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PROVINCE OF QUÉBEC

1ST SESSION

38TH LEGISLATURE

QUÉBEC, 28 MAY 2008

OFFICE OF THE LIEUTENANT-GOVERNOR*Québec, 28 May 2008*

This day, at twelve minutes past two o'clock in the afternoon, His Excellency the Lieutenant-Governor was pleased to sanction the following bills:

- 64 An Act to amend the Act respecting the Autorité des marchés financiers and other legislative provisions
- 70 An Act to amend the Act respecting health services and social services, the Health Insurance Act and the Act respecting the Régie de l'assurance maladie du Québec
- 73 Real Estate Brokerage Act

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

Coming into force of Acts

Gouvernement du Québec

O.C. 525-2008, 28 May 2008

An Act to amend the Securities Act and other legislative provisions (2006, c. 50)

— Coming into force of certain provisions

COMING INTO FORCE of certain provisions of the Act to amend the Securities Act and other legislative provisions

WHEREAS the Act to amend the Securities Act and other legislative provisions (2006, c. 50) was assented to on 14 December 2006;

WHEREAS section 143 of the Act provides that the Act comes into force on 14 December 2006, except sections 2, 11, 16 to 24 and 26, paragraph 3 of section 28, paragraph 2 of section 30, sections 33 and 34, section 35 to the extent that it repeals sections 84 and 85 of the Securities Act (R.S.Q., c. V-1.1), sections 36 to 39, 41, 56 and 58, paragraphs 2, 3 and 4 of section 61, paragraph 1 of section 62, section 65, paragraph 2 of section 66, paragraphs 1 and 3 of section 67, section 68, paragraph 3 of section 70, section 71, paragraph 2 of section 72, sections 73 and 74, paragraphs 1 and 2 of section 78, sections 80, 88 and 89 and paragraphs 4, 5, 9, 10, 13 and 14 of section 108, which come into force on the date or dates to be set by the Government;

WHEREAS Order in Council 25-2008 dated 31 January 2008 set 1 February 2008 as the date of coming into force of paragraph 3 of section 28, paragraph 2 of section 30, section 36 to the extent that it enacts section 89 of the Securities Act (R.S.Q., c. V-1.1), section 41, paragraph 4 of section 61, paragraph 1 of section 62, paragraphs 1 and 3 of section 67, section 68, section 71, paragraph 2 of section 72, sections 73 and 74, paragraphs 1 and 2 of section 78, section 80 and paragraphs 13 and 14 of section 108 of the Act to amend the Securities Act and other legislative provisions;

WHEREAS Order in Council 194-2008 dated 12 March 2008 set 17 March 2008 as the date of coming into force of sections 16 to 20, 23 and 24, section 35 to the extent that it repeals sections 84 and 85 of the Securities Act (R.S.Q., c. V-1.1), paragraph 2 of section 61, paragraph 2 of section 66 and paragraph 5 of section 108 of the Act to amend the Securities Act and other legislative provisions

(2006, c. 50) to the extent that it introduces paragraph 6.1 of section 331.1 of the Securities Act (R.S.Q., c. V-1.1);

WHEREAS it is expedient to set 1 June 2008 as the date of coming into force of sections 33 and 34, section 38 to the extent that it repeals section 99 of the Securities Act (R.S.Q., c. V-1.1), section 39, paragraph 3 of section 61, section 88 and paragraph 10 of section 108 of the Act to amend the Securities Act and other legislative provisions (2006, c. 50);

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

THAT 1 June 2008 be set as the date of coming into force of sections 33 and 34, section 38 to the extent that it repeals section 99 of the Securities Act (R.S.Q., c. V-1.1), section 39, paragraph 3 of section 61, section 88 and paragraph 10 of section 108 of the Act to amend the Securities Act and other legislative provisions (2006, c. 50).

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

8756

Gouvernement du Québec

O.C. 530-2008, 28 May 2008

An Act respecting contracting by public bodies (2006, c. 29)

— Coming into force

COMING INTO FORCE of the Act respecting contracting by public bodies

WHEREAS the Act respecting contracting by public bodies (2006, c. 29) was assented to on 15 June 2006;

WHEREAS section 60 of the Act provides that the provisions of the Act come into force on the date or dates to be set by the Government;

WHEREAS it is expedient to set 1 October 2008 as the date of coming into force of the provisions of the Act;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for Government Administration and Chair of the Conseil du trésor:

THAT 1 October 2008 be set as the date of coming into force of the provisions of the Act respecting contracting by public bodies (2006, c. 29).

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

8758

Gouvernement du Québec

O.C. 553-2008, 28 May 2008

An Act to amend the Highway Safety Code and other legislative provisions (2004, c. 2)

— Coming into force of certain provisions

COMING INTO FORCE of certain provisions of the Act to amend the Highway Safety Code and other legislative provisions

WHEREAS the Act to amend the Highway Safety Code and other legislative provisions (2004, c. 2) was assented to on 6 April 2004;

WHEREAS, under section 80 of the Act, the Act came into force on 6 April 2004, except sections 1, 3, 4, 19, 31, 32, 40 and 53, which came into force on 6 May 2004 and sections 2, 5 to 8, 10 to 12, 14 to 16, 21 to 25, 27 to 30, 33 to 39, 41 to 52, 54 to 59, 61 to 65, 73 to 77 and 79, which come into force on the date or dates to be set by the Government;

WHEREAS, under Order in Council 1184-2004 dated 15 December 2004, sections 6, 8, 12, 15, 30, 41, 55, 62, 76, 77 and 79 of the Act came into force on 1 January 2005;

WHEREAS, under Order in Council 113-2006 dated 28 February 2006, sections 10, 16, 57, section 58 to the extent that it enacts the first paragraph of section 520.2 of the Highway Safety Code (R.S.Q., c. C-24.2), section 61 and sections 63 to 65 of the Act came into force on 27 March 2006;

WHEREAS, under Order in Council 366-2007 dated 23 May 2007, sections 35 to 39, 42 to 52, 54 and 56 of the Act came into force on 15 June 2007;

WHEREAS, under Order in Council 567-2007 dated 27 June 2007, sections 33 and 34 of the Act came into force on 1 October 2007;

WHEREAS it is expedient to set 18 June 2008 as the date of coming into force of sections 27 and 29 of the Act;

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

THAT sections 27 and 29 of the Act to amend the Highway Safety Code and other legislative provisions (2004, c. 2) come into force on 18 June 2008.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

8770

Regulations and other acts

Gouvernement du Québec

O.C. 526-2008, 28 May 2008

An Act respecting the Autorité des marchés financiers (R.S.Q., c. A-33.2)

Autorité des marchés financiers — Approval of the delegation of functions and powers to the Investment Industry Regulatory Organization of Canada

Approval of the delegation of functions and powers of the Autorité des marchés financiers to the Investment Industry Regulatory Organization of Canada

WHEREAS section 68 of the Act respecting the Autorité des marchés financiers (R.S.Q., c. A-33.2) provides that the Autorité des marchés financiers (“the Authority”) shall grant recognition to a legal person, partnership or entity where it considers that the legal person, partnership or entity has the administrative structure and the financial and other resources necessary to exercise its functions and powers in an objective, fair and efficient manner;

WHEREAS the Authority recognized the Investment Industry Regulatory Organization of Canada as a self-regulatory organization by decision No. 2008-PDG-0126 dated 2 May 2008;

WHEREAS section 61 of the Act allows the Authority to delegate to a recognized organization the exercise of all or part of the functions and powers conferred on it by law;

WHEREAS, in accordance with the second paragraph of section 61, such a delegation of functions and powers shall be subject to the approval of the Government;

WHEREAS, by decision No. 2008-PDG-0127 dated 2 May 2008, the Authority delegated part of the functions and powers conferred on it by law to the Investment Industry Regulatory Organization of Canada;

WHEREAS it is expedient to approve the delegation of those functions and powers of the Authority;

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

THAT the delegation to the Investment Industry Regulatory Organization of Canada of the functions and powers of the Autorité des marchés financiers listed in decision No. 2008-PDG-0127 dated 2 May 2008, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

8757

Gouvernement du Québec

O.C. 531-2008, 28 May 2008

An Act respecting contracting by public bodies (2006, c. 29)

Supply contracts of public bodies

Regulation respecting supply contracts of public bodies

WHEREAS subparagraphs 1 to 7 of the first paragraph of section 23 of the Act respecting contracting by public bodies (2006, c. 29) empower the Government to make regulations on the matters set forth 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 respecting supply contracts of public bodies was published in Part 2 of the *Gazette officielle du Québec* of 12 December 2007 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS, in accordance with the first paragraph of section 23 of the Act respecting contracting by public bodies, the Minister of Education, Recreation and Sports and the Minister of Health and Social Services have been consulted on the draft Regulation and the Conseil du trésor recommends that it be made;

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 responsible for Government Administration and Chair of the Conseil du trésor:

THAT the Regulation respecting supply contracts of public bodies, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation respecting supply contracts of public bodies

An Act respecting contracting by public bodies (2006, c. 29, s. 23)

CHAPTER I SCOPE

1. This Regulation applies to supply contracts referred to in subparagraph 1 of the first paragraph of section 3 of the Act respecting contracting by public bodies (2006, c. 29).

2. For the purposes of this Regulation, the electronic tendering system is the system approved by the Government under section 11 of the Act.

CHAPTER II PUBLIC CALL FOR TENDERS

DIVISION I GENERAL

3. A public call for tenders must be made in accordance with the provisions of this Chapter.

If a public body makes a public call for tenders to award a contract involving an expenditure below the public tender threshold referred to in subparagraph 1 of the first paragraph of section 10 of the Act, the tender closing date set out in subparagraph 6 of the second paragraph of section 4, the requirement as to the place of the establishment set out in subparagraph 2 of the first paragraph of section 6 and the time for sending an addendum set out in the second paragraph of section 9 may differ.

In the case of a delivery order contract or a contract awarded following quality evaluation, the public call for tenders must comply with the special provisions of Chapter III.

DIVISION II TENDER DOCUMENTS

4. Every public call for tenders is made by publishing a notice on the electronic tendering system.

The notice forms part of the tender documents and must specify and contain

- (1) the name of the public body;
- (2) a brief description of the procurement requirements and the place of delivery;
- (3) the nature and amount of any required tender security;
- (4) whether or not an intergovernmental agreement within the meaning of section 2 of the Act applies;
- (5) the place where the tender documents or information may be obtained;
- (6) the place as well as the closing and opening dates and times, the closing date being not less than 15 days after the date on which the notice is published; and
- (7) the fact that the public body is not bound to accept any tender.

5. In its tender documents, a public body must provide

- (1) a description of the procurement requirements and terms of delivery;
- (2) in the case of a joint call for tenders within the meaning of section 15 of the Act, the identity of every public body and legal person established in the public interest that are parties to the joint call for tenders;
- (3) the eligibility requirements of suppliers and the compliance requirements for tenders;
- (4) a list of the documents or other items required from suppliers;
- (5) the tender opening procedure;
- (6) the contract award rule, including any calculation to be applied before awarding the contract; and
- (7) any other particular required under this Regulation.

In the case referred to in subparagraph 2 of the first paragraph, every party to a joint call for tenders must deal with the selected supplier, on the conditions specified in the tender documents.

6. In order to submit a tender, a supplier must meet the following eligibility requirements:

(1) have all the necessary qualifications, authorizations, permits, licences, registrations, certificates, accreditations and attestations;

(2) have in Québec or in a territory covered by an applicable intergovernmental agreement an establishment where activities are carried on on a permanent basis, clearly identified under the supplier's name and accessible during regular business hours; and

(3) meet any other eligibility requirement specified in the tender documents.

Despite subparagraph 2 of the first paragraph, if competition is insufficient, the public body may make eligible any supplier that has an establishment in a territory not covered by an applicable intergovernmental agreement, provided that the public body so specifies in the tender documents.

A supplier who fails to comply with any of those requirements is ineligible.

7. Compliance requirements must specify the cases that will entail automatic rejection of a tender, namely

(1) the place or the closing date or time has not been complied with;

(2) a required document is missing;

(3) the required signature of an authorized person is missing;

(4) an erasure of or correction to the tendered price is not initialled;

(5) the tender is conditional or restrictive; or

(6) any other compliance requirement stated in the tender documents as entailing automatic rejection of a tender has not been complied with.

8. Provided that it is specified in the tender documents, a public body may refuse to consider any supplier who, in the 2 years preceding the tender opening date, has been given an unsatisfactory performance report by the public body, failed to follow up on a tender or contract or had a contract cancelled because of failure to comply with the contract conditions.

9. A public body may amend the tender documents by sending an addendum to the suppliers concerned.

If the amendment is likely to affect the prices, the addendum must be sent at least 7 days before the tender closing time; if that 7-day period cannot be complied with, the closing time must be extended by the number of days needed to ensure compliance with the minimum period.

DIVISION III CALLING FOR AND OPENING OF TENDERS

10. A public body solicits solely a price in order to award a supply contract.

11. Tenders are opened by the public body at a public opening in the presence of a witness at the designated place and on the date and time fixed in the tender documents, unless the tenders are in the form of a price list whose scope or layout does not make it possible to specify a total price.

At the public opening, the names of the suppliers and their respective total prices are disclosed, subject to subsequent verifications.

Within 4 business days, the public body must make the results of the public opening of tenders available on the electronic tendering system.

DIVISION VI EVALUATION OF TENDERS AND CONTRACT AWARDING

12. The public body evaluates the tenders received, ensuring that the suppliers are eligible and their tenders are compliant.

If the public body rejects a tender because the supplier is ineligible or the tender is non-compliant, it must so inform the supplier and give the reason for the rejection no later than 15 days after awarding the contract.

13. A public body awards the contract to the supplier who submits the lowest price.

A public body may, in determining the lowest price, take into account the impact costs related to the acquisition and adjust the submitted prices. The price adjustment must be based on elements that are quantifiable and clearly identified in the tender documents.

14. If several suppliers obtain identical results following a call for tenders, the contract is awarded by a drawing of lots.

15. The public body awards the contract on the basis of the procurement requirements described and the rules established in the tender documents and according to the price submitted.

The public body may, however, negotiate the price submitted and the price stipulated in the contract may be less than the price submitted if

- (1) only one supplier submitted a compliant tender;
- (2) the supplier agreed to a new price; and
- (3) it is the only change made to the conditions set out in the tender documents or to the tender in the course of the negotiation.

CHAPTER III SPECIAL RULES FOR AWARDING CONTRACTS

DIVISION I DELIVERY ORDER CONTRACTS

16. A public body may enter into a delivery order contract with one or more suppliers when the procurement requirements are recurrent and the quantity of goods, the rate or frequency at which they are acquired are uncertain.

17. The public body must indicate in the tender documents the approximate quantities of goods likely to be acquired or, failing that, the approximate monetary value of the contract and, where applicable, the places of delivery.

18. If the delivery order contract is entered into with more than one supplier, the orders are directed to the supplier who submitted the lowest price, unless the supplier cannot fill the orders, in which case the other suppliers are solicited according to their respective rank.

Such orders may, however, be awarded to any of the selected suppliers whose submitted price does not exceed the lowest price by more than 10%, so long as the awarding rule is authorized by the chief executive officer of the public body before the notice of a call for tenders is published.

DIVISION II CONTRACTS AWARDED FOLLOWING QUALITY EVALUATION

19. Despite section 10, a public body may decide to evaluate the quality of a tender; in such a case, it must request a price and a quality demonstration based on predetermined evaluation criteria.

The public body must specify in the tender documents the rules to be used to evaluate the quality of tenders, including the evaluation criteria selected and, for the purposes of Schedule 2, their respective weighting.

The price and the quality demonstration must be presented separately so that the first paragraph of section 24 may apply. In addition to the cases referred to in section 7, the compliance requirements must state that failure to comply with the requirement will entail automatic rejection of a tender.

20. At the public opening of tenders under section 11, only the names of the suppliers are disclosed and the results of the opening are made available in accordance with the third paragraph of that section.

21. The public body must evaluate the quality of tenders as provided in Schedule 1 or Schedule 2, as the case may be.

22. Where an evaluation is based on a minimum level of quality, the public body must apply the evaluation conditions in Schedule 1 and award the contract to the supplier who submitted the lowest price.

23. Where an evaluation is based on measurement of the level of quality followed by calculation of the price-quality ratio, the public body must apply the evaluation conditions in Schedule 2 and award the contract to the supplier who submitted the lowest adjusted price.

24. Tenders are to be evaluated by a selection committee set up for that purpose by the public body. The committee must evaluate quality without knowing the price submitted.

Where the evaluation of tenders is for awarding a contract involving an expenditure equal to or above the public tender threshold, the selection committee must be composed of a secretary in charge of coordinating activities and of at least 3 members.

25. For the purposes of section 15 in respect of a contract awarded following quality evaluation, the condition in subparagraph 1 of the second paragraph of that section is that only one supplier must have submitted an acceptable tender.

26. The public body must inform each tenderer of the results of the tender quality evaluation within 15 days after awarding the contract.

If Schedule 1 applies, the particulars sent to tenderers are

(1) confirmation that their tender was accepted or not; and

(2) the name of and price submitted by the successful tenderer.

If Schedule 2 applies, the particulars sent to tenderers are

(1) confirmation that their tender was accepted or not;

(2) their quality score, their adjusted price and their rank according to the adjusted prices, where applicable; and

(3) the name, quality score and price of the successful tenderer, and the resulting adjusted price.

CHAPTER IV SPECIAL CONTRACTS

DIVISION I CONTRACT FOR THE ACQUISITION OF SAND, STONE, GRAVEL OR BITUMINOUS COMPOUNDS

27. A contract to acquire sand, stone, gravel or bituminous compounds involving an expenditure below \$200,000 may be entered into by mutual agreement.

DIVISION II CONTRACT RELATING TO RESEARCH AND DEVELOPMENT OR TEACHING

28. A supply contract relating to research and development or teaching activities may be entered into by mutual agreement where, due to technical or scientific reasons, only one supplier is able to carry it out and there is no other alternate solution or substitute goods.

DIVISION III SUPPLY CONTRACTS FOR ACTIVITIES ON FOREIGN SOIL

29. A supply contract for the activities on foreign soil of a delegation general, a delegation or another form of representation of Québec abroad, established pursuant to section 28 of the Act respecting the Ministère des Relations internationales (R.S.Q., c. M-25.1.1), may be entered into by mutual agreement even if it involves an expenditure equal to or above the public tender threshold provided for in section 10 of the Act. The contract is awarded in a manner consistent with the principles stated in section 2 of the Act.

CHAPTER V CERTIFICATION OF GOODS

30. A public body must certify the goods if it is expedient to ascertain before proceeding with a call for tenders that the goods meet a recognized standard or an established technical specification.

31. A public body may use a certification process for goods if

(1) the certification of goods is preceded by a public notice to that effect on the electronic tendering system;

(2) a list of the certificated goods is published on the electronic tendering system and every supplier is informed of the goods that are entered on the list or the reason for refusal if entry is denied; and

(3) a public notice of certification is published again at least once a year, even though the public body may certify goods at intervals varying from 1 to 3 years.

32. Except in the cases described in section 13 of the Act, every contract subsequent to the certification of goods is limited to the certified goods only and, if such a contract involves an expenditure equal to or above the public tender threshold, it must be awarded through a public call for tenders.

CHAPTER VI CONDITIONS TO BE MET BEFORE ENTERING INTO CONTRACTS

DIVISION I REQUIRED AUTHORIZATION

33. The authorization of the chief executive officer of the public body is required for every contract whose expected term, including any renewal, is greater than 3 years. Despite the foregoing, the chief executive officer of the public body may not authorize a delivery order contract whose expected term, including any renewal, is greater than 5 years.

That authorization is also required before entering into a contract involving an expenditure equal to or above the public tender threshold if

(1) only one supplier submitted a compliant tender; or

(2) only one supplier submitted an acceptable tender following a quality evaluation under Division II of Chapter III.

In the case provided for in subparagraph 2 of the second paragraph, the selection committee must not know the price and the chief executive officer of the public body is to determine whether or not the awarding process should be continued.

DIVISION II **AFFIRMATIVE ACTION PROGRAM**

34. This Division applies only to public bodies referred to in subparagraph 1 or 2 of the first paragraph of section 4 of the Act.

35. Where the amount of a supply contract is \$100,000 or more, or where the amount of a supply subcontract is \$100,000 or more, the contract or subcontract may not be entered into with a Québec supplier or subcontractor whose business employs more than 100 persons unless the supplier or subcontractor has made a commitment to implement an affirmative action program that complies with the Charter of human rights and freedoms (R.S.Q., c. C-12) and holds an attestation to that effect issued by the Chair of the Conseil du trésor.

If such a contract or subcontract is to be entered into with a supplier or subcontractor outside Québec but within Canada whose business employs more than 100 persons, the supplier or subcontractor must provide an attestation to the effect that the supplier or subcontractor has already made a commitment to implement an employment equity program of the province or territory concerned, as applicable, or failing that, to implement a federal employment equity program.

36. The Chair of the Conseil du trésor is to cancel the attestation issued to any Québec supplier who does not fulfil a commitment to implement an affirmative action program. Such a supplier may not enter into a supply contract or subcontract as long as a new attestation has not been issued.

A supplier located outside Québec but within Canada whose attestation referred to in the second paragraph of section 35 has been revoked may not enter into a supply contract or subcontract as long as a new attestation has not been issued.

DIVISION III **QUALITY ASSURANCE, SUSTAINABLE DEVELOPMENT AND ENVIRONMENT**

37. A public body may require a quality assurance system, including the ISO 9001:2000 standard, or a specification relating to sustainable development and the environment for the carrying out of a contract. The public body must specify the requirement in the tender documents.

If such a requirement unduly reduces competition, the public body must allow any supplier to submit a tender and grant to a supplier that fulfils the requirement referred to in the first paragraph a preferential margin not exceeding 10%. In the latter case, the price submitted by such a supplier is, for the sole purpose of determining the successful tenderer, reduced by the preferential margin, without any effect on the price for contract awarding purposes.

The percentage of the preferential margin to be applied must be indicated in the tender documents.

CHAPTER VII **INFORMATION TO BE PUBLISHED**

38. Following a public call for tenders, the public body must publish on the electronic tendering system, within 15 days of the awarding of the contract, the name of the successful tenderer and the amount of the contract or, in the case of a delivery order contract, the estimated amount of the expenditure. In addition, if a contract involves renewal options, the public body also publishes the total amount of the expenditure that would be incurred if all options were exercised.

In the case of a delivery order contract involving several suppliers, the public body must publish their names and their respective total price. If such a contract involves price lists whose scope or layout prevents the publication of the results, the public body must indicate on the electronic tendering system how information on the results may be obtained.

39. The public body must publish on the electronic tendering system, at least once every 6 months, a list of the contracts involving an expenditure greater than \$25,000 entered into by mutual agreement or following an invitation to tender, except contracts involving confidential or protected information within the meaning of subparagraph 3 of the first paragraph of section 13 of the Act.

40. The list to be published pursuant to section 39 must contain at least the following information:

(1) the name of the supplier, the date and the amount of the contract or, in the case of a delivery order contract, the estimated amount of the expenditure;

(2) in the case of a contract that involves renewal options, in addition to the information required in paragraph 1, the total amount of the expenditure that would be incurred if all options were exercised;

(3) the nature of the goods covered by the contract; and

(4) in the case of a contract by mutual agreement involving an expenditure above the public tender threshold, the provision in the Act or this Regulation under which the contract was awarded.

CHAPTER VIII

CONTRACT MANAGEMENT CONDITIONS

DIVISION I

SETTLEMENT OF DISPUTES

41. The public body and the supplier must attempt to amicably settle any difficulty that may arise out of a contract by resorting to the dispute resolution clauses in the contract, if any.

If the matter may not be settled in that manner, it may be referred to a court of justice or an adjudicative body, as the case may be, or to an arbitrator. In the latter case, a general or special authorization from the Minister of Justice is required for public bodies referred to in subparagraph 1 or 2 of the first paragraph of section 4 of the Act.

DIVISION II

PERFORMANCE EVALUATION

42. A public body must record in a report the evaluation of any supplier whose performance is considered to be unsatisfactory.

43. The public body must complete its evaluation not later than 60 days after the end of the contract and send a copy of the evaluation to the supplier.

44. A supplier may forward comments in writing on the report to the public body within 30 days following receipt of a report of unsatisfactory performance.

45. Within 30 days after the expiry of the time in section 44 or following receipt of the supplier's comments, as the case may be, the chief executive officer of the public body is to uphold or cancel the evaluation and inform the supplier of the decision. If the chief executive officer fails to act within the prescribed time, the supplier's performance is considered to be satisfactory.

CHAPTER IX

TRANSITIONAL AND FINAL

46. A public body must implement the provisions of subparagraph 2 of the first paragraph of section 5 within 2 years after the coming into force of this Regulation.

Within that period, the public body must at least state, in the tender documents, the public bodies and legal persons established in the public interest that are or are likely to be parties to the joint call for tenders.

In that case, the present and future parties to the joint call for tenders must deal with the selected supplier, on the conditions set out in the tender documents.

47. This Regulation comes into force on 1 October 2008.

SCHEDULE 1

(ss. 21, 22, 26)

QUALITY EVALUATION CONDITIONS FOR A CONTRACT AWARD BASED ON THE LOWEST PRICE

1. At least 3 criteria are required for quality evaluation.

2. The public body must specify in the tender documents, for each criterion, the elements of quality required to reach an "acceptable level of performance", which corresponds to the public body's minimum expectations for the criterion.

3. An acceptable tender in terms of quality is a tender that, for each criterion, meets the "acceptable level of performance". A tender that does not reach that level of performance in respect of any criterion is rejected.

SCHEDULE 2

(ss. 21, 23, 26)

QUALITY EVALUATION CONDITIONS FOR A CONTRACT AWARD BASED ON THE LOWEST ADJUSTED PRICE

1. The evaluation grid must have at least 3 quality evaluation criteria.

2. The public body must specify in the tender documents, for each criterion, the elements of quality required to reach an "acceptable level of performance", which corresponds to the public body's minimum expectations for the criterion.

3. Each criterion in the evaluation grid is weighted on the basis of its importance for the carrying out of the contract. The total weight of the criteria is 100%.

4. Each criterion is evaluated on a scale of 0 to 100 points, the "acceptable level of performance" corresponding to 70 points.

5. At least 70 points may be required in respect of any criterion described in the evaluation grid. A tender that does not reach that minimum is rejected.

6. The final score for the quality of a tender is the total of the weighted scores obtained in respect of each criterion; the weighted scores are determined by multiplying the score obtained for a criterion by the weight of that criterion.

7. An acceptable tender in terms of quality is a tender whose final score is at least 70 points.

8. The price of each acceptable tender is adjusted according to the following formula:

$$\text{Adjusted price} = \frac{\text{Price submitted}}{\text{Quality adjustment factor}}$$

The quality adjustment factor is equal to:

$$1 + K \left(\frac{\text{Final score for quality} - 70}{30} \right)$$

where

“K” is the additional percentage that the public body is willing to pay to move from a 70-point tender to a 100-point tender, for all criteria.

9. The public body determines in the tender documents the value of K, which must range from 15% to 30%.

8759

Gouvernement du Québec

O.C. 532-2008, 28 May 2008

An Act respecting contracting by public bodies (2006, c. 29)

Construction contracts of public bodies

Grants for the purposes of construction — Revoking

Regulation respecting the construction contracts of public bodies and revoking the Regulation respecting grants for the purposes of construction

WHEREAS subparagraphs 1 to 7 of the first paragraph of section 23 of the Act respecting contracting by public bodies (2006, c. 29) empower the Government to make regulations on the matters set forth 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 respecting construction contracts of public bodies and amending other regulatory provisions was published in Part 2 of the *Gazette officielle du Québec* of 12 December 2007 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS, in accordance with the first paragraph of section 23 of the Act respecting contracting by public bodies, the Minister of Education, Recreation and Sports and the Minister of Health and Social Services have been consulted on the draft Regulation and the Conseil du trésor recommends that it be made;

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 responsible for Government Administration and Chair of the Conseil du trésor:

THAT the Regulation respecting construction contracts of public bodies and revoking the Regulation respecting grants for the purposes of construction, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil executive

Regulation respecting construction contracts of public bodies and revoking the Regulation respecting grants for the purposes of construction*

An Act respecting contracting by public bodies (2006, c. 29, s. 23)

CHAPTER I SCOPE

1. This Regulation applies to construction contracts referred to in subparagraph 2 of the first paragraph of section 3 of the Act respecting contracting by public bodies (2006, c. 29). It also applies to mixed contracts

* The Regulation respecting grants for the purposes of construction (R.R.Q., 1981, c. A-6, r.29) has not been amended since it was made.

for construction work and professional services and to contracts to devise savings from the improvement of energy efficiency, as defined in section 27.

2. For the purposes of this Regulation, the electronic tendering system is the system approved by the Government under section 11 of the Act.

CHAPTER II

PUBLIC CALL FOR TENDERS

DIVISION I

GENERAL

3. A public call for tenders must be made in accordance with the provisions of this Chapter.

If a public body makes a public call for tenders to award a contract involving an expenditure below the public tender threshold referred to in subparagraph 1 of the first paragraph of section 10 of the Act, the tender closing date set out in subparagraph 6 of the second paragraph of section 4, the requirement as to the place of the establishment set out in subparagraph 2 of the first paragraph of section 6 and the time for sending an addendum set out in the second paragraph of section 9 may differ.

In the case of a task order contract or a contract awarded following quality evaluation, the public call for tenders must comply with the special provisions of Chapter III.

DIVISION II

TENDER DOCUMENTS

4. Every public call for tenders is made by publishing a notice on the electronic tendering system.

The notice forms part of the tender documents and must specify and contain

- (1) the name of the public body;
- (2) a brief description of the construction work required and the site of the work;
- (3) the nature and amount of any required tender security;
- (4) whether or not an intergovernmental agreement within the meaning of section 2 of the Act applies;
- (5) the place where the tender documents or information may be obtained;

(6) the place as well as the closing and opening dates and times, the closing date being not be less than 15 days after the date on which the notice is published; and

(7) the fact that the public body is not bound to accept any tender.

5. In its tender documents, a public body must provide

(1) a description of the construction work and conditions on which the contract is to be carried out;

(2) in the case of a joint call for tenders within the meaning of section 15 of the Act, the identity of every public body and legal person established in the public interest that are parties to the joint call for tenders;

(3) the eligibility requirements of contractors and the compliance requirements for tenders;

(4) a list of the documents or other items required from contractors;

(5) the tender opening procedure;

(6) the contract award rule, including any calculation to be applied before awarding the contract;

(7) the contract to be signed; and

(8) any other particular required under this Regulation.

In the case referred to in subparagraph 2 of the first paragraph, every party to a joint call for tenders must use the services of the selected contractor, on the conditions specified in the tender documents.

6. In order to submit a tender, a contractor must meet the following eligibility requirements:

(1) have all the necessary qualifications, authorizations, permits, licences, registrations, certificates, accreditations and attestations;

(2) have in Québec or in a territory covered by an applicable intergovernmental agreement an establishment where activities are carried on on a permanent basis, clearly identified under the contractor's name and accessible during regular business hours; and

(3) meet any other eligibility requirement specified in the tender documents.

Despite subparagraph 2 of the first paragraph, if competition is insufficient, the public body may make eligible any contractor that has an establishment in a territory not

covered by an applicable intergovernmental agreement, provided that the public body so specifies in the tender documents.

A contractor that fails to comply with any of those requirements is ineligible.

7. Compliance requirements must specify the cases that will entail automatic rejection of a tender, namely

(1) the place or the closing date or time has not been complied with;

(2) a required document is missing;

(3) the security provided does not comply with the form and conditions required;

(4) the required signature of an authorized person is missing;

(5) an erasure of or correction to the tendered price is not initialled;

(6) the tender is conditional or restrictive; and

(7) any other compliance requirement stated in the tender documents as entailing automatic rejection of a tender has not been complied with.

8. Provided that it is specified in the tender documents, a public body may refuse to consider any contractor that, in the 2 years preceding the tender opening date, has been given an unsatisfactory performance report by the public body, failed to follow up on a tender or contract or had a contract cancelled because of failure to comply with the contract conditions.

9. A public body may amend the tender documents by sending an addendum to the contractors concerned.

If the amendment is likely to affect the prices, the addendum must be sent at least 7 days before the tender closing time; if that 7-day period cannot be complied with, the closing time must be extended by the number of days needed to ensure compliance with the minimum period.

10. The public body must specify in the tender documents what guarantees are required and the form and conditions to be complied with.

11. Tender security is required by a public body if the estimated amount of the contract is equal to or greater than \$500,000, and may be required in all other cases.

Where tender security is required, the contractor must also provide, prior to the signing of the contract, performance security and security for the contractor's obligations with respect to wages, materials and services.

12. Tender security in the form of a bond must be submitted in accordance with the requirements of Schedule 1.

Performance security or security for the contractor's obligations with respect to wages, materials and services in the form of a bond must be submitted in accordance with the requirements of Schedule 2 or Schedule 3, as the case may be.

The bond referred to in the first or second paragraph must be issued by a financial institution that is an insurer holding a licence issued under the Act respecting insurance (R.S.Q., c. A-32) authorizing the financial institution to transact guarantee insurance, a trust company having a licence issued under the Act respecting trust companies and savings companies (R.S.Q., c. S-29.01), a financial services cooperative to which the Act respecting financial services cooperatives (R.S.Q., c. C-67.3) applies or a bank within the meaning of the Bank Act (S.C., 1991, c. 46).

DIVISION III CALLING FOR AND OPENING OF TENDERS

13. A public body solicits solely a price in order to award a construction contract.

14. Tenders are opened by the public body at a public opening in the presence of a witness at the designated place and on the date and time fixed in the tender documents.

The names of the contractors and their respective total prices are disclosed, subject to subsequent verifications.

Within 4 business days, the public body must make the results of the public opening of tenders available on the electronic tendering system.

DIVISION IV EVALUATION OF TENDERS AND CONTRACT AWARDING

15. The public body evaluates the tenders received, ensuring that the contractors are eligible and their tenders are compliant.

If the public body rejects a tender because the contractor is ineligible or the tender is non-compliant, it must so inform the contractor and give the reason for the rejection not later than 15 days after awarding the contract.

16. A public body must award the contract to the contractor that submits the lowest price.

17. If several contractors obtain identical results following a call for tenders, the contract is awarded by a drawing of lots.

18. The public body awards the contract on the basis of the work described and the rules established in the tender documents and according to the price submitted.

The public body may, however, negotiate the price submitted and the price stipulated in the contract may be less than the price submitted if

- (1) only one contractor submitted a compliant tender;
- (2) the contractor agreed to a new price; and
- (3) it is the only change made to the conditions set out in the tender documents or to the tender in the course of the negotiation.

CHAPTER III SPECIAL RULES FOR AWARDING CONTRACTS

DIVISION I TASK ORDER CONTRACTS

19. A public body may enter into a task order contract when the procurement requirements are recurrent and the monetary value of the construction work, the rate or frequency are uncertain.

20. The public body must indicate in the tender documents the approximate monetary value of the construction work that the public body intends to have performed.

21. A task order contract is entered into for a term not exceeding 3 years, including any renewal.

DIVISION II CONTRACTS AWARDED FOLLOWING QUALITY EVALUATION

§1. Call for tenders in 2 stages

22. Despite section 13, a public body may decide to evaluate the quality of a tender by making a call for tenders in 2 stages.

The first stage consists in selecting contractors by soliciting only a quality demonstration in accordance with the evaluation conditions in Schedule 4. The second stage consists in inviting the selected contractors to submit a tender that includes only a price.

The public body must specify in the tender documents the rules to be used to evaluate the quality of tenders, including the evaluation criteria.

23. The public body awards the contract to the contractor that submits the lowest price.

§2. Mixed contracts for construction work and professional services

24. In order to award a mixed contract for construction work and professional services, a public body may consider the quality of a tender. To that end, the public body applies the evaluation conditions in Schedule 5.

In that case, the public body must specify in the tender documents the rules to be used to evaluate the quality of tenders, including the evaluation criteria selected and their respective weighting.

The price and the quality demonstration must be presented separately so that the first paragraph of section 31 may apply. In addition to the cases referred to in section 7, the compliance requirements must state that failure to comply with the requirement will entail automatic rejection of a tender.

25. Pursuant to section 24, the public body awards the contract to the contractor that submits the lowest adjusted price.

26. A public body may make a public call for tenders in 2 stages in order to award a contract.

At the first stage, the public body selects contractors by soliciting only a quality demonstration. The tender documents must indicate whether every selected contractor or only a limited number of them will be invited to take part in the second stage.

The selection committee evaluates the quality of a tender according to the following conditions and procedure:

- (1) if all the selected contractors are invited to take part in the second stage, the quality of a tender is evaluated in accordance with the evaluation conditions in Schedule 4 and all the contractors that meet at least the minimum quality level are retained; or

(2) if only a limited number of selected contractors are invited to take part in the second stage, the quality of a tender is evaluated in accordance with the evaluation conditions in sections 1 to 7 of Schedule 5 and only those who obtain the highest final scores are retained.

At the second stage, the public body invites the selected contractors to submit separately a price and a quality demonstration in conformity with the evaluation conditions in Schedule 5.

§3. *Contracts to devise savings from the improvement of energy efficiency*

27. This subdivision applies to contracts to devise savings from the improvement of energy efficiency, if the contracts involve both professional services and construction work and are paid for directly out of the savings.

28. To award a contract to devise savings from the improvement of energy efficiency, a public body must consider the quality of a tender. To that end, it must describe, in the tender documents, the contractor selection process including the tender evaluation process and in particular the evaluation grid, the criteria used and the weighting.

29. The public body awards the contract to the contractor that submits the tender with the highest weighted financial value.

For the purposes of the first paragraph, the financial value of a tender is the net discounted savings resulting from the project, namely the current value of the savings less the current value of the costs incurred by the project. The weighted financial value is obtained by multiplying the project's financial value by the final percentage obtained for quality.

§4. *Disclosure of tenderers' names*

30. At the public opening of tenders under section 14 for a contract awarded following quality evaluation, only the names of the contractors are disclosed and the results of the opening are made available in accordance with the third paragraph of that section.

§5. *Evaluation of tenders*

31. Tenders are to be evaluated by a selection committee set up for that purpose by the public body. The committee evaluates quality without knowing the price submitted.

Where the tender evaluation is to award a contract involving an expenditure equal to or above the public tender threshold, the selection committee must be composed of a secretary in charge of coordinating activities and of at least 3 members.

32. The public body must inform each tenderer of the results of the quality evaluation within 15 days after awarding the contract.

If Schedule 4 applies, the particulars sent to tenderers are

(1) confirmation that their tender was accepted or not; and

(2) the name of and price submitted by the successful tenderer.

If Schedule 5 applies, the particulars sent to tenderers are

(1) confirmation that their tender was accepted or not;

(2) their quality score, their adjusted price and their rank according to the adjusted prices, where applicable; and

(3) the name, quality score and price of the successful tenderer, and the resulting adjusted price.

If Subdivision 3 applies, the particulars sent to tenderers are

(1) the weighted financial value of their tender and their rank; and

(2) the name of the successful tenderer and the weighted financial value of the tender.

33. For the purposes of section 18 with respect to a contract awarded following quality evaluation, the condition in subparagraph 1 of the second paragraph of that section is that only one contractor must have submitted an acceptable tender.

**DIVISION III
COMPENSATION**

34. Where it is decided after tenders are opened that a contract is not to be awarded following a public call for tenders or, if a quality evaluation is to be made, after a meeting of the selection committee, the tenderer that

would have been awarded the contract receives as compensation and final settlement for expenses incurred the amount of

(1) \$2,000, if the tender is equal to or greater than \$500,000 but less than \$1,000,000; or

(2) \$5,000, if the tender is equal to or greater than \$1,000,000.

DIVISION IV CONSTRUCTION CONTRACTS FOR ACTIVITIES ON FOREIGN SOIL

35. A construction contract for the activities on foreign soil of a delegation general, a delegation or another form of representation of Québec abroad, established pursuant to section 28 of the Act respecting the Ministère des Relations internationales (R.S.Q., c. M-25.1.1), may be entered into by mutual agreement even if it involves an expenditure equal to or above the public tender threshold provided for in section 10 of the Act. The contract is awarded in a manner consistent with the principles stated in section 2 of the Act.

CHAPTER IV QUALIFICATION OF CONTRACTORS

36. A public body may qualify contractors prior to entering into construction contracts pertaining to transport infrastructures if

(1) the qualification of contractors is preceded by a public notice to that effect on the electronic tendering system;

(2) a list of the qualified contractors is published on the electronic tendering system and every contractor is informed of entry on the list or the reason for refusal if entry is denied; and

(3) a public notice of qualification is published again at least once a year, even though the public body may qualify contractors at intervals varying from 1 to 3 years.

37. Where the public body evaluates the quality of applications for qualification, it must set up a selection committee within the meaning of section 31 and apply the evaluation conditions in Schedule 4 or in sections 1 to 7 of Schedule 5.

38. Except in the cases described in section 13 of the Act, every contract subsequent to the qualification of contractors is limited to the qualified contractors only and, if such a contract involves an expenditure equal to or above the public tender threshold, it must be awarded through a public call for tenders.

CHAPTER V CONDITIONS TO BE MET PRIOR TO ENTERING INTO CONTRACTS

DIVISION I REQUIRED AUTHORIZATION

39. Authorization from the chief executive officer of the public body is required before a notice of the call for tenders is published if the tender validity period is greater than 45 days.

That authorization is also required before entering into a contract involving an expenditure equal to or above the public tender threshold if

(1) only one contractor submitted a compliant tender; or

(2) only one contractor submitted an acceptable tender following a quality evaluation in accordance with Division II of Chapter III.

In the case provided for in subparagraph 2 of the second paragraph and in the case of a mixed contract for construction work and professional services, the selection committee must not know the price and the chief executive officer of the public body is to determine whether or not the awarding process should be continued.

DIVISION II QUALITY ASSURANCE

40. A public body may require a quality assurance system, including the ISO 9001:2000 standard, for the carrying out of a contract. The public body must specify the requirement in the tender documents.

If such a requirement unduly reduces competition, the public body must allow any contractor to submit a tender and grant to a contractor that fulfils the requirement referred to in the first paragraph a preferential margin not exceeding 5%. In the latter case, the price submitted by such a contractor is, for the sole purpose of determining the successful tenderer, reduced by the preferential margin, without any effect on the price for contract awarding purposes.

The percentage of the preferential margin to be applied must be indicated in the tender documents.

CHAPTER VI INFORMATION TO BE PUBLISHED

41. Following a public call for tenders, the public body must publish on the electronic tendering system, within 15 days of the awarding of the contract, the name

of the successful tenderer and the amount of the contract or, in the case of a task order contract, the estimated amount of the expenditure. In addition, if a contract involves renewal options, the public body also publishes the total amount of the expenditure that would be incurred if all options were exercised.

42. The public body must publish on the electronic tendering system, at least once every 6 months, a list of the contracts involving an expenditure greater than \$25,000 entered into by mutual agreement or following an invitation to tender, except contracts involving confidential or protected information within the meaning of subparagraph 3 of the first paragraph of section 13 of the Act.

43. The list to be published pursuant to section 42 must contain at least the following information:

(1) the name of the contractor, the date and the amount of the contract or, in the case of a task order contract, the estimated amount of the expenditure;

(2) in the case of a contract that involves renewal options, in addition to the information required in paragraph 1, the total amount of the expenditure that would be incurred if all options were exercised;

(3) the nature of the construction work to be performed under the contract; and

(4) in the case of a contract by mutual agreement involving an expenditure above the public tender threshold, the provision in the Act or Regulation under which the contract was awarded.

CHAPTER VII CONTRACT MANAGEMENT CONDITIONS

DIVISION I CHANGE ORDERS

44. A public body may make changes to the work by issuing a change order.

45. The value of a change is determined as follows:

(1) estimation, negotiation and acceptance of a detailed lump sum that takes into account, for the contractor's overhead, administrative costs and profits, the markup percentage, as the case may be, in subparagraph *a* or *b* of subparagraph 3;

(2) if the nature of the change in the work is such that a lump sum cannot be estimated, application of the unit prices indicated in the contract or subsequently agreed on; or

(3) if the nature of the change is such that a lump sum or unit prices cannot be estimated, addition of the cost of labour, materials and equipment relating to the change and increased

(a) by 15% if the work is performed by the contractor; or

(b) by 10% for the contractor and 15% for the subcontractor if the work is performed by a subcontractor.

For the purposes of subparagraph 3 of the first paragraph, the cost of labour, materials and equipment corresponds to the actual costs of the items listed in Schedule 6. The increase includes the contractor's overhead, administrative costs and profits.

46. If the public body and the contractor cannot agree on the value of a change at the first negotiation, the detailed estimate of the change required is then determined by the public body and paid according to the conditions stipulated in the contract.

47. The contractor may file a dispute over the value of a change in writing to the public body within 15 days of the issue of the change order pursuant to section 46. In such a case, the parties must pursue the negotiations as follows:

(1) in the case of work relating to a building, the negotiations are pursued in accordance with sections 50 to 52; or

(2) in the case of civil engineering work other than work relating to a building, the parties pursue the negotiations with a manager representing the public body and an officer of the contractor with a view to settling the dispute in whole or in part.

If the public body and the contractor cannot settle the dispute in accordance with subparagraph 2 of the first paragraph, the contractor may submit a claim to the public body. In the absence of an agreement between the public body and the contractor, the parties retain all their rights and remedies, in particular those under section 54.

48. If a contract related to a building involves an expenditure equal to or greater than \$3,000,000 and the proposed change order increases the total value of the change by more than 10% of the initial value of the contract, the public body may issue the change order or any subsequent change order only if the public body confirms to the contractor that the public body has the money necessary to perform the change.

49. No change may be required after the work has been accepted with reservation.

DIVISION II **SETTLEMENT OF DISPUTES**

§1. Work relating to a building

50. The public body and the contractor must attempt to settle amicably any difficulty arising from a contract by following the following steps and procedures:

(1) having a manager representing the public body and an officer of the contractor attempt to settle the dispute in whole or in part within 60 days after receipt of the notice of dispute from the contractor; the parties may agree to extend that period; and

(2) if the negotiations do not enable the dispute to be settled in full, the public body or the contractor may, by sending a written notice to the other party within 10 days after the end of the preceding step, require mediation of the unsettled issues, which must be carried out within 60 days following receipt of the notice of mediation; the parties may agree to extend that period.

If a notice of mediation is not sent within the time specified in subparagraph 2 of the first paragraph, the negotiation process is then terminated.

51. The mediator is chosen by mutual agreement between the public body and the contractor. The function of the mediator is to assist the parties in clarifying the dispute and defining their positions and interests, and to discuss and explore mutually satisfying solutions to settle the dispute.

The parties, along with the mediator, define the rules applicable to the mediation and set its duration, specify their commitments, expectations and needs as well as the role and duties of the mediator. The fees and expenses of the mediator are to be paid in equal parts by the parties, unless a different sharing arrangement has been agreed upon.

The representative of each party must be duly authorized by the officer of the public body or contractor, as the case may be, to proceed with the mediation.

52. In the absence of an agreement between the public body and the contractor following mediation, the parties retain all their rights and remedies, in particular those under section 54.

§2. Civil engineering work order than work relating to a building

53. The public body and the contractor must attempt to settle amicably any difficulty arising from a contract by resorting to the dispute resolution clauses in the contract, if any.

In the absence of an agreement between the public body and the contractor, the parties retain all their rights and remedies, in particular those under section 54.

§3. Civil engineering work and work relating to a building

54. The public body or the contractor may also settle any difficulty through a court of justice or an adjudicative body, as the case may be, or an arbitrator. In the latter case, general or special authorization from the Minister of Justice is required for public bodies referred to in subparagraph 1 or 2 of the first paragraph of section 4 of the Act.

DIVISION III **PERFORMANCE EVALUATION**

55. A public body must record in a report the evaluation of any contractor whose performance is considered to be unsatisfactory.

56. The public body must complete its evaluation not later than 60 days after the end of the contract and send a copy of the evaluation to the contractor.

57. A contractor may forward comments in writing on the report to the public body within 30 days following receipt of a report of unsatisfactory performance.

58. Within 30 days after the expiry of the time in section 57 or following receipt of the contractor's comments, as the case may be, the chief executive officer of the public body is to uphold or cancel the evaluation and inform the contractor of the decision. If the chief executive officer fails to act within the prescribed time, the contractor's performance is considered to be satisfactory.

CHAPTER VIII **TRANSITIONAL AND FINAL**

59. A public body must implement the provisions of subparagraph 2 of the first paragraph of section 5 within 2 years after the coming into force of this Regulation. Within that period, the public body must at least state, in the tender documents, the public bodies and legal persons established in the public interest that are or are likely to be parties to the joint call for tenders.

In that case, the present and future parties to the joint call for tenders must deal with the selected contractor, on the conditions set out in the tender documents.

60. For construction work related to work relating to a building, the chief executive officer of the public body is to give an account of the application of Division II of Chapter VII to the Minister every year for the following 2 years.

61. The Regulation respecting grants for the purposes of construction (R.R.Q., 1981, c. A-6, r.29) is revoked.

62. This Regulation comes into force on 1 October 2008.

SCHEDULE 1

(s. 12)

TENDER BOND Construction Work

1. _____
(name of the SURETY)

having its principal establishment at

(address of the SURETY)

herein represented by _____
(name and title)

duly authorized, hereinafter called the SURETY, having taken cognizance of the tender to be submitted on the ____ day of _____ 20__ to

(name of the PUBLIC BODY)

hereinafter called the PUBLIC BODY, by

(name of the CONTRACTOR)

having its principal establishment at

(address of the CONTRACTOR)

herein represented by _____
(name and title)

duly authorized, hereinafter called the CONTRACTOR, in respect of

(description of the work and location)

stands surety for the CONTRACTOR, to the benefit of the PUBLIC BODY, on the following conditions:

If the CONTRACTOR fails to sign a contract in conformity with the tender submitted or fails to provide the guarantees or any other document required following the date of acceptance of the tender, the SURETY binds itself to pay to the PUBLIC BODY a sum of money corresponding to the difference between the tendered price that had been accepted and the tendered price subsequently accepted by the PUBLIC BODY, it being provided that the SURETY is not required to pay more than, as specified in the tender documents:

– ____ percent of the tendered price (____ %),

or

– the lump sum determined by the PUBLIC BODY

_____ dollars

(\$ _____).

2. The CONTRACTOR whose tender is accepted must be notified in writing of such acceptance before the expiry of the tender validity period or any other time period agreed on by the PUBLIC BODY and the CONTRACTOR; failing that, this obligation is null and void.

3. This bond is governed by the law applicable in Québec and, should it be contested, the courts of Québec have sole jurisdiction.

4. The SURETY waives the benefit of discussion and division.

5. The CONTRACTOR intervenes in these presents to consent thereto; should the CONTRACTOR fail to do so, this obligation is null and void.

IN WITNESS WHEREOF, the SURETY and the CONTRACTOR, by their duly authorized representatives, have signed these presents in

_____, this ____ day of _____ 20__

The SURETY

and on behalf of

(witness)

(signature)

(name of the CONTRACTOR)

(name of signatory
in block letters)

having its principal establishment at

(address of the CONTRACTOR)

(title of signatory in
block letters)

herein represented by _____
(name and title)

The CONTRACTOR

duly authorized, hereinafter called the CONTRACTOR, binds itself jointly and solidarily with the CONTRACTOR, to the benefit of the PUBLIC BODY, to perform the contract including, without limitation, the obligations covered by the guarantees, for the carrying out of the work described above in conformity with the call for tenders, it being provided that the SURETY in no case may be required to pay more than

(witness)

(signature)

(name of signatory in
block letters)

(title of signatory
in block letters)

_____ dollars
(\$ _____).

GQ-01

SCHEDULE 2

(s. 12)

PERFORMANCE BOND
Construction Work

1. _____
(name of the SURETY)

having its principal establishment at

(address of the SURETY)

herein represented by _____
(name and title)

duly authorized, hereinafter called the SURETY, having taken cognizance of the tender duly accepted by

(name of the PUBLIC BODY)

hereinafter called the PUBLIC BODY, in respect of

(description of the work and location)

2. The SURETY agrees that the PUBLIC BODY and the CONTRACTOR may amend the contract at any time, subject to the right of the SURETY to be informed thereof on request, pursuant to article 2345 of the Civil Code of Québec, and consents to the PUBLIC BODY granting any time period necessary to complete the work.

3. If the CONTRACTOR fails to perform the contract, including work covered by the guarantees, the SURETY assumes the CONTRACTOR'S obligations and, where applicable, undertakes and continues the work required within 15 days after receiving written notice to that effect from the PUBLIC BODY, failing which the PUBLIC BODY may have the work completed and the SURETY must pay the PUBLIC BODY for any excess amount over the price agreed on with the CONTRACTOR for performance of the contract.

4. This bond covers any fault indicated by the PUBLIC BODY to the CONTRACTOR in a written notice before the end of the second year following acceptance of the work within the meaning of article 2110 of the Civil Code of Québec.

5. This bond is governed by the law applicable in Québec and, should it be contested, the courts of Québec have sole jurisdiction.

6. The CONTRACTOR intervenes in these presents to consent thereto; should the CONTRACTOR fail to do so, this obligation is null and void.

IN WITNESS WHEREOF, the SURETY and the CONTRACTOR, by their duly authorized representatives, have signed these presents in

_____, this ___ day of _____ 20 _____

The SURETY

(witness)

(signature)

(name of signatory
in block letters)

(title of signatory in
block letters)

The CONTRACTOR

(witness)

(signature)

(name of signatory in
block letters)

(title of signatory
in block letters)

GQ-02

SCHEDULE 3

(s. 12)

BOND FOR THE CONTRACTOR'S OBLIGATIONS WITH RESPECT TO LABOUR, MATERIALS AND SERVICES

Construction Work

1. _____
(name of the SURETY)

having its principal establishment at

(address of the SURETY)

herein represented by _____
(name and title)

duly authorized, hereinafter called the SURETY, having taken cognizance of the tender duly accepted by

(name of the PUBLIC BODY)

hereinafter called the PUBLIC BODY, in respect of

(description of the work and location)

and on behalf of

(name of the CONTRACTOR)

having its principal establishment at

(address of the CONTRACTOR)

herein represented by _____
(name and title)

duly authorized, hereinafter called the CONTRACTOR, binds itself jointly and solidarily with the CONTRACTOR, to the benefit of the PUBLIC BODY, to pay directly the creditors hereinafter defined, it being provided that the SURETY in no case may be required to pay more than

_____ dollars

(\$ _____).

2. Creditor means

(1) any subcontractor of the CONTRACTOR;

(2) any natural or legal person having sold or leased services, materials or equipment intended exclusively for the work to the CONTRACTOR or to the CONTRACTOR'S subcontractors, equipment leasing prices being determined solely on the basis of current construction industry standards;

(3) any supplier of materials specially prepared for that work and contract;

(4) the Commission de la santé et de la sécurité du travail, with respect to the contributions resulting from the contract; and

(5) the Commission de la construction du Québec, with respect to the contributions resulting from the contract.

3. The SURETY agrees that the PUBLIC BODY and the CONTRACTOR may amend the contract at any time, subject to the right of the SURETY to be informed thereof, on request, pursuant to article 2345 of the Civil Code of Québec, and consents to the PUBLIC BODY granting any time period necessary to complete the work.

4. Subject to clause 3 above, no creditor has direct recourse against the SURETY unless the creditor has sent an application for payment to the SURETY and to the CONTRACTOR within 120 days of the date on which the contractor completed the work or supplied the last services, materials or equipment.

A creditor who has contracted other than directly with the CONTRACTOR has no direct recourse against the SURETY unless the creditor has notified the CONTRACTOR in writing of the contract within 60 days of the commencement of the leasing or delivery of the services, materials or equipment; the notice must indicate the work concerned, the subject of the contract, the name of the subcontractor and the PUBLIC BODY concerned.

A subcontractor has no direct recourse against the SURETY in respect of sums held back by the CONTRACTOR unless the subcontractor has sent an application for payment to the SURETY and to the CONTRACTOR within 120 days of the date on which the sums held back became payable.

5. Any creditor may institute proceedings against the SURETY on the expiry of 30 days after the notice required by clause 4 has been sent, provided that the proceedings are not instituted before the expiry of 90 days after the date on which the creditor's work was performed or the date of supply of the last services, materials or equipment.

6. Any payment made in good faith by virtue of these presents reduces the amount of this bond by a corresponding amount.

7. This bond is governed by the law applicable in Québec and, should it be contested, the courts of Québec have sole jurisdiction.

8. The CONTRACTOR intervenes in these presents to consent thereto; should the CONTRACTOR fail to do so, this obligation is null and void.

IN WITNESS WHEREOF, the SURETY and the CONTRACTOR, by their duly authorized representatives, have signed these presents in

_____, this ____ day of _____ 20 ____

The SURETY

(witness)

(signature)

(name of signatory in block letters)

(title of signatory in block letters)

The CONTRACTOR

(witness)

(signature)

(name of signatory in block letters)

(title of signatory in block letters)

GQ-03

SCHEDULE 4

(ss. 22, 26, 32, 37)

QUALITY EVALUATION CONDITIONS
for a contract award based on the lowest price

1. At least 3 criteria are required for quality evaluation.

2. The public body must specify in the tender documents, for each criterion, the elements of quality required to reach an "acceptable level of performance", which corresponds to the public body's minimum expectations for the criterion.

3. An acceptable tender in terms of quality is a tender that, for each criterion, meets the "acceptable level of performance". A tender that does not reach that level of performance in respect of any criterion is rejected.

SCHEDULE 5

(ss. 24, 26, 32, 37)

QUALITY EVALUATION CONDITIONS
for a contract award based on the lowest adjusted price

1. The evaluation grid must have at least 3 quality evaluation criteria.

2. The public body must specify in the tender documents, for each criterion, the elements of quality required to reach an “acceptable level of performance”, which corresponds to the public body’s minimum expectations for the criterion.

3. Each criterion in the evaluation grid is weighted on the basis of its importance for the carrying out of the contract. The total weight of the criteria is 100%.

4. Each criterion is evaluated on a scale of 0 to 100 points, the “acceptable level of performance” corresponding to 70 points.

5. At least 70 points may be required in respect of any criterion described in the evaluation grid. A tender that does not reach that minimum is rejected.

6. The final score for the quality of a tender is the total of the weighted scores obtained in respect of each criterion; the weighted scores are determined by multiplying the score obtained for a criterion by the weight of that criterion.

7. An acceptable tender in terms of quality is a tender whose final score is at least 70 points.

8. The price of each acceptable tender is adjusted according to the following formula:

$$\text{Adjusted price} = \frac{\text{Price submitted}}{\text{Quality adjustment factor}}$$

The quality adjustment factor is equal to:

$$1 + 15\% \left(\frac{\text{Final score for quality} - 70}{30} \right)$$

SCHEDULE 6

(s. 45)

COST OF LABOUR, MATERIALS AND EQUIPMENT

The contractor must prove each expense relating to a change. The cost of labour, materials and equipment attributable to making the change to the work corresponds to the actual costs of the contractor and subcontractors, in the following categories:

(1) wages and employment benefits paid to workers under an applicable collective agreement and to the foreman and, where applicable, the superintendent supervising the employees on the construction site;

(2) the travel and accommodation expenses of the additional employees required;

(3) the cost of all materials, products, supplies, including materials incorporated into the work by reason of the change to the work, including transportation, storage and handling expenses, the whole corresponding to the lowest price granted to the contractor and subcontractors;

(4) taxes and other duties imposed by any competent authority on the labour, materials and equipment required and to which the contractor is subject, excluding the goods and services tax (GST) and the Québec sales tax (QST) if the public body is exempt from those taxes;

(5) the cost for transporting and using additional equipment and tools that are required, other than hand tools used by the employees;

(6) the cost of additional quality control performed by the person responsible for quality assurance or the superintendent on the work relating to the change;

(7) applicable patent royalties and rights;

(8) additional insurance and security premiums that the contractor must pay as a result of the increase in the contract price;

(9) energy and heating expenses directly attributable to the change;

(10) the cost for the removal and disposal of waste and debris attributable to the change;

(11) the necessary additional protections, temporary installations and security devices; and

(12) any other required additional labour, materials or equipment cost not specified in the preceding paragraphs and attributable to performing the change.

8760

Gouvernement du Québec

O.C. 533-2008, 28 May 2008

An Act respecting contracting by public bodies
(2006, c. 29)

Service contracts of public bodies and amending of other regulatory provisions

Regulation respecting service contracts of public bodies and amending other regulatory provisions

WHEREAS subparagraphs 1 to 7 of the first paragraph of section 23 of the Act respecting contracting by public bodies (2006, c. 29) empower the Government to make regulations on the matters set forth therein;

WHEREAS section 54 of the Act respecting contracting by public bodies provides that various regulations and by-laws regarding contracts of public bodies are deemed to have been made under section 23 of the Act;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation respecting service contracts of public bodies and amending other regulatory provisions was published in Part 2 of the *Gazette officielle du Québec* of 12 December 2007 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS, in accordance with the first paragraph of section 23 of the Act respecting contracting by public bodies, the Minister of Education, Recreation and Sports and the Minister of Health and Social Services have been consulted on the draft Regulation and the Conseil du trésor recommends that it be made;

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 responsible for Government Administration and Chair of the Conseil du trésor:

THAT the Regulation respecting service contracts of public bodies and amending other regulatory provisions, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation respecting service contracts of public bodies and amending other regulatory provisions

An Act respecting contracting by public bodies
(2006, c. 29, s. 23)

CHAPTER I
SCOPE

1. This Regulation applies to service contracts referred to in subparagraph 3 of the first paragraph of section 3 of the Act respecting contracting by public bodies (2006, c. 29) and contracts considered as such under the third paragraph of that section.

2. For the purposes of this Regulation, the electronic tendering system is the system approved by the Government under section 11 of the Act.

CHAPTER II
PUBLIC CALL FOR TENDERS

DIVISION I
GENERAL

3. A public call for tenders must be made in accordance with the provisions of this Chapter.

If a public body makes a public call for tenders to award a contract involving an expenditure below the public tender threshold referred to in subparagraph 1 of the first paragraph of section 10 of the Act, the tender closing date set out in subparagraph 6 of the second paragraph of section 4, the requirement as to the place of the establishment set out in subparagraph 2 of the first paragraph of section 6, the time for sending an addendum set out in the second paragraph of section 9 and the composition of the selection committee provided for in the second paragraph of section 26 may differ.

In the case of a contract referred to in Chapter III, the public call for tenders must comply with the special provisions of that chapter.

DIVISION II
TENDER DOCUMENTS

4. Every public call for tenders is made by publishing a notice on the electronic tendering system.

The notice forms part of the tender documents and must specify and contain

(1) the name of the public body;

- (2) a brief description of the services required;
- (3) the nature and amount of any required tender security;
- (4) whether or not an intergovernmental agreement within the meaning of section 2 of the Act applies;
- (5) the place where the tender documents or information may be obtained;
- (6) the place as well as the closing and opening dates and times, the closing date being not less than 15 days after the date on which the notice is published; and
- (7) the fact that the public body is not bound to accept any tender.

5. In its tender documents, a public body must provide

- (1) a description of the procurement requirements and conditions on which the contract is to be carried out;
- (2) in the case of a joint call for tenders within the meaning of section 15 of the Act, the identity of every public body and legal person established in the public interest that are parties to the joint call for tenders;
- (3) the eligibility requirements of service providers and the compliance requirements for tenders;
- (4) a list of the documents or other items required from service providers;
- (5) the tender opening procedure;
- (6) where a quality evaluation of tenders is to be made, the evaluation rules, including the criteria selected and, for the purposes of Schedule 2, their respective weighting;
- (7) the contract award rule, including any calculation to be applied before awarding the contract;
- (8) the contract to be signed; and
- (9) any other particular required under this Regulation.

In the case referred to in subparagraph 2 of the first paragraph, every party to a joint call for tenders must use the services of the selected provider, on the conditions specified in the tender documents.

6. In order to submit a tender, a service provider must meet the following eligibility requirements:

- (1) have all the necessary qualifications, authorizations, permits, licences, registrations, certificates, accreditations and attestations;
- (2) have in Québec or in a territory covered by an applicable intergovernmental agreement an establishment where activities are carried on on a permanent basis, clearly identified under the service provider's name and accessible during regular business hours; and
- (3) meet any other eligibility requirement specified in the tender documents.

Despite subparagraph 2 of the first paragraph, if competition is insufficient, the public body may make eligible any service provider that has an establishment in a territory not covered by an applicable intergovernmental agreement, provided that the public body so specifies in the tender documents.

A service provider who fails to comply with any of those requirements is ineligible.

7. Compliance requirements must specify the cases that will entail automatic rejection of a tender, namely

- (1) the place or the closing date or time has not been complied with;
- (2) a required document is missing;
- (3) the required signature of an authorized person is missing;
- (4) an erasure of or correction to the tendered price is not initialled;
- (5) the tender is conditional or restrictive;
- (6) the price submitted and the quality demonstration are not presented separately as required by section 16, where applicable; and
- (7) any other compliance requirement stated in the tender documents as entailing automatic rejection of a tender has not been complied with.

8. Provided that it is specified in the tender documents, a public body may refuse to consider any service provider who, in the 2 years preceding the tender opening date, has been given an unsatisfactory performance report by the public body, failed to follow up on a tender or contract or has had a contract cancelled because of failure to comply with the contract conditions.

9. A public body may amend the tender documents by sending an addendum to the service providers concerned.

If the amendment is likely to affect the prices, the addendum must be sent at least 7 days before the tender closing time; if that 7-day period cannot be complied with, the closing time must be extended by the number of days needed to ensure compliance with the minimum period.

DIVISION III SERVICE CONTRACTS OF A TECHNICAL NATURE

§1. Calling for and opening of tenders

10. A public body solicits solely a price to award a service contract of a technical nature.

11. Tenders are opened by the public body at a public opening in the presence of a witness at the designated place and on the date and time fixed in the tender documents, unless the tenders are in the form of a price list whose scope or layout does not make it possible to specify a total price.

At the public opening, the names of the service providers and their respective total prices are disclosed, subject to subsequent verifications.

Within 4 business days, the public body must make the results of the public opening of tenders available on the electronic tendering system.

§2. Evaluation of tenders and contract awarding

12. The public body evaluates the tenders received, ensuring that the service providers are eligible and their tenders are compliant.

If the public body rejects a tender because the provider is ineligible or the tender is non-compliant, it must so inform the service provider and give the reason for the rejection no later than 15 days after awarding the contract.

13. A public body awards the contract to the service provider who submits the lowest price.

14. If several service providers obtain identical results following a call for tenders, the contract is awarded by a drawing of lots.

15. The public body awards the contract on the basis of the procurement requirements described and the rules established in the tender documents and according to the price submitted.

The public body may, however, negotiate the price submitted and the price stipulated in the contract may be less than the price submitted if

(1) only one service provider submitted a compliant tender;

(2) the service provider agreed to a new price; and

(3) it is the only change made to the conditions set out in the tender documents or to the tender in the course of the negotiation.

DIVISION IV PROFESSIONAL SERVICE CONTRACTS

§1. Calling for and opening of tenders

16. A public body must evaluate the quality of a tender to award a professional service contract; the public body must request a price, if required, and a quality demonstration based on predetermined evaluation criteria.

The price and the quality demonstration must be presented separately so that the first paragraph of section 26 may apply.

17. The provisions of the first paragraph of section 11 apply to a professional service contract. At the public opening of tenders, only the names of the service providers are disclosed and the results of the opening are made available in accordance with the third paragraph of that section.

§2. Evaluation of tenders and contract awarding

18. The provisions of section 12 apply to professional service contracts.

19. The public body must evaluate the quality of tenders as provided in Schedule 1 or Schedule 2, as the case may be.

20. Where an evaluation is based on a minimum level of quality, the public body must apply the evaluation conditions in Schedule 1 and award the contract to the service provider who submitted the lowest price.

21. Where an evaluation is based on measurement of the level of quality followed by calculation of the price-quality ratio, the public body must apply the evaluation conditions in Schedule 2 and award the contract to the service provider who submitted the lowest adjusted price.

22. Where an evaluation is based solely on measurement of the level of quality, the public body must apply the evaluation conditions in sections 1 to 7 of Schedule 2 and award the contract to the service provider whose acceptable tender obtained the highest final score.

23. A public body may solicit only a quality demonstration if a tariff applicable to the contract concerned exists and has been established under an Act or approved by the Government or the Conseil du trésor.

24. Despite section 23, a public body may solicit only a quality demonstration to award an architecture or engineering contract, excluding a forest engineering contract.

If such a contract, excluding a contract for soils and materials engineering, involves an expenditure below \$250,000 and a regionalized public call for tenders is issued, the project manager must be a permanent resource of the service provider. The workplace of the permanent resource must be an establishment of the provider that has been in the region specified in the tender documents for at least 2 months before the tender closing date.

For the purposes of the second paragraph, permanent resource means a natural person who, on an annual basis, devotes at least 75% of his or her working time to the service provider and at least 1,100 hours.

25. A public body may make a public call for tenders in two stages in order to award a contract.

At the first stage, the public body selects service providers by soliciting only a quality demonstration. The tender documents must indicate whether every selected service provider or only a limited number of them will be invited to take part in the second stage.

The selection committee evaluates the quality of a tender according to the following conditions and procedure:

(1) if all the selected service providers are invited to take part in the second stage, the quality of a tender is evaluated in accordance with the evaluation conditions in Schedule 1 and all the providers who meet at least the minimum quality level are retained;

(2) if only a limited number of service providers are invited to take part in the second stage, the quality of a tender is evaluated in accordance with the evaluation conditions in sections 1 to 7 of Schedule 2 and only those who obtain the highest final scores are retained.

At the second stage, the public body invites the selected service providers to submit a tender that includes only a price or a quality demonstration with or without a price.

If only a price is required, sections 10 to 15 apply and, where the quality level of a tender is evaluated, sections 16 to 24 and 26 to 28 apply.

26. Tenders are to be evaluated by a selection committee set up for that purpose by the public body. If a price is submitted, the committee must evaluate quality without knowing the price submitted.

The selection committee must be composed of a secretary in charge of coordinating activities and of at least 3 members.

27. The provisions of sections 14 and 15 apply to a professional service contract, except that the condition in subparagraph 1 of the second paragraph of section 15 is that only one service provider must have submitted an acceptable tender.

28. The public body must inform each tenderer of the results of the tender quality evaluation within 15 days after awarding the contract.

If Schedule 1 applies, the particulars sent to tenderers are

(1) confirmation that their tender was accepted or not; and

(2) the name of and price submitted by the successful tenderer.

If Schedule 2 applies, the particulars sent to tenderers are

(1) confirmation that their tender was accepted or not;

(2) their quality score, their adjusted price and their rank according to the adjusted prices, where applicable; and

(3) the name, quality score and price of the successful tenderer, and the resulting adjusted price.

29. Except for contracts for financial or banking services, section 16 and sections 18 to 28 apply where the public body evaluates the quality of a tender following an invitation to tender. However, the composition of the selection committee provided for in the second paragraph of section 26 may differ.

CHAPTER III SPECIAL RULES FOR AWARDING CONTRACTS

DIVISION I TASK ORDER CONTRACTS

30. A public body may enter into a task order contract with one or more service providers when the procurement requirements are recurrent and the number of requests, the rate or frequency at which they are to be performed are uncertain.

31. The public body must indicate in the tender documents the approximate monetary value of the services that the public body intends to request.

32. If the task order contract is entered into with more than one service provider, the performance requests are made to the service provider who submitted the lowest price, unless the provider cannot perform the service, in which case the other providers are solicited according to their respective rank.

DIVISION II SERVICE CONTRACTS OF A TECHNICAL NATURE

33. Despite section 10, a public body may decide to evaluate the quality of a tender in order to award a service contract of a technical nature and must then apply the provisions of Division IV of Chapter II.

DIVISION III PROFESSIONAL SERVICE CONTRACTS

34. Despite section 16, a public body may, except in the cases provided for in section 24, decide to solicit only a price in order to award a professional service contract; the public body must then apply the provisions of Division III of Chapter II.

CHAPTER IV SPECIAL CONTRACTS

DIVISION I LEGAL SERVICE CONTRACTS

35. A legal service contract may be entered into by mutual agreement.

36. For the public bodies referred to in subparagraph 1 or 2 of the first paragraph of section 4 of the Act, a legal service contract is entered into by the Minister of Justice or with the Minister's consent, except if such a contract concerns only the activities on foreign soil of a delegation general, a delegation or another form of representa-

tion of Québec abroad, established pursuant to section 28 of the Act respecting the Ministère des Relations internationales (R.S.Q., c. M-25.1.1).

DIVISION II FINANCIAL OR BANKING SERVICE CONTRACTS

37. A financial or banking service contract may be entered into by mutual agreement.

38. For the public bodies referred to in subparagraph 1 or 2 of the first paragraph of section 4 of the Act, a financial or banking service contract is entered into by the Minister of Finance or with the Minister's consent.

DIVISION III ADVERTISING CAMPAIGN CONTRACTS

39. A public body may solicit only a quality demonstration to award an advertising campaign contract.

The amount indicated in the contract may not be greater than the amount predetermined in the tender documents.

DIVISION IV TRANSPORT INFRASTRUCTURE CONTRACTS

40. In the case of professional services for engineering or land surveying relating to transport infrastructures for which only a quality demonstration is solicited in accordance with section 23 or 24, the special awarding rules below may be applied with the authorization of the Minister of Transport if

(1) following a public call for tenders, contracts are awarded to more than one service provider, despite section 22; or

(2) a delivery order contract is awarded to more than one service provider, despite section 32.

For the purposes of subparagraph 1 of the first paragraph, contracts are awarded to the service providers whose acceptable tenders obtained the highest final scores. If the monetary value of the contracts differs, the contract with the highest value is awarded to the service provider whose acceptable tender obtained the highest final score, and so on.

For the purposes of subparagraph 2 of the first paragraph, the tender documents must indicate whether all or a limited number of the service providers who submitted an acceptable tender will be retained. In the case of a limited number, the service providers retained are those

who obtained the highest final scores. Performance requests are then distributed among the service providers retained in a fair manner that takes into account the objectives set out in subparagraphs 2 and 6 of the first paragraph of section 2 of the Act.

DIVISION V **TRAVEL SERVICE CONTRACTS**

41. A public body may solicit only a quality demonstration to award a travel service contract involving an expenditure equal to or above the public tender threshold.

In that case, the public body negotiates the amount of the contract with the service provider whose acceptable tender obtained the highest score for quality.

DIVISION VI **SERVICE CONTRACTS FOR ACTIVITIES** **ON FOREIGN SOIL**

42. A service contract for the activities on foreign soil of a delegation general, a delegation or another form of representation of Québec abroad, established pursuant to section 28 of the Act respecting the Ministère des Relations internationales (R.S.Q., c. M-25.1.1), may be entered into by mutual agreement even if it involves an expenditure equal to or above the public tender threshold provided for in section 10 of the Act. The contract is awarded in a manner consistent with the principles stated in section 2 of the Act.

CHAPTER V **QUALIFICATION OF SERVICE PROVIDERS**

43. A public body may qualify service providers prior to the acquisition process if

(1) the qualification of service providers is preceded by a public notice to that effect on the electronic tendering system;

(2) a list of the qualified service providers is published on the electronic tendering system and every provider is informed of entry on the list or the reason for refusal if entry is denied; and

(3) a public notice of qualification is published again at least once a year, even though the public body may qualify service providers at intervals varying from 1 to 3 years.

44. Where the public body evaluates the quality of applications for qualification, it must set up a selection committee within the meaning of section 26 and apply the evaluation conditions in Schedule 1 or in sections 1 to 7 of Schedule 2.

45. Except in the cases described in section 13 of the Act, every contract subsequent to the qualification of service providers is limited to qualified providers only and, if such a contract involves an expenditure equal to or above the public tender threshold, it must be awarded through a public call for tenders.

CHAPTER VI **CONDITIONS TO BE MET PRIOR TO ENTERING** **INTO CONTRACTS**

DIVISION I **REQUIRED AUTHORIZATION**

46. The authorization of the chief executive officer of the public body is required for every contract of a repetitive nature whose expected term, including any renewal, is greater than 3 years. Despite the foregoing, the chief executive officer of the public body may not authorize a contract whose expected term, including any renewal, is greater than 5 years.

That authorization is also required before entering into a contract involving an expenditure equal to or above the public tender threshold if

(1) only one service provider submitted a compliant tender; or

(2) only one service provider submitted an acceptable tender following a quality evaluation.

In the case provided for in subparagraph 2 of the second paragraph, the selection committee must not know the price and the chief executive officer of the public body is to determine whether or not the awarding process should be continued.

DIVISION II **AFFIRMATIVE ACTION PROGRAM**

47. This Division applies only to public bodies referred to in subparagraph 1 or 2 of the first paragraph of section 4 of the Act.

48. Where the amount of a service contract is \$100,000 or more, or where the amount of a service subcontract is \$100,000 or more, the contract or subcontract may not be entered into with a Québec service provider or subcontractor whose business employs more than 100 persons unless the service provider or subcontractor has made a commitment to implement an affirmative action program that complies with the Charter of human rights and freedoms (R.S.Q., c. C-12) and holds an attestation to that effect issued by the Chair of the Conseil du trésor.

If such a contract or subcontract is to be entered into with a service provider or subcontractor outside Québec but within Canada whose business employs more than 100 persons, the service provider or subcontractor must provide an attestation to the effect that the service provider or subcontractor has already made a commitment to implement an employment equity program of the province or territory concerned, as applicable, or failing that, to implement a federal employment equity program.

49. The Chair of the Conseil du trésor is to cancel the attestation issued to any Québec service provider who does not fulfil a commitment to implement an affirmative action program. Such a service provider may not enter into a service contract or subcontract as long as a new attestation has not been issued.

A service provider located outside Québec but within Canada whose attestation referred to in the second paragraph of section 48 has been revoked may not enter into a service contract or subcontract as long as a new attestation has not been issued.

DIVISION III QUALITY ASSURANCE, SUSTAINABLE DEVELOPMENT AND ENVIRONMENT

50. A public body may require a quality assurance system, including the ISO 9001:2000 standard, or a specification relating to sustainable development and the environment for the carrying out of a contract. The public body must specify the requirement in the tender documents.

If such a requirement unduly reduces competition, the public body must allow any service provider to submit a tender and grant to a service provider that fulfils the requirement referred to in the first paragraph a preferential margin not exceeding 10%. In the latter case, the price submitted by such a service provider is, for the sole purpose of determining the successful tenderer, reduced by the preferential margin, without any effect on the price for contract awarding purposes.

The percentage of the preferential margin to be applied must be indicated in the tender documents.

In the case of a contract whose quality evaluation is based solely on the quality measurement, the public body must ascertain that there is enough competition to allow the first paragraph to apply.

CHAPTER VII INFORMATION TO BE PUBLISHED

51. Following a public call for tenders, the public body must publish on the electronic tendering system, within 15 days of the awarding of the contract, the name of the successful tenderer and the amount of the contract or, in the case of a task order contract, the estimated amount of the expenditure. In addition, if a contract involves renewal options, the public body also publishes the total amount of the expenditure that would be incurred if all options were exercised.

In the case of a task order contract involving several service providers, the public body must publish the names of the services providers retained and their respective total price. If such a contract involves price lists whose scope or layout prevents the publication of the results, the public body must indicate on the electronic tendering system how information on the results may be obtained.

52. The public body must publish on the electronic tendering system, at least once every 6 months, a list of the contracts involving an expenditure greater than \$25,000 entered into by mutual agreement or following an invitation to tender, except contracts involving confidential or protected information within the meaning of subparagraph 3 of the first paragraph of section 13 of the Act.

53. The list to be published pursuant to section 52 must contain at least the following information:

(1) the name of the service provider, the date and the amount of the contract or, in the case of a task order contract, the estimated amount of the expenditure;

(2) in the case of a contract that involves renewal options, in addition to the information required in paragraph 1, the total amount of the expenditure that would be incurred if all options were exercised;

(3) the nature of the service to be provided under the contract; and

(4) in the case of a contract by mutual agreement involving an expenditure above the public tender threshold, the provision in the Act or this Regulation under which the contract was awarded.

CHAPTER VIII CONTRACT MANAGEMENT CONDITIONS

DIVISION I SETTLEMENT OF DISPUTES

54. The public body and the service provider must attempt to amicably settle any difficulty that may arise out of a contract by resorting to the dispute resolution clauses in the contract, if any.

If the matter cannot be settled in that manner, it may be referred to a court of justice or an adjudicative body, as the case may be, or to an arbitrator. In the latter case, a general or special authorization from the Minister of Justice is required for public bodies referred to in subparagraph 1 or 2 of the first paragraph of section 4 of the Act.

DIVISION II PERFORMANCE EVALUATION

55. A public body must record in a report the evaluation of any service provider whose performance is considered to be unsatisfactory.

56. The public body must complete its evaluation not later than 60 days after the end of the contract and send a copy of the evaluation to the service provider.

57. A service provider may forward comments in writing on the report to the public body within 30 days following receipt of a report of unsatisfactory performance.

58. Within 30 days after the expiry of the time in section 57 or following receipt of the service provider's comments, as the case may be, the chief executive officer of the public body is to uphold or cancel the evaluation and inform the service provider of the decision. If the chief executive officer fails to act within the prescribed time, the service provider's performance is considered to be satisfactory.

CHAPTER IX TRANSITIONAL AND FINAL

59. A public body must implement the provisions of subparagraph 2 of the first paragraph of section 5 within 2 years after the coming into force of this Regulation. Within that period, the public body must at least state, in the tender documents, the public bodies and legal persons established in the public interest that are or are likely to be parties to the joint call for tenders.

In that case, the present and future parties to the joint call for tenders must deal with the selected service provider, on the conditions set out in the tender documents.

60. The Tariff of fees for professional services provided to the Government (R.R.Q., 1981, c. A-6, r.30) is amended

(1) by replacing section 2 by the following:

“**2.** Scope: This Tariff applies to all service contracts with land surveyors made in the name of the public bodies defined in section 4 of the Act respecting contracting by public bodies (2006, c. 29).”;

(2) by replacing paragraph *d* of section 3 by the following:

“(d) “client”: a public body to which this Regulation applies;”;

(3) by striking out paragraph *l* of section 3;

(4) by striking out the first paragraph of section 99;

(5) by replacing “Conseil du trésor” in the second paragraph and the first sentence of the third paragraph of section 107 by “chief executive officer of the public body within the meaning of section 8 of the Act respecting contracting by public bodies”;

(6) by replacing “instructions issued by the Conseil du trésor” in the third paragraph of section 107 by “Règles sur les frais de déplacement des personnes engagées à honoraires, made by Conseil du trésor Decision T.B. 170100 dated 14 March 1989, including expenditures incurred for contracts with the public bodies referred to in subparagraphs 3 to 6 of the first paragraph of section 4 of the Act respecting contracting by public bodies”;

(7) by revoking Divisions IV, V, VI, VIII and IX.

61. The Architects' Fees (Services to Government) Regulation, made by Order in Council 2402-84 dated 31 October 1984, is amended

(1) by replacing section 1 by the following:

“**1.** This Regulation applies to the public bodies defined in section 4 of the Act respecting contracting by public bodies (2006, c. 29).”;

(2) by replacing “directives issued for the purpose by the Conseil du trésor” in subparagraph 3 of the first paragraph of section 25 by “Règles sur les frais de

déplacement des personnes engagées à honoraires, made by Conseil du trésor Decision T.B. 170100 dated 14 March 1989, including expenses incurred for contracts with the public bodies referred to in subparagraphs 3 to 6 of the first paragraph of section 4 of the Act respecting contracting by public bodies”.

62. The Tarif d’honoraires pour services professionnels fournis au gouvernement par des ingénieurs, made by Order in Council 1235-87 dated 12 August 1987, is amended

(1) by replacing section 1 by the following:

“1. Le présent règlement s’applique aux organismes publics définis à l’article 4 de la Loi sur les contrats des organismes public (2006, c. 29).”;

(2) by replacing “aux directives émises à cette fin par le Conseil du trésor” in paragraph 3 of section 30 by “aux Règles sur les frais de déplacement des personnes engagées à honoraires édictées par la décision du Conseil du trésor C.T. 170100 du 14 mars 1989, y compris pour les contrats des organismes publics visés aux paragraphes 3 à 6 du premier alinéa de l’article 4 de la Loi sur les contrats des organismes publics”.

63. This Regulation comes into force on 1 October 2008.

SCHEDULE 1

(ss. 19, 20, 25, 28, 44)

Quality evaluation conditions for a contract award based on the lowest price

1. At least 3 criteria are required for quality evaluation.
2. The public body must specify in the tender documents, for each criterion, the elements of quality required to reach an “acceptable level of performance”, which corresponds to the public body’s minimum expectations for the criterion.
3. An acceptable tender in terms of quality is a tender that, for each criterion, meets the “acceptable level of performance”. A tender that does not reach that level of performance in respect of any criterion is rejected.

SCHEDULE 2

(ss. 19, 21, 22, 25, 28, 44)

Quality evaluation conditions for a contract award based on the lowest adjusted price or based on the final score for the highest quality

1. The evaluation grid must have at least 3 quality evaluation criteria.
2. The public body must specify in the tender documents, for each criterion, the elements of quality required to reach an “acceptable level of performance”, which corresponds to the public body’s minimum expectations for the criterion.
3. Each criterion in the evaluation grid is weighted on the basis of its importance for the carrying out of the contract. The total weight of the criteria is 100%.
4. Each criterion is evaluated on a scale of 0 to 100 points, the “acceptable level of performance” corresponding to 70 points.
5. At least 70 points may be required in respect of any criterion described in the evaluation grid. A tender that does not reach that minimum is rejected.
6. The final score for the quality of a tender is the total of the weighted scores obtained in respect of each criterion; the weighted scores are determined by multiplying the score obtained for a criterion by the weight of that criterion.

7. An acceptable tender in terms of quality is a tender whose final score is at least 70 points.

8. The price of each acceptable tender is adjusted according to the following formula:

$$\text{Adjusted price} = \frac{\text{Price submitted}}{\text{Quality adjustment factor}}$$

The quality adjustment factor is equal to:

$$1 + K \left(\frac{\text{Final score for quality} - 70}{30} \right)$$

where

“K” is the additional percentage that the public body is willing to pay to move from a 70-point tender to a 100-point tender, for all criteria.

9. The public body determines in the tender documents the value of K, which must range from 15% to 30%.

8761

Gouvernement du Québec

O.C. 534-2008, 28 May 2008

Public Administration Act
(R.S.Q., c. A-6.01)

Promise and awarding of grants — Amendments

Regulation to amend the Regulation respecting the promise and awarding of grants

WHEREAS subparagraphs 1 to 7 of the first paragraph of section 23 of the Act respecting contracting by public bodies (2006, c. 29) empower the Government to make regulations on the matters set forth therein;

WHEREAS section 57 of the Public Administration Act (R.S.Q., c. A-6.01) empowers the Government to make regulations on the awarding of grants;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation respecting construction contracts of public bodies and amending other regulatory provisions was published in Part 2 of the *Gazette officielle du Québec* of 12 December 2007 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS the draft Regulation included an amendment to the Regulation respecting the promise and awarding of grants;

WHEREAS it is expedient to make an amending regulation different from that published in the *Gazette officielle du Québec*;

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 responsible for Government Administration and Chair of the Conseil du trésor:

THAT the Regulation to amend the Regulation respecting the promise and awarding of grants, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the promise and awarding of grants*

Public Administration Act
(R.S.Q., c. A-6.01, ss. 57 and 243)

1. The Regulation respecting the promise and awarding of grants is amended in section 4

(1) by revoking subparagraph *b* of the second paragraph;

(2) by adding the following at the end of the second paragraph:

“(c) where a grant, intended for the carrying out of construction work of \$100,000 or more, is awarded or promised, except to a public body within the meaning of section 4 of the Act respecting contracting by public bodies (2006, c. 29), and where the standards approved do not include the obligation to make a public call for tenders for awarding the contract, unless the standards expressly provide that the obligation to make a public call for tenders does not apply.”;

(3) by revoking the third paragraph.

2. The following is added after section 4:

“**5.** The awarding or promise of a grant made in accordance with standards approved by the Government or the Conseil du trésor before 1 October 2008 is not subject to the approval now required under subparagraph *c* of the second paragraph of section 4 where the obligation to make a public call for tenders is imposed in the conditions of the awarding or promise of a grant.”.

* The Regulation respecting the promise and awarding of grants (R.R.Q., 1981, c. A-6, r.22), now deemed to have been made under the Public Administration Act (R.S.Q., c. A-6.01), was last amended by the regulation made by Order in Council 1567-94 dated 9 November 1994 (1994, *G.O.* 2, 4379). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2008, updated to 1 March 2008.

3. This Regulation comes into force on 1 October 2008.

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Gouvernement du Québec

O.C. 535-2008, 28 May 2008

An Act respecting contracting by public bodies
(2006, c. 29)

**Various regulatory provisions regarding contracts of public bodies
— Revoking**

Regulation revoking various regulatory provisions regarding contracts of public bodies

WHEREAS subparagraphs 1 to 7 of the first paragraph of section 23 of the Act respecting contracting by public bodies (2006, c. 29) empower the Government to make regulations on the matters set forth therein;

WHEREAS section 54 of the Act respecting contracting by public bodies provides that various regulations and by-laws regarding contracts of public bodies are deemed to have been made under section 23 of the Act;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), drafts of the Regulation respecting supply contracts of public bodies, the Regulation respecting construction contracts of public bodies and amending other regulatory provisions and the Regulation respecting service contracts of public bodies and amending other regulatory provisions were published in Part 2 of the *Gazette officielle du Québec* of 12 December 2007 with a notice that they could be made by the Government on the expiry of 45 days following their publication;

WHEREAS each of those draft Regulations made provision for the consequential revocation of various regulatory provisions regarding contracts of public bodies;

WHEREAS it is expedient to make a revoking regulation distinct from those that were published in the *Gazette officielle du Québec*;

WHEREAS, in accordance with the first paragraph of section 23 of the Act respecting contracting by public bodies, the Minister of Education, Recreation and Sports and the Minister of Health and Social Services have been consulted and the Conseil du trésor recommends that the Regulation revoking various regulatory provisions regarding contracts of public bodies be made;

WHEREAS the 45-day period has expired;

WHEREAS it is expedient to make the Regulation;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for Government Administration and Chair of the Conseil du trésor:

THAT the Regulation revoking various regulatory provisions regarding contracts of public bodies, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation revoking various regulatory provisions regarding contracts of public bodies

An Act respecting contracting by public bodies
(2006, c. 29, ss. 23 and 54)

1. The Regulation respecting the application of the Act respecting health services and social services¹ is amended by revoking sections 296 to 333.

2. The Regulation respecting supply contracts, construction contracts and service contracts of government departments and public bodies² is revoked.

3. The By-law respecting special rules governing supply contracts, construction contracts, and services contracts of the Société immobilière du Québec³ is revoked.

¹ The Regulation respecting the application of the Act respecting health services and social services (R.R.Q., 1981, c. S-5, r.1) was last amended by the regulation made by Order in Council 181-2007 dated 21 February 2007 (2007, G.O. 2, 1130). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2008, updated to 1 March 2008.

² The Regulation respecting supply contracts, construction contracts and service contracts of government departments and public bodies, made by Order in Council 961-2000 dated 16 August 2000 (2000, G.O. 2, 4377), has not been amended since it was made.

³ The By-law respecting special rules governing supply contracts, construction contracts, and services contracts of the Société immobilière du Québec, approved by Order in Council 76-96 dated 24 January 1996 (1996, G.O. 2, 1035), has not been amended since it was made.

4. The By-law concerning special rules respecting certain contracts entered into by the Société québécoise d'assainissement des eaux⁴ is revoked.

5. The Regulation respecting contracts of the Corporation d'hébergement du Québec⁵ is revoked.

6. The Regulation respecting building construction by institutions, regional councils and the Corporation d'hébergement du Québec⁶ is revoked.

7. The Regulation respecting construction contracts for immovables of school boards⁷ is revoked.

8. The Regulation respecting contracts for the construction of immovables of general and vocational colleges⁸ is revoked.

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

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⁴ The By-law concerning special rules respecting certain contracts entered into by the Société québécoise d'assainissement des eaux, approved by Order in Council 1229-94 dated 17 August 1994 (1994, *G.O.* 2, 3815), has not been amended since it was made.

⁵ The Regulation respecting contracts of the Corporation d'hébergement du Québec, approved by Order in Council 972-2001 dated 23 August 2001 (2001, *G.O.* 2, 4866), has not been amended since it was made.

⁶ The Regulation respecting building construction by institutions, regional councils and the Corporation d'hébergement du Québec, approved by Conseil du trésor Decision T.B. 148183 dated 10 January 1984 (1984, *G.O.* 2, 1271), was last amended by the regulation made by Minister's Order 1996-04 dated 5 September 1996 (1996, *G.O.* 2, 4006). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2008, updated to 1 March 2008.

⁷ The Regulation respecting construction contracts for immovables of school boards, made by Order in Council 1015-90 dated 11 July 1990 (1990, *G.O.* 2, 1964), was last amended by the regulation made by Order in Council 332-99 dated 31 March 1999 (1999, *G.O.* 2, 729). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2008, updated to 1 March 2008.

⁸ The Regulation respecting contracts for the construction of immovables of general and vocational colleges, made by Order in Council 1072-94 dated 13 July 1994 (1994, *G.O.* 2, 2965), has not been amended since it was made.

Gouvernement du Québec

O.C. 538-2008, 28 May 2008

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

Barreau du Québec
— Issuance of special permits

Regulation respecting the issuance of special permits of the Barreau du Québec

WHEREAS, under paragraph *r* of section 94 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order may make a regulation to establish special permits and that contains the reasons justifying the issue of a special permit, the conditions for the issue of the permit, the title, abbreviation and initials its holder may use, the activities the holder may engage in and the conditions the holder must meet to engage in those activities;

WHEREAS the General Council of the Barreau du Québec made the Regulation respecting the issuance of special permits of the Barreau 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 12 December 2007 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

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

WHEREAS it is expedient to approve the Regulation with amendments;

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

THAT the Regulation respecting the issuance of special permits of the Barreau du Québec, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation respecting the issuance of special permits of the Barreau du Québec

Professional Code
(R.S.Q., c. C-26, s. 94, par. r)

DIVISION I PURPOSE

1. This Regulation is made in order to facilitate the mobility of advocates and forms part of the liberalization of the trade in services provided for in various domestic and international agreements, namely:

- (1) the Agreement on Internal Trade;
- (2) the North American Free Trade Agreement;
- (3) the General Agreement on Trade in Services; and
- (4) the National Mobility Agreement.

It allows the Barreau du Québec to meet the needs of the new socio-economic reality in Québec and foster the professional integration of advocates trained outside Québec, while protecting the public and acknowledging the unique nature of Québec civil law.

DIVISION II GENERAL PROVISIONS

2. An application for the issuance of a special permit must be submitted in writing to the Executive Committee on the prescribed form, together with the required documents.

3. The Executive Committee may, under the conditions set forth in this Regulation and on the report of the Examining Committee prepared in accordance with Subdivision 1 of Division V of the Act respecting the Barreau du Québec (R.S.Q., c. B-1), issue one of the following special permits to a person legally authorized to practise law outside Québec:

- (1) a special Canadian legal advisor permit;
- (2) a special corporate legal advisor permit; or

(3) a special foreign legal consultant permit.

The Executive Committee must allow the applicant to submit written observations before refusing to issue a special permit.

The Executive Committee's decision refusing the issuance of a special permit must be rendered in writing.

4. In order to engage in an activity provided for in Division III, IV or V, the holder of a special permit must hold and maintain an authorization to practise law outside Québec as contemplated in this Division.

5. The holder of a special permit must immediately give written notice to the Executive Director as soon as he ceases to be legally authorized to practise law outside Québec.

6. For purposes of the application of this Regulation, when a State comprises several territorial units with separate legislative jurisdictions, each territory is considered to be a State.

DIVISION III SPECIAL CANADIAN LEGAL ADVISOR PERMIT

7. A member of the bar of another Canadian province or territory who applies for a special Canadian legal advisor permit must complete the prescribed form and send it to the Executive Committee together with the following documents:

(1) a certificate of good standing issued by an authorized officer from this province or territory attesting that the applicant is legally authorized to practise law outside Québec and stating that the applicant is not subject to a disbarment nor a suspension or a limitation of its right to practice law; and

(2) a declaration by the applicant that he undertakes to act within the limits of the activities authorized by section 9.

8. The holder of a special Canadian legal advisor permit must have his name followed by:

(1) the title "Canadian legal advisor" or the initials "c.l.a."; and

(2) a reference to the Canadian province or territory where he is legally authorized to practise law.

He may include the word "Me" or "Mtre" before his name.

9. Subject to being entered on the Roll of the Order, the holder of a special Canadian legal advisor permit may engage in the following activities on behalf of another person:

(1) give legal advice and consultations on legal matters involving the law of the Canadian province or territory where he is legally authorized to practise law or involving matters under federal jurisdiction;

(2) prepare and draw up a notice, motion, proceeding or other similar document intended for use in a case before the courts, but only with respect to matters under federal jurisdiction;

(3) give legal advice and consultations on legal matters involving public international law; and

(4) plead or act before any tribunal, but only with respect to matters under federal jurisdiction.

DIVISION IV SPECIAL CORPORATE LEGAL ADVISOR PERMIT

10. A member of a State bar located outside Canada who applies for a special corporate legal advisor permit must complete the prescribed form and send it to the Executive Committee together with the following documents:

(1) a certificate of good standing issued by an authorized officer from this State bar attesting that the applicant is legally authorized to practise law outside Québec and stating that the applicant is not subject to a disbarment nor a suspension or a limitation of its right to practice law; and

(2) a declaration setting forth all the functions he holds or intends to hold within an enterprise, other than a law partnership or a multidisciplinary joint-stock company, having its head office, a branch or a subsidiary in Québec; and

(3) a declaration by the applicant that he undertakes to act, for the exclusive account of his employer or the employer's subsidiaries, within the limits of the activities authorized by section 12.

11. The holder of a special corporate legal advisor permit must have his name followed by:

(1) the title "corporate legal advisor" or the initials "corp.l.a."; and

(2) a reference to the State where he is legally authorized to practise law.

He may include the word "Me" or "Mtre" before his name.

12. Subject to being entered on the Roll of the Order, the holder of a special corporate legal advisor permit may engage in the activities described in subsection 1 of section 128 of the Act respecting the Barreau du Québec exclusively for the account of his employer or the employer's subsidiaries.

DIVISION V SPECIAL FOREIGN LEGAL CONSULTANT PERMIT

13. A member of a State bar located outside Canada who applies for a special foreign legal consultant permit must complete the prescribed form and send it to the Executive Committee together with the following documents:

(1) a certificate of good standing issued by an authorized officer from this State bar attesting that the applicant has legally practised law for a period of at least three years and attesting that the applicant is legally authorized to practise law outside Québec and stating that the applicant is not subject to a disbarment nor a suspension or a limitation of its right to practice law; and

(2) a declaration by the applicant that he undertakes to act within the limits of the activities authorized by section 15.

14. The holder of a special foreign legal consultant permit must have his name followed by:

(1) the title "foreign legal consultant" or the initials "f.l.c."; and

(2) a reference to the State where he is legally authorized to practise law.

He may include the word "Me" or "Mtre" before his name.

15. Subject to being entered on the Roll of the Order, the holder of a special foreign legal consultant permit may engage in the following activities on behalf of another person:

(1) give legal advice and consultations on legal matters involving the law of the State where he is legally authorized to practise law; and

(2) give legal advice and consultations on legal matters involving public international law.

16. This Regulation shall come into force on the fifteenth day following its publication in the *Gazette officielle du Québec*.

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Gouvernement du Québec

O.C. 539-2008, 28 May 2008

Veterinary Surgeons Act
(R.S.Q., c. M-8)

Pharmacy Act
(R.S.Q., c. P-10)

**Terms and conditions for the sale of medications
— Amendment**

Regulation to amend the Regulation respecting the terms and conditions for the sale of medications

WHEREAS, under section 9 of the Veterinary Surgeons Act (R.S.Q., c. M-8), the Office des professions du Québec prepares periodically, by regulation, after consultation with the Conseil du médicament, the Ordre des médecins vétérinaires du Québec and the Ordre des pharmaciens du Québec, a list of the medications which may be sold only on prescription of a veterinary surgeon;

WHEREAS, under section 37.1 of the Pharmacy Act (R.S.Q., c. P-10), the Office des professions du Québec, after consultation with the Conseil du médicament, the Ordre professionnel des médecins du Québec, the Ordre professionnel des médecins vétérinaires du Québec and the Ordre des pharmaciens du Québec, may, by regulation, establish categories of medications and determine, for each category, if need be, by whom and subject to what terms and conditions the medications may be sold; the rules may vary for the same medication according to whether it is intended for human or animal consumption;

WHEREAS, under those sections, the Office des professions du Québec made the Regulation respecting the terms and conditions for the sale of medications, approved by Order in Council 712-98 dated 27 May 1998;

WHEREAS the Office carried out the required consultations;

WHEREAS the Office made the Regulation to amend the Regulation respecting the terms and conditions for the sale of medications at its sitting of 19 September 2007;

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 24 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 no comments were received by the Chair of the Office following that publication;

WHEREAS, in accordance with section 13 of the Professional Code (R.S.Q., c. C-26), the Office is submitting the Regulation to the Government for approval;

WHEREAS it is expedient to approve the Regulation without amendment;

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 terms and conditions for the sale of medications, the text of which is attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

**Regulation to amend the Regulation
respecting the terms and conditions for
the sale of medications ***

Veterinary Surgeons Act
(R.S.Q., c. M-8, s. 9)

Pharmacy Act
(R.S.Q., c. P-10, s. 37.1)

1. The Regulation respecting the terms and conditions for the sale of medications is amended by inserting the following specification in Schedule II after “Ubiquinone”: “Dosage forms for oral use containing 10 mg or more”.

* The Regulation respecting the terms and conditions for the sale of medications, approved by Order in Council 712-98 dated 27 May 1998 (1998, *G.O.* 2, 2149), was last amended by the regulation approved by Order in Council 672-2007 dated 14 August 2007 (2007, *G.O.* 2, 2457). 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*.

8765

Gouvernement du Québec

O.C. 540-2008, 28 May 2008

Chartered Accountants Act
(R.S.Q., c. C-48)

Cooperation agreement between the Ordre des comptables agréés du Québec and the Canadian Public Accountability Board

WHEREAS, under the first paragraph of section 22.1 of the Chartered Accountants Act (R.S.Q., c. C-48), the Bureau of the Ordre des comptables agréés du Québec may enter into an agreement with the following bodies exercising complementary functions with respect to the protection of the public: the Autorité des marchés financiers and the Canadian Public Accountability Board incorporated under the Canada Business Corporations Act (Revised Statutes of Canada (1970), chapter C-32);

WHEREAS the Order entered into a cooperation agreement with the Canadian Public Accountability Board;

WHEREAS, in accordance with the fifth paragraph of section 22.1 of the Chartered Accountants Act, the agreement was published in Part 2 of the *Gazette officielle du Québec* of 21 November 2007 with a notice that it could be submitted to the Government for approval, with or without amendments, on the expiry of at least 45 days after that publication;

WHEREAS the Chair of the Office des professions du Québec received comments following that publication;

WHEREAS it is expedient to approve the agreement without amendment;

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

THAT the Cooperation agreement between the Ordre des comptables agréés du Québec and the Canadian Public Accountability Board, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Agreement

COOPERATION AGREEMENT

BETWEEN

THE ORDRE DES COMPTABLES AGRÉÉS DU QUÉBEC, “THE ORDRE”

AND

THE CANADIAN PUBLIC ACCOUNTABILITY BOARD “CPAB”

WHEREAS the Ordre carries out a mandate to protect the public in Quebec and, to this end, is entrusted by law with the duty to supervise the practice of the profession by its members, in particular the audit of companies by chartered accountants;

WHEREAS the mission of CPAB is to contribute to public confidence in the integrity of financial reporting of reporting issuers that are subject to securities regulation in one or more provinces in Canada by promoting high-quality, independent auditing of these companies and, to this end, CPAB develops and implements an oversight program that includes regular and rigorous inspections of accounting firms that audit reporting issuers and agree to take part in the program (the “participating firms”);

WHEREAS Quebec securities regulations require reporting issuers to have the audit report on their financial statements prepared by a participating firm;

WHEREAS the Ordre and CPAB agree to cooperate in Quebec in discharging their respective mandates and responsibilities and, to this end, wish to exchange the information required to carry out their inspection, investigation and monitoring activities in respect of chartered accountants and firms providing audit services to reporting issuers, with a view to improve their efficiency and effectiveness and to minimize duplication of efforts;

WHEREAS the Parties wish to preserve their independence in carrying out their respective missions;

WHEREAS the Ordre and CPAB agree to discharge their respective mandates and responsibilities in accordance with the laws of Quebec;

WHEREAS the professional secrecy obligations of Quebec chartered accountants are recognized in Quebec’s Charter of Human Rights and Freedoms;

WHEREAS the Act to amend the Chartered Accountants Act (2006, c. 19) came into force on June 14, 2006 and the Parties wish to enter in an agreement contemplated by such Act to authorize the exchange of information between the Parties and disclosure of information by Québec chartered accountants despite their obligation of professional secrecy;

WHEREAS the Parties recognize that the information to be transmitted by each of them to the other pursuant to this Agreement is needed solely for the purpose of permitting the receiving Party to execute its independent inspection, discipline, review proceeding, dispute resolution process and any investigation or inquiry functions;

THE PARTIES HERETO AGREE TO THE FOLLOWING PROVISIONS:

SECTION 1 GENERAL PROVISION

The Parties agree that CPAB shall operate in Quebec, in accordance with its rules and by-laws, a program to monitor, inspect and investigate participating firms.

SECTION 2 INSPECTION AND INVESTIGATION

1. The Parties shall strive to coordinate their respective inspections of participating firms. To this end, each Party shall forward to the other its inspection program in respect of the Quebec operations of participating firms on a timely basis, so that each Party can take it into account in preparing its own program, and shall also forward its inspection schedule.

2. CPAB shall require that all participating firms notify all of their reporting issuer clients that the audit file of such reporting issuers may be reviewed by CPAB in the course of its carrying out its operations in accordance with its mission. In addition, CPAB shall not, in the course of its inspection and investigation of the Quebec operations of a participating firm, examine the files of any non-reporting issuer clients of such participating firm, and shall not require the disclosure of confidential information relating to any specific non-reporting issuer client without the consent of such non-reporting issuer having been obtained by the participating firm.

3. CPAB agrees to transmit to the Ordre, promptly upon becoming aware of it, any information that appears to reveal a breach of the Ordre's rules of professional conduct.

4. Each Party shall transmit to the other Party, promptly upon becoming aware of it, any information obtained during an inspection or investigation into the

competence of a member when such information reveals a serious departure from generally accepted accounting principles, generally accepted auditing standards, assurance standards, applicable independence standards or the general standards of quality control of a participating firm.

5. CPAB shall inform the Ordre of its intention to launch an investigation into a violation of CPAB rules involving a participating firm in Quebec, together with the reasons that would justify such investigation. CPAB shall inform the Ordre of the essential steps involved in the investigation process.

SECTION 3 INSPECTION AND INVESTIGATION REPORTS

1. CPAB shall send the Ordre the final inspection reports and investigation decisions it prepares on the Quebec operations of participating firms and shall provide the Ordre with access to the related working papers.

2. The Ordre shall transmit to CPAB the information contained in the final report on an inspection or an investigation into the competence of a member conducted by the Ordre within a participating firm, where such information deals with the firm's activities in respect of a reporting issuer or with the quality control applied by the firm, and provided that any portion of such information that permits the identification a specific non-reporting issuer client of such firm shall be redacted from the information provided to CPAB. The Ordre shall provide CPAB with access to the working papers related to this information.

3. CPAB shall agree that it does not intend to ask a participating firm to provide to it any inspection or investigation reports produced by the Ordre.

SECTION 4 MEASURES IMPOSED BY THE PARTIES

1. CPAB shall inform the Ordre about the results of an inspection or investigation of a participating firm in regard to its Quebec operations, in particular of any requirement, restriction or sanction CPAB shall impose, or gives notice to a participating firm that it intends to impose, as a result of such participating firm's operations in Quebec. CPAB shall also inform the Ordre about any application for a review proceeding made by a participating firm in respect of such imposition or intended imposition.

2. The Ordre shall inform CPAB about any complaint lodged with the Committee on Discipline of the Ordre, and about any measure taken in respect of a member of a participating firm resulting from an inspection.

3. The Ordre shall inform CPAB about any limitation or suspension of the right to practice imposed on a member of a participating firm, or whether such member has been struck off the membership Roll.

4. The Parties shall agree that each Party is entitled to take any measure it deems useful in exercising its rights or powers, without being required to consider actions taken by the other Party.

SECTION 5 CONFIDENTIALITY

1. The Parties shall agree not to use any confidential information obtained pursuant to this Agreement other than for purposes of carrying out their respective missions, which, in the case of CPAB, it carries out in accordance with its rules and by-laws through inspections, investigations or review proceedings or the imposition of recommendations, requirements, restrictions or sanctions.

2. The Parties shall agree to exchange confidential information only by secure means and to take any measures required to safeguard confidentiality.

Such information may only be disclosed to persons within a Party whose functions or duties include receiving, using or consulting such information.

3. Each Party shall agree to maintain at least the same confidentiality regarding confidential information obtained pursuant to this Agreement as it would for information of the same nature it holds.

More particularly, CPAB shall agree to maintain the same confidentiality regarding confidential information obtained pursuant to this Agreement, as would be required for the Ordre for information obtained or held by the Ordre in the exercise of the powers granted by the Professional Code (R.S.Q., c. C-26).

4. In the event of any demand being received by a Party to disclose any confidential information obtained pursuant to this Agreement, which demand the Party receiving it believes it might be compelled to comply with, the Party receiving the demand shall promptly notify the other Party of the details of the demand and shall cooperate with such other Party in exercising all available rights and remedies.

5. No consent or disclosure pursuant to this Agreement shall be deemed to constitute or authorize the waiver of any confidentiality or privilege granted to such information under applicable laws.

The disclosure pursuant to this Agreement of information protected by the professional secrecy of chartered accountants in Québec does not constitute a waiver of such professional secrecy.

Except as otherwise provided for the members of the Ordre in this Agreement or in the Chartered Accountants Act (R.S.Q. c. C-48), nothing in this Agreement is intended to or shall limit or restrict any professional secrecy that may exist in respect of information held by a participating firm or a chartered accountant.

SECTION 6 MISCELLANEOUS PROVISIONS

1. CPAB shall agree to keep the Ordre informed about any amendments to CPAB's rules and operations that may affect the Ordre in fulfilling its mission among the members of participating firms or the application of this Agreement.

2. The Parties agree that they are separate and independent bodies and are entering into this Agreement solely for the purposes of facilitating their independent operations while meeting the requirements of sections 22.1, 22.2 and 22.3 of the Chartered Accountants Act. Furthermore, the Parties confirm that, after entering into this Agreement, they will continue to be operating independently and neither Party will be acting on behalf of or as agent for the other Party and the documents held by each Party will not be held for the benefit of or on behalf of the other Party.

3. CPAB shall agree to provide information reasonably requested by the Ordre in order to assist the Ordre to prepare its annual report on the implementation of this Agreement.

SECTION 7 FINAL PROVISIONS

1. The Agreement shall be in effect for five years commencing on the date that it comes into force. The Parties shall agree that, at least eighteen months prior to the expiry of the Agreement, they will consult with each other on the advisability of its renewal, with or without amendments.

2. The Parties shall agree that, despite the termination of this Agreement, whatever the cause, they shall remain bound by the obligation of confidentiality and professional secrecy set out herein.

3. The Parties shall consult promptly, at the request of either, concerning any question or difficulty arising as to the interpretation or the application of this Agreement.

4. This Agreement shall come into force after approval of the Government, ten days following its second publication in the *Gazette Officielle du Québec*.

5. This Agreement is governed by the laws applicable in Quebec. In the event of a dispute, the courts of the District of Montreal have competent jurisdiction to dispose of the matter.

6. Either Party may, upon a three-month written notice to the other Party, terminate this Agreement, if it is of the opinion that changes made to the rules governing either Party may jeopardize the continued pursuit of the Agreement. Before giving such a notice, a Party must have entered into consultation with the other Party with a view to resolve the concern.

Signed in Montreal, on this 8th day of November, 2007, in duplicate, in French and English. Both versions of this Agreement are equally authentic.

FOR THE ORDRE DES
COMPTABLES AGRÉÉS
DU QUÉBEC

FOR THE CANADIAN
PUBLIC ACCOUNTABILITY
BOARD

#DM 86250

8766

Gouvernement du Québec

O.C. 541-2008, 28 May 2008

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

**Pharmacist
— Diploma and training equivalence standards for
the issue of a permit**

Regulation respecting diploma and training equivalence standards for the issue of a pharmacist's permit

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 pharmaciens du Québec made the Regulation respecting diploma and training equivalence standards for the issue of a pharmacist's permit to replace the Regulation currently in force, approved by Order in Council 1357-93 dated 22 September 1993;

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 respecting diploma and training equivalence standards for the issue of a pharmacist's permit, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation respecting diploma and training equivalence standards for the issue of a pharmacist's permit

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

DIVISION I GENERAL

1. The secretary of the Ordre des pharmaciens du Québec must forward a copy of this Regulation to a candidate who, for the purpose of obtaining a permit from the Order, applies to have a diploma issued by an educational institution outside Québec or training recognized as equivalent.

In this Regulation,

“diploma equivalence” means recognition by the Order that a diploma issued by an educational institution outside Québec certifies that a candidate’s level of knowledge and skills is equivalent to the level attained by the holder of a diploma recognized as giving access to a permit issued by the Order;

“diploma giving access to the permit issued by the Order” means a diploma recognized as giving access to the permit issued by the Order by a regulation of the Government made under the first paragraph of section 184 of the Professional Code (R.S.Q., c. C-26); and

“training equivalence” means recognition by the Order that a candidate’s training has enabled the candidate to attain a level of knowledge and skills equivalent to the level attained by the holder of a diploma giving access to a permit issued by the Order.

DIVISION II DIPLOMA EQUIVALENCE STANDARDS

2. A candidate who holds a diploma awarded by an educational institution outside Québec is granted a diploma equivalence if the diploma was obtained upon completion of 8 semesters of university studies comprising not fewer than 15 weeks of activities and that are equivalent to the program of studies in pharmacy at Université Laval or Université de Montréal; the studies must comprise a minimum of 125 credits and each credit must correspond to 45 hours of course attendance or personal work in

- (1) biomedical science;
- (2) chemical and pharmaceutical sciences;

- (3) pharmacological science;
- (4) practical and clinical pharmacy; and
- (5) socio-economic and administrative aspects.

3. Despite section 2, if the diploma for which an equivalence application is made was obtained more than 5 years before the application and, considering the developments in the profession, the knowledge certified by the diploma no longer corresponds to the knowledge currently being taught, the candidate is granted a training equivalence pursuant to section 4 if the candidate has attained the required level of knowledge and skills since being awarded the diploma.

DIVISION III TRAINING EQUIVALENCE STANDARDS

4. A candidate is granted a training equivalence if the candidate demonstrates having a level of knowledge and skills equivalent to the level attained by the holder of a diploma giving access to a permit issued by the Order.

5. In assessing the training submitted in support of a training equivalence application, the following factors are to be taken into consideration:

- (1) the relevant university diplomas, issued in Québec or outside Québec;
- (2) the nature and content of the relevant university courses passed by the candidate, the number of credits and the marks obtained;
- (3) the training periods successfully completed by the candidate, and any other relevant continuing training or upgrading activities;
- (4) the nature and duration of the candidate’s relevant work experience; and
- (5) the fact that the candidate has passed the evaluating examination administered by the body incorporated under the Act to incorporate The Pharmacy Examining Board of Canada, (1963) 12 Eliz. II. c. 77.

DIVISION IV TRAINING EQUIVALENCE RECOGNITION PROCEDURE

6. A candidate who, for the purpose of obtaining a permit from the Order, applies for a diploma or training equivalence must provide the secretary of the Order with the following documents and information required to

support the candidate's application, together with the fees required under paragraph 8 of section 86.0.1 of the Professional Code:

- (1) the candidate's academic record, including a description of courses taken, the number of credits and corresponding transcripts;
- (2) a certified true copy of all diplomas held;
- (3) an attestation of the candidate's successful completion of a training period;
- (4) an attestation of the candidate's participation in any other relevant continuing training or upgrading activities;
- (5) a description and an attestation of the candidate's relevant work experience;
- (6) proof of the candidate's right to practise pharmacy in another jurisdiction;
- (7) a letter of recommendation from the candidate's professional order;
- (8) a list of the candidate's relevant publications; and
- (9) an attestation that the candidate has passed the evaluating examination and qualifying examination administered by the Pharmacy Examining Board of Canada.

Documents in a language other than French or English that are submitted in support of an application must be accompanied by a French translation certified under oath by the translator.

7. The secretary of the Order must send the documents referred to in section 6 to a committee formed by the Bureau pursuant to paragraph 2 of section 86.0.1 of the Professional Code to examine and decide equivalence applications.

In order to make a decision, the committee may require the candidate to pass an examination or undergo a training session, or to do both.

8. The committee may decide to

- (1) grant the candidate's diploma or training equivalence;
- (2) grant the candidate's training equivalence in part and inform the candidate of the courses and training sessions that must be successfully completed for the equivalence to be granted; or

(3) refuse to grant the candidate's diploma or training equivalence.

The secretary of the Order must send a copy of the committee's decision to the candidate by registered or certified mail within 30 days of its decision.

If the committee refuses to grant the diploma or training equivalence or grants a training equivalence in part, the committee must at the same time inform the candidate in writing of any programs of study, bridging programs, training periods or examinations which if successfully completed within the allotted time would enable the candidate to be granted the training equivalence. The committee must also inform the candidate of the candidate's right to apply for a review of the decision in accordance with section 9.

9. A candidate who is informed of the committee's decision not to grant the diploma or training equivalence or to grant a training equivalence in part may apply for review of the decision by a review committee. The review committee is formed by the Bureau pursuant to paragraph 2 of section 86.0.1 of the Professional Code. A member of the committee referred to in section 7 cannot sit on the review committee.

The candidate must make the review application to the secretary of the Order in writing within 30 days of receiving the decision.

The review committee has 60 days from the date of receipt of the review application to make its decision.

The secretary must inform the candidate of the date of the meeting at which the review application will be examined, by means of a notice sent by registered or certified mail at least 15 days before the date set for the meeting.

The candidate may send the secretary written submissions for the review committee at any time before the date set for the examination of the review application.

10. The decision of the review committee is final and must be sent to the candidate in writing by registered or certified mail within 30 days following the date of the meeting.

DIVISION V

FINAL

11. This Regulation replaces the Regulation respecting the standards for equivalence of diplomas for the issue of a pharmacist's permit, approved by Order in Council 1357-93 dated 22 September 1993.

Despite the foregoing, if an equivalence application was the subject of a decision by the Bureau pursuant to section 7 of the replaced Regulation and the time allowed for review has not expired or the Bureau has not reviewed the application, a member of the Bureau cannot be a member of the review committee.

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

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Gouvernement du Québec

O.C. 542-2008, 28 May 2008

Pharmacy Act
(R.S.Q., c. P-10)

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

Pharmaciens

— The terms and conditions for the issue of permits by the Ordre

— Amendments

Regulation to amend the Regulation respecting the terms and conditions for the issue of permits by the Ordre des pharmaciens du Québec

WHEREAS, under paragraph *i* of section 94 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order may, by regulation, determine the other terms and conditions for issuing permits; the regulation may also fix standards of equivalence applicable to the terms and conditions determined therein;

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 *i* of section 94, 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 subparagraph *b* of the first paragraph of section 10 of the Pharmacy Act (R.S.Q., c. P-10), in addition to the duties provided in sections 87 to 93 of the Professional Code, the Bureau must, by regulation, determine the other conditions and formalities applicable to the issue of a registration certificate to a student in pharmacy, together with the causes for and the conditions and formalities applicable to the revocation of such a certificate;

WHEREAS the Bureau of the Ordre des pharmaciens du Québec made the Regulation to amend the Regulation respecting the terms and conditions for the issue of permits by the Ordre des pharmaciens 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 terms and conditions for the issue of permits by the Ordre des pharmaciens du Québec, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the terms and conditions for the issue of permits by the Ordre des pharmaciens du Québec*

Pharmacy Act
(R.S.Q., c. P-10, s. 10, 1st par., subpar. *b*)

Professional code
(R.S.Q., c. C-26, s. 93, par. *c.1* and s. 94, par. *i*)

1. The Regulation respecting the terms and conditions for the issue of permits by the Ordre des pharmaciens du Québec is amended

(1) by replacing “recognized as equivalent by the Bureau under subparagraph *g* of the first paragraph of section 86 of the Code” in paragraph 1 of section 1 by “or training recognized as equivalent by the Order”;

(2) by inserting “, where applicable” in paragraph 2 of section 1 after “certificate”;

(3) by inserting “or has been granted an equivalence by the Order under Division II.1” in paragraph 3 of section 1 after “internship”.

2. Section 2 is amended by replacing “recognized as equivalent by the Bureau under subparagraph *g* of the first paragraph of section 86 of the Code” in subparagraph *b* of paragraph 1 by “or training recognized as equivalent by the Order”.

3. Section 7 is amended by replacing “Bureau” by “secretary of the Order”.

4. Sections 8 to 10 are replaced by the following:

8. The secretary of the Order must forward the internship report and the evaluation report to a committee formed by the Bureau pursuant to paragraph 2 of section 86.0.1 of the Professional Code.

The committee must determine if the trainee has satisfied the requirements of the internship within 60 days following the date of receipt of the documents.

9. The committee must inform the trainee of its decision in writing within 30 days of the decision.

If the trainee does not satisfy the requirements of the internship, the committee must also inform the trainee in writing of any elements to be completed and the procedure to be followed to satisfy the requirements.

10. A trainee who is informed of the committee’s decision to the effect that the trainee has not satisfied the requirements of the internship may apply for review of the decision by a review committee. The review committee is formed by the Bureau pursuant to paragraph 2 of section 86.0.1 of the Professional Code. A member of the committee referred to in section 8 cannot sit on the review committee.

The trainee must make the review application to the secretary of the Order in writing within 30 days of receiving the decision.

The review committee has 60 days from the date of receipt of the review application to make its decision.

The secretary must inform the trainee of the date of the meeting at which the review application will be examined, by means of a notice sent by registered or certified mail at least 15 days before the date set for the meeting.

The trainee may send the secretary written submissions for the review committee at any time before the day set for the examination of the review application.

The decision of the review committee is final and must be sent to the trainee in writing by registered or certified mail within 30 days following the date of the meeting.”.

5. The following is added after section 10:

“DIVISION II.1 INTERNSHIP EQUIVALENCE STANDARDS

10.1. A person is granted the internship equivalence provided for in Division II if the person demonstrates having a level of knowledge and skills equivalent to the level attained by a person who has satisfied that condition.

In assessing the equivalence, the following factors are taken into particular account:

(1) the nature and duration of the person’s work experience;

(2) the fact that the person holds one or more diplomas awarded in Québec or elsewhere;

* The Regulation respecting the terms and conditions for the issue of permits by the Ordre des pharmaciens du Québec, approved by Order in Council 231-93 dated 24 February 1993 (1993, *G.O.* 2, 959), has not been amended since its approval.

- (3) the nature and content of courses taken;
- (4) the nature and content of internships and other training activities; and
- (5) the total number of years of schooling.

10.2. A person who wishes to have an internship equivalence under section 10.1 recognized must make an application as provided in Division II, with the necessary modifications.

Documents in a language other than French or English that are submitted in support of an application must be accompanied by a French translation certified under oath by the translator.”.

6. Section 12 is amended by replacing “recognized as equivalent by the Bureau under subparagraph *g* of the first paragraph of section 86 of the Code” in the second paragraph by “or training recognized as equivalent by the Order”.

7. A decision made by the Bureau on an internship evaluation pursuant to section 8 of the Regulation respecting the terms and conditions for the issue of permits by the Ordre des pharmaciens du Québec, approved by Order in Council 231-93 dated 24 February 1993, for which the time allowed for review has not expired or the Bureau has not conducted a review must be heard by a review committee formed by the Bureau pursuant to paragraph 2 of section 86.0.1 of the Professional Code on which no member of the Bureau sits.

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

8768

Gouvernement du Québec

O.C. 544-2008, 28 May 2008

Environment Quality Act
(R.S.Q., c. Q-2)

**Dishwashing detergents
— Prohibition of sale**

Regulation to prohibit the sale of certain dishwashing detergents

WHEREAS subparagraphs *a*, *c*, *d*, *h* and *l* of the first paragraph of section 31, paragraphs *c* and *f* of section 46 and section 109.1 of the Environment Quality Act

(R.S.Q., c. Q-2) empower the Government to make regulations on the matters set forth therein;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and section 124 of the Environment Quality Act, a draft of the Regulation to prohibit the sale of certain dishwashing detergents, attached to this Order in Council, was published in Part 2 of the *Gazette officielle du Québec* of 12 December 2007 with a notice that it could be made by the Government on the expiry of 60 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments, considering the comments received following that publication in the *Gazette officielle du Québec*;

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

THAT the Regulation to prohibit the sale of certain dishwashing detergents, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to prohibit the sale of certain dishwashing detergents

Environment Quality Act
(R.S.Q., c. Q-2, s. 31, 1st par., subpars. *a*, *c*, *d*, *h* and *l*, s. 46, pars. *c* and *f* and s. 109.1)

1. This Regulation applies to dishwashing detergents for domestic use.

2. In this Regulation, “phosphorus” means elemental phosphorus.

3. As of 1 July 2010, no dishwashing detergent may be offered for sale, sold, distributed or otherwise made available to consumers if

(1) it contains 0.5% or more phosphorus by weight; or

(2) the package does not indicate the percentage by weight of the phosphorus content of the product.

The phosphorus content indicated on the package is determined by a laboratory accredited by the Minister of Sustainable Development, Environment and Parks under section 118.6 of the Environment Quality Act (R.S.Q.,

c. Q-2). If the detergent is manufactured outside Québec, the phosphorus content is determined by a laboratory whose analyzes are made in compliance with

(1) a standard method of the American Society for Testing and Materials; or

(2) a Canadian or international standard method recognized by the Standards Council of Canada.

4. Every person who commits an offence against this Regulation is liable,

(1) in the case of a natural person, to a fine of \$2,000 to \$20,000 for a first offence and \$4,000 to \$40,000 for any subsequent offence; and

(2) in the case of a legal person, to a fine of \$6,000 to \$120,000 for a first offence and \$12,000 to \$240,000 for any subsequent offence.

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

8769

Gouvernement du Québec

O.C. 573-2008, 3 June 2008

Individual and Family Assistance Act
(R.S.Q., c. A-13.1.1)

Individual and family assistance — Amendments

Regulation to amend the Individual and Family Assistance Regulation

WHEREAS, in accordance with the Individual and Family Assistance Act (R.S.Q., c. A-13.1.1), the Government made the Individual and Family Assistance Regulation by Order in Council 1073-2006 dated 22 November 2006;

WHEREAS it is expedient to amend the Regulation;

WHEREAS, in accordance with sections 10, 12 and 13 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Individual and Family Assistance Regulation was published in Part 2 of the *Gazette officielle du Québec* of 23 April 2008 with a notice that it could be made by the Government on the expiry of 20 days following that publication;

WHEREAS the 20-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 Employment and Social Solidarity:

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

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Individual and Family Assistance Regulation*

Individual and Family Assistance Act
(R.S.Q., c. A-13.1.1, s. 131, pars. 2 and 7, s. 132, par. 10 and s. 136)

1. Section 7 of the Individual and Family Assistance Regulation is amended

(1) by replacing “\$30” by “\$45”;

(2) by adding the following at the end: “However, if the person has no spouse but a dependent child, that amount is increased by \$25 per week.”

2. Section 11 is amended

(1) by replacing “\$30” by “\$45”;

(2) by adding the following at the end: “However, if the person has no spouse but a dependent child, that part is set at \$70 per week.”

3. Section 111 is amended by replacing paragraph 16 by the following:

“(16) employment-assistance allowances paid by the Minister and employment-assistance allowances paid by a third person and recognized as such by the Minister, up to \$195 per month per person or, if the person has no spouse but a dependent child, up to \$304 per month;

* The Individual and Family Assistance Regulation, made by Order in Council 1073-2006 dated 22 November 2006 (2006, *G.O.* 2, 3877), was last amended by the regulations made by Orders in Council 1064-2007 dated 28 November 2007 (2007, *G.O.* 2, 3688) and 456-2008 dated 7 May 2008 (2008, *G.O.* 2, 1333). For previous amendments, refer to the *Tableau des modifications et Index Sommaire*, Québec Official Publisher, 2008, updated to 1 March 2008.

(16.1) support allowances paid by a third person and recognized as such by the Minister, up to \$130 per month per person;”.

4. This Regulation comes into force on 1 July 2008. However, section 3 applies only in respect of employment-assistance allowances granted as of that date.

8777

M.O., 2008

Order of the Minister of Sustainable Development, Environment and Parks dated 29 May 2008

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

CONCERNING the assignment of temporary protection status as a proposed aquatic reserve to two territories and as a proposed biodiversity reserve to twenty territories

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 must, with the approval of the Government, prepare the plan of that area, establish a conservation plan and assign temporary protection status to the area as a proposed aquatic reserve, biodiversity reserve, ecological reserve or man-made landscape;

WHEREAS, under section 28 of the Act, the setting aside of land under the first paragraph of section 27 is valid for a period of not more than four years, subject to subsequent renewals or extensions that may not, unless authorized by the Government, be such that the term of the setting aside exceeds six years;

CONSIDERING that, in view of the ecological value of the territories and watercourses, the Minister of Sustainable Development, Environment and Parks has been authorized by the Government to assign temporary protection status as a proposed aquatic reserve or proposed biodiversity reserve, as the case may be, to the twenty-two territories whose name appears in the Schedule, and that the plan of those areas and the proposed conservation plan for each area have been approved, as provided in Order in Council 445-2008 dated 7 May 2008;

THEREFORE, the Minister of Sustainable Development, Environment and Parks orders as follows:

(1) proposed aquatic reserve status is assigned to the two territories whose name appears in Schedule I, the plan of those areas and their conservation plan for the term of the assigned temporary protection being those approved by the Government;

(2) proposed biodiversity reserve status is assigned to the twenty territories whose name appears in Schedule II, the plan of those areas and their conservation plan for the term of the assigned temporary protection being those approved by the Government;

(3) the status is assigned for a term of four years commencing on the date on which the notice of the setting aside of those areas is published in the *Gazette officielle du Québec*.

Québec, 29 May 2008

LINE BEAUCHAMP,
*Minister of Sustainable Development,
Environment and Parks*

SCHEDULE I
PROPOSED AQUATIC RESERVES

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

SCHEDULE II
PROPOSED BIODIVERSITY RESERVES

Proposed Paakumshumwaa-Maatuskaau biodiversity reserve
Proposed Lac-Dana biodiversity reserve
Proposed Tourbières-Boisées-du-Chiwakamu biodiversity reserve
Proposed Montagnes-Blanches biodiversity reserve
Proposed Basses-Collines-du-Ruisseau-Serpent biodiversity reserve
Proposed Vallée-de-la-Rivière-Maganasipi biodiversity reserve
Proposed Wanaki biodiversity reserve
Proposed Mont-O'Brien biodiversity reserve
Proposed Montagne-du-Diable biodiversity reserve
Proposed Îles-du-Kiamika biodiversity reserve
Proposed Lac-Némiscachingue biodiversity reserve
Proposed Basses-Collines-du-Lac-au-Sorcier biodiversity reserve

Proposed Canyon-de-la-Rivière-aux-Rats biodiversity reserve
Proposed Basses-Collines-du-Lac-Coucou biodiversity reserve
Proposed Brûlis-du-Lac-Oskélanéo biodiversity reserve
Proposed Sikitakan Sipi biodiversity reserve
Proposed Plateau-de-la-Pierriche biodiversity reserve
Proposed Buttes-et-Buttons-du-Lac-Panache biodiversity reserve
Proposed Forêt-Montmorency biodiversity reserve
Proposed Vallée-Tousignant biodiversity reserve

8774

M.O., 2008

Order number AM 2008-029 of the Minister of Natural Resources and Wildlife dated 29 May 2008

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

CONCERNING the delimitation of areas on lands in the domain of the State in view of increased utilization of wildlife resources of the lake Croche, located on the territory of the Municipality of Trois-Rives, in the MRC de Mékinac.

THE MINISTER OF NATURAL RESOURCES AND WILDLIFE,

CONSIDERING that under section 85 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), the Minister may delimit areas on lands in the domain of the State in view of increased utilization of wildlife resources and secondarily, the practice of recreational activities;

CONSIDERING that it is expedient to delimit the areas on lands in the domain of the State specified in appendix attached to this Order in view of increased utilization of wildlife resources and secondarily, the practice of recreational activities;

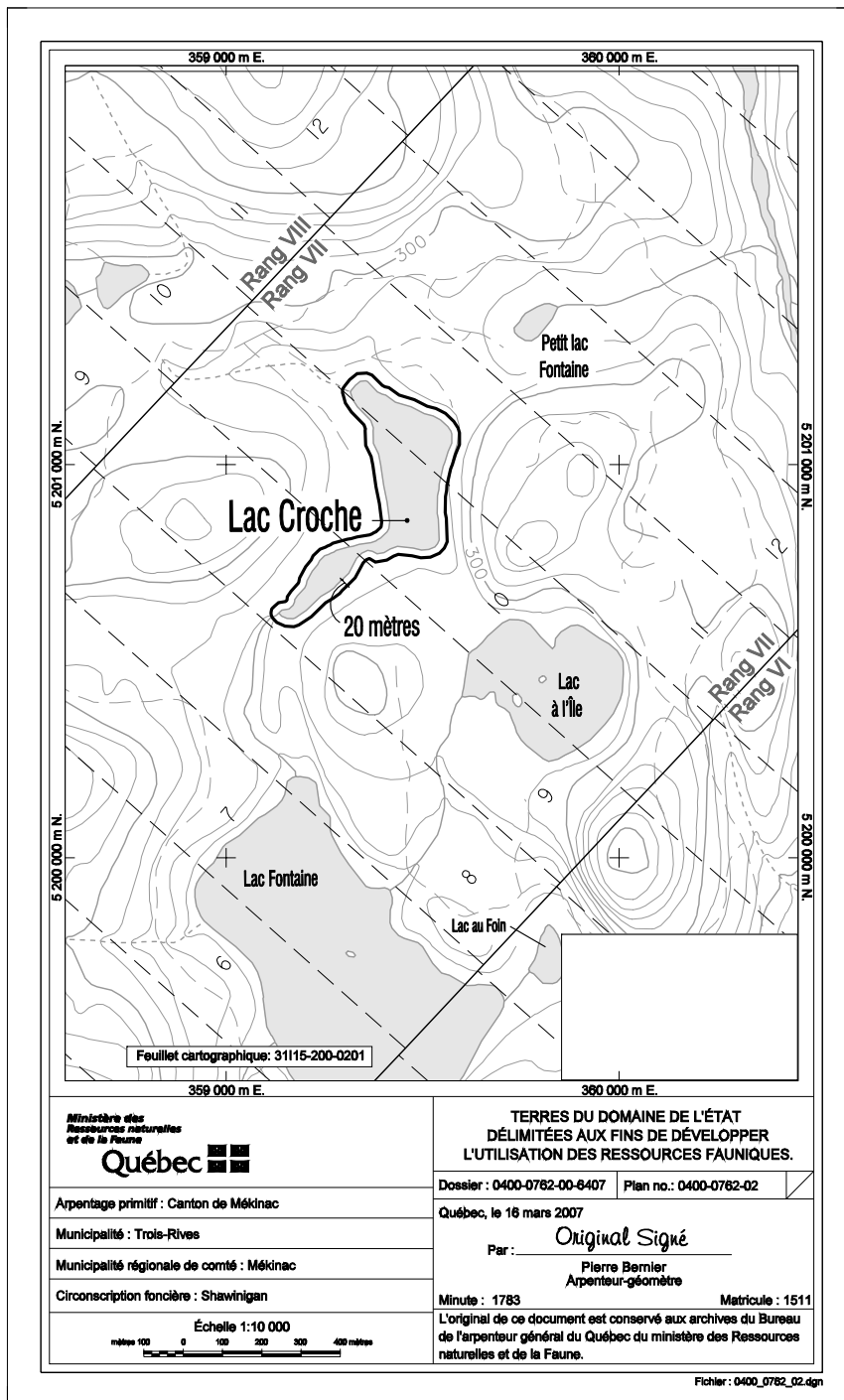
ORDER THAT:

The areas on lands in the domain of the State specified in appendix attached to this Order are delimited in view of increased utilization of wildlife resources and secondarily, the practice of recreational activities;

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

Québec, 29 May 2008

CLAUDE BÉCHARD,
*Minister of Natural Resources,
and Wildlife*



M.O., 2008-09

Order number V-1.1-2008-09 of the Minister of Finance, June 3, 2008

Securities Act
(R.S.Q., c. V-1.1)

CONCERNING Regulation to amend National Instrument 55-102 System for Electronic Disclosure by Insiders (SEDI)

WHEREAS subparagraphs 1 and 20.1 of section 331.1 of the Securities Act (R.S.Q., c. V-1.1), amended by section 15 of chapter 15 of the statutes of 2007, stipulate that the Autorité des marchés financiers may make regulations concerning the matters referred to in those paragraphs;

WHEREAS the third and fourth paragraphs of section 331.2 of the said Act stipulate that a draft regulation shall be published in the Bulletin de l'Autorité des marchés financiers, accompanied with the notice required under section 10 of the Regulations Act (R.S.Q., c. R-18.1) and may not be submitted for approval or be made before 30 days have elapsed since its publication;

WHEREAS the first and fifth paragraphs of the said section stipulate that every regulation made under section 331.1 must be approved, with or without amendment, by the Minister of Finance and comes into force on the date of its publication in the *Gazette officielle du Québec* or any later date specified in the regulation;

WHEREAS the draft Regulation to amend National Instrument 55-102 System for Electronic Disclosure by Insiders (SEDI) was published in the Bulletin de l'Autorité des marchés financiers, volume 4, no. 49 of December 7, 2007;

WHEREAS on May 1st, 2008, by the decision no. 2008-PDG-0123, the Autorité des marchés financiers made Regulation to amend National Instrument 55-102 System for Electronic Disclosure by Insiders (SEDI);

WHEREAS there is cause to approve this regulation without amendment;

CONSEQUENTLY, the Minister of Finance approves without amendment Regulation to amend National Instrument 55-102 System for Electronic Disclosure by Insiders (SEDI) appended hereto.

June 3, 2008

MONIQUE JÉRÔME-FORGET,
Minister of Finance

Regulation to amend National Instrument 55-102 System for Electronic Disclosure by Insiders (SEDI)

Securities Act
(R.S.Q., c. V-1.1, s. 331.1, par. (1) and (20.1);
2007, c. 15)

1. Section 5.2 of National Instrument 55-102 System for Electronic Disclosure by Insiders (SEDI) is replaced with the following:

“5.2. Authentication and Access Key

When information is filed in SEDI format, the identity of the SEDI filer or the authority of the filing agent shall be authenticated by

(a) the use of the SEDI filer's username and password by the SEDI filer;

(b) the use of the SEDI filer's access key by the filing agent; or

(c) the use of the SEDI filer's username and password and SEDI filer's access key by the SEDI filer when first linking to the insider profile created by a filing agent.”.

2. Form 55-102F1 of the National Instrument is amended:

(1) in Item 7:

(a) by deleting, in the second paragraph, the words “, New Brunswick”;

(b) by adding the following after the second paragraph:

“If the insider is resident in New Brunswick, the insider may choose to receive any correspondence from the New Brunswick securities regulatory authority in French or English.”;

(2) in the paragraph entitled “*Notice – Collection and Use of Personal Information*” of Item 14:

(a) by adding, after the word “Québec,”, the words “New Brunswick,”;

(b) by replacing the address of the Manitoba Securities Commission with the following:

“The Manitoba Securities Commission
500 – 400 St. Mary Avenue
Winnipeg, Manitoba, R3C 4K5
Attention: Director, Legal
Telephone: 204-945-0605”;

(c) by replacing, in the address of the Commission des valeurs mobilières du Québec, the words “Commission des valeurs mobilières du Québec” with the words “Autorité des marchés financiers”;

(d) by adding the following at the end:

“New Brunswick Securities Commission
85 Charlotte Street, Suite 300
Saint John, NB E2L 2J2
Attention: Corporate Finance Officer
Telephone: 506-658-3060 or 866-933-2222
(in New Brunswick)”.

3. Form 55-102F2 of the National Instrument is amended:

(1) by replacing items 3 and 4 with the following:

“3. Review issuer information

Review the information contained in the insider profile with respect to the selected reporting issuer to ensure that the information is correct. To do this, click on “Insider profile” in the top bar and the “Introduction to insider profile activities (Form 55-102F1)” screen will appear.

You must review the information in the insider profile with respect to the selected reporting issuer and, if the information is not correct, you must amend it by filing an amended insider profile. To do this, click on “Amend insider profile” in the bar on the left side and make the necessary corrections.

“4. Review new issuer event reports

If the reporting issuer has filed an issuer event report that has not previously been viewed or that has been previously flagged for further viewing, you must review the issuer event report.

To do this you must do the following: i) After you have selected an issuer and before selecting the “File insider report” feature, on the screen entitled “File insider report (Form 55-102F2) – Select issuer”, click on the feature entitled “View issuer event

reports” and the “Listing of issuer event reports” screen appears; ii) Next, click on the radio button for the report you wish to see and then select “View Report” and the “View issuer report information” screen appears with the text of the issuer event report.

If the insider’s holdings of securities of the reporting issuer have been affected by an issuer event, the change in holdings must be reported.”;

(2) in the paragraph entitled “*Notice – Collection and Use of Personal Information*” of Item 25:

(a) by adding, after the word “Québec,”, the words “New Brunswick,”;

(b) by replacing the address of the Manitoba Securities Commission with the following:

“The Manitoba Securities Commission
500 – 400 St. Mary Avenue
Winnipeg, Manitoba, R3C 4K5
Attention: Director, Legal
Telephone: 204-945-0605”;

(c) by replacing, in the address of the Commission des valeurs mobilières du Québec, the words “Commission des valeurs mobilières du Québec” with the words “Autorité des marchés financiers”;

(d) by adding the following at the end:

“New Brunswick Securities Commission
85 Charlotte Street, Suite 300
Saint John, NB E2L 2J2
Attention: Corporate Finance Officer
Telephone: 506-658-3060 or 866-933-2222
(in New Brunswick)”.

4. The paragraph entitled “*Notice – Collection and Use of Personal Information*” of Item 9 of Form 55-102F3 of the National Instrument is amended:

(1) by adding, after the word “Québec,” the words “New Brunswick,”;

(2) by replacing the address of the Manitoba Securities Commission with the following:

“The Manitoba Securities Commission
500 – 400 St. Mary Avenue
Winnipeg, Manitoba, R3C 4K5
Attention: Director, Legal
Telephone: 204-945-0605”;

(3) by replacing, in the address of the Commission des valeurs mobilières du Québec, the words “Commission des valeurs mobilières du Québec” with the words “Autorité des marchés financiers”;

(4) by adding the following at the end:

“New Brunswick Securities Commission
85 Charlotte Street, Suite 300
Saint John, NB E2L 2J2
Attention: Corporate Finance Officer
Telephone: 506-658-3060 or 866-933-2222
(in New Brunswick)”.

5. Form 55-102F6 of the National Instrument is amended:

(1) by adding, in the box entitled “*Notice – Collection and Use of Personal Information*” and after the word “Québec,”, the words “New Brunswick,”;

(2) by adding, in box 4, the following: “ New Brunswick”;

(3) in the instructions:

(a) by replacing, in the first paragraph, the words “from Manitoba, Ontario, and Québec” with the words “from Manitoba, Ontario, Québec and New Brunswick”;

(b) by deleting, in the French text of the first paragraph, the words “de la Commission des valeurs mobilières du Québec”;

(c) by deleting, in the second paragraph, the words “New Brunswick,”;

(4) by replacing, in the address of the Commission des valeurs mobilières du Québec, the words “Commission des valeurs mobilières du Québec” with the words “Autorité des marchés financiers”;

(5) by replacing the address of the Manitoba Securities Commission with the following:

“The Manitoba Securities Commission
500 – 400 St. Mary Avenue
Winnipeg, Manitoba, R3C 4K5
Attention: Continuous Disclosure*
Telephone: 204-945-2548
Facsimile: 204-945-0330”;

(6) by adding the following at the end:

“New Brunswick Securities Commission
85 Charlotte Street, Suite 300
Saint John, NB E2L 2J2
Attention: Corporate Finance Officer
Telephone: 506-658-3060 or 866-933-2222
(in New Brunswick)”.

6. This Regulation comes into force on June 13, 2008.

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Notices

Notice

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

Temporary protection status assigned as a proposed aquatic reserve to two territories and as a proposed biodiversity reserve to twenty territories

Notice is hereby given, in accordance with section 29 of the Natural Heritage Conservation Act (R.S.Q., c. C-61.01), that

(1) the Minister of Sustainable Development, Environment and Parks has assigned, by Minister's Order dated 29 May 2008, temporary protection status as a proposed aquatic reserve to the two territories whose name and location appear in Schedule I, for a term of four years commencing on the date of publication of this notice in the *Gazette officielle du Québec*;

(2) the Minister of Sustainable Development, Environment and Parks has assigned, by Minister's Order dated 29 May 2008, temporary protection status as a proposed biodiversity reserve to the twenty territories whose name and location appear in Schedule II for a term of four years commencing on the date of publication of this notice in the *Gazette officielle du Québec*;

(3) the permanent protection status proposed for the territories is respectively that of aquatic reserve or biodiversity reserve, in continuation with the temporary status already assigned, the granting of permanent status being governed by the Natural Heritage Conservation Act.

(4) A copy of the plan of the two new proposed aquatic reserves and of the twenty new proposed biodiversity reserves may be obtained on payment of a fee by contacting Madame Joanne Laberge, Direction du patrimoine écologique et des parcs, Ministère du Développement durable, de l'Environnement et des Parcs, 675 boulevard René-Lévesque Est, 4^e étage, boîte 21, Québec (Québec) G1R 5V7; telephone 418 521-3907, extension 4426; fax 418 646-6169 or e-mail: joanne.laberge@mddep.gouv.qc.ca

LINE BEAUCHAMP,
*Minister of Sustainable Development,
Environment and Parks*

SCHEDULE I

PROPOSED AQUATIC RESERVES

Proposed Rivière-Dumoine aquatic reserve

Location: The proposed 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.

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

Location: The proposed aquatic reserve is mainly located in the Laurentides administrative region, between 46°35' and 47°02' north latitude and 74°22' and 74°48' west longitude. A small portion to the northeast is located in the Lanaudière administrative region.

SCHEDULE II

PROPOSED BIODIVERSITY RESERVES

Proposed Paakumshumwaa-Maatuskaau biodiversity reserve

Location: The proposed 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.

Proposed Lac-Dana biodiversity reserve

Location: The proposed 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.

Proposed Tourbières-Boisées-du-Chiwakamu biodiversity reserve

Location: The proposed biodiversity reserve is located in the Nord-du-Québec administrative region, between 51°0' and 51°8' north latitude and 76°57' and 77°11' west longitude.

Proposed Montagnes-Blanches biodiversity reserve

Location: The proposed biodiversity reserve is located almost entirely in the Saguenay-Lac-Saint-Jean administrative region, and small portions cover the Côte-Nord administrative region, between 50°42' and 51°24' north latitude and 69°59' and 70°27' west longitude.

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

Location: The proposed biodiversity reserve is located in the Abitibi-Témiscamingue administrative region, between 46°25' and 46°35' north latitude and 78°43' and 78°52' west longitude.

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

Location: The proposed biodiversity reserve is located in the Abitibi-Témiscamingue administrative region, between 46°15' and 46°27' north latitude and 78°15' and 78°28' west longitude.

Proposed Wanaki biodiversity reserve

Location: The proposed biodiversity reserve is located in the Abitibi-Témiscamingue administrative region, between 47°26' and 47°35' north latitude and 77°16' and 77°31' west longitude.

Proposed Mont-O'Brien biodiversity reserve

Location: The proposed biodiversity reserve is located in the Outaouais administrative region, between 45°50' and 45°55' north latitude and 76°12' and 76°19' west longitude.

Proposed Montagne-du-Diable biodiversity reserve

Location: The proposed 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.

Proposed Îles-du-Kiamika biodiversity reserve

Location: The proposed biodiversity reserve is located in the Laurentides administrative region, between 46°37' and 44°41' north latitude and 75°04' and 75°07' west longitude.

Proposed Lac-Némiscachingue biodiversity reserve

Location: Most of the proposed biodiversity reserve is located almost entirely in the Lanaudière administrative region, between 47°18' and 47°36' north latitude and 74°18' and 74°34' west longitude. Its southwestern portion is located in the Laurentides administrative region.

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

Location: The proposed biodiversity reserve is located partially in the Lanaudière administrative region and partially in the Mauricie administrative region, between 46°38' and 46°46' north latitude and 73°17' and 73°34' west longitude.

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

Location: The proposed biodiversity reserve is located in the Mauricie administrative region, between 47°18' and 47°32' north latitude and 72°57' and 73°13' west longitude.

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

Location: The proposed biodiversity reserve is located in the Mauricie administrative region, between 47°38' and 47°48' north latitude and 73°43' and 73°55' west longitude.

Proposed Brûlis-du-Lac-Oskélanéo biodiversity reserve

Location: The proposed 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.

Proposed Sikitakan Sipi biodiversity reserve

Location: The proposed biodiversity reserve is located in the Mauricie administrative region, between 48°18' and 48°29' north latitude and 74°24' and 74°32' west longitude.

Proposed Plateau-de-la-Pierriche biodiversity reserve

Location: The proposed biodiversity reserve is located almost entirely in the Saguenay-Lac-Saint-Jean administrative region and small portions cover the Mauricie administrative region, between 48°3' and 48°21' north latitude and 72°59' and 73°18' west longitude.

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

Location: The proposed biodiversity reserve is located in the Saguenay-Lac-Saint-Jean administrative region, between 48°13' and 48°25' north latitude and 72°28' and 72°42' west longitude.

Proposed Forêt-Montmorency biodiversity reserve

Location: The proposed biodiversity reserve is located in the Capitale-Nationale administrative region, between 47°12' and 47°23' north latitude and 71°5' and 71°11' west longitude.

Proposed Vallée-Tousignant biodiversity reserve

Location: The proposed biodiversity reserve is located in the Mauricie administrative region, between 46°59' and 47°06' north latitude and 73°07' and 73°14' west longitude.

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 Kitchisakik, 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 Milles 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 Milles. 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;

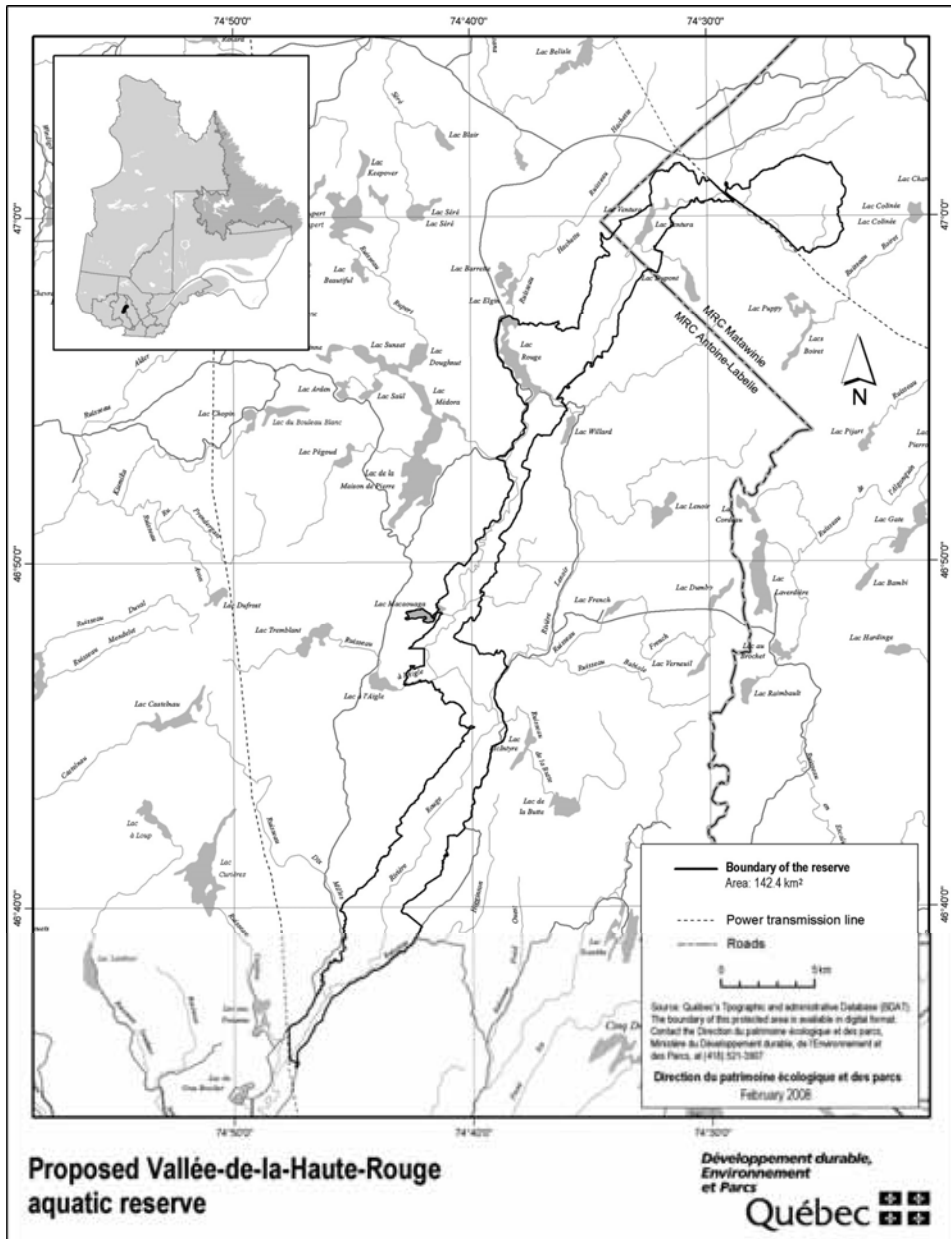
— Construction and development standards: regulatory measures adopted by regional and local municipal authorities under the Acts applicable to them.

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
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;

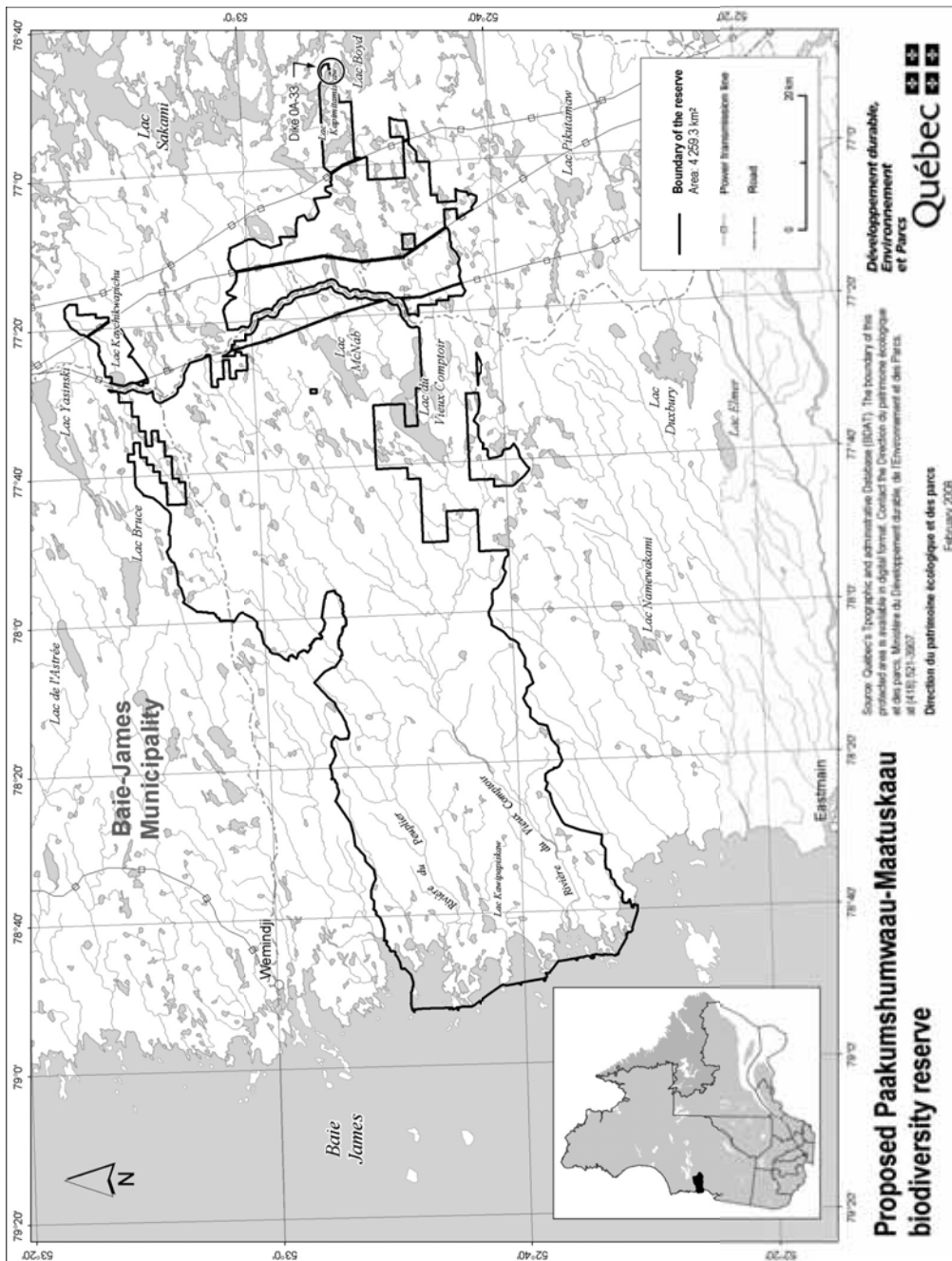
— Construction and development standards: regulatory measures adopted by regional and local municipal authorities under the Acts applicable to them.

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 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.

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;

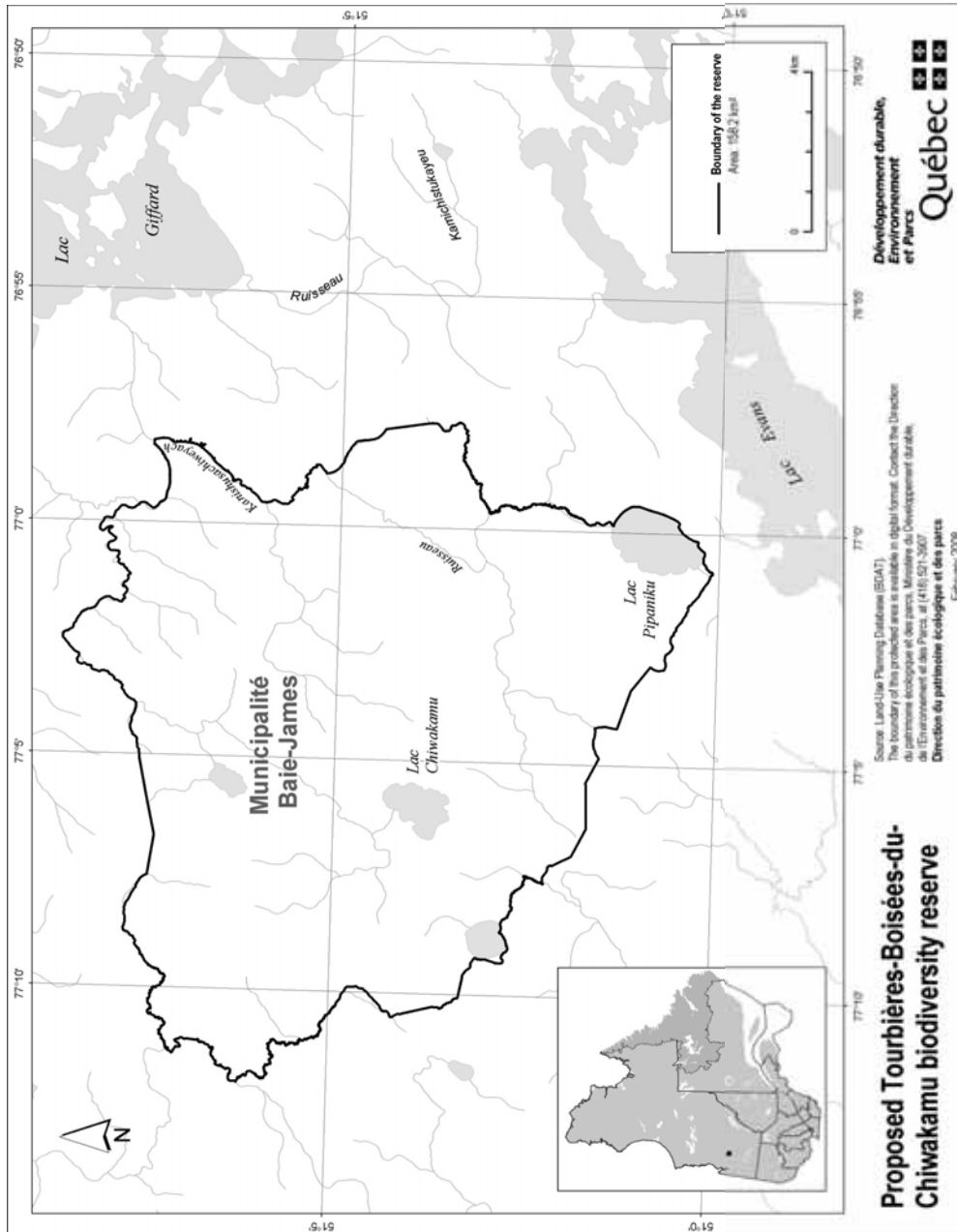
— Construction and development standards: regulatory measures adopted by regional and local municipal authorities under the Acts applicable to them.

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



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;

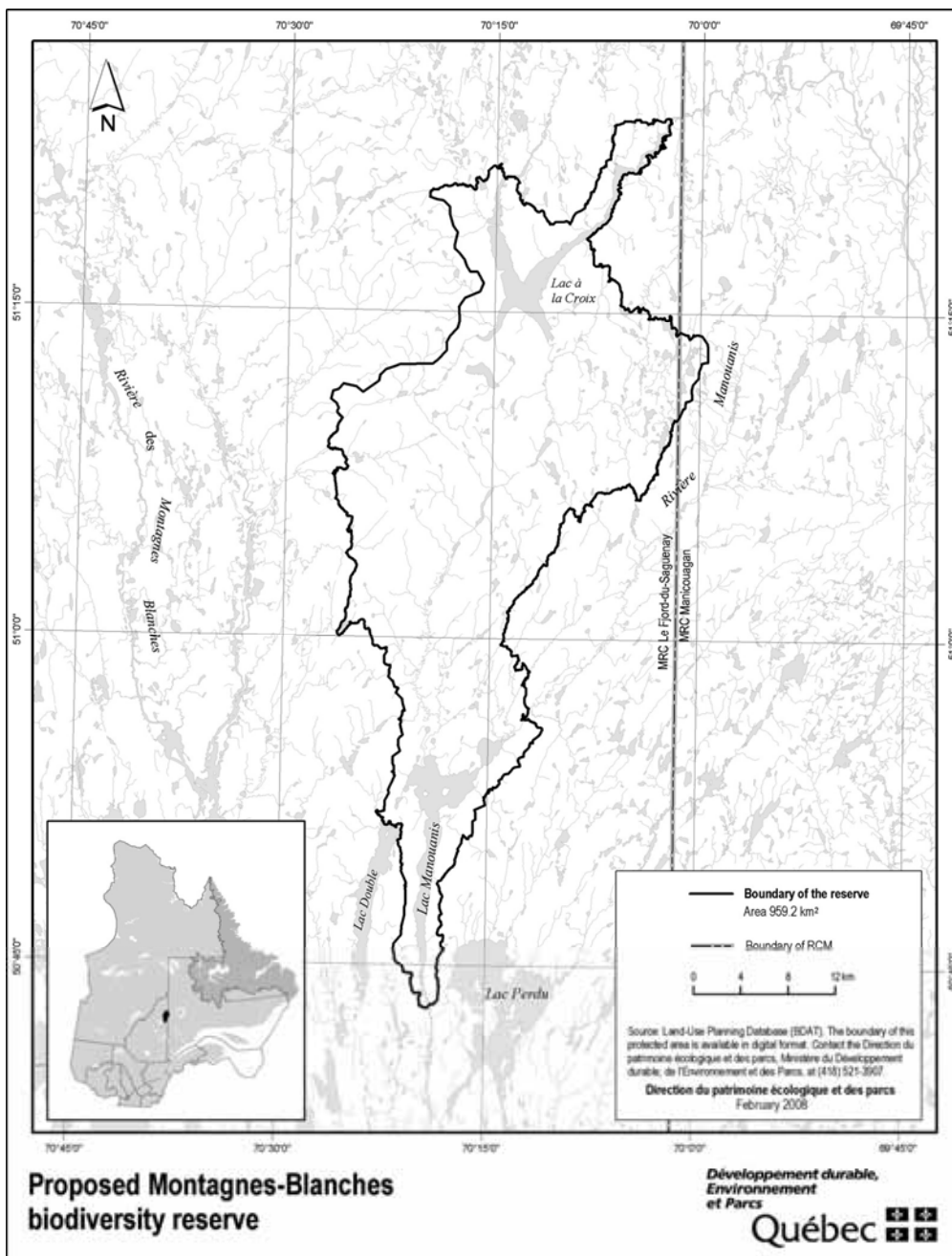
— Construction and development standards: regulatory measures adopted by regional and local municipal authorities under the Acts applicable to them.

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
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

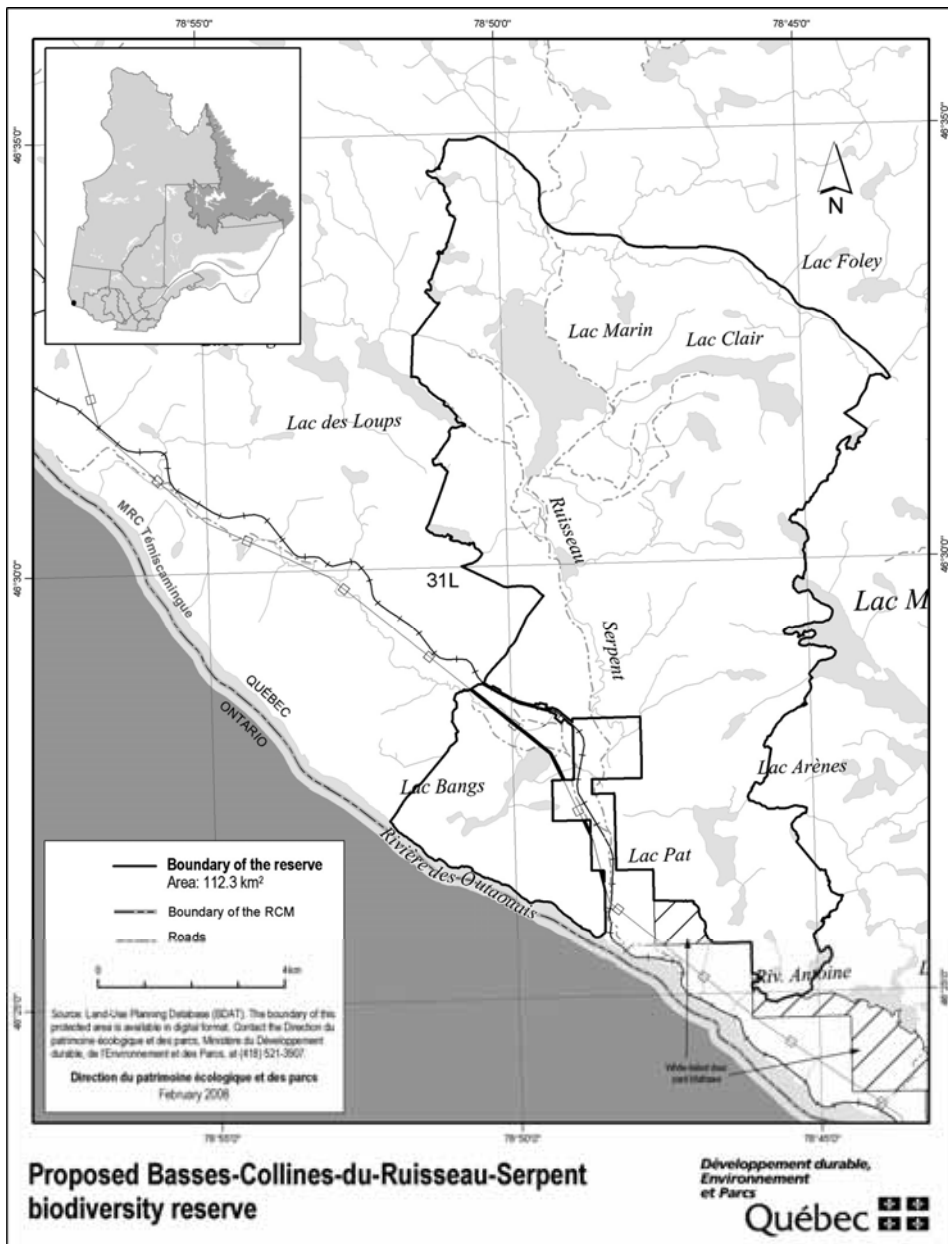
Conservation and management of the proposed Basses-Collines-du-Ruisseau-Serpent biodiversity reserve are the responsibility of the Minister of Sustainable Development, Environment and Parks, which monitors and

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 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.

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;

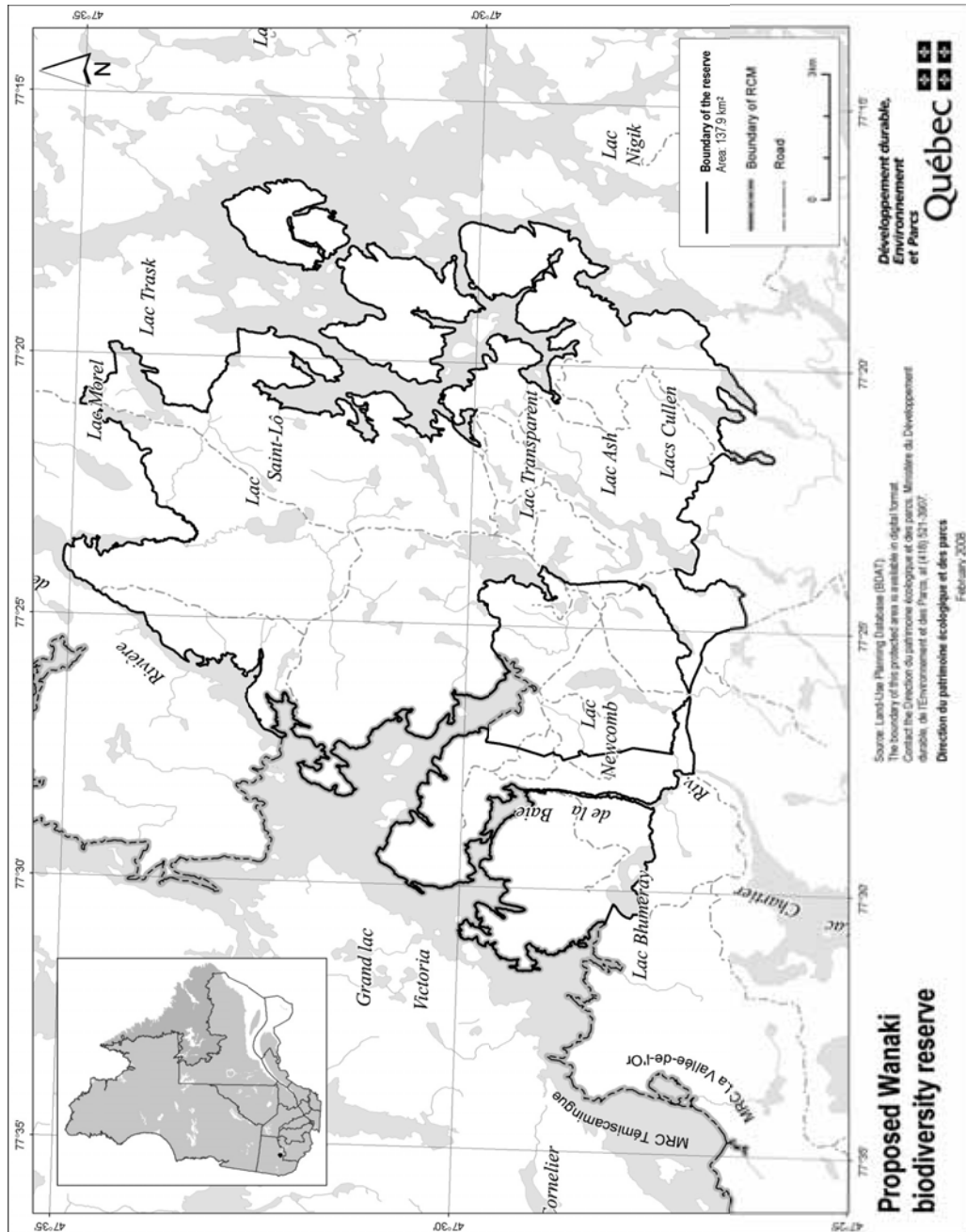
— Construction and development standards: regulatory measures adopted by regional and local municipal authorities under the Acts applicable to them.

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 Mont-O'Brien biodiversity reserve

Conservation plan



April 2008

Québec 

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;

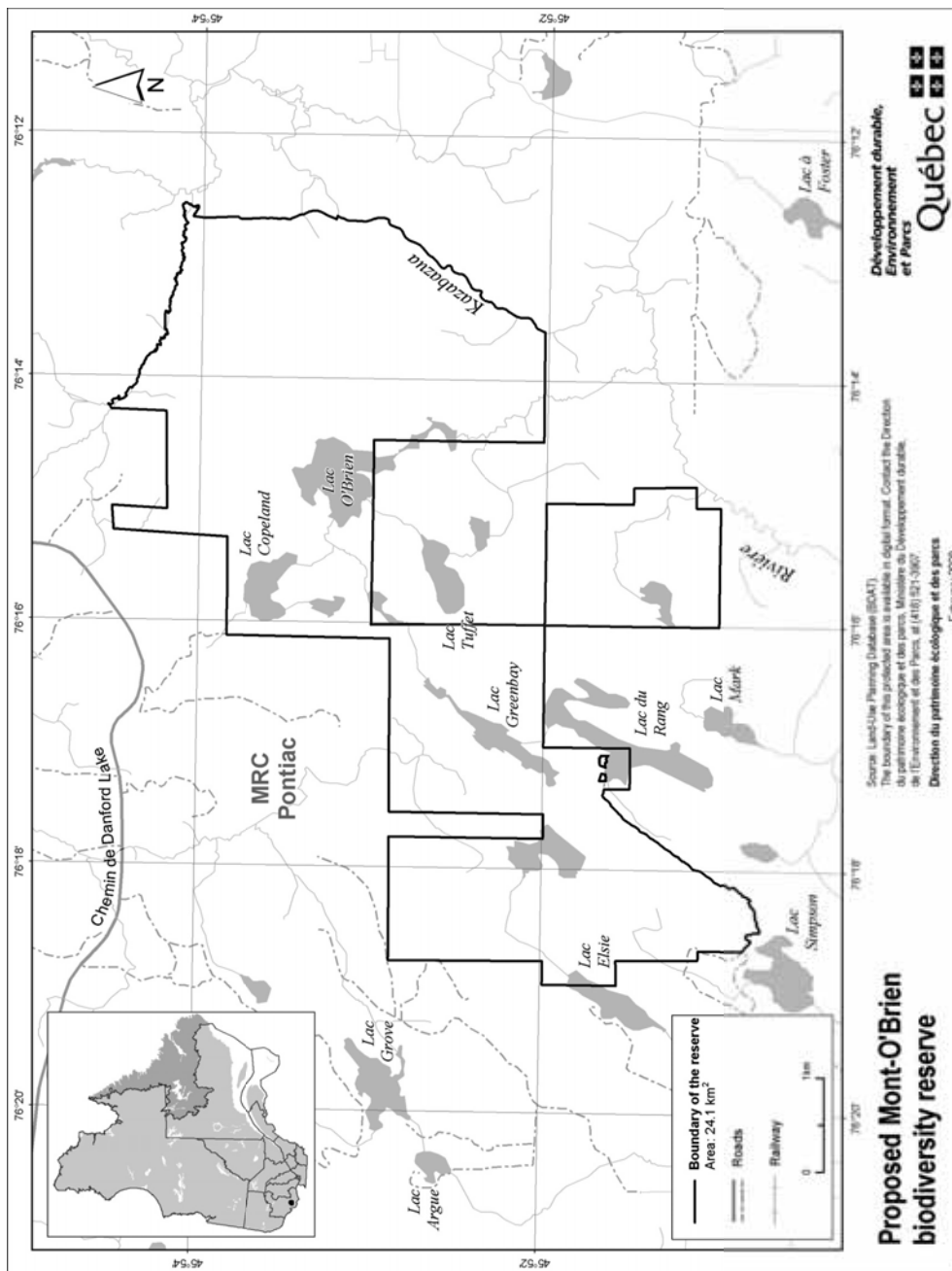
— Construction and development standards: regulatory measures adopted by regional and local municipal authorities under the Acts applicable to them.

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 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 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;

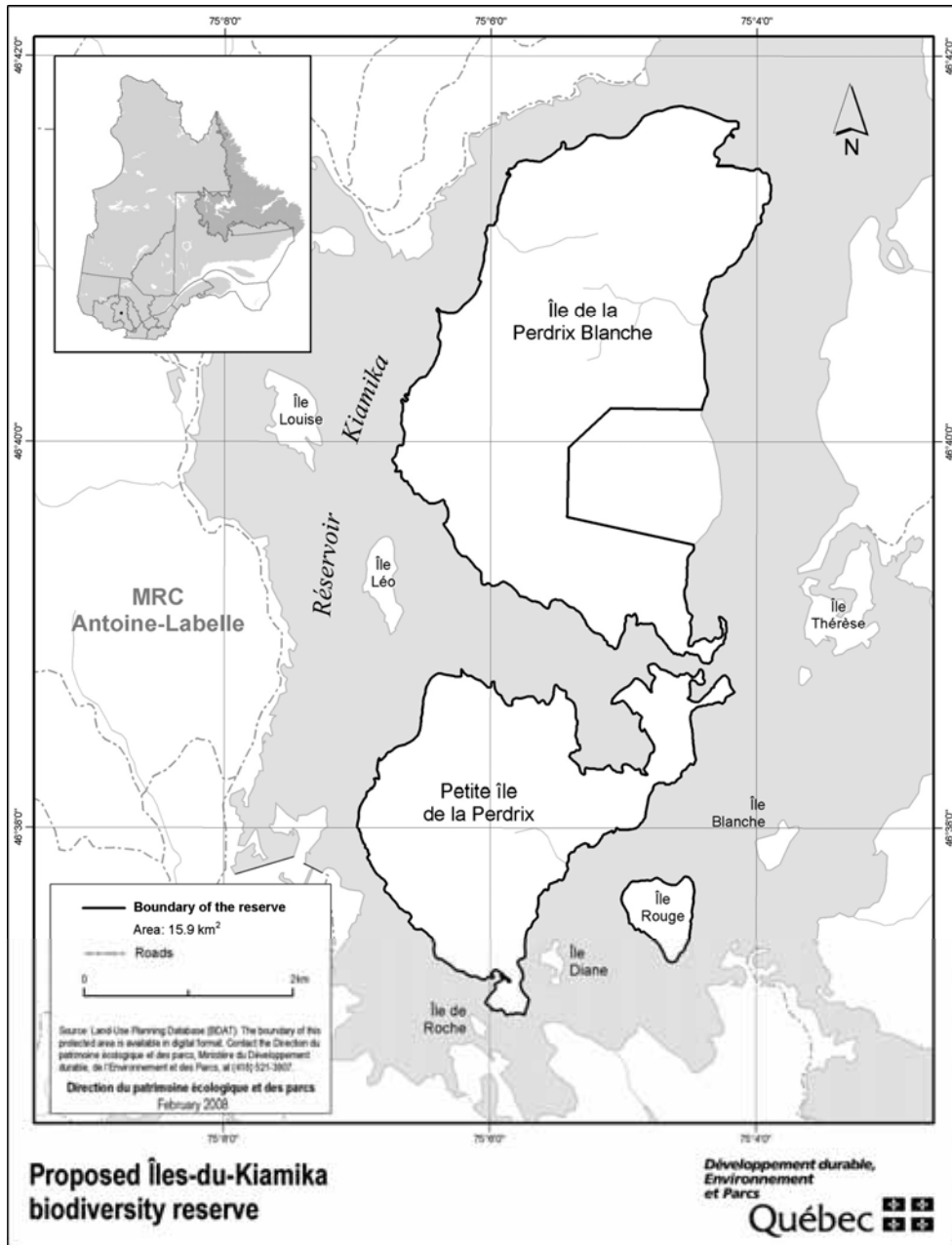
— Construction and development standards: regulatory measures adopted by regional and local municipal authorities under the Acts applicable to them.

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- 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
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;

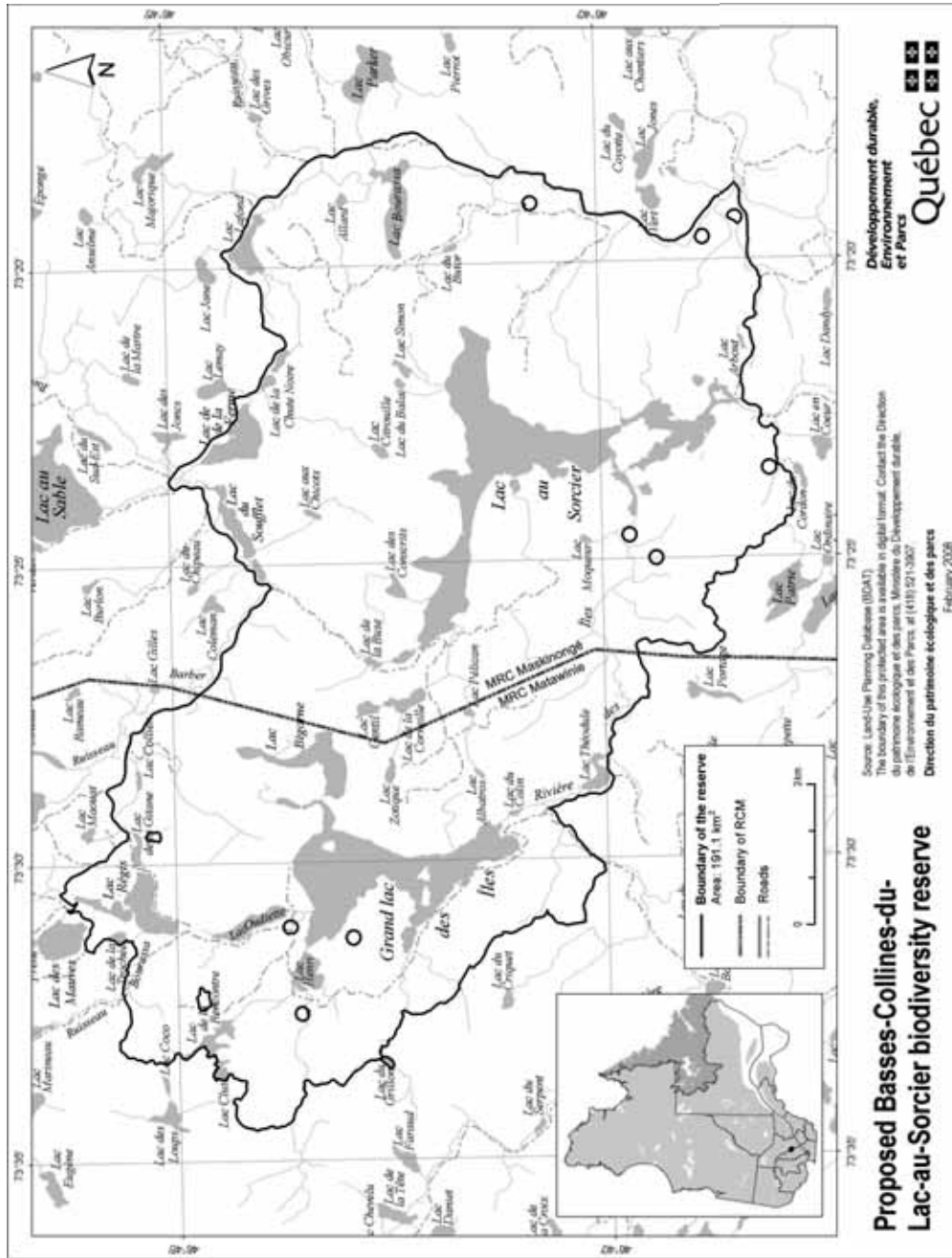
— Construction and development standards: regulatory measures adopted by regional and local municipal authorities under the Acts applicable to them.

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
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 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;

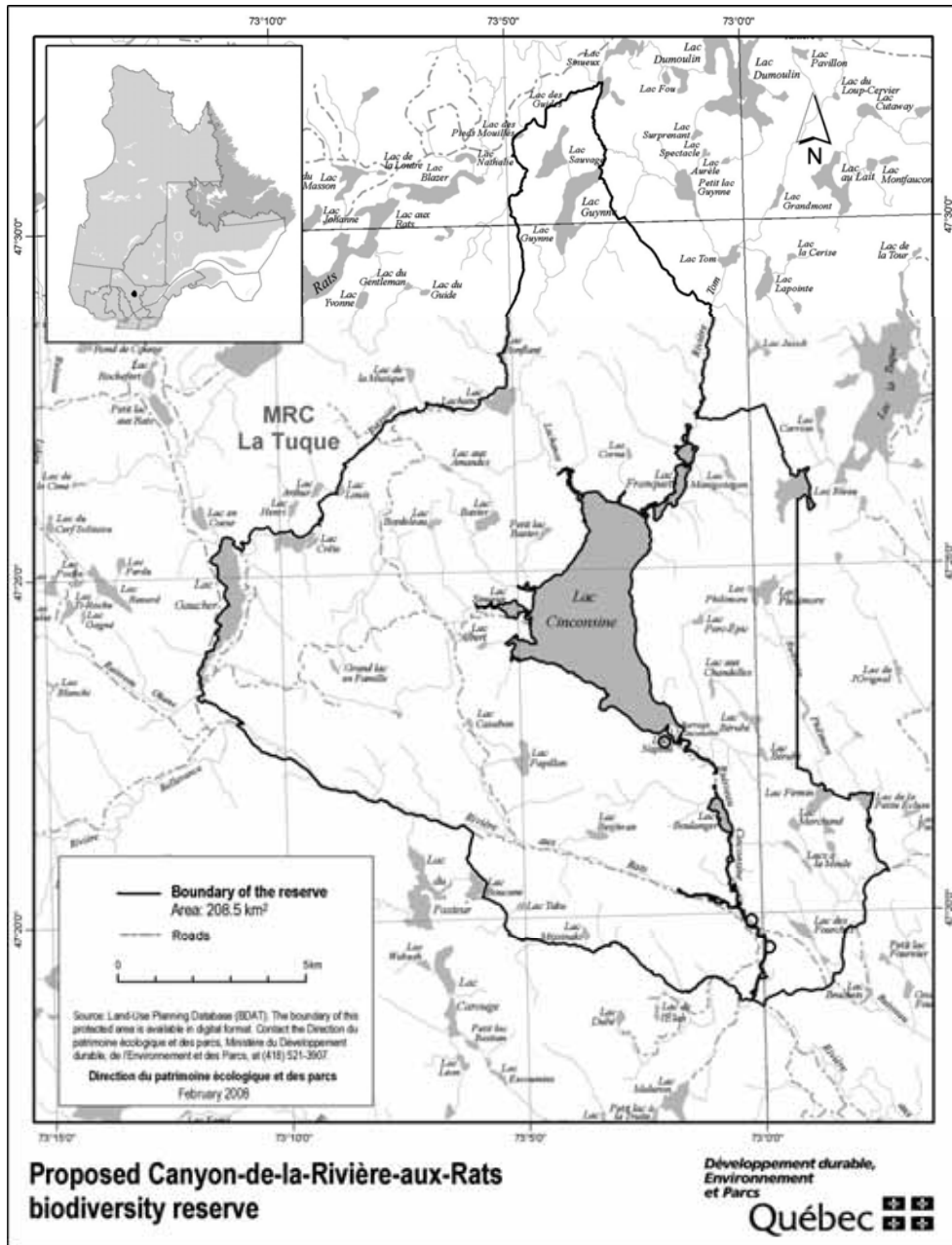
— Construction and development standards: regulatory measures adopted by regional and local municipal authorities under the Acts applicable to them.

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

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.

APPENDIX 1

MAP OF THE PROPOSED CANYON-DE-LA-RIVIÈRE-AUX-RATS 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 superimpose 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 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 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 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;

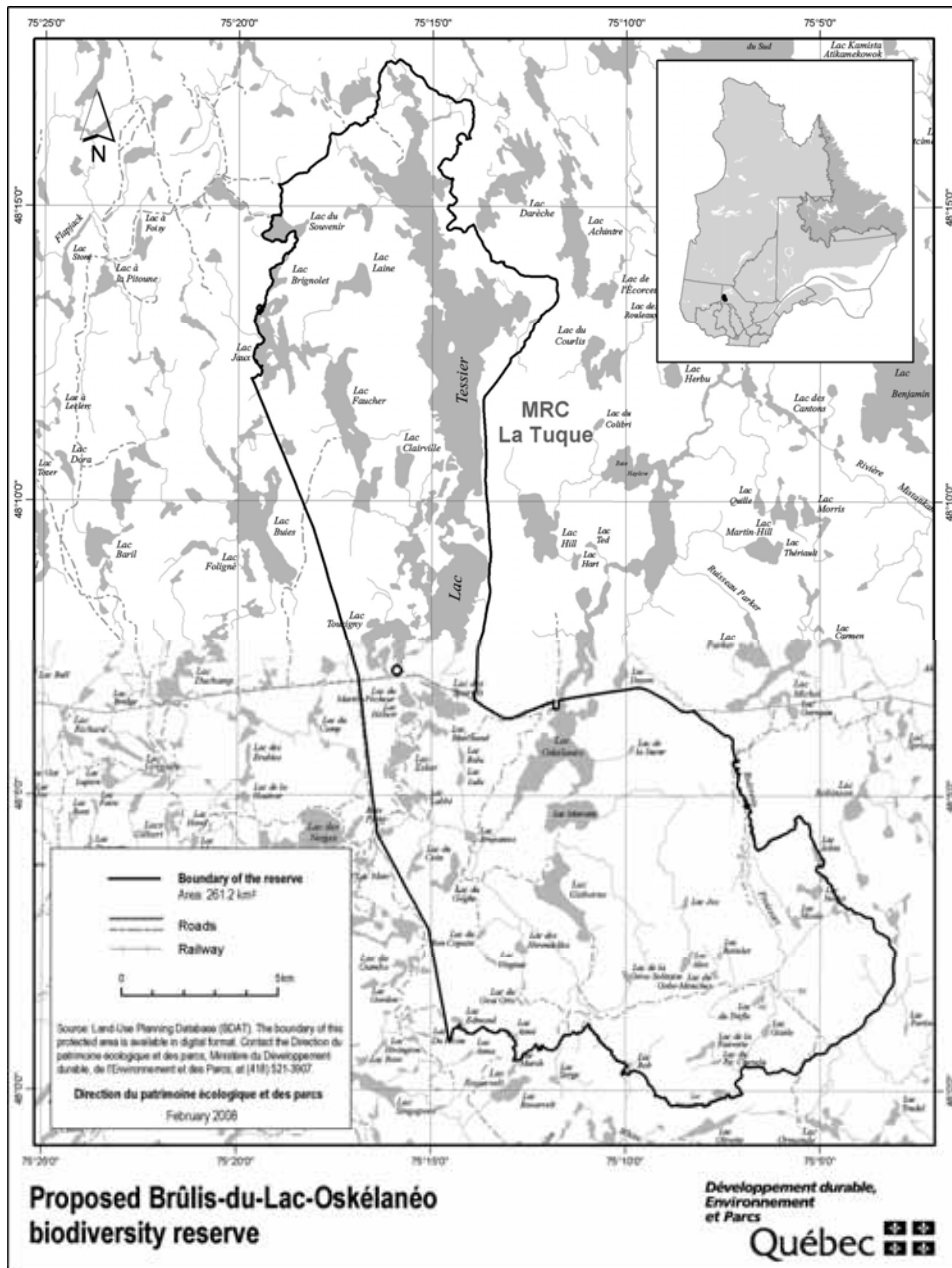
— Construction and development standards: regulatory measures adopted by regional and local municipal authorities under the Acts applicable to them.

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

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 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;

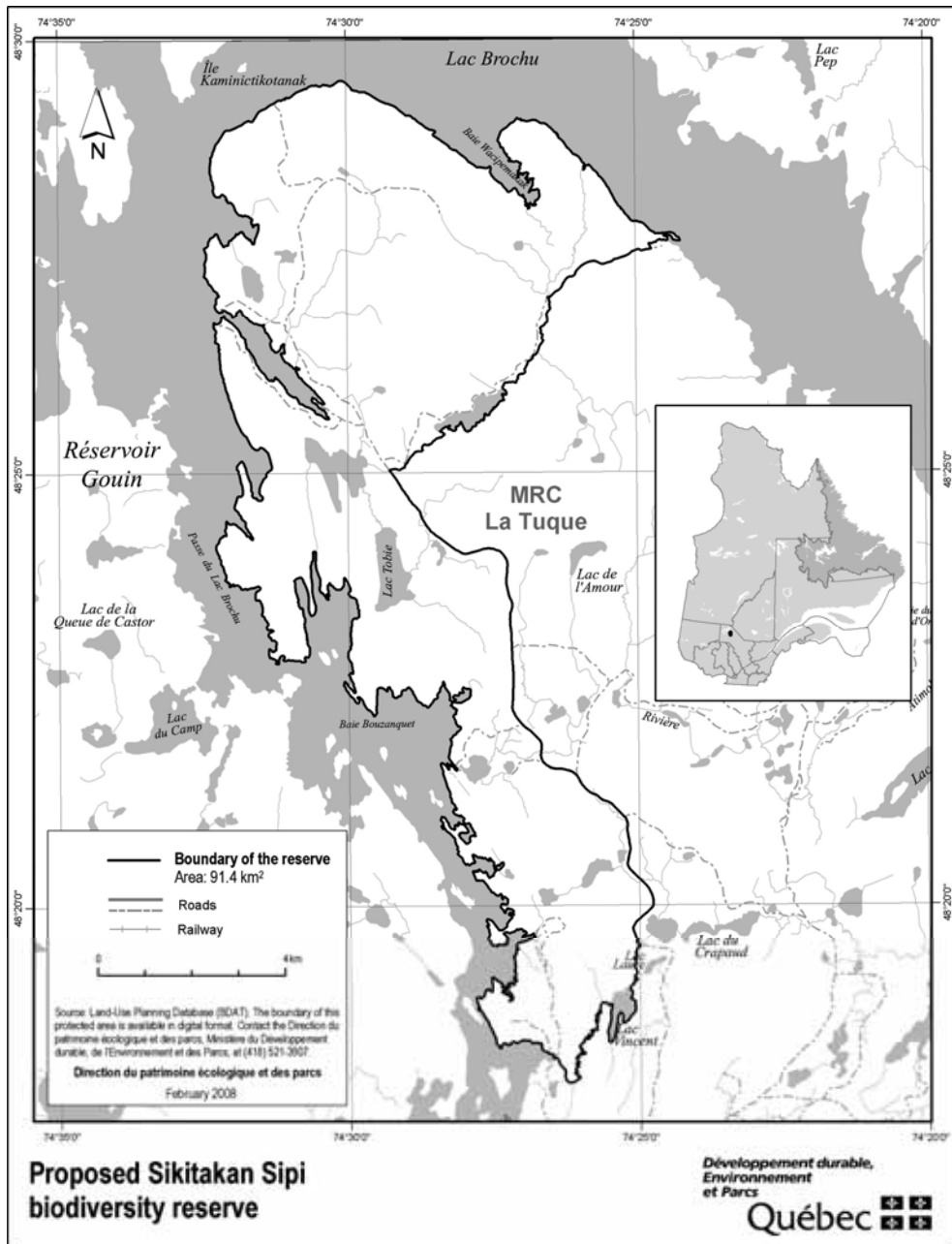
— Construction and development standards: regulatory measures adopted by regional and local municipal authorities under the Acts applicable to them.

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 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 Hills of Des Commissaires Lake. These three districts are part of the physiographic unit of the Hills 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 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;

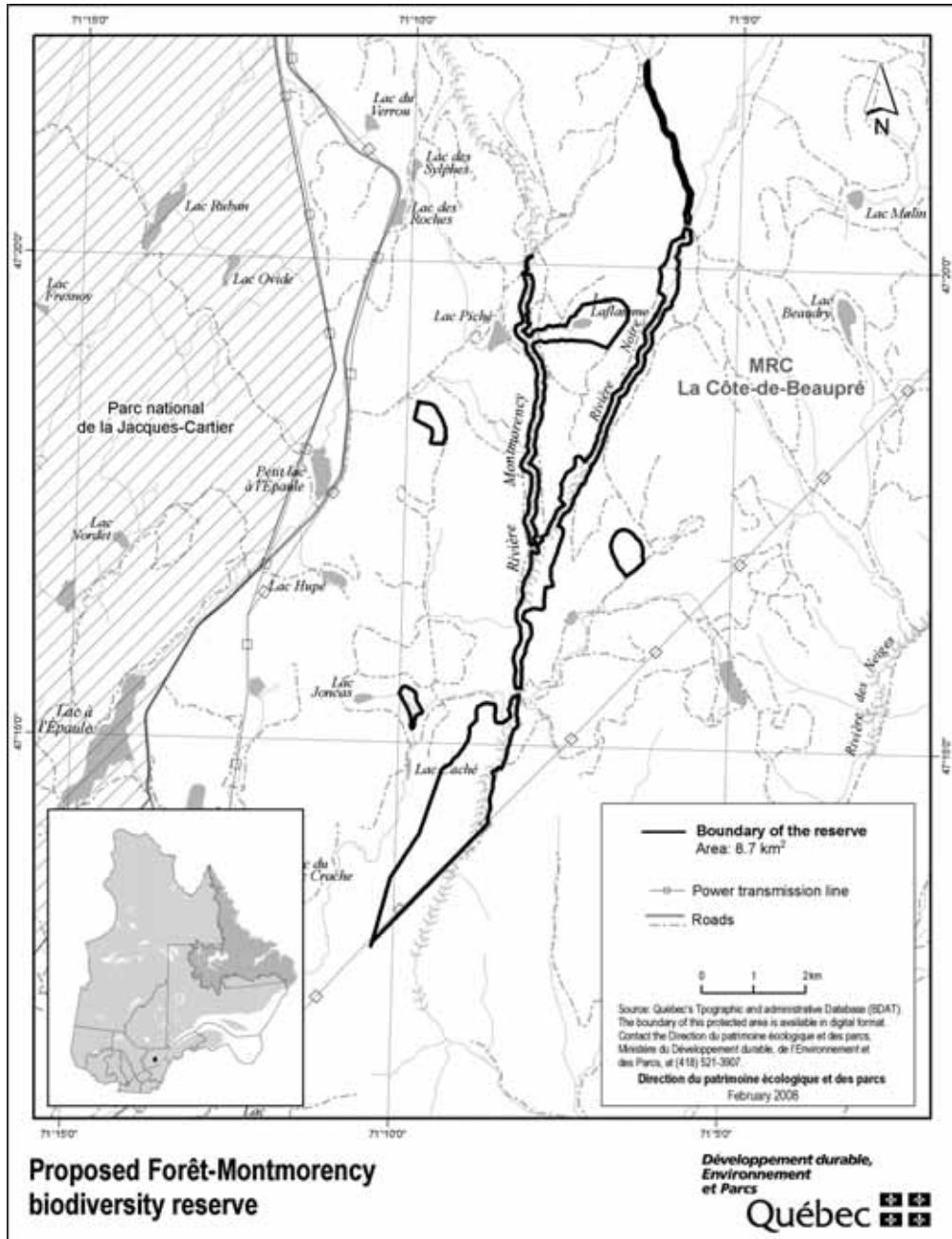
— Construction and development standards: regulatory measures adopted by regional and local municipal authorities under the Acts applicable to them.

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
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;

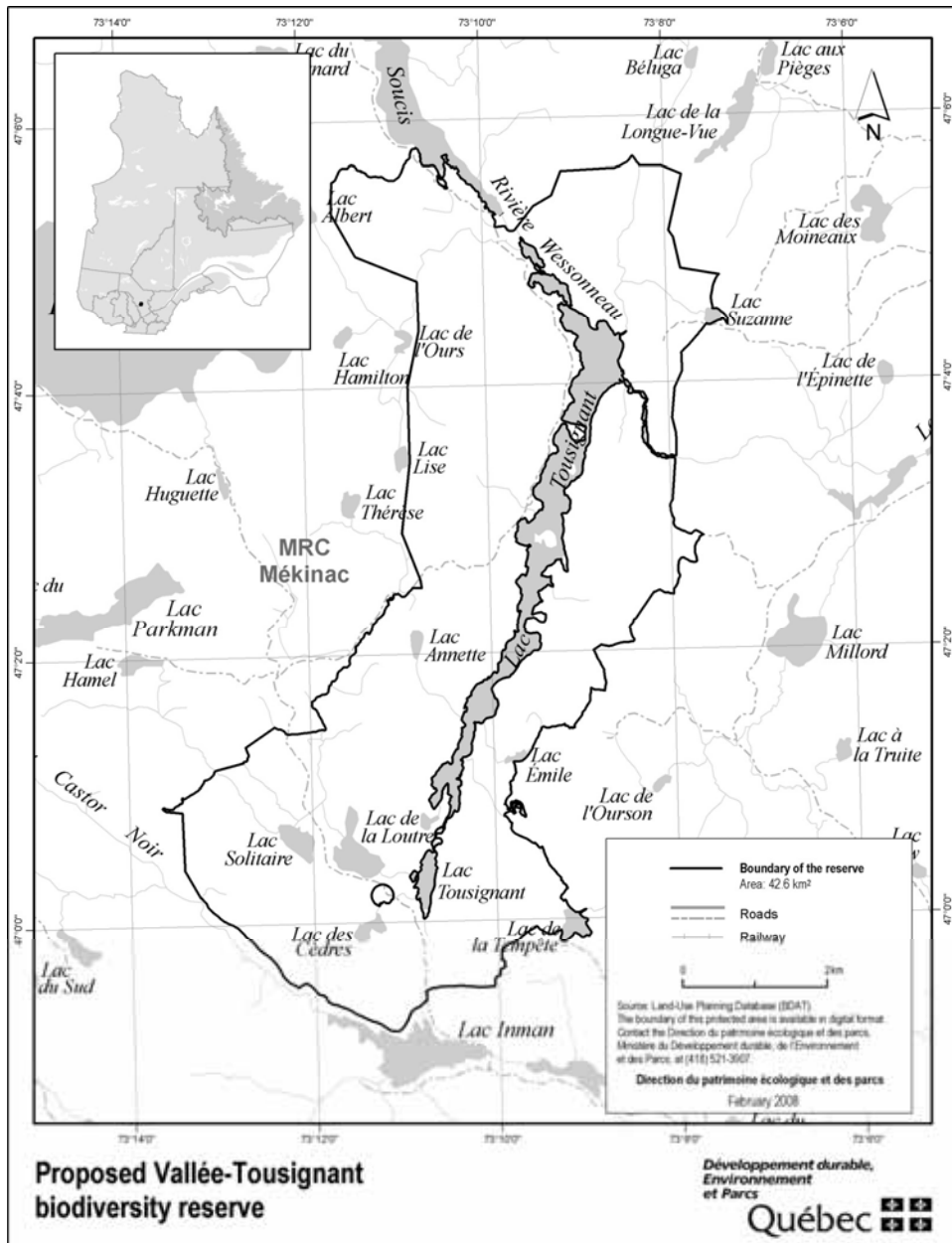
— Construction and development standards: regulatory measures adopted by regional and local municipal authorities under the Acts applicable to them.

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



Notice

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

**Tortue-des-Bois-de-la-Shawinigan Nature Reserve
(Mouvement-vert-Mauricie Area)
— Recognition**

Notice is hereby given, in keeping with article 58 of the Natural Heritage Conservation Act (R.S.Q., c. C-61.01), that the Minister of Sustainable Development, Environment and Parks has recognized as a nature reserve a private property, situated on the territory of the Municipality of Saint-Mathieu-du-Parc, Regional County Municipality of Maskinongé, known and designated as the subdivision number 3 of the original lot number 1 of Range 10 of the Township of Belleau official land register, Shawinigan registry division. This property extends over 0,169 hectare.

This recognition takes effect on the date of the publication of this notice in the *Gazette officielle du Québec*.

PATRICK BEAUCHESNE,
Director of Ecological Heritage and Parks

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

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(R.S.Q., c. Q-2)		
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Public Administration Act — Promise and awarding of grants (R.S.Q., c. A-6.01)	2108	M
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