum of 6 hours and cover the following subjects:

- (1) microbiological, physical and chemical hazards associated with food hygiene and safety;
- (2) food storage temperatures;
- (3) food origins;
- (4) food labelling;
- (5) work methods that prevent food contamination;

(6) general principles of hygiene for persons in contact with food or with material or equipment in contact with food;

(7) material and equipment cleaning, sanitizing and disinfecting procedures; and

(8) environmental sources of food contamination.

A food handler training certificate is issued to a person who has obtained a mark of at least 60% on the examination prepared by the Institut de technologie agroalimentaire.

2.2.4.5. Food establishment manager training must be of a minimum of 12 hours and cover the following subjects, in addition to the subjects listed in the first paragraph of section 2.2.4.4:

- (1) analysis and assessment of hazards;
- (2) hazards management, including the establishment of appropriate procedures;
- (3) regulatory and legislative standards applicable to food hygiene and safety; and
- (4) preparation of continuous training activities related to the rules governing food hygiene and safety.

A food establishment manager training certificate is issued to a person who has obtained a mark of at least 60% on the examination prepared by the Institut de technologie agroalimentaire.

2.2.4.6. Candidates who fail the examination referred to in the second paragraph of section 2.2.4.4 or section 2.2.4.5 may retake the examination within 90 days after the date on which the notice of failure is received without having to retake the training described in the first paragraph of those sections.

2.2.4.7. A person is exempt from the training required under the first paragraph of section 2.2.4.4 or 2.2.4.5 if the person applies in writing for an exemption to the Institut de technologie agroalimentaire, stating his or her name, address and telephone number, and the training for which the training exemption is applied for, and attaches documents proving

(1) that the person has taken training in which the applicant acquired knowledge equivalent to that provided in the training described in the first paragraph of section 2.2.4.4 or 2.2.4.5; or

(2) that the person has work experience in the control of food hygiene and safety or in food preparation of at least 2 years for a food handler training certificate, and at least 3 years for a food establishment manager training certificate.

The person referred to in the first paragraph must achieve a mark of at least 60% on the examination prepared by the Institut de technologie agroalimentaire. A person who fails the examination is subject to section 2.2.4.4 or 2.2.4.5.

2.2.4.8. The person responsible for an intermediate resource or a family-type resource referred to in section 302 or 310 of the Act respecting health services and social services and the operator of a residence for the elderly referred to in section 346.0.1 of that Act that does not have more than nine residents are exempt from the application of sections 2.2.4.1 to 2.2.4.3.

Despite the foregoing, the person responsible and the operator, if the residence has at least four persons, must assign responsibility for the control of food hygiene and safety on the operating premises to a person who has completed 3 hours and 30 minutes of training provided by an authorized person within the meaning of subparagraph *f* of the first paragraph of section 1 of the Food Products Act, on the following subjects:

- (1) food storage temperatures;
- (2) work methods to prevent food contamination;
- (3) general principles of hygiene for persons in contact with food or with material or equipment in contact with food;
- (4) material and equipment cleaning, sanitizing and disinfecting procedures; and
- (5) environmental sources of food contamination.

The person responsible and the operator must also

(1) ensure that the person responsible for the control of food hygiene and safety or at least one member of the personnel who has completed the training described in the second paragraph is present on the premises while food is being prepared and the material and equipment in contact with the food is being washed or cleaned; or

(2) ensure that at least 10% of the personnel assigned to product preparation or to washing or cleaning material and equipment in contact with the products, including the person responsible for the control of food hygiene and safety on the premises, have completed the training described in the second paragraph.

2.2.4.9. The holder of a permit required under subparagraph *k.1* or *k.2* of the first paragraph of section 9 of the Food Products Act or under paragraph 4 of section 1.3.5.B.1 or 1.3.5.C.1, the person referred to in section 1.3.5.B.5 and the operator of an establishment registered under the Meat Inspection Act (R.S.C. 1985, 1st Supp., c. 25) are exempt from the application of sections 2.2.4.1 to 2.2.4.3.”.

3. The holder of a food hygiene and safety certificate for food handlers on 20 November 2008 issued by the Minister of Agriculture, Fisheries and Food is deemed to hold a food handler training certificate under this Regulation.

The holder of a food hygiene and safety certificate for food establishment managers on 20 November 2008 issued by the Minister of Agriculture, Fisheries and Food is deemed to hold a food establishment manager training certificate under this Regulation.

4. Operators holding a permit under the first paragraph of section 9 of the Act on 21 November 2008 are deemed to comply with section 1.3.1.2.1 introduced by section 1 until 21 November 2009 or until the date of permit renewal if the renewal date is later.

5. Operators on 21 November 2008 of premises or a vehicle where food for human consumption is prepared to be sold or to furnish services for remuneration, or where an activity forming part of a restaurateur’s business is carried on, must comply with sections 2.2.4.1 to 2.2.4.3 introduced by section 2 before 21 November 2009.

6. This Regulation comes into force on 21 November 2008.

8722

M.O., 2008

Order number 2008-01 of the Minister of Agriculture, Fisheries and Food dated 7 May 2008

Animal Health Protection Act
(R.S.Q., c. P-42)

Regulation to amend the Regulation respecting the designation of a contagious disease and an infectious agent, and the confinement of captive birds

THE MINISTER OF AGRICULTURE, FISHERIES AND FOOD,

CONSIDERING section 3 of the Animal Health Protection Act (R.S.Q., c. P-42), which provides that the Minister of Agriculture, Fisheries and Food may make regula-

tions on the matters set forth therein, including on the sanitary conditions applicable to places where animals are kept;

CONSIDERING the making of the Regulation respecting the designation of a contagious disease and an infectious agent, and the confinement of captive birds, which prescribes in particular the sanitary conditions applicable to places where birds are kept in captivity;

CONSIDERING that it is expedient to change the sanitary conditions applicable to places where birds are kept in captivity to adapt them to the current level of risk of having the Asian avian influenza virus introduced into Québec;

CONSIDERING the publication in Part 2 of the *Gazette officielle du Québec* of 13 February 2008, 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 designation of a contagious disease and an infectious agent, and the confinement of captive birds, with a notice that it could be made on the expiry of 45 days following that publication;

CONSIDERING that it is expedient to make the Regulation with amendments that follow up on the comments received;

ORDERS AS FOLLOWS:

The Regulation to amend the Regulation respecting the designation of a contagious disease and an infectious agent, and the confinement of captive birds, attached hereto, is hereby made.

Québec, 7 May 2008

LAURENT LESSARD,
*Minister of Agriculture,
Fisheries and Food*

Regulation to amend the Regulation respecting the designation of a contagious disease and an infectious agent, and the confinement of captive birds*

Animal Health Protection Act
(R.S.Q., c. P-42, s. 3, par. 3)

1. The Regulation respecting the designation of a contagious disease and an infectious agent, and the confinement of captive birds is amended by replacing the title by the following: “Regulation respecting the designation of a contagious disease and an infectious agent, and the sanitary conditions applicable to places where birds are kept in captivity”.

2. Sections 3 to 8 are replaced by the following:

“**3.** An owner or custodian of birds may not keep his or her birds and migrating waterfowl at the same municipal address at the same time.

For the purposes of this Regulation, “migrating waterfowl” means ducks, swans and wild geese.

4. An owner or custodian of birds must keep the birds in a building or fenced area at all times so that they cannot escape.

Despite the foregoing, in the case of waterfowl kept for recreational purposes on a body of water, the body of water is not required to be fenced.

5. An owner or custodian of birds must feed and water the birds inside a building or use feeders and water fountains that are protected in such a manner that migrating waterfowl cannot have access to them or soil them.

6. No person may use surface water to clean the premises, buildings or stock-raising material or to water the birds, unless the water has been treated to inactivate a possible virus identified in paragraph 1 of section 1.

7. Despite section 4, as of (*insert the date of coming into force of this section*), every owner or custodian of birds must

* The Regulation respecting the designation of a contagious disease and an infectious agent, and the confinement of captive birds, made by Order 2005-01 of the Minister of Agriculture, Fisheries and Food dated 3 November 2005 (2005, *G.O.* 2, 4729A), has not been amended since it was made.

(1) confine or keep the birds inside a facility laid out in a manner that prevents direct contact between the birds and migrating waterfowl;

(2) inform the Minister without delay of the death of any bird having access to the outdoors that does not result from slaughtering or an injury; and

(3) refrain from organizing or participating in any gathering of birds, including fairs, exhibitions or competitions.”.

3. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except section 7 introduced by section 2, which comes into force on the date determined by the Minister of Agriculture, Fisheries and Food.

8724

M.O., 2008

Order number 2008-04 of the Minister of Transport dated 12 May 2008

Highway Safety Code
(R.S.Q., c. C-24.2)

CONCERNING the end of the annual thaw periods for the year 2008

THE MINISTER OF TRANSPORT,

CONSIDERING section 419 of the Highway Safety Code (R.S.Q., c. C-24.2), according to which the Minister of Transport may, by an order published in the *Gazette officielle du Québec*, determine the locations where the movement of all or some road vehicles designated by the Minister is restricted or prohibited by reason of thawing, rain, erosion or flooding and the periods during which such measures apply;

CONSIDERING the Vehicle Load and Size Limits Regulation, made by Order in Council 1299-91 dated 18 September 1991, under subparagraphs 17 and 18 of the first paragraph of section 621 of the Highway Safety Code, according to which the maximum load limits applicable during thaw periods are determined for various classes of road vehicles and combinations of road vehicles;

CONSIDERING Order 2008-01 dated 20 March 2008, published in the *Gazette officielle du Québec* of 22 March 2008, according to which the Minister of Transport determined the annual thaw periods for the year 2008;

CONSIDERING that it is expedient to advance the date scheduled for the end of the thaw period in zones 2 and 3;

ORDERS AS FOLLOWS:

The date and time of the beginning and end of the thaw periods for the year 2008 are hereby determined

— for zone 2, from 31 March, 00:01, to 24 May, 00:01;

— for zone 3, from 31 March, 00:01, to 24 May, 00:01.

This Order takes effect from the date of its publication in the *Gazette officielle du Québec*.

JULIE BOULET,
Minister of Transport

8725

M.O., 2008

Order number AM 2008-019 of the Minister of Natural Resources and Wildlife dated 17 April 2008

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1)

CONCERNING the Regulation to amend the Regulation respecting trapping and the fur trade

THE MINISTER OF NATURAL RESOURCES AND WILDLIFE,

CONSIDERING sections 54.1 and 56 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1) which provide that the Minister may make regulations on the matters mentioned therein;

CONSIDERING section 164 of the Act which provides that a regulation made under sections 54.1 and 56 of the Act is not subject to the publication requirements set out in section 8 of the Regulations Act (R.S.Q., c. R-18.1);

CONSIDERING the making of the Regulation respecting trapping and the fur trade by Minister's Order 99026 dated 31 August 1999, which prescribes the conditions for the trapping of any animal or class of animals and the fur trade;

Considering that it is expedient to amend certain provisions of the Regulation;

ORDERS AS FOLLOWS:

The Regulation to amend the Regulation respecting trapping and the fur trade, attached hereto, is hereby made.

Québec, 17 April 2008

CLAUDE BÉCHARD,
*Minister of Natural Resources
and Wildlife*

Regulation to amend the Regulation respecting trapping and the fur trade*

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1, ss. 54.1 and 56, 3rd par.)

1. The Regulation respecting trapping and the fur trade is amended by replacing section 3 by the following:

“**3.** Any person may trap if the person holds

- (1) a resident’s professional trapping licence; or
- (2) a non-resident’s professional trapping licence.

The licences are valid from their date of issue to the following 31 August.

The licences include 2 detachable transportation coupons that bear the licence number.”

2. Section 4 is revoked.

3. Section 5 is replaced by the following:

“**5.** The trapping licence is numbered and contains

- (1) the holder’s name and date of birth;
- (2) the hunter’s or trapper’s certificate number which attests that the holder has the required skills to trap and, in the case of a resident, the code “P”; and
- (3) the date, time and minute of issue of the licence.

The trapping licence is signed by its holder and by the person who issued it.”

4. Sections 6 to 9 are revoked.

5. Section 12 is amended by replacing “only during” wherever it appears in the fourth paragraph by “during”.

6. Section 17 is replaced by the following:

“**17.** The holder of a professional trapping licence may, in one year, capture a maximum of 4 bears or an unlimited number of lynx. The captures are apportioned according to the FAMUs frequented by the holder:

(1) 2 black bears in all FAMUs 1 to 7, 11 to 17, 20, 21, 27 to 32, 38, 39, 42, 43, 45, 47 to 51, 53, 54, 56, 59 to 66 and 73 to 86;

(2) 4 black bears in all FAMUs 8 to 10, 18, 19, 22 to 26, 33 to 37, 40, 41, 44, 46, 52, 55, 57, 58, 70, 71 and 72;

(3) 1 Canada lynx in all FAMUs 8 to 15, 17 to 21, 35 to 37, 54 to 66 and 78;

(4) 2 Canada lynx in all FAMUs 1 to 5, 26 to 34, 38 to 53 and 70 to 73;

(5) 3 Canada lynx in all FAMUs 75 to 77; and

(6) 4 Canada lynx in FAMU 14.

Despite the first paragraph, the holder of a professional trapping licence who has obtained authorization to trap in a territory referred to in the second paragraph of section 10 of the Regulation respecting trapping activities and the fur trade, made by Order in Council 1027-99 dated 8 September 1999, may use the bag limits that have not been reached by the holder of a lease granting only exclusive trapping rights. The captures of the holder of such a licence are therefore considered to be those of the holder of that lease.”

7. The following is inserted before section 20:

“**19.1.** Resident’s general trapping licences and non-resident’s general trapping licences, issued from 1 April to 30 June 2008, are valid until 31 August 2009, under the conditions prevailing at the time of issue.”

8. This Regulation comes into force on 1 August 2008.

* The Regulation respecting trapping and the fur trade, made by Minister’s Order 99026 dated 31 August 1999 (1999, *G.O.* 2, 2992), was last amended by the regulation made by Minister’s Order 2007-014 dated 28 May 2007 (2007, *G.O.* 2, 1480 and 1573). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2008, updated to 1 March 2008.

Draft Regulations

Draft Regulation

University Investments Act
(R.S.Q., c. I-17)

University investments

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 university investments, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation determines the information relating to quinquennial investment plans that university institutions must send to the Minister of Education, Recreation and Sports for the purpose of preparing university investment plans.

Further information may be obtained by contacting André Lavigne, Director, Bureau des projets spéciaux, Ministère de l'Éducation, du Loisir et du Sport, 1035, rue De La Chevrotière, 15^e étage, Québec (Québec) G1R 5A5; telephone: 418 643-3810.

Any interested person wishing to comment on the draft Regulation may submit written comments to the Minister of Education, Recreation and Sports, 1035, rue De La Chevrotière, 16^e étage, Québec (Québec) G1R 5A5, within the 45-day period.

*The Minister of Education,
Recreation and Sports,
MICHELLE COURCHESNE*

Regulation respecting university investments

University Investments Act
(R.S.Q., c. I-17, s. 8)

1. A university establishment that sends its quinquennial investment plans to the Minister of Education, Recreation and Sports in accordance with section 3 of the University Investments Act (R.S.Q., c. I-17) must

(1) declare all the investment projects it proposes to carry out throughout the duration of the investment plan, even projects for which it does not plan to receive a subsidy for the purposes of investments pursuant to section 6.1 of the Act;

(2) specify, for each project, the year in the investment plan during which it intends to carry out the project; and

(3) specify, for each project, the proportion of public funds and private funds that will contribute to the carrying out of the project and the source of the funds.

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

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