

**Gazette**  
officielle  
**DU Québec**

**Part**

**2**

**No. 15**

15 April 2009

**Laws and Regulations**

Volume 141

**Summary**

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Legal deposit – 1st Quarter 1968  
Bibliothèque nationale du Québec  
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### Contents

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## Coming into force of Acts

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Gouvernement du Québec

### **O.C. 407-2009, 1 April 2009**

**An Act to amend the Act respecting the Régie  
de l'assurance maladie du Québec and to amend  
other legislative provisions (2007, c. 21)  
— Coming into force of section 32**

COMING INTO FORCE of section 32 of the Act to amend the Act respecting the Régie de l'assurance maladie du Québec and to amend other legislative provisions

WHEREAS the Act to amend the Act respecting the Régie de l'assurance maladie du Québec and to amend other legislative provisions (2007, c. 21) was assented to on 22 November 2007;

WHEREAS section 45 of the Act provides that section 32 comes into force on the date to be set by the Government;

WHEREAS it is expedient to set 15 April 2009 as the date of coming into force of section 32 of the Act;

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

THAT 15 April 2009 be set as the date of coming into force of section 32 of the Act to amend the Act respecting the Régie de l'assurance maladie du Québec and to amend other legislative provisions (2007, c. 21).

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

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## Regulations and other acts

Gouvernement du Québec

### **O.C. 386-2008**, 1 April 2009

An Act respecting financial assistance for education expenses  
(R.S.Q., c. A-13.3)

#### **Financial assistance for education expenses — Amendment**

Regulation to amend the Regulation respecting financial assistance for education expenses

WHEREAS, under section 57 of the Act respecting financial assistance for education expenses (R.S.Q., c. A-13.3), the Government may make regulations for the carrying out of the Act;

WHEREAS the Government made the Regulation respecting financial assistance for education expenses by Order in Council 344-2004 dated 7 April 2004;

WHEREAS it is expedient to amend the Regulation respecting financial assistance for education expenses;

WHEREAS, under section 23.7 of the Act respecting the Conseil supérieur de l'éducation (R.S.Q., c. C-60), every draft regulation respecting the financial assistance programs established by the Act respecting financial assistance for education expenses must be submitted for advice to the advisory committee on the financial accessibility of education;

WHEREAS a draft of the Regulation attached to this Order in Council was submitted to the advisory committee on the financial accessibility of education and the committee gave its advice;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft of the Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec*

of 17 September 2008 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Education, Recreation and Sports:

THAT the Regulation to amend the Regulation respecting financial assistance for education expenses, attached to this Order in Council, be made.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

### **Regulation to amend the Regulation respecting financial assistance for education expenses\***

An Act respecting financial assistance for education expenses  
(R.S.Q., c. A-13.3, s. 57)

**1.** The Regulation respecting financial assistance for education expenses is amended in section 60 by adding the following subparagraph:

“(6) the duration, up to 24 months, of the posting of a student who is a member of the reserve force serving on an operation.”.

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

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\* The Regulation respecting financial assistance for education expenses, made by Order in Council 344-2004 dated 7 April 2004 (2004, *G.O.* 2, 1211), was last amended by the regulation made by Order in Council 811-2008 dated 27 August 2008 (2008, *G.O.* 2, 4447A). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2008, updated to 1 September 2008.

Gouvernement du Québec

**O.C. 393-2009, 1 April 2009**

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

**Conseillers en ressources humaines et en relations industrielles agréés  
— Standards for equivalence of diplomas or training for the issue of a permit by the Ordre  
— Amendments**

Regulation amending the Regulation respecting the Standards for Equivalence of Diplomas or Training for the Issue of a Permit by the Ordre des conseillers en ressources humaines et en relations industrielles agréés du Québec

WHEREAS, under paragraph *c* of section 93 of the Professional Code (R.S.Q., c. C-26, amended by chapter 11 of the Statutes of 2008), the board of directors 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, amended by paragraph 2 of section 61 of chapter 11 of the Statutes of 2008, the board of directors 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;

WHEREAS the board of directors of the Ordre des conseillers en ressources humaines et en relations industrielles agréés du Québec made the Regulation amending the Regulation respecting the Standards for Equivalence of Diplomas or Training for the Issue of a Permit by the Ordre des conseillers en ressources humaines et en relations industrielles agréés du Québec;

WHEREAS, pursuant to section 95 of the Code and subject to section 95.2 of the Code, amended respectively by sections 63 and 65 of chapter 11 of the Statutes of 2008, every regulation made by the board of directors of a professional order under the Code or an Act constituting a professional order must be transmitted to the Office des professions du Québec for examination and 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 amending the Regulation respecting the Standards for Equivalence of Diplomas or Training for the Issue of a Permit by the Ordre des conseillers en ressources humaines et en relations industrielles agréés du Québec was published in Part 2 of the *Gazette officielle du Québec* of 3 December 2008 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 of Justice:

THAT the Regulation amending the Regulation respecting the Standards for Equivalence of Diplomas or Training for the Issue of a Permit by the Ordre des conseillers en ressources humaines et en relations industrielles agréés du Québec, attached to this Order in Council, be approved.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

**Regulation amending the Regulation respecting the standards for equivalence of diplomas or training for the issue of a permit by the Ordre des conseillers en ressources humaines et en relations industrielles agréés du Québec\***

Professional Code  
(R.S.Q., c. C-26, s. 93, para. *c* and *c. 1*;  
2008, c. 11, s. 1, par. 1), s. 61, par. 2) and s. 212)

**1.** The Regulation respecting the standards for equivalence of diplomas or training for the issue of a permit by the Ordre des conseillers en ressources humaines et en relations industrielles agréés du Québec is amended by replacing paragraphs (2) and (3) of section 2 by the following:

\* The Regulation respecting the standards for equivalence of diplomas or training for the issue of a permit by Ordre des conseillers en ressources humaines et en relations industrielles agréés du Québec, approved by Order in Council 910-2004 dated September 30, 2004 (2004, *G.O.* 2, 4391) has not been amended since its approval.



“(2) “diploma equivalence” means the acknowledgement by the Order that a diploma issued by an educational institution outside Québec certifies that its holder has acquired a level of knowledge and skills equivalent to the level attained by the holder of a diploma recognized, by regulation of the government enacted pursuant to the first paragraph of section 184 of this Code, as giving access to the permit issued by the Order;

“(3) “training equivalence” means the acknowledgement by the Order that a candidate’s training demonstrates that the latter has attained a level of knowledge and skills equivalent to the level attained by the holder of a diploma, recognized by regulation of the government enacted in accordance with the first paragraph section 184 of this Code, as giving access to the permit issued by the Order”.

**2.** Section 4 of this Regulation is replaced by the following:

“4. Notwithstanding section 3, where the diploma in respect of which an equivalence application had been filed was issued 3 or more years prior to the application and the knowledge which it evidences no longer corresponds, in light of the development of the profession, to the knowledge which, at the time of the application, is taught as part of a curriculum leading to the issue of a diploma recognized as giving access to the permit issued by the Order, the candidate shall be credited a trading equivalence in accordance with section 5 if he or she has, since the issue of his or her diploma, acquired the required level of knowledge and skills”.

**3.** Section 6 of this Regulation is amended:

(1) by replacing, in the first paragraph, the word “Board of Directors” by the word “Order”;

(2) by replacing, in the second paragraph, the phrase “resolution of the Board of Directors” by “the Order”.

**4.** Section 8 of this Regulation is amended by adding, in paragraph (3) of the first paragraph and after the word “obtained”, the phrase “or an attestation of studies”.

**5.** Section 11 of this Regulation is amended by replacing the phrase “If it does not grant the diploma or training equivalence, the Board of Directors shall inform” by the phrase “Where the Board of Directors of the Order refuses to recognize the equivalence requested or decides to only recognize it in part, it shall inform”.

**6.** Section 12 of the Regulation is replaced by the following:

“12. A candidate may apply for a review of the decision of the Board of Directors of the Order not to grant the equivalence requested or only recognizing it in part, provided that the candidate applies therefor in writing to the secretary of the Order within 30 days following the date on which such decision was received.

The committee established by the Board of Directors of the Order, in accordance with paragraph 2 of section 86.0.1 of the Professional Code, which shall be made up of persons other than the members of the Board of Directors of the Order or of the committee referred to in section 9, shall have 60 days from the date it receives the application for review to decide whether to review the decision. The committee shall notify the candidate beforehand of the date of its meeting with respect to the application so as to allow the candidate to submit arguments.

A candidate who wishes to attend in order to submit arguments shall notify the secretary of the Order thereof in writing at least 10 days prior to the date scheduled for the meeting. The candidate may also submit written arguments at any time prior to such date”.

**7.** Section 13 of the Regulation is amended by replacing the word “Board of Directors of the Order” by the word “committee”.

**8.** The provisions replaced by this Regulation shall apply to an application for diploma or training equivalence which, on April 30th 2009, was subject to a recommendation made pursuant to section 9 of the Regulation respecting the standards for equivalence of diplomas or training for the issue of a permit by the Ordre des conseillers en ressources humaines et en relations industrielles agréés du Québec.

Section 12, as introduced by section 6 of this Regulation, shall apply to a decision handed down prior to April 30th 2009 pursuant to section 10 of the Regulation respecting the standards for equivalence of diplomas or training for the issue of a permit by the Ordre des conseillers en ressources humaines et en relations industrielles agréés du Québec, if the deadline for review has not expired upon such date.

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

Gouvernement du Québec

**O.C. 394-2009**, 1 April 2009

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

**Optométrists  
— Legal authorizations to practise optometry  
outside Québec that give access to the permit  
of the Ordre**

Regulation respecting legal authorizations to practise optometry outside Québec that give access to the permit of the Ordre des optométristes du Québec

WHEREAS, under paragraph *q* of section 94 of the Professional Code (R.S.Q., c. C-26, amended by chapter 11 of the Statutes of 2008), the board of directors of a professional order may, by regulation, determine which legal authorizations to practise a profession outside Québec give access to a permit or a specialist's certificate, and the conditions for the issue of the permit or the specialist's certificate that are applicable to the holders of the legal authorizations;

WHEREAS the board of directors of the Ordre des optométristes du Québec made the Regulation respecting legal authorizations to practice optometry outside Québec that meet the requirements for the permit of the Ordre des optométristes du Québec;

WHEREAS, pursuant to section 95 of the Professional Code and subject to section 95.2 of the Code, amended respectively by sections 63 and 65 of chapter 11 of the Statutes of 2008, every regulation made by the board of directors of a professional order under the Code or an Act constituting a professional order must be transmitted to the Office des professions du Québec for examination and 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. R18.1), a draft of the Regulation respecting legal authorizations to practice optometry outside Québec that meet the requirements for the permit of the Ordre des optométristes du Québec was published in Part 2 of the *Gazette officielle du Québec* of 23 July 2008 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 an amendment to the title of the English text;

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

THAT the Regulation respecting legal authorizations to practise optometry outside Québec that give access to the permit of the Ordre des optométristes du Québec, attached to this Order in Council, be approved.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

**Regulation respecting legal  
authorizations to practise optometry  
outside Québec that give access to the  
permit of the Ordre des optométristes  
du Québec**

Professional Code  
(R.S.Q., c. C-26, a. 94, par. *q*)

**1.** Legal authorizations to practise the profession of optometry issued in a Canadian province, Canadian territory or the United States give access to the permit issued by the Ordre des optométristes du Québec.

**2.** To obtain the permit of the Order, the holder of legal authorization referred to in section 1 sends a written request to the secretary of the Order with supporting documentation enclosed demonstrating that he is legally authorized to practise optometry in a different Canadian province, Canadian territory or the United States and the payment of fees for the review of his record, payable in accordance with paragraph 8 of section 86.0.1 of the Professional Code (R.S.Q., c. C-26).

He must also agree, by writing to the secretary of the Order, to participate in an information session on the code of ethics for the practise of optometry in Québec. This training, which lasts a maximum of 7 hours, is provided by the Order.

**3.** This regulation comes into force on the fifteenth day after the date of its publication in the *Gazette officielle du Québec*.

Gouvernement du Québec

## O.C. 395-2009, 1 April 2009

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

### Otométrists

#### — Equivalence standards for the issue of a permit by the Ordre

#### — Amendments

Regulation amending the Regulation respecting equivalence standards for the issue of a permit by the Ordre des optométristes du Québec

WHEREAS, under paragraph *c* of section 93 of the Professional Code (R.S.Q., c. C-26, amended by chapter 11 of the Statutes of 2008), the board of directors 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, amended by paragraph 2 of section 61 of chapter 11 of the Statutes of 2008, the board of directors 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;

WHEREAS the board of directors of the Ordre des optométristes du Québec made the Regulation amending the Regulation respecting equivalence standards for the issue of a permit by the Ordre des optométristes du Québec;

WHEREAS, pursuant to section 95 of the Professional Code and subject to section 95.2 of the Code, amended respectively by sections 63 and 65 of chapter 11 of the Statutes of 2008, every regulation made by the board of directors of a professional order under the Code or an Act constituting a professional order must be transmitted to the Office des professions du Québec for examination and 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 amending the Regulation respecting equivalence standards for the issue of a permit by the Ordre des optométristes du Québec was published in Part 2 of the *Gazette officielle du Québec* of 23 July 2008 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 of Justice:

THAT the Regulation amending the Regulation respecting equivalence standards for the issue of a permit by the Ordre des optométristes du Québec, attached to this Order in Council, be approved.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

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### **Regulation amending the Regulation respecting equivalence standards for the issue of a permit by the Ordre des optométristes du Québec\***

Professional Code  
(R.S.Q., c. C-26, s. 93, par. *c* and *c.1*;  
2008, c. 11, s. 1, par. 1 and 2, s. 61, par. 2 and s. 212)

**1.** The Regulation respecting equivalence standards for the issue of a permit by Ordre des optométristes du Québec is amended by the replacement, in section 3, of the second paragraph by the following:

“In this regulation:

“diploma equivalence” means the recognition by the Order that a diploma issued by an educational institution outside Québec demonstrates that a person has acquired a level of knowledge and ability that is equivalent to the

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\* The only amendments to the Regulation respecting equivalence standards for the issue of a permit by the Ordre des optométristes du Québec, approved by Order-in-Council no. 452-99 of April 21, 1999 (1999, *G.O.* 2, 1110) were made by the regulation approved by Order-in-Council no. 519-2005 of June 1, 2005 (2005, *G.O.* 2, 1869).

level acquired by the holder of a diploma recognized by the regulation of the government made under the first paragraph of section 184 of this code as giving access to the permit;

“training equivalence” means the recognition by the Order that a person’s training demonstrates that he has acquired a level of knowledge and ability that is equivalent to the level acquired by the holder of a diploma recognized by regulation of the government made under the first paragraph of section 184 of this code as giving access to the permit.”.

**2.** Section 4 of this regulation is amended by:

**1.** the replacement, in the first paragraph, of “Bureau” by “administrative committee”;

**2.** the replacement, in the first paragraph, of the last sentence by the following:

“For the purposes of making an appropriate recommendation, this committee may ask the person to participate in an interview, pass an examination or complete a training period.”;

**3.** the replacement of the second paragraph by the following:

“The administrative committee makes one of the following decisions at the first regular meeting following the date on which a recommendation is received from the committee:

- 1.** recognize diploma or training equivalence;
- 2.** recognize partial training equivalence;
- 3.** refuse to recognize diploma or training equivalence.”.

**3.** Sections 5 and 6 of this regulation are replaced by the following:

“**5.** Within 30 days of its decision, the administrative committee must inform the person concerned of the decision in writing and, should this decision consist in recognizing partial equivalence or not recognizing equivalence, it must inform said person, in consideration of his current level of knowledge and ability, of the education programs, training or examinations that he must successfully complete within the time period set by the administrative committee in order to obtain equivalence.

“**6.** The person who is informed of the decision by the administrative committee to refuse recognition of the requested equivalence or to recognize it partially may request a review, on condition that he makes the request in writing to the secretary within 30 days of the date on which this decision is received.

The review is conducted within 60 days of the date on which this request is received by a committee formed by the Bureau, in application of paragraph 2 of section 86.0.1 of the Professional Code, composed of persons other than the members of the administrative committee or the committee specified in section 4.

The committee must, prior to making a decision, inform the person of the date of the meeting during which his request will be examined and of his right to present his observations at the meeting.

The person who wishes to attend the meeting in order to make his observations must inform the secretary at least five days prior to the scheduled date of the meeting. He may, however, send the committee his written observations at any time prior to the scheduled date of the meeting.

The decision of the committee is final and must be sent, by registered mail, to the person concerned within 30 days of the date on which it was rendered.”.

**4.** This regulation is amended by inserting, after section 7, the following:

“**7.1.** The person who holds a doctorate of optometry issued by an educational institution outside Québec whose standards comply with those of the Accreditation Council on Optometric Education shall be granted diploma equivalence.”.

**5.** Section 8 of this regulation is replaced by the following:

“**8.** Notwithstanding sections 7 and 7.1, when a diploma that is the subject of an equivalence request was obtained more than three years prior to the date of this request and the knowledge and abilities that it demonstrates no longer correspond, due to the development of the profession, to what, at the time of the request, is taught in an education program leading to a diploma that gives access to the permit, the person shall be granted training equivalence in accordance with section 9, if he has acquired, since obtaining his diploma, the level of knowledge and abilities required.”.

**6.** Section 9 of this regulation is amended by the insertion, after “knowledge,” of “and abilities.”

- 7.** Section 10 of this regulation is repealed.
- 8.** Section 11 of this regulation is amended by the deletion of the second paragraph.
- 9.** This regulation comes into force on the fifteenth day after the date of its publication in the *Gazette officielle du Québec*.
- 9189

Gouvernement du Québec

**O.C. 396-2009, 1 April 2009**

Optometry Act  
(R.S.Q., c. O-7)

**Optometrist**  
— **Standards for the issue and holding of the permit authorizing to administer medication**  
— **Amendments**

Regulation amending the Regulation respecting the standards for the issue and holding of the permit authorizing an optometrist to administer medication

WHEREAS, under section 19.2 of the Optometry Act (R.S.Q., c. O-7), amended by section 212 of chapter 11 of the Statutes of 2008, the board of directors of a professional order must, by regulation, fix the standards for the issue and holding of a permit authorizing an optometrist to administer medication to patients in accordance with section 19.1 of the Act;

WHEREAS the board of directors of the Ordre des optométristes du Québec made the Regulation amending the Regulation respecting the standards for the issue and holding of the permit authorizing an optometrist to administer medication;

WHEREAS, pursuant to section 95 of the Professional Code (R.S.Q., c. C-26) and subject to section 95.2 of the Code, amended respectively by sections 63 and 65 of chapter 11 of the Statutes of 2008, every regulation made by the board of directors of a professional order under the Code or an Act constituting a professional order must be transmitted to the Office des professions du Québec for examination and 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 amending the Regulation respecting the

standards for the issue and holding of the permit authorizing an optometrist to administer medication was published in Part 2 of the *Gazette officielle du Québec* of 23 July 2008 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 of Justice:

THAT the Regulation amending the Regulation respecting the standards for the issue and holding of the permit authorizing an optometrist to administer medication, attached to this Order in Council, be approved.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

**Regulation amending the Regulation respecting the standards for the issue and holding of the permit authorizing an optometrist to administer medication\***

Optometry Act  
(R.S.Q., c. O-7, s. 19.2)

**1.** The Regulation respecting the standards for the issue and holding of the permit authorizing an optometrist to administer medication is amended by the replacement, in paragraph 3 of section 1, of “a diploma considered” by “as part of another recognized training program.”

**2.** This regulation is amended by replacing section 2 with the following:

“**2.** The permit is also issued to a member of the Ordre des optométristes who satisfies the other conditions prescribed in section 1, even if he received his training prior to the period referred to in paragraph 3 of that section or his training is not of the level referred to in that paragraph, provided that he satisfies one of the following conditions:

\* The Regulation respecting the standards for the issue and holding of the permit authorizing an optometrist to administer medication, approved by Order-in-Council no. 1452-95 of November 8, 1995 (1995, *G.O.* 2, 3132) has not been amended since its approval.

1. he participates in the training program and passes the examination provided for in section 3 to 7;

2. he is holder of legal authorization in Canada or the United States to administer medication for eye examination purposes in accordance with terms and conditions comparable to those prescribed in the Regulation respecting the medications that may be administered by an optometrist approved by Order-in-Council no. 1453-95 of November 8, 1995.

3. This regulation comes into force on the fifteenth day after the date of its publication in the *Gazette officielle du Québec*.

9190

Gouvernement du Québec

### O.C. 397-2009, 1 April 2009

Optometry Act  
(R.S.Q., c. O-7)

#### Optometrist

#### — Standards for the issue and holding of permits authorizing to administer and prescribe medication for therapeutic purposes and provide eye care — Amendment

Regulation amending the Regulation respecting the standards for the issue and holding of permits authorizing an optometrist to administer and prescribe medication for therapeutic purposes and provide eye care

WHEREAS, under section 19.2 of the Optometry Act (R.S.Q., c. O-7), amended by section 212 of chapter 11 of the Statutes of 2008, the board of directors of a professional order must, by regulation, fix the standards for the issue and holding of a permit authorizing an optometrist to administer and prescribe medication to a patient for therapeutic purposes and to provide eye care to the patient in accordance with section 19.1.1 of the Act;

WHEREAS the board of directors of the Ordre des optométristes du Québec made the Regulation amending the Regulation respecting the standards for the issue and holding of permits authorizing an optometrist to administer and prescribe medication for therapeutic purposes and provide eye care;

WHEREAS, pursuant to section 95 of the Professional Code (R.S.Q., c. C-26) and subject to section 95.2 of the Code, amended respectively by sections 63 and 65 of chapter 11 of the Statutes of 2008, every regulation made by the board of directors of a professional order

under the Code or an Act constituting a professional order must be transmitted to the Office des professions du Québec for examination and 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 amending the Regulation respecting the standards for the issue and holding of permits authorizing an optometrist to administer and prescribe medication for therapeutic purposes and provide eye care was published in Part 2 of the *Gazette officielle du Québec* of 23 July 2008 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 of Justice:

THAT the Regulation amending the Regulation respecting the standards for the issue and holding of permits authorizing an optometrist to administer and prescribe medication for therapeutic purposes and provide eye care, attached to this Order in Council, be approved.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

### **Regulation amending the Regulation respecting the standards for the issue and holding of permits authorizing an optometrist to administer and prescribe medication for therapeutic purposes and provide eye care**

Optometry Act  
(R.S.Q., c. O-7, s. 19.2)

1. The Regulation respecting the standards for the issue and holding of the permit authorizing an optometrist to administer and prescribe medication for therapeutic purposes and provide eye care is amended by replacing section 2 with the following:

\* The Regulation respecting the standards for the issue and holding of the permit authorizing an optometrist to administer and prescribe medication for therapeutic purposes and provide eye care, approved by Order-in-Council no. 1024-2003 of September 24, 2003 (2003, *G.O.* 2, 3137) has not been amended since its approval.

“2. The permit is also issued to a member of the Ordre des optométristes who satisfies the other conditions prescribed in section 1, even if he has completed his training prior to the period referred to in paragraph 4 of that section or it is not of the level referred to in that paragraph, provided that he satisfies one of the following conditions:

1. he participates in the training program and passes the examination provided for in sections 3 to 7;

2. he is holder of legal authorization outside Québec to administer and prescribe medication for therapeutic purposes and provide eye care in accordance with terms and conditions comparable to those prescribed in the Regulations respecting the medications that may be administered and prescribed for therapeutic purposes by an optometrist and respecting the eye care that may be provided by an optometrist approved by Order-in-Council no. 1025-2003 of September 24, 2003.

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

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Gouvernement du Québec

## O.C. 398-2009, 1 April 2009

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

### **Orthophonistes et audiologistes — Standards for diploma equivalence or training equivalence for the issue of a permit — Amendments**

Regulation to amend the Regulation respecting the standards for diploma equivalence or training equivalence for the issue of a permit by the Ordre des orthophonistes et audiologistes du Québec

WHEREAS, under paragraph *c* of section 93 of the Professional Code (R.S.Q., c. C-26, amended by chapter 11 of the Statutes of 2008), the board of directors of an 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, amended by paragraph 2 of section 61 of chapter 11 of the Statutes of 2008, the board of directors 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;

WHEREAS the board of directors of the Ordre des orthophonistes et audiologistes du Québec made the Regulation to amend the Regulation respecting standards for diploma equivalence or training equivalence for the issue of a permit by the Ordre des orthophonistes et audiologistes du Québec;

WHEREAS, pursuant to section 95 of the Professional Code and subject to section 95.2 of the Code, amended respectively by sections 63 and 65 of chapter 11 of the Statutes of 2008, every regulation made by the board of directors of a professional order under the Code or an Act constituting a professional order must be transmitted to the Office des professions du Québec for examination and 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 to amend the Regulation respecting the standards for diploma equivalence or training equivalence for the issue of a permit by the Ordre des orthophonistes et audiologistes du Québec was published in Part 2 of the *Gazette officielle du Québec* of 13 August 2008 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, amended by section 63 of chapter 11 of the Statutes of 2008, the Office des professions du Québec has examined the Regulation and made its recommendation;

WHEREAS it is expedient to approve the Regulation with amendments;

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

THAT the Regulation to amend the Regulation respecting the standards for diploma equivalence or training equivalence for the issue of a permit by the Ordre des orthophonistes et audiologistes du Québec, the text of which is attached to this Order in Council, be approved.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

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**Regulation to amend the Regulation respecting the standards for diploma equivalence or training equivalence for the issue of a permit by the Ordre des orthophonistes et audiologistes du Québec\***

Professional Code

(R.S.Q., c. C-26, s. 93, par. c and c. 1 ; 2008, c. 11, s. 1, par. (1), s. 61, par. (2) and s. 212)

**1.** Section 2 of the Regulation respecting the standards for diploma equivalence or training equivalence for the issue of a permit by the Ordre des orthophonistes et audiologistes du Québec is amended by striking out “the board of directors” wherever it appears.

**2.** Section 7 of this Regulation is amended by striking out “the board of directors” in the part preceding the first paragraph.

**3.** Section 8 of this Regulation is amended by striking out “the board of directors” in subparagraph (7) of the first paragraph.

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

“**11.** A candidate who is informed of the board of directors’s decision not to recognize the diploma or training equivalence applied for may apply for review, provided that the candidate applies to the secretary in writing within 30 days of the mailing of the board of directors’s decision.

The decision must be reviewed within 60 days of receipt of the application by a committee formed by the board of directors made up of persons other than members of the board of directors or the committee referred to in section 9, but with no less than a member holding a permit of each of the two categories established within the Order. Before disposing of the review application, the committee must allow the candidate to make submissions.

For this purpose, the secretary of the Order must inform the candidate of the date, time and place of the meeting where the application will be examined, by means of a written notice sent by registered mail at least 15 days before the date of the hearing.

A candidate who wishes to make submissions in person at the meeting must notify the secretary at least 5 days before the date scheduled for the meeting. The candidate

may, however, send written submissions to the secretary at any time before the date scheduled for the meeting.

The decision of the committee is final and must be sent to the candidate in writing by registered mail within 30 days following the date it is made.”

**5.** 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. 399-2009, 1 April 2009**

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

**Technologues professionnels  
— Standards of the issuing of permits of the Ordre professionnel des technologues professionnels  
— Amendments**

Regulation amending the Regulation respecting equivalence standards for the issuing of permits of the Ordre professionnel des technologues professionnels

WHEREAS, under paragraph c of section 93 of the Professional Code (R.S.Q., c. C-26, amended by chapter 11 of the Statutes of 2008), the board of directors 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, amended by paragraph 2 of section 61 of chapter 11 of the Statutes of 2008, the board of directors 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;

WHEREAS the board of directors of the Ordre professionnel des technologues professionnels du Québec made the Regulation amending the Regulation respecting equivalence standards for the issuing of permits of the Ordre professionnel des technologues professionnels;

WHEREAS, pursuant to section 95 of the Professional Code and subject to section 95.2 of the Code, amended respectively by sections 63 and 65 of chapter 11 of the

\* The Regulation respecting the standards for diploma equivalence or training equivalence for the issue of a permit by the Ordre des orthophonistes et audiologistes du Québec, approved by the Order in Council 1141-98 dated 2 September 1998 (1998, *G.O.* 2, 3765), has not been modified since it was approved.



Statutes of 2008, every regulation made by the board of directors of a professional order under the Code or an Act constituting a professional order must be transmitted to the Office des professions du Québec for examination and 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 amending the Regulation respecting equivalence standards for the issuing of permits of the Ordre professionnel des technologues professionnels was published in Part 2 of the *Gazette officielle du Québec* of 23 July 2008 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 of Justice:

THAT the Regulation amending the Regulation respecting equivalence standards for the issuing of permits of the Ordre professionnel des technologues professionnels, attached to this Order in Council, be approved.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

## **Regulation amending the Regulation respecting equivalence standards for the issuing of permits of the Ordre professionnel des technologues professionnels\***

Professional Code  
(R.S.Q., c. C-26, s. 93, par. c and c. 1; 2008, c. 11, s. 1, par. 1° and 2°, s. 61, par. 2° and s. 212)

**1.** The Regulation respecting equivalence standards for the issuing of permits of the Ordre professionnel des technologues professionnels is amended by the deletion, wherever they appear in section 1, of the words “executive committee of.”

\* The only amendments to the Regulation respecting diploma and training equivalence standards for the issuing of permits of the Ordre professionnel des technologues professionnels, approved by Order-in-Council no. 1645-86 of November 5, 1986 (1986, *G.O.* 2, 2684), were made by the regulation approved by Order-in-Council no. 1700-93 of December 1, 1993 (1993, *G.O.* 2, 6909).

**2.** Sections 4 and 5 of this regulation are replaced by the following:

“**4.** The secretary shall forward the documents prescribed in section 3 to the committee of examiners set up by the board of directors.

The committee of examiners analyzes the equivalence applications and makes its recommendation to the executive committee.

For the purposes of making its recommendation, the committee of examiners may ask the applicant to participate in an interview, pass an examination or both.

**5.** At the first meeting of the executive committee following the date on which the recommendation of the committee of examiners is received, the executive committee shall decide whether it grants the requested equivalence and the secretary shall send written notice of the decision to the applicant within 15 days of the date of its decision. If equivalence is refused, the secretary shall inform the applicant of the right to review the decision.

When the executive committee decides not to grant the requested equivalence, it shall, at the same time, inform the applicant in writing of the education program, courses, training periods or examinations that must be successfully completed to receive equivalence.

**5.1.** The applicant who is informed of the decision by the executive committee to not grant the requested equivalence may request a review of the decision, on condition that the request is made in writing to the secretary, within 30 days of receiving the decision.

**5.2.** The review committee, set up by the executive committee and composed of persons who are neither members of the executive committee nor the committee of examiners, examines the application under review and make its decision within 60 days following receipt of such an application.

It must, prior to making its decision, allow the applicant to present his observations.

For that purpose, the secretary shall inform the applicant of the date, location and time of the meeting at which the request is to be examined at least 15 days before the meeting.

The applicant who wishes to present his observations must inform the secretary in writing at least 10 days before the scheduled date of the meeting. He may also send the secretary his written observations at any time before the scheduled date of the meeting.

The decision of the review committee is final and must be forwarded to the applicant in writing within 15 days of the date of the meeting.”.

**3.** Section 8 of this regulation is replaced by the following:

“**8.** Notwithstanding section 6, when the diploma that is the subject of a diploma equivalence application was obtained five years or more before the application and the knowledge that it demonstrates no longer corresponds, due to the development of the profession, to what is being taught at the time of the request in an education program leading to a diploma that meets the requirements for the permit issued by the Order, the applicant shall be granted training equivalence in accordance with section 9, if he has acquired, since obtaining his diploma, the level of knowledge and abilities required.”.

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

9193

## Notice

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

### Agents de sécurité — Attendance fees for members of the Comité paritaire — Amendments

The Minister of Labour, Mr. David Whissell, hereby gives notice, pursuant to section 19 of the Act respecting collective agreement decrees (R.S.Q., c. D-2), that the Regulation respecting the attendance fees and travelling expenses of the members of the Comité paritaire des agents de sécurité, adopted by the Comité paritaire des agents de sécurité at its meeting of 25 March 2008, was approved by the Government (Decree number 414-2009 of 1 April 2009) and comes into force 1 April 2009.

JULIE GOSSELIN,  
*Deputy Minister of Labour*

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Gouvernement du Québec

## O.C. 414-2009, 1 April 2009

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

### Agents de sécurité — Attendance allowance and travelling expenses of the members of the Comité paritaire — Amendments

Regulation to amend the Regulation respecting the attendance allowance and travelling expenses of the members of the Comité paritaire des agents de sécurité

WHEREAS, under subparagraph 1 of the second paragraph of section 22 of the Act respecting collective agreement decrees (R.S.Q., c. D-2), a parity committee may, by regulation approved with or without amendment by the Government, determine the amount of the attendance allowance to which its members are entitled in addition to their actual travelling expenses;

WHEREAS the Regulation respecting the attendance allowance and travelling expenses of the members of the Comité paritaire des agents de sécurité was approved by Order in Council 798-2003 dated 16 July 2003;

WHEREAS the Comité paritaire des agents de sécurité made the Regulation to amend the Regulation respecting the attendance allowance and travelling expenses of the members of the Comité paritaire des agents de sécurité at its meeting held on 25 March 2008;

WHEREAS, under subparagraph 1 of section 22 of the Act respecting collective agreement decrees, the Regulation must be approved with or without amendment by the Government;

WHEREAS it is expedient to approve the Regulation without amendment;

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

THAT the Regulation to amend the Regulation respecting the attendance allowance and travelling expenses of the members of the Comité paritaire des agents de sécurité, attached to this Order in Council, be approved.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

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## Regulation to amend the Regulation respecting the attendance allowance and travelling expenses of the members of the Comité paritaire des agents de sécurité\*

An Act respecting collective agreement decrees (R.S.Q., c. D-2, s. 22, subpar. 1)

**1.** The Regulation respecting the attendance allowance and travelling expenses of the members of the Comité paritaire des agents de sécurité is amended in section 1 by replacing “\$100” by “\$200”.

**2.** This Regulation comes into force on the date of its approval by the Government.

9195

Gouvernement du Québec

### O.C. 449-2009, 8 April 2009

An Act respecting labour standards (R.S.Q., c. N-1.1)

#### Labour standards — Amendments

Regulation to amend the Regulation respecting labour standards

WHEREAS, under the first paragraph of section 40, paragraph 1 of section 89 and the first paragraph of section 91 of the Act respecting labour standards (R.S.Q., c. N-1.1), the Government may, by regulation, fix labour standards respecting the minimum wage;

WHEREAS the Government made the Regulation respecting labour standards (R.R.Q., 1981, c. N-1.1, r.3);

WHEREAS it is expedient to amend the Regulation;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft of the Regulation to amend the Regulation respecting labour standards was published in Part 2 of the *Gazette officielle du Québec* of 30 January 2009 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

\* The Regulation respecting the attendance allowance and travelling expenses of the members of the Comité paritaire des agents de sécurité was approved by Order in Council 798-2003 dated 16 July 2003 (2003, *G.O.* 2, 2232) and has not been amended since its approval.

WHEREAS the 45-day period has expired;

WHEREAS it is expedient to make the Regulation without amendment;

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

THAT the Regulation to amend the Regulation respecting labour standards, attached to this Order in Council, be made.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

## Regulation to amend the Regulation respecting labour standards\*

An Act respecting labour standards (R.S.Q., c. N-1.1, s. 40, 1st par., s. 89, par. 1, and s. 91, 1st par.)

**1.** The Regulation respecting labour standards is amended in section 3 by replacing “\$8.50” by “\$9.00”.

**2.** Section 4 is amended by replacing “\$7.75” by “\$8.00”.

**3.** The first paragraph of section 4.1 is replaced by the following:

“The minimum wage payable to an employee assigned mainly to non-mechanized operations relating to the picking of raspberries, strawberries or apples is established on the basis of yield according to the following rules:

(1) for an employee assigned to the picking of raspberries: \$0.553 per 250 ml container;

(2) for an employee assigned to the picking of strawberries: \$0.251 per 551 ml container;

(3) for an employee assigned to the picking of apples:

(a) for dwarf apple trees: \$1.33 per bushel;

(b) for semi-dwarf apple trees: \$1.65 per bushel; and

(c) for standard apple trees: \$1.89 per bushel.”.

\* The Regulation respecting labour standards (R.R.Q., 1981, c. N-1.1, r.3) was last amended by the Regulation made by Order in Council 311-2008 dated 2 April 2008 (2008, *G.O.* 2, 1087). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2008, updated to 1 September 2008.

**4.** This Regulation comes into force on 1 May 2009.

9196

Gouvernement du Québec

**O.C. 450-2008, 8 April 2009**

An Act respecting labour standards  
(R.S.Q., c. N-1.1)

**Clothing industry**  
**— Labour standards specific to certain sectors**  
**— Amendment**

Regulation to amend the Regulation respecting labour standards specific to certain sectors of the clothing industry

WHEREAS, under section 92.1 of the Act respecting labour standards (R.S.Q., c. N-1.1), after consulting with the most representative employees' and employers' associations in the clothing industry, the Government may, by regulation, in respect of all employers and employees in certain sectors of the clothing industry, fix labour standards respecting the minimum wage;

WHEREAS the Government made the Regulation respecting labour standards specific to certain sectors of the clothing industry by Order in Council 1288-2003 dated 3 December 2003;

WHEREAS it is expedient to amend the Regulation;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft of the Regulation to amend the Regulation respecting labour standards specific to certain sectors of the clothing industry was published in Part 2 of the *Gazette officielle du Québec* of 30 January 2009 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired;

WHEREAS the consultations required by the Act have been carried out;

WHEREAS it is expedient to make the Regulation without amendment;

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

THAT the Regulation to amend the Regulation respecting labour standards specific to certain sectors of the clothing industry, attached to this Order in Council, be made.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

**Regulation to amend the Regulation respecting labour standards specific to certain sectors of the clothing industry\***

An Act respecting labour standards  
(R.S.Q., c. N-1.1, s. 92.1, 1st par., subpar. 1)

**1.** The Regulation respecting labour standards specific to certain sectors of the clothing industry is amended in section 3 by replacing “\$8.50” by “\$9.00”.

**2.** This Regulation comes into force on 1 May 2009.

9197

**M.O., 2009**

**Order of the Minister of Sustainable Development, Environment and Parks dated 31 March 2009**

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

Assignment of status as a proposed ecological reserve to a portion of the Tourbière de Shannon

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

\* The Regulation respecting labour standards specific to certain sectors of the clothing industry, made by Order in Council 1288-2003 dated 3 December 2003 (2003, *G.O.* 2, 3601), was last amended by the Regulation made by Order in Council 312-2008 dated 2 April 2008 (2008, *G.O.* 2, 1088). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2008, updated to 1 September 2008.

CONSIDERING section 28 of the Act which provides that, unless the Government authorizes a longer period, the setting aside of land under section 27 is valid for a period of not more than four years, subject to later renewals or extensions, which may not be such that the term of the setting aside exceeds six years, unless so authorized by the Government;

CONSIDERING that, due to the ecological value of the land, the Minister has been authorized by the Government to assign the status of proposed ecological reserve to a portion of the Tourbière de Shannon and that the plan for the proposed ecological reserve and the conservation plan were approved by Order in Council 296-2009 dated 25 March 2009;

ORDERS AS FOLLOWS:

(1) The status of proposed ecological reserve is assigned to the land described in the plan for the Réserve écologique projetée de la Tourbière-de-Shannon and in the conservation plan approved by the Government;

(2) The status is assigned for a period of four years and takes effect on the date on which the notice of the setting aside of the land is published in the *Gazette officielle du Québec*.

Québec, 31 March 2009

LINE BEAUCHAMP,  
*Minister of Sustainable Development,  
Environment and Parks*

9179

**M.O., 2009**

**Order of the Minister of Sustainable Development,  
Environment and Parks dated 31 March 2009**

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

Assignment of status as a proposed ecological reserve to a portion of Mont Gosford

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

CONSIDERING section 28 of the Act which provides that, unless the Government authorizes a longer period, the setting aside of land under section 27 is valid for a period of not more than four years, subject to later renewals or extensions, which may not be such that the term of the setting aside exceeds six years, unless so authorized by the Government;

CONSIDERING that, due to the ecological value of the land, the Minister has been authorized by the Government to assign the status of proposed ecological reserve to a portion of Mont Gosford and that the plan for the proposed ecological reserve and the conservation plan were approved by Order in Council 297-2009 dated 25 March 2009;

ORDERS AS FOLLOWS:

(1) The status of proposed ecological reserve is assigned to the land described in the plan for the Réserve écologique projetée du Mont-Gosford and in the conservation plan approved by the Government;

(2) The status is assigned for a period of four years and takes effect on the date on which the notice of the setting aside of the land is published in the *Gazette officielle du Québec*.

Québec, 31 March 2009

LINE BEAUCHAMP,  
*Minister of Sustainable Development,  
Environment and Parks*

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**M.O., 2009**

**Order of the Minister of Sustainable Development,  
Environment and Parks dated 31 March 2009**

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

Assignment of status as a proposed biodiversity reserve to twelve territories

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

CONSIDERING section 28 of the Act which provides that, unless the Government authorizes a longer period, the setting aside of land under section 27 is valid for a period of not more than four years, subject to later renewals or extensions, which may not be such that the term of the setting aside exceeds six years, unless so authorized by the Government;

CONSIDERING that, due to the ecological value of the land areas, the Minister has been authorized by the Government to assign temporary protection status as proposed biodiversity reserves to the twelve areas appearing in the Schedule, and that the plan and the proposed conservation plan for each area were approved by Order in Council dated 25 March 2009;

ORDERS AS FOLLOWS:

(1) the status of proposed biodiversity reserve is assigned to the twelve territories listed in the Schedule, the respective plans for the areas and their conservation plans for the term of the assigned temporary protection being the plans approved by the Government;

(2) the status is assigned for a term of four years commencing for each land area on the date on which the notice of the setting aside of the areas is published in the *Gazette officielle du Québec*.

Québec, 31 March 2009

LINE BEAUCHAMP,  
*Minister of Sustainable Development,  
Environment and Parks*

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**SCHEDULE**

PROPOSED BIODIVERSITY RESERVES

Réserve de biodiversité projetée du Fjord-Tursukattaq

Réserve de biodiversité projetée de Kangiqsujuaq

Réserve de biodiversité projetée de la Rivière-Vachon

Réserve de biodiversité projetée de Quaqlaq-Kangirsuk

Réserve de biodiversité projetée de l'Estuaire-des-Rivières-Koktac-et-Nauberakvik

Réserve de biodiversité projetée des Drumlins-du-Lac-Viennaux

Réserve de biodiversité projetée de la Rivière-Delay

Réserve de biodiversité projetée du Lac-Sérigny

Réserve de biodiversité projetée Hirondelle

Réserve de biodiversité projetée du Domaine-La-Vérendrye

Réserve de biodiversité projetée de la Station-de-Biologie-des-Laurentides

Réserve de biodiversité projetée de Grandes-Piles

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## Draft Regulations

### Draft regulation

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

#### Terms and conditions for the sale of medications — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting the terms and conditions for the sale of medications, made by the Office des professions du Québec and appearing below, may be approved by the Government, with or without amendment, on the expiry of 45 days following this publication.

The draft Regulation specifies the terms and conditions for the sale of the following substances: Nicotine and its salts, Famotidine and its salts, and Ranitidine and its salts.

The Office is of the opinion that the Regulation will have no impact on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Lucie Boissonneault or Ugo Chaillez, Office des professions du Québec, 800, place D'Youville, 10<sup>e</sup> étage, Québec (Québec) G1R 5Z3; telephone: 418 643-6912 or 1 800 643-6912; fax: 418 643-0973.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Chair of the Office des professions du Québec, 800, place D'Youville, 10<sup>e</sup> étage, Québec (Québec) G1R 5Z3. The comments will be forwarded by the Office to the Minister of Justice; they may also be sent to the professional orders concerned as well as to interested persons, departments and bodies.

JEAN PAUL DUTRISAC,  
*Chair of the Office des  
professions du Québec*

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

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 in Schedule III by inserting “, lozenges” after “inhalers” in them specification of the substance “Nicotine and its salts”.

**2.** Schedule III is amended by adding the following paragraph at the end of the specification of the substance “Famotidine and its salts”:

“Dosage forms for oral use containing more than 10 mg and not more than 20 mg per dosage unit, in package units containing less than 51 dosage units”.

**3.** Schedule III is amended by adding the following paragraph at the end of the specification of the substance “Ranitidine and its salts”:

“Dosage forms for oral use containing more than 75 mg and not more than 150 mg per dosage unit, in package units containing less than 51 dosage units”.

**4.** 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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\* 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 539-2008 dated 28 May 2008 (2008, *G.O.2*, 2113). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2008, updated to 1 September 2008.

## Draft Regulation

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

### Transport of passengers by water — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting the transport of passengers by water, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to amend certain conditions for the issue and renewal of permits for the transport of passengers by water, the period of coverage of the insurance policy and the terms and conditions for the posting of a permit. The purpose of the draft Regulation is also to add to the cases already provided for in the Regulation, cases in which a permit is not required.

The proposed regulatory amendments will reduce the administrative and financial burden on several enterprises to which the Regulation applies. However, a small number of enterprises will have to obtain a permit whereas some enterprises will no longer have to apply for one.

Further information may be obtained by contacting Rachid Raffa, Ministère des Transports du Québec, 700, boulevard René-Lévesque Est, 24<sup>e</sup> étage, Québec (Québec) G1R 5H1; telephone: 418 644-2908, extension 2257; fax: 418 646-6196; e-mail: touhamirachid.raffa@mtq.gouv.qc.ca

Any person wishing to comment on the draft Regulation may submit written comments within the 45-day period to the Minister of Transport, 700, boulevard René-Lévesque Est, 29<sup>e</sup> étage, Québec (Québec) G1R 5H1.

JULIE BOULET,  
*Minister of Transport*

## Regulation to amend the Regulation respecting the transport of passengers by water\*

Transport Act  
(R.S.Q., c. T-12, s. 5, pars. c, d, e and f)

**1.** The Regulation respecting the transport of passengers by water is amended by replacing section 2 by the following:

“2. No permit is required in the following cases:

(1) the rental of a pleasure craft without crew;

(2) white-water rafting in a non-motorized craft or any other water sport;

(3) transport by water provided by

(a) the holder of an outfitter’s licence in connection with activities incidental to the outfitting operation;

(b) an agency having signed a lease granting it exclusive fishing rights for purposes other than outfitting activities under subparagraph 5 of the second paragraph of section 86.1 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1);

(c) an agency to which the management of a controlled zone has been entrusted, in whole or in part, pursuant to section 106 of the Act respecting the conservation and development of wildlife;

(d) a person, an association or a body or agency authorized by contract to organize activities or provide services for profit or operate a commercial undertaking with a view to the development or utilization of wildlife or its habitat, as the case may be, or for the purposes of recreational activities pursuant to sections 109, 118 and 127 of the Act respecting the conservation and development of wildlife;

(e) the Société des établissements de plein air du Québec or its mandataries; or

(f) a person, an association or a body authorized by contract to operate a business, provide a service or organize an activity pursuant to section 8.1 of the Parks Act (R.S.Q., c. P-9); and

(4) transport of marine pilots.

For the purposes of subparagraph 2 of the first paragraph, “water sport” means any physical activity involving the use of a craft on various bodies of water, provided by a person who is a member of a sports body that has adopted a safety regulation approved pursuant to section 27 of the Act respecting safety in sports (R.S.Q., c. S-3.1) or by a person who is a member of a sports body affiliated to a sports federation that has adopted such a regulation approved pursuant to section 27 of that Act.”.

\* The Regulation respecting the transport of passengers by water was made by Order in Council 147-98 dated 4 February 1998 (1998, G.O. 2, 1205).



**2.** Section 3 is amended

(1) by striking out paragraph 1;

(2) by replacing “for the period of validity of the permit” in paragraph 2 by “for the period of operation of the service authorized by the permit”;

(3) by striking out “whose gross tonnage is greater than 5 tons or” in paragraph 2;

(4) by replacing paragraph 4 by the following:

“(4) he attests in a document that each ship and its crew to be used in providing the service meet the requirements of the federal regulations relating to the inspection, capacity and safety of ships and the competence of their crew;”.

**3.** Section 6 is amended by replacing “15 June” in the second paragraph by “15 July”.

**4.** Section 9 is amended by striking out “at all times” and by replacing “in the boarding area in full view of the public” by “in full view of the public during boarding”.

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



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## Notices

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### Notice

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

**Plan and conservation plan of the Réserve de  
biodiversité projetée des monts Groulx  
— Amendment**

Notice is hereby given, in accordance with sections 29 and 31 of the Natural Heritage Conservation Act (R.S.Q., c. C-61.01),

(1) that the Minister of Sustainable Development, Environment and Parks with the approval of the Government has amended the plan and conservation plan of the Réserve de biodiversité projetée des monts Groulx by Order in Council 303 2009 dated 25 March 2009, the amended plans taking effect on the date of their publication in the *Gazette officielle du Québec* as a Schedule to that Order;

(2) that the permanent protection status proposed for the area is that of an “ecological reserve”, the granting of the permanent status being governed by the Natural Heritage Conservation Act;

(3) that, as provided by section 31 of the Natural Heritage Conservation Act, the amendments to the plans of the proposed biodiversity reserve do not affect the period of time for which the land has been set aside, that period continuing for four years beginning on 19 June 2007;

(4) that a copy of the amended plan of the proposed biodiversity reserve may be obtained on payment of a fee by contacting Christiane Bernard, Direction du patrimoine écologique et des parcs, Ministère du Développement durable, de l'Environnement et des Parcs, 675, boulevard René-Lévesque Est, 4<sup>e</sup> étage, boîte 21, Québec (Québec) G1R 5V7; telephone: 418 521-3907, extension 4463; fax: 418 646-6169; e-mail: [christiane.bernard@mddep.gouv.qc.ca](mailto:christiane.bernard@mddep.gouv.qc.ca)

MADELEINE PAULIN,  
*Deputy Minister*

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## QUÉBEC STRATEGY FOR PROTECTED AREAS



# Réserve de biodiversité projetée des monts Groulx

(provisional name)

**Conservation plan**



Février 2009

## 1. Protection status and toponym

The protection status of the reserve described below is that of proposed biodiversity reserve, a status that is governed by the Natural Heritage Conservation Act (R.S.Q., c. C-61.01).

The permanent protection status planned is “ecological reserve,” which is a status governed by the Natural Heritage Protection Act.

The provisional toponym is “Réserve de biodiversité projetée des monts Groulx.” The official toponym will be determined at the time of the assignment of permanent protection status to the land.

## 2. Plan and description

### 2.1. Location, boundaries and dimensions

The boundaries and location of the Réserve de biodiversité projetée des monts Groulx are given in the appendix.

The Réserve de biodiversité projetée des monts Groulx is located on the North Shore, between 51°32' and 51°44' north latitude and 67°35' and 67°54' west longitude. It is located approximately 265 km north of Baie-Comeau and covers a part of the Monts Groulx massif. It is almost totally located within the unorganized territories of Rivière-Mouchalagane, in regional county municipality (RCM) of Caniapiscau. Somewhat less than 2% of the reserve is located in the unorganized territory of Lac-Walker in RCM of Sept-Rivières.

The Réserve de biodiversité projetée des monts Groulx covers an area of 209.8 km<sup>2</sup>. It is surrounded to the north, to the west and to the south by the Réserve de biodiversité Uapishka. Only the east side of the reserve borders an unprotected territory.

### 2.2. Ecological overview

The Réserve de biodiversité projetée des monts Groulx is part of the Monts Groulx massif which extends from the Réservoir Manicouagan to the Rivière Sainte-Marguerite. The massif is formed of more or less regular, long slopes that culminate in a long plateau with a number of peaks that are over 1,000 metres high. The proposed biodiversity reserve is located within the Central Laurentides natural province. Specifically it protects the natural environments characteristic of the natural regions of the Sainte-Marguerite plateau.

### 2.2.1. Representative elements

**Climate:** The area is characterized by a cold, subpolar and subhumid continental climate, with a short growing season. It belongs to the bioclimatic field of mossy spruce stands.

**Geologic and geomorphology:** The Monts Groulx massif is in the Grenville geologic province, which is formed of Precambrian rocks deformed over one billion years ago during the Labradorian and Grenvillian orogenies. The bedrock in the proposed reserve is mainly metamorphic rocks (diorite, gabbro-norite and metagabbro-norite) and to a lesser extent of paragneiss and anorthosite. Over time, the zone of igneous rock protected a part of the metamorphic rocks from erosion, which contributed to the formation of the Monts Groulx massif. From a geomorphologic perspective, the peaks of the highland have rocky outcrops. The flanks are covered with a deposit of till that is up to several metres thick in the concave parts of the longer slopes. The valley bottoms are covered with recent alluvial deposits, fluvial deposits, and frequently peat-covered sandy, fluvioglacial deposits. In the proposed biodiversity reserve the altitude varies from 547 metres to 1,098 metres.

**Hydrography:** Headstreams flow through the biodiversity reserve into the Rivière Toulmoustouc and Rivière Hart-Jaune. Also lying within the reserve is Lac Raudot located to the north and another neighboring lake that has no name. The southern boundary is limited by Rivière Beaupin and a series of lakes to the east, located outside the reserve. To the extreme east of the proposed biodiversity reserve is part of the valley gorge of the Rivière Toulmoustouc-Nord.

**Vegetation:** The proposed biodiversity reserve forest is mainly black spruce (*Picea mariana*), white spruce (*Picea glauca*) and balsam fir (*Abies balsamea*) on the slopes, and the peak plateau is covered in alpine heath and a few peat bogs.

**Wildlife:** The Monts Groulx massif is possibly home to the wolverine (*Gulo gulo*), a threatened species. Woodland caribou, a forest ecotype (*Rangifer tarandus caribou*), and a species that was designated as vulnerable in March 2005, was also observed on the massif. Four other animals with protection status are also present in the sector: royal eagle (*Aquila chrysaetos*), bald eagle (*Haliaeetus leucocephalus*), rock vole (*Microtus chrotorrhinus*) and least weasel (*Mustela nivalis*).

### 2.2.2. Outstanding elements

The Monts Groulx massif is one of the areas in southern Québec with the largest expanse of arctic-alpine tundra with a rare and diverse flora at this altitude. To date, one species likely to be designated as threatened or vulnerable, the mountain dandelion (*Agoseris aurantiaca*), was identified in the proposed biodiversity reserve.

### 2.3. Occupation and land use

The territory lies completely within the Bersimis and Saguenay beaver reserves in which the Pessamit and Uashat Innu communities have special hunting and trapping rights for fur-bearing animals.

There are no land rights on the territory 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 those mentioned under section 46 and 48 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. C61.1), 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.

#### §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. C61.1), including the provisions pertaining to threatened or vulnerable wildlife species, to outfitting operations and beaver reserves and the measures contained in applicable federal legislations, in particular the fishery regulation;

— 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. T8.1) and in the Watercourses Act (R.S.Q., c. R13);

— Issue and supervision of forest management permits: measures set out in the Forest Act (R.S.Q., c. F-4.1).

— Operation of vehicles: measures set out in particular in the Act respecting the lands in the domain of the State (R.S.Q., c. T8.1) and in the regulation respecting motor vehicle traffic in certain fragile environments made under the Environment Quality Act;

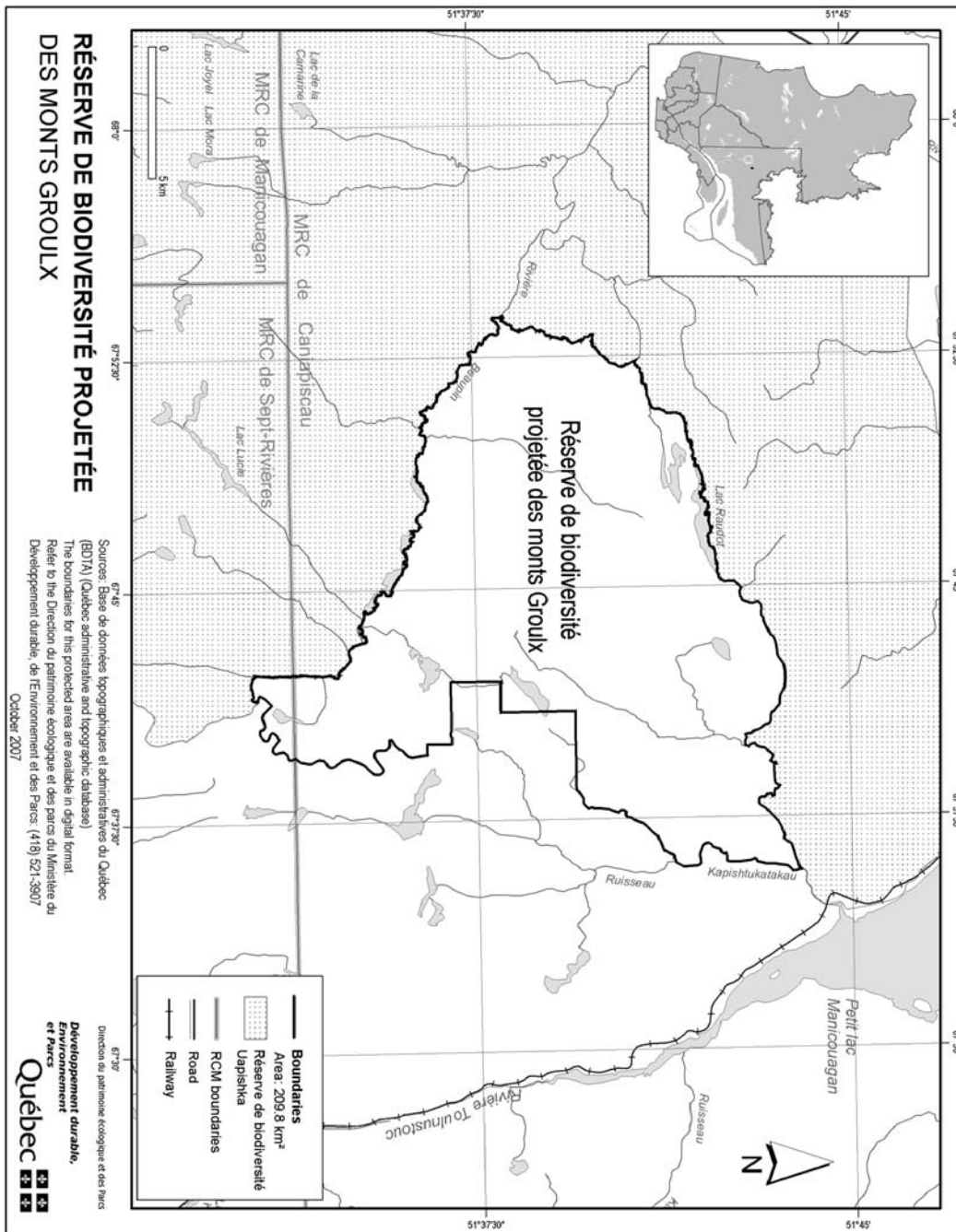
— Construction and development standards: regulatory measures adopted by regional and local municipal authorities under the Acts applicable to them.

#### 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 Réserve de biodiversité projetée des monts Groulx. It is therefore responsible for the supervision and monitoring of the activities that may be carried on within the reserve. The Minister undertakes the management of the reserve in collaboration with other government representatives that have 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 functions, the ministers will take into consideration the protection sought for these natural environments and the protection status that has been granted. With regard to zoning, given that the conservation objectives for the provisional protection period are the same for the entire territory, the proposed reserve consists of one conservation zone only.

APPENDIX

MAP OF THE RÉSERVE DE BIODIVERSITÉ PROJÉTÉE DES MONTS GROULX



## Notice

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

### Assignment of temporary protection status as proposed biodiversity reserves to twelve areas

Notice is hereby given, in accordance with section 29 of the Natural Heritage Conservation Act (R.S.Q., c. C-61.01):

(1) that the Minister of Sustainable Development, Environment and Parks assigned, by Minister's Order dated 31 March 2009, temporary protection status as proposed biodiversity reserves to the twelve areas described in the Schedule for a term of 4 years commencing on the date of publication of this notice in the *Gazette officielle du Québec*;

(2) that the permanent protection status proposed for the areas is that of biodiversity reserve, in continuation with the temporary status already assigned, the granting of the permanent status being governed by the Natural Heritage Conservation Act;

(3) a copy of the plan of the twelve new proposed biodiversity reserves may be obtained on payment of a fee by contacting: Christiane Bernard, Direction du patrimoine écologique et des parcs, Ministère du Développement durable, de l'Environnement et des Parcs, 675, boulevard René-Lévesque Est, 4<sup>e</sup> étage, boîte 21, Québec (Québec) G1R 5V7; telephone: 418 521-3907, extension 4463; fax: 418 646-6169; e-mail: christiane.bernard@mddep.gouv.qc.ca

LINE BEAUCHAMP,  
*Minister of Sustainable Development,  
Environment and Parks*

## SCHEDULE

### PROPOSED BIODIVERSITY RESERVES

#### Réserve de biodiversité projetée du Fjord-Tursukattaq

Location: The proposed biodiversity reserve is located in the Nord-du-Québec administrative region, between 61°40'43'' and 62°13'40'' north latitude and 72°22'28'' and 73°25'35'' west longitude.

#### Réserve de biodiversité projetée de Kangiqsujaq

Location: The proposed biodiversity reserve is located in the Nord-du-Québec administrative region, between 61°00' and 61°21' north latitude and 71°20' and 72°11' west longitude.

#### Réserve de biodiversité projetée de la Rivière-Vachon

Location: The proposed biodiversity reserve is located in the Nord-du-Québec administrative region, between 60°19' and 60°58' north latitude and 71°45' and 72°44' west longitude.

#### Réserve de biodiversité projetée de Quaqaq-Kangirsuk

Location: The proposed biodiversity reserve is located in the Nord-du-Québec administrative region, between 60°08' and 60°49' north latitude and 69°32' and 70°09' west longitude.

#### Réserve de biodiversité projetée de l'Estuaire-des-Rivières-Koktac-et-Nauberakvik

Location: The proposed biodiversity reserve is located in the Nord-du-Québec administrative region, between 58°41'55'' and 59°05'40'' north latitude and 77°45'55'' and 78°37'47'' west longitude.

#### Réserve de biodiversité projetée des Drumlins-du-Lac-Viennaux

Location: The proposed biodiversity reserve is located in the Nord-du-Québec administrative region, between 58°22' and 58°39' north latitude and 70°57' and 71°38' west longitude.

#### Réserve de biodiversité projetée de la Rivière-Delay

Location: The proposed biodiversity reserve is located in the Nord-du-Québec administrative region, between 55°50' and 56°56' north latitude and 70°38' and 71°26' west longitude.

#### Réserve de biodiversité projetée du Lac-Sérigny

Location: The proposed biodiversity reserve is located in the Nord-du-Québec administrative region, between 55°04' and 55°41' north latitude and 69°12' and 70°15' west longitude.

#### Réserve de biodiversité projetée Hironnelle

Location: The proposed biodiversity reserve is located in the Nord-du-Québec administrative region, between 52°50'36'' and 53°01'08'' north latitude and 71°29'15'' and 71°53'17'' west longitude.

**Réserve de biodiversité projetée  
du Domaine-La-Vérendrye**

Location: The proposed biodiversity reserve is located in the Outaouais administrative region, between 46°53'20'' and 47°09'15'' north latitude and 76°32'04'' and 76°47'58'' west longitude.

**Réserve de biodiversité projetée de  
la Station-de-Biologie-des-Laurentides**

Location: The proposed biodiversity reserve is located in the Lanaudière and Laurentides administrative region between 45°57' and 46°03' north latitude and 73°57' and 74°03' west longitude.

**Réserve de biodiversité projetée de Grandes-Piles**

Location: The proposed biodiversity reserve is located in the Mauricie administrative region, between 46°44'30'' and 46°47'45'' north latitude and 72°35'15'' and 72°44'30'' west longitude.

QUÉBEC STRATEGY FOR PROTECTED AREAS



**Réserve de  
biodiversité  
projetée du  
Fjord-  
Tursukattaq**

**Conservation plan**



**February 2009**

## 1. Protection status and toponym

The protection status of the territory described below is a proposed biodiversity reserve governed by the provisions of the Natural Heritage Conservation Act (R.S.Q., c. C-61.01).

The envisaged permanent protected status is a “biodiversity reserve” governed by the provisions of the Natural Heritage Conservation Act.

The provisional toponym is “Réserve de biodiversité projetée du Fjord-Tursukattaq”. 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 Réserve de biodiversité projetée du Fjord-Tursukattaq appear on the map that constitutes Appendix 1.

The Réserve de biodiversité projetée du Fjord-Tursukattaq is located between 61°40'43'' and 62°13'40'' latitude north and 72°22'28'' and 73°25'35'' longitude west, 31 km northwest of the Inuit community of Kangiqsujuaq. It covers an area of 1959.8 km<sup>2</sup>, mainly in the unincorporated territory of Rivière-Koksoak, part of the territory of the Kativik Regional Government in the Nord-du-Québec administrative region.

### 2.2. Ecological overview

The Réserve de biodiversité projetée du Fjord-Tursukattaq is located in the Ungava Peninsula natural province, in the Plateau de Salluit natural region, more precisely in the physiographic unit of the Haut plateau de la Baie-George. The protected area is intended to protect a representative part of the physiographic unit, characterized by its irregular and strongly incised relief.

The proposed reserve, located in the Churchill geological province, is mainly composed of intrusive, granitic (granite, granodiorite and granitic gneiss) or tonalitic (tonalite and tonalitic gneiss) rocks.

In geomorphologic terms, the dominant feature of the proposed biodiversity reserve is its rock base. Inland, the plateau is mainly covered by a thin, discontinuous layer of till, with rocky outcrops and thicker till in the depressions, while in the low-lying zones along the shore, the rock is covered by marine sedimentary deposits from the extension of the post-glacial seas. The bedrock is exposed over 54% of the area. Deep fiords and glacial valleys give the region a specific aspect. The altitude of the protected area varies from 0 to 615 m, with an average of around 300 m.



The proposed biodiversity reserve protects almost 900 waterbodies, covering 10% of the area, or 188 km<sup>2</sup>. The main waterbodies in the protected area are Douglas harbour, Tursukattaq fiord, Qanartalik fiord, Tarraliaq lake, Tasialujjuaq lake, Jorian river, Jacquère river and Lacoudray river. The drainage system in the protected area is mainly governed by the relief, with water flowing from the plateaus into the fiords, and from there into King George Bay or Foul Bay. The proposed biodiversity reserve lies mainly within the Jorian and Jacquère watersheds.

The reserve is situated in the bioclimatic field of herbaceous arctic tundra. It is characterized by a polar climate (-9.4 to -6.0 °C), semi-arid precipitation (250 to 469 mm) and an extremely short growing season (90 to 119 days).

The vegetation in the proposed biodiversity reserve consists mainly of moss on a rocky base (20% of the protected area, or 377 km<sup>2</sup>) and shrubs and grasses on a mossy base (5% or 84 km<sup>2</sup>). One plant has been designated as threatened in Québec, narrow alkaligrass (*Puccinellia angustata*), and four plants liable to be designated as threatened in Québec, cutleaf daisy (*Erigeron compositus*), Hartz's bluegrass (*Poa hartzii*), thicket whitlow grass (*Draba crassifolia*) and tufted hairgrass (*Deschampsia paramushirensis*), have been found within the proposed biodiversity reserve.

Little information is available about the wildlife present. However, the proposed biodiversity reserve is within the distribution zone for the migrating caribou herd of Aux Feuilles river. Two sightings of American peregrine falcon (*Falco peregrinus anatum*) have been reported within the proposed biodiversity reserve.

### 2.3. Land occupation and use

No leases have been granted within the protected area of the proposed biodiversity reserve. A road leads to the Purtuniqu mine, approximately 65 km west of the proposed biodiversity reserve.

The proposed biodiversity reserve is situated on Category III lands within the meaning of the James Bay and Northern Québec Agreement and the Act respecting the land regime in the James Bay and New Québec territories (R.S.Q., c. R-13.1). Sixty-five archaeological sites are registered within the projected biodiversity reserve limits which demonstrate that there is an autochthonous occupation of the territory since several millenniums.

The proposed biodiversity reserve lies within fur-bearing animal management unit 96, and is part of hunting zone 23 north.

## 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 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.

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);

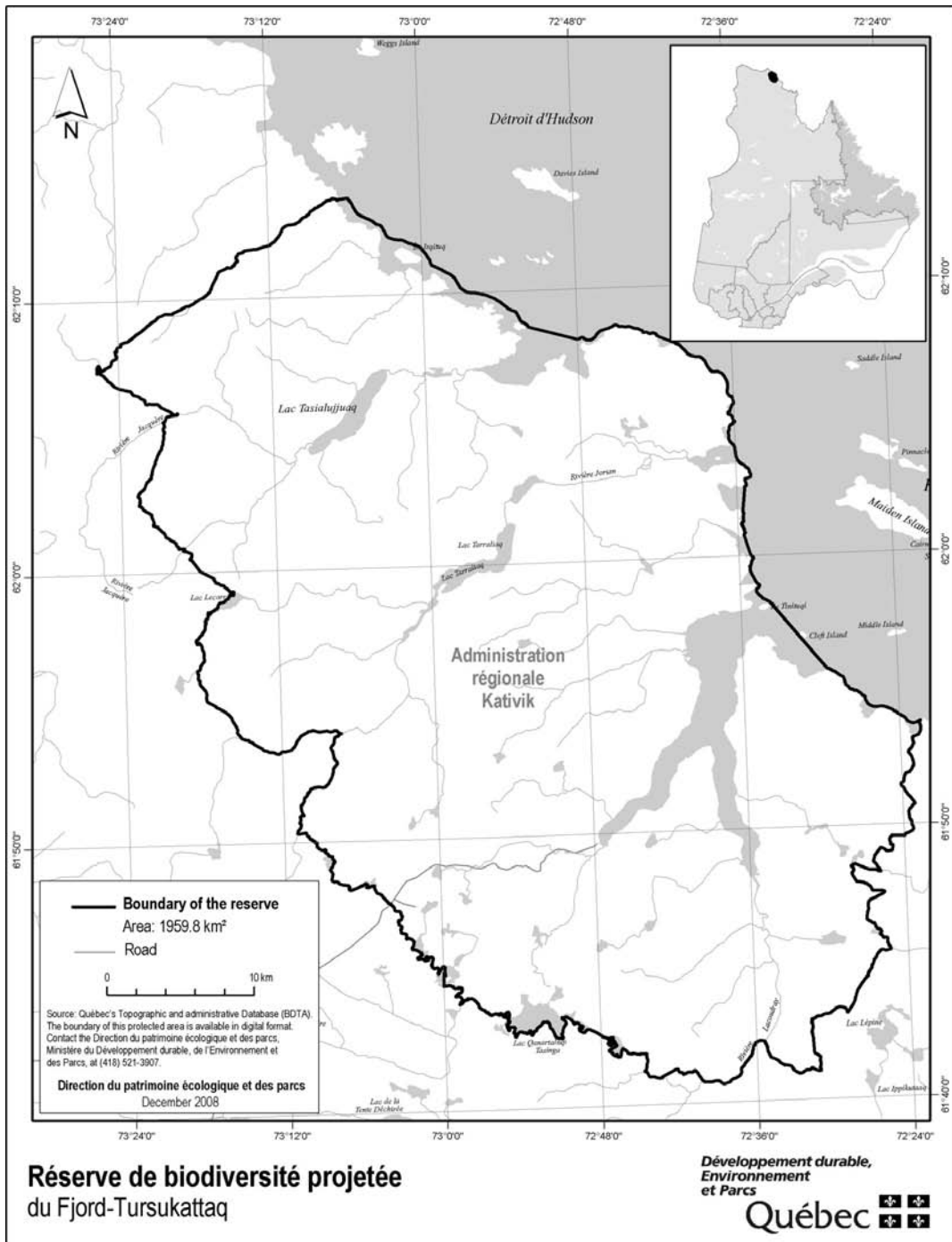
- Archaeological research: measures set out in particular in the Cultural Property Act (R.S.Q., c. B-4);
- Access and land rights related to the domain of the State: measures set out in particular in the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) and in the Watercourses Act (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 Minister of Sustainable Development, Environment and Parks is responsible for the conservation and management of the Réserve de biodiversité projetée du Fjord-Tursukattaq 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 the Réserve de biodiversité projetée du Fjord-Tursukattaq



## QUÉBEC STRATEGY FOR PROTECTED AREAS



# Réserve de biodiversité projetée de Kangiqsujuaq

**Conservation plan**



February 2009

## 1. Protection status and toponym

The protection status of the territory described below is the proposed biodiversity reserve governed by the provisions of the Natural Heritage Conservation Act (R.S.Q. c. C-61.01).

The envisaged permanent protected status is a “biodiversity reserve” governed by the provisions of the Natural Heritage Conservation Act.

The provisional toponym is “Réserve de biodiversité projetée de Kangiqsujuaq”. The official toponym will be determined at the time when permanent protection status is granted to the territory.

## 2. Plan and description

### 2.1. Geographic location, boundaries and dimensions

The boundaries and location of the Réserve de biodiversité projetée de Kangiqsujuaq appear on the map that constitutes Appendix 1.

The Réserve de biodiversité projetée de Kangiqsujuaq lies within the administrative region of Nord-du-Québec, between 61°0' and 61°21' latitude north and 71°20' and 72°11' longitude west. It is located 35 km from the village of Kangiqsujuaq and 135 km from the village of Quaataq. It covers an area of 889.4 km<sup>2</sup> within the unorganized territory of Rivière-Koksoak, which comes under the authority of the Kativik Regional Government.

### 2.2. Ecological overview

The Réserve de biodiversité projetée de Kangiqsujuaq is located in the Ungava Peninsula natural province, more specifically in the natural region of the Vachon River High Plateau.

The topography is uneven in some areas. The slope of the plateau, which ends at the sea, forms a rocky coastline that is intersected by small valleys, mainly in the Lataille River region.

The hilly landscape features a topography where elevations vary between 0 m and 255 m, with an average elevation of 175 m. The proposed biodiversity reserve is within the arctic tundra sedge domain. Most of the territory features rocky outcroppings where bryophytes and lichens have taken root. In some locations, wet grassy areas are found along watercourses. There are few lakes. The hydrographic network consists mainly of a semi-parallel network of average-sized rivers and firths embedded along the coastline.

The proposed biodiversity reserve is part of the Lataille River watershed area.

### 2.3. Land occupation and use

The proposed biodiversity reserve lies within the territory of the Nouveau-Québec beaver reserve and is included in Hunting Zone 23. No roads intersect and no land right rights have been issued within the territory.

The territory is part of category II land under the James Bay and Northern Québec Agreement, signed in 1975, and the *Act respecting the land regime in the James Bay and New Québec territories* (R.S.Q., c. R-13.1). The territory contains important archeological and historical Inuit sites.

The territory of the proposed biodiversity reserve is one of predilection for the archaeologists who study the prehistory of Quebec arctic. Pits of soapstone were found on place as well as long houses dating from the dorset and structures of blocks. One of the sites has a superior value and is one of two petroglyphs sites known in the Arctic and the only one being in Quebec territory. All in all, forty-seven (47) archaeological sites listed in the reserve shows that there is an autochthonous occupation of the territory since several millenniums.

## 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 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.

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 Minister of Sustainable Development, Environment and Parks is responsible for the conservation and management of the Réserve de biodiversité projetée de Kangiqsujuaq 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



# Réserve de biodiversité projetée de la Rivière- Vachon

**Conservation plan**



February 2009

## 1. Protection status and toponym

The protection status of the territory described below is a proposed biodiversity reserve governed by the provisions of the Natural Heritage Conservation Act (R.S.Q., c. C-61.01).

The envisaged permanent protected status is a “biodiversity reserve” governed by the provisions of the Natural Heritage Conservation Act.

The provisional toponym is “Réserve de biodiversité projetée de la Rivière-Vachon”. 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 Réserve de biodiversité projetée de la Rivière-Vachon appear on the map that constitutes Appendix 1.

The Réserve de biodiversité projetée de la Rivière-Vachon is located in the Nord-du-Québec administrative region, between 60°19' and 60°58' latitude north and 71°45' and 72°44' longitude west, approximately 75 km south of the village of Kangiqsujuaq and 112 km west of the village of Kangirsuk. It covers an area of 2532.7 km<sup>2</sup> in the unincorporated territory of Rivière-Koksoak, under the responsibility of the Kativik Regional Government.

### 2.2. Ecological overview

The Réserve de biodiversité projetée de la Rivière-Vachon is located in the Ungava Peninsula natural province, more precisely in the Haut plateau de la rivière Vachon natural region. It is intended to protect specific elements of the Vachon river upland plateau: a glacio-lacustrine depression and entrenched valleys cut into the flat terrain of the plateau. The reserve consists of a basement of intrusive rock, which is comprised mainly of granites.

The landscape of low hills has little variation in altitude; the altitude varies from 110 m to 510 m with an average of 380 m. The proposed biodiversity reserve is situated in the bioclimatic field of forested arctic tundra. Rocky outcrops occur over most of the area, and are home to bryophytes and lichens, mainly in the northern sector. Small shrubs are found along Vachon river, in the centre of the proposed reserve. There are few lakes. The drainage system mainly comprises a dendritic network of small rivers.

The proposed biodiversity reserve lies within the Arnaud watershed.

### 2.3. Land occupation and use

The proposed biodiversity reserve lies within the Nouveau-Québec beaver reserve and hunting zone 23 north. It contains no roads, and no leases have been granted on the land.

Most of the proposed reserve is situated on Category III lands within the meaning of the James Bay and Northern Québec Agreement and the Act respecting the land regime in the James Bay and New Québec territories (R.S.Q., c. R-13.1), although a small part of the northern section of the reserve is situated on Category II lands.

## 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 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.

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;

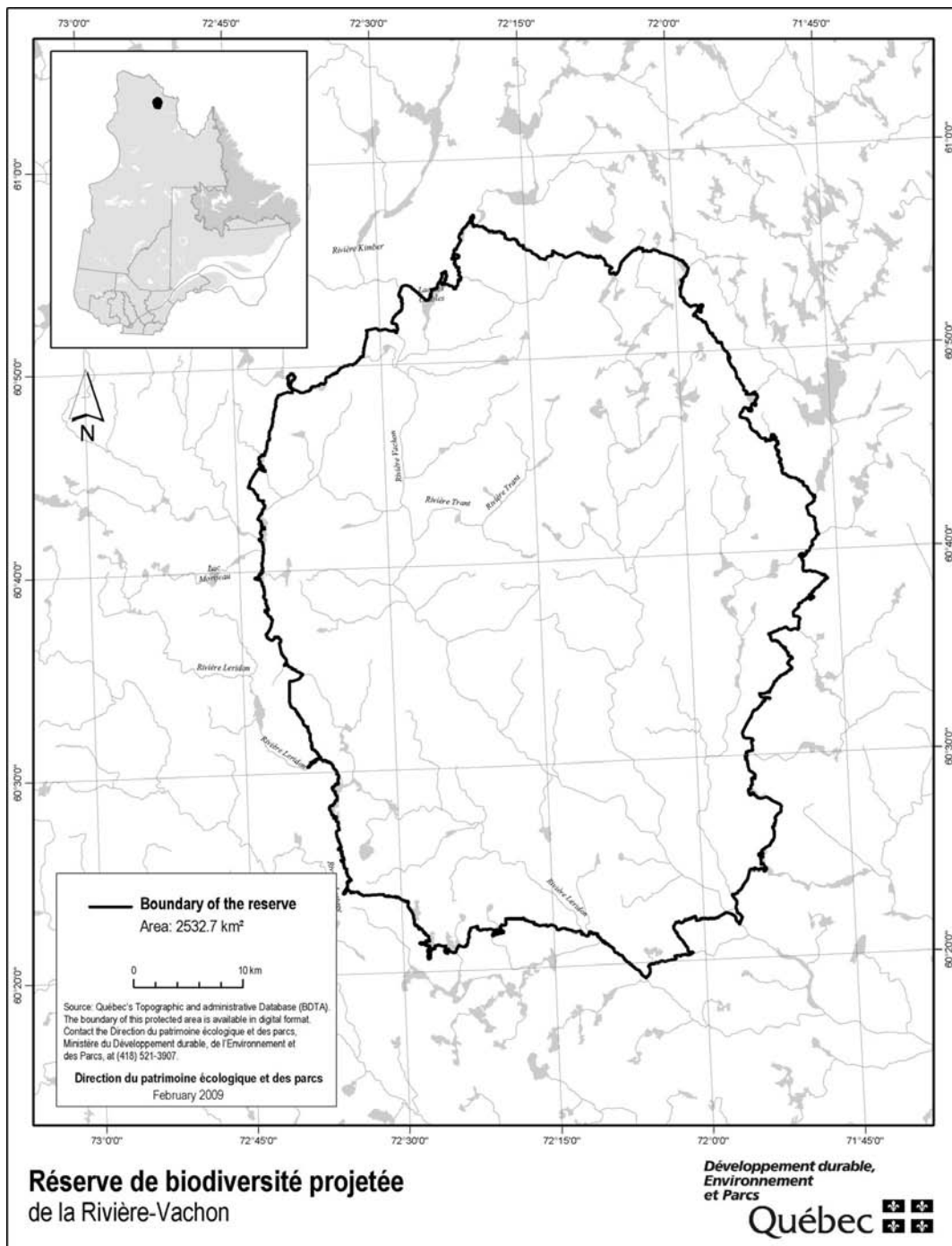
- Development and conservation of wildlife resources: measures set out in particular in the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), including the provisions pertaining to outfitting operations and beaver reserves and the measures contained in applicable federal 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 Minister of Sustainable Development, Environment and Parks is responsible for the conservation and management of the Réserve de biodiversité projetée de la Rivière-Vachon 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 the Réserve de biodiversité projetée de la Rivière-Vachon



QUÉBEC STRATEGY FOR PROTECTED AREAS



# Réserve de biodiversité projetée de Quaqtak-Kangirsuk

**Conservation plan**



February 2009

## 1. Protection status and toponym

The protection status of the territory described below is a proposed biodiversity reserve governed by the provisions of the Natural Heritage Conservation Act (R.S.Q., c. C-61.01).

The envisaged permanent protected status is a “biodiversity reserve” governed by the provisions of the Natural Heritage Conservation Act.

The provisional toponym is “Réserve de biodiversité projetée de Quaқтаq-Kangirsuk”. 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 Réserve de biodiversité projetée de Quaқтаq-Kangirsuk appear on the map that constitutes Appendix 1.

The Réserve de biodiversité projetée de Quaқтаq-Kangirsuk is located in the Nord-du-Québec administrative region, between 60°08' and 60°49' latitude north and 69°32' and 70°09' longitude west. It is situated between the villages of Quaқтаq and Kangirsuk, around 40 km from both villages, and covers an area of 1380.8 km<sup>2</sup> in the unincorporated territory of Rivière-Koksoak, under the responsibility of the Kativik Regional Government.

### 2.2. Ecological overview

The Réserve de biodiversité projetée de Quaқтаq-Kangirsuk is located in the Ungava Peninsula natural province, more precisely in the Haut plateau de la rivière Vachon natural region.

The relief is low; rocky outcrops dominate the landscape, along with some depressions filled with marine and shoreline deposits. The central portion features till drumlins.

The landscape of low hills has little variation in relief; the altitude varies from 40 m to 245 m, with an average of 150 m. The proposed biodiversity reserve is situated in the bioclimatic field of herbaceous arctic tundra. Most of the area presents rocky outcrops, home to bryophytes and lichens. The humid herbaceous zones are generally found along watercourses. There are few lakes. The drainage system mainly comprises small, parallel rivers. The region's population of muskox specifically uses the land in the proposed reserve.

The proposed biodiversity reserve lies within the Gadois and Garnier watersheds.

### 2.3. Land occupation and use

The proposed biodiversity reserve lies within the Nouveau-Québec beaver reserve and hunting zone 23. It contains no roads, and no leases have been granted on the land.

Part of the area is situated on Category II lands and part is on Category III lands within the meaning of the James Bay and Northern Québec Agreement and the Act respecting the land regime in the James Bay and New Québec territories (R.S.Q., c. R-13.1). The proposed reserve includes archaeological and historical sites of importance for the Inuits.

Sixty-eight archaeological sites are registered within the projected biodiversity reserve limits and demonstrate that there is an autochthonous occupation of the territory since several millenniums. Two vestiges of long houses were found on place which makes the site almost unique. One of these is the longest one found in Nunavik. Several archaeological researches took place on the proposed biodiversity reserve and led to the discovery of archaeological sites of a big scientific and cultural interest.

### 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 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.

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:

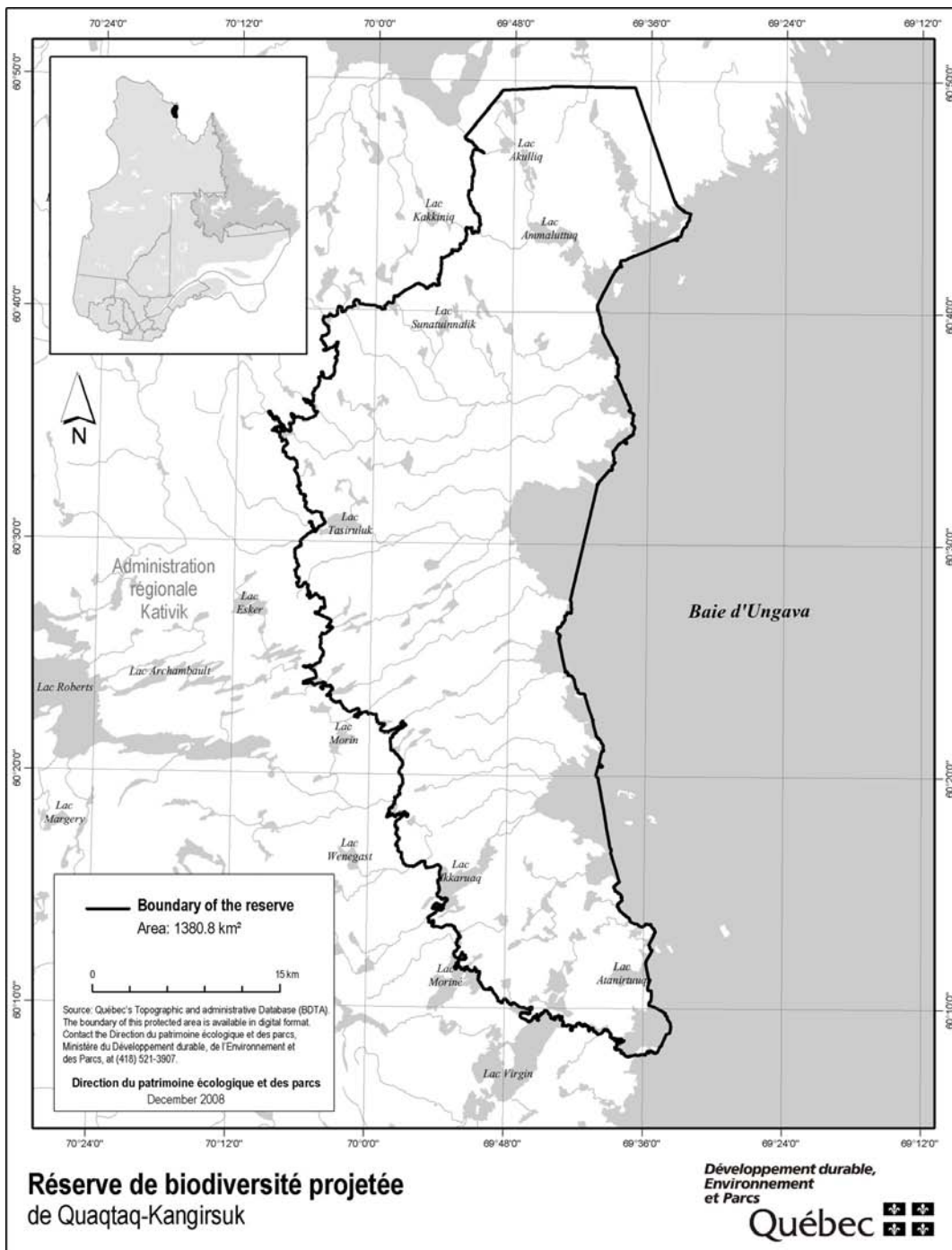
- Environmental protection: measures set out in particular in the Environment Quality Act (R.S.Q., c. Q-2) and its regulations;
- Removal of species of flora designated as threatened or vulnerable: measures set out in the Act respecting threatened or vulnerable species (R.S.Q., c. E-12.01) prohibiting 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 Minister of Sustainable Development, Environment and Parks is responsible for the conservation and management of the Réserve de biodiversité projetée de Quaqtak-Kangirsuk 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 the Réserve de biodiversité projetée de Quaqaq-Kangirsuk





QUÉBEC STRATEGY FOR PROTECTED AREAS



**Réserve de  
biodiversité  
projetée de  
l'Estuaire-  
des-Rivières-  
Koktac-et-  
Nauberakvik**

**Conservation plan**



**February 2009**

## 1. Protection status and toponym

The protection status of the territory described below is the proposed biodiversity reserve governed by the provisions of the Natural Heritage Conservation Act (R.S.Q. c. C-61.01)

The envisaged permanent protected status is a “biodiversity reserve” governed by the provisions of the Natural Heritage Conservation Act.

The provisional toponym is “Réserve de biodiversité projetée de l’Estuaire-des-Rivières-Koktac-et-Nauberakvik”. The official toponym will be determined at the time when permanent protection status is granted to the territory.

## 2. Plan and description

### 2.1. Geographic location, boundaries and dimensions

The boundaries and location of the Réserve de biodiversité projetée de l’Estuaire-des-Rivières-Koktac-et-Nauberakvik appear on the map that constitutes Appendix 1.

The Réserve de biodiversité projetée de l’Estuaire-des-Rivières-Koktac-et-Nauberakvik is located in the administrative region of Nord-du-Québec, between 58°41’55’’ and 59°05’40’’ latitude north and 77°45’55’’ and 78°37’47’’ longitude west. It is located approximately 25 km north of the Inuit village of Inukjuak. The proposed biodiversity reserve covers an area of 1323.0 km<sup>2</sup>.

### 2.2. Ecological overview

The Réserve de biodiversité projetée de l’Estuaire-des-Rivières-Koktac-et-Nauberakvik is located in the natural province of the Ungava Peninsula, more specifically in the natural region of the Lake Faribault Plateau. The purpose of the proposed biodiversity reserve is to protect ecosystems that are representative of this natural region.

The territory is located within the Superior geological province and consists of a basement of intrusive rock, which is comprised mainly of tonalites, granite and granitoid rock. The entire southern portion is dominated by relatively flat landscapes covered by a thick layer of glacial deposits and a small portion of the territory features distinctive drumlinoid deposits.

With regard to the aquatic environment, the proposed biodiversity reserve protects a number of lakes and the lower reaches of some major rivers, including the Koktac, Nauberakvik and Corneille. The proposed biodiversity reserve is part of the watershed area of the aforementioned rivers. The reserve also includes the estuarine portion of these three rivers. Water covers 24% of the territory of the reserve.

The reserve is located in the arctic tundra shrub bioclimatic domain and is under the influence of a climate that is characterized by polar temperatures, a semi-arid precipitation regime and a very short growing season.

The reserve is not wooded. Consisting mainly of water, the reserve contains a large proportion of rock and rocky outcroppings. Vegetation includes mainly small shrubs, lichen and moss.

Four listed archaeological sites are located inside the reserve.

### 2.3. Land occupation and use

No rights in land have been granted within the proposed biodiversity reserve and no trail or road has been mapped.

The proposed biodiversity reserve is located almost entirely on category II land under the James Bay and Northern Québec Agreement, signed in 1975, and the *Act respecting the land regime in the James Bay and New Québec territories* (R.S.Q., c. R-13.1).

The proposed biodiversity reserve is located in fur-bearing animal management unit 96 and is included in Hunting Zone 23 North. It is also part of the Nouveau-Québec beaver reserve over which the Inuit hold exclusive rights to 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.

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 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.

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:

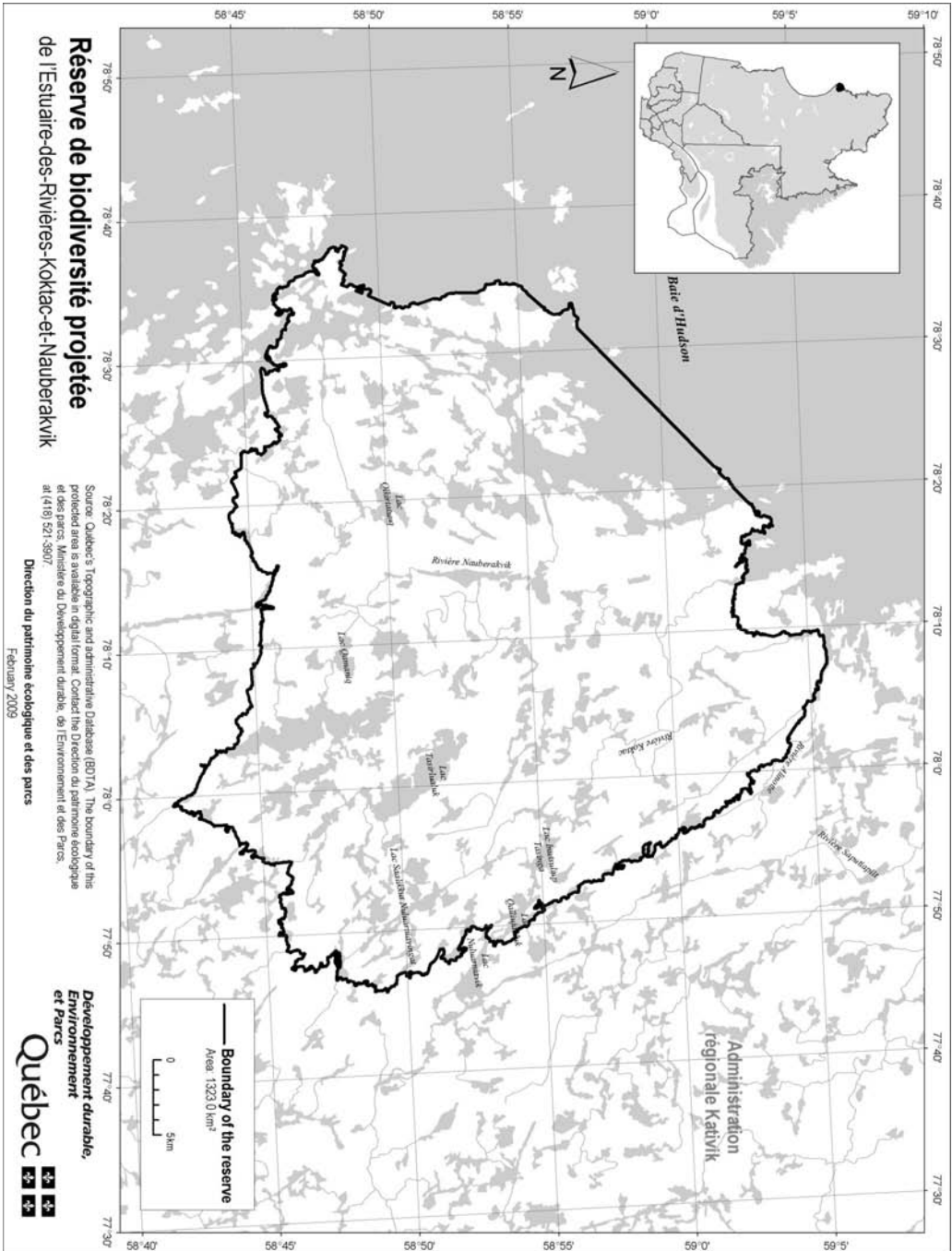
- Environmental protection: measures set out in particular in the Environment Quality Act (R.S.Q., c. Q-2) and its regulations;
- Removal of species of flora designated as threatened or vulnerable: measures set out in the Act respecting threatened or vulnerable species (R.S.Q., c. E-12.01) prohibiting 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 Minister of Sustainable Development, Environment and Parks is responsible for the conservation and management of the Réserve de biodiversité projetée de l'Estuaire-des-Rivières-Koktac-et-Nauberakvik 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 the Réserve de biodiversité projetée de l'Estuaire-des-Rivières-Koktac-et-Nauberakvik**



QUÉBEC STRATEGY FOR PROTECTED AREAS



# Réserve de biodiversité projetée des Drumlins-du- Lac- Viennaux

**Conservation plan**



February 2009

## 1. Protection status and toponym

The protection status of the territory described below is the proposed biodiversity reserve governed by the provisions of the Natural Heritage Conservation Act (R.S.Q. c. C-61.01).

The envisaged permanent protected status is a “biodiversity reserve” governed by the provisions of the Natural Heritage Conservation Act.

The provisional toponym is “Réserve de biodiversité projetée des Drumlins-du-Lac-Viennaux”. The official toponym will be determined at the time when permanent protection status is granted to the territory.

## 2. Plan and description

### 2.1. Geographic location, boundaries and dimensions

The boundaries and location of the Réserve de biodiversité projetée des Drumlins-du-Lac-Viennaux appear on the map that constitutes Appendix 1.

The Réserve de biodiversité projetée des Drumlins-du-Lac-Viennaux is located in the administrative region of Nord-du-Québec, between 58°22' and 58°39' latitude north and 70°57' and 71°38' longitude west. It is located approximately 85 km southwest of the village of Tasiujaq. It covers an area of 701, 4 km<sup>2</sup> and lies within the unorganized territory of Rivière-Koksoak, which comes under the jurisdiction of the Kativik Regional Authority.

### 2.2. Ecological overview

The Réserve de biodiversité projetée des Drumlins-du-Lac-Viennaux is located in the Ungava Peninsula natural province. More specifically, it is part of the Lake Faribault Plateau natural region.

The territory contains a rare feature of the Lake Faribault Plateau natural region. The entire south portion is dominated by low elevation landforms that are covered with a relatively thick layer of glacial deposits and a small area in the northwest portion of the territory has a distinctive drumlinoid deposit.

This landscape of low hills has an elevation that varies little between 77 m and 235 m, with an average elevation of 165 m. The proposed biodiversity reserve lies within the arctic forest tundra domain. The open forest cover consists mainly of small and large shrubs. The northwest zone has a few islands of black spruce. Wetlands cover approximately one-third of the territory.

The proposed biodiversity reserve lies within the Rivière aux Feuilles watershed area.

### 2.3. Land occupation and use

The proposed biodiversity reserve lies within the territory of the Nouveau-Québec beaver reserve and is included in Hunting Zone 23. No road or land rights are included in or cross the territory.

The entire territory is located on category III land under the James Bay and Northern Québec Agreement, signed in 1975, and the *Act respecting the land regime in the James Bay and New Québec territories* (R.S.Q., c. R-13.1). The southern part of the reserve was identified as an area of esthetic interest by the Kativik Regional Authority.

## 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 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.

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:

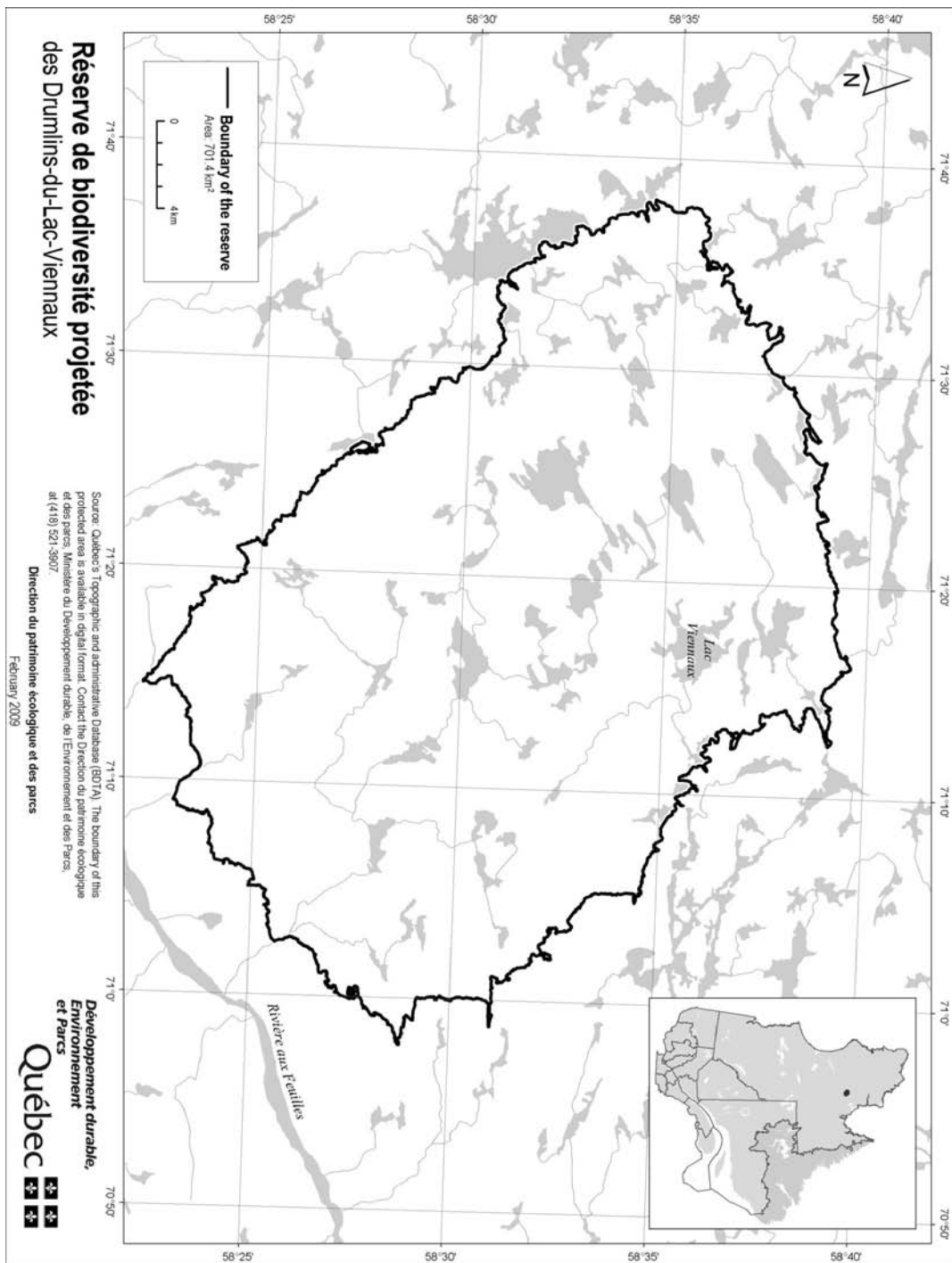
- Environmental protection: measures set out in particular in the Environment Quality Act (R.S.Q., c. Q-2) and its regulations;
- Removal of species of flora designated as threatened or vulnerable: measures set out in the Act respecting threatened or vulnerable species (R.S.Q., c. E-12.01) prohibiting 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 Minister of Sustainable Development, Environment and Parks is responsible for the conservation and management of the Réserve de biodiversité projetée des Drumlins-du-Lac-Viennaux 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 the Réserve de biodiversité projetée des Drumlins-du-Lac-Viennaux**



**Réserve de biodiversité projetée  
 des Drumlins-du-Lac-Viennaux**

Source: Québec's Topographic and administrative Database (BDTA). The boundary of this protected area is available in digital format. Contact the Direction du patrimoine écologique et des parcs, Ministère du Développement durable, de l'Environnement et des Parcs, at (418) 521-5907.

Direction du patrimoine écologique et des parcs

February 2009

**Développement durable,  
 Environnement  
 et Parcs**  
**Québec**



QUÉBEC STRATEGY FOR PROTECTED AREAS



# Réserve de biodiversité projetée de la Rivière-Deloy

**Conservation plan**



February 2009

## 1. Protection status and toponym

The protection status of the territory described below is the proposed biodiversity reserve governed by the provisions of the Natural Heritage Conservation Act (R.S.Q. c. C-61.01).

The envisaged permanent protected status is a “biodiversity reserve” governed by the provisions of the Natural Heritage Conservation Act.

The provisional toponym is “Réserve de biodiversité projetée de la Rivière-Delay”. The official toponym will be determined at the time when permanent protection status is granted to the territory.

## 2. Plan and description

### 2.1. Geographic location, boundaries and dimensions

The boundaries and location of the Réserve de biodiversité projetée de la Rivière-Delay appear on the map that constitutes Appendix 1.

The Réserve de biodiversité projetée de la Rivière-Delay is located in the administrative region of Nord-du-Québec, between 55°50' and 56°56' latitude north and 70°38' and 71°26' longitude west. It is located approximately 230 km southwest of the village of Kuujjuaq. It covers an area of 2 889, 5 km<sup>2</sup> and lies within the unorganized territory of Rivière-Koksoak, which comes under the authority of the Kativik Regional Government.

### 2.2. Ecological overview

The Réserve de biodiversité projetée de la Rivière-Delay is located in the Nord-du-Québec Central Plateau natural province. More specifically, it is part of the Châtauguay Lake Plateau and Collines du lac d'Iberville natural regions.

The territory is in the shape of a corridor through which the Delay river flows and its expansion, Lake Chanikamis. The south half meanders through a complex of hills (elevation of 50 m to 240 m) composed of relatively thick glacial deposits with rocky outcroppings in some locations. The north portion has the same hilly landscape, but is covered primarily by thick drumlinoid glacial deposits.

The proposed biodiversity reserve lies mainly within the forest tundra domain. The open forest cover consists mainly of mature black spruce-lichen stands, mainly along the river. Wooded shrubby coniferous heaths cover approximately 25% of the territory. The northeast part of the territory also contains a large number of rocky outcroppings.

The proposed biodiversity reserve is part of the Rivière aux Mélèzes watershed area.

### 2.3. Land occupation and use

The north sector of the proposed biodiversity reserve lies within the Nouveau-Québec beaver reserve and is located in Hunting Zone 23. No road is included in or crosses the territory. Four leases are in effect within the territory. Three are for commercial purposes to run an outfitting operation (without exclusives rights) and one for vacationing purposes (rough shelters).

The entire territory is located on category III land under the James Bay and Northern Québec Agreement, signed in 1975, and the *Act respecting the land regime in the James Bay and New Québec territories* (R.S.Q., c. R-13.1).

## 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 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.

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;

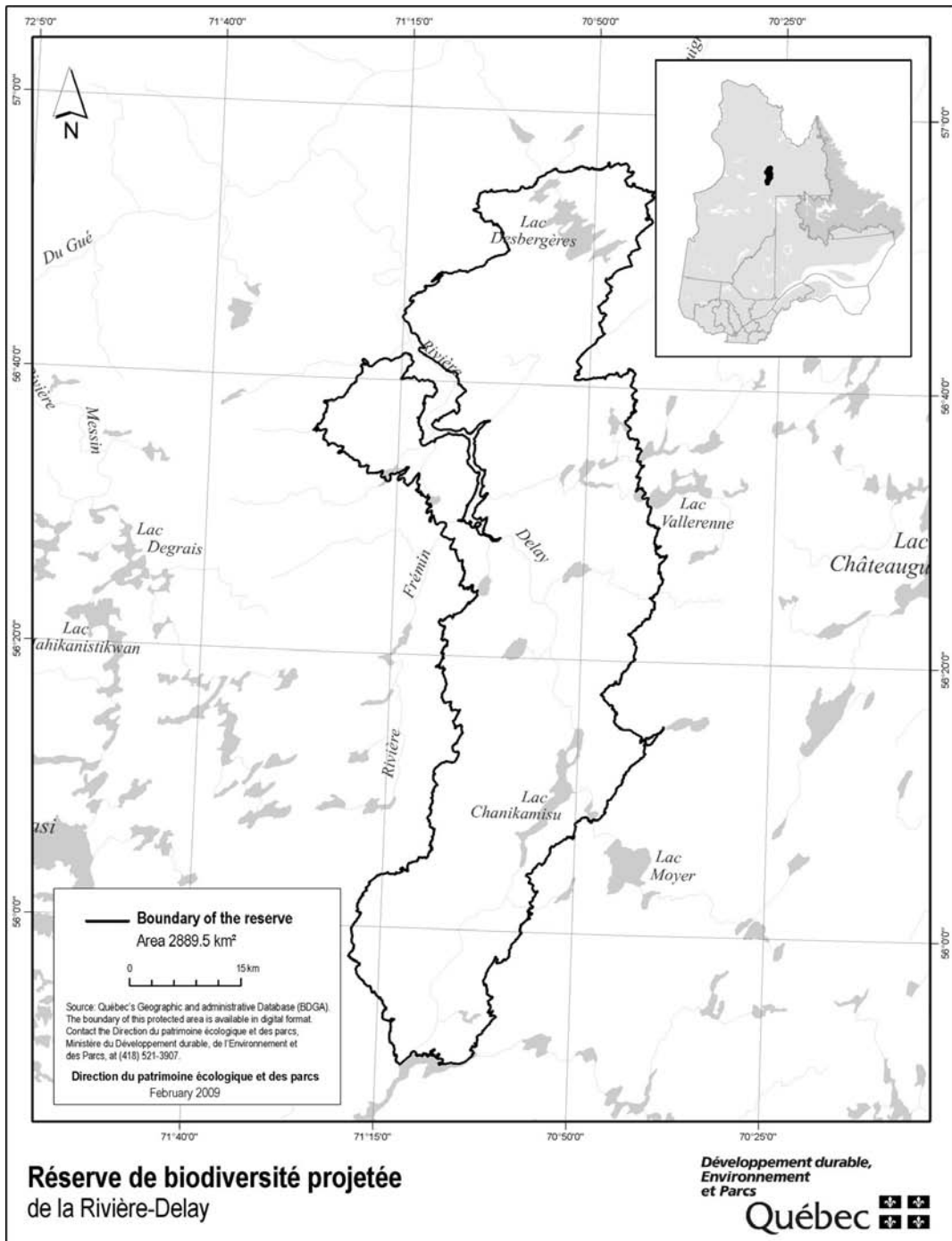
- Development and conservation of wildlife resources: measures set out in particular in the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), including the provisions pertaining to outfitting operations and beaver reserves and the measures contained in applicable federal 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 Minister of Sustainable Development, Environment and Parks is responsible for the conservation and management of the Réserve de biodiversité projetée de la Rivière-Deloy 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 the Réserve de biodiversité projetée de la Rivière-Delay



QUÉBEC STRATEGY FOR PROTECTED AREAS



# Réserve de biodiversité projetée du Lac-Sérigny

**Conservation plan**



February 2009

## 1. Protection status and toponym

The protection status of the territory described below is a proposed biodiversity reserve governed by the provisions of the Natural Heritage Conservation Act (R.S.Q., c. C-61.01).

The envisaged permanent protected status is a “biodiversity reserve” governed by the provisions of the Natural Heritage Conservation Act.

The provisional toponym is “Réserve de biodiversité projetée du Lac-Sérigny”. 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 Réserve de biodiversité projetée du Lac-Sérigny appear on the map that constitutes Appendix 1.

The Réserve de biodiversité projetée du Lac-Sérigny is located in the Nord-du-Québec administrative region, between 55°04' and 55°41' latitude north and 69°12' and 70°15' longitude west, approximately 200 km northeast of the city of Shefferville and the village of Kawawachikamach. It covers an area of 3 259, 9 km<sup>2</sup> in the unincorporated territory of Rivière-Koksoak, under the responsibility of the Kativik Regional Government.

### 2.2. Ecological overview

The Réserve de biodiversité projetée du Lac-Sérigny is located in the Nord-du-Québec Central Plateau natural province, more precisely in the Plateau de la rivière Caniapiscau natural region.

The area comprises a series of hills covered by glacial deposits of varying depth. A series of lakes associated with the Sérigny river crosses the northeast of the area.

The hilly landscape has wide variation in relief, from 0 m to 253 m with an average of 180 m. The proposed biodiversity reserve is situated in the bioclimatic field of forest tundra. The forest cover is mostly mature black spruce with lichens in the higher, drier areas, with mossy spruce stands in the more humid and lower-lying environments. Wetlands and large shrubs cover around 20% of the area. The eastern section of the area has many rocky outcrops.

The proposed biodiversity reserve lies mainly within the Caniapiscau watershed, but a narrow strip in the western sector lies within the Grande Rivière de la Baleine watershed.

### 2.3. Land occupation and use

The northern sector of the proposed biodiversity reserve lies within the Nouveau-Québec beaver reserve and hunting zone 23, while the rest of the reserve lies within the Mistassini beaver reserve and hunting zone 22. The areas have no roads. For commercial leases for the establishment of outfitting (without exclusives rights) operations have been granted in the northern and eastern sectors.

The entire area is situated on Category III lands within the meaning of 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), and more specifically is connected with the Cree community of Chisasibi.

## 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 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.

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;

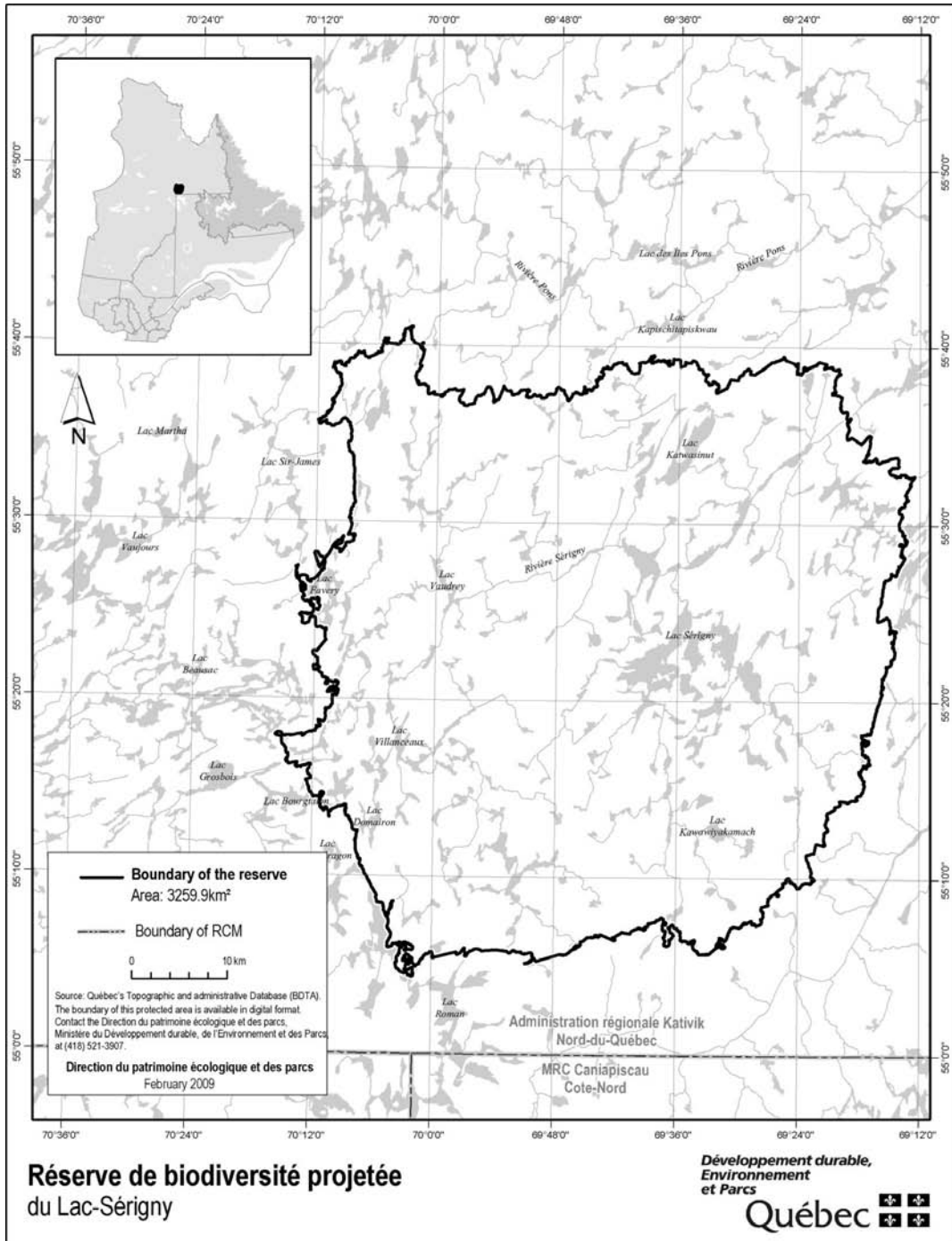
- Development and conservation of wildlife resources: measures set out in particular in the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), including the provisions pertaining to outfitting operations and beaver reserves and the measures contained in applicable federal 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 Minister of Sustainable Development, Environment and Parks is responsible for the conservation and management of the Réserve de biodiversité projetée du Lac-Sérigny 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 the Réserve de biodiversité projetée du Lac-Sérigny





QUÉBEC STRATEGY FOR PROTECTED AREAS



# Réserve de biodiversité projetée Hirondelle

**Conservation plan**



February 2009

## 1. Protection status and toponym

The protection status of the territory described below is the proposed biodiversity reserve governed by the provisions of the Natural Heritage Conservation Act (R.S.Q. c. C-61.01)

The envisaged permanent protected status is a “biodiversity reserve” governed by the provisions of the Natural Heritage Conservation Act.

The provisional toponym is “Réserve de biodiversité projetée Hirondelle”. The official toponym will be determined at the time when permanent protection status is granted to the territory.

## 2. Plan and description

### 2.1. Geographic location, boundaries and dimensions

The boundaries and location of the Réserve de biodiversité projetée Hirondelle appear on the map that constitutes Appendix 1.

The Réserve de biodiversité projetée Hirondelle is located in the administrative region of Nord-du-Québec, between 52°50'36'' and 53°01'08'' latitude north and 71°29'15'' and 71°53'17'' longitude west. It is located approximately 300 km northeast of the Cree village of Mistissini. The proposed biodiversity reserve covers an area of 322.0 km<sup>2</sup>.

### 2.2. Ecological overview

The boundaries of the natural provinces of the Nord-du-Québec Central Plateau natural province and Low Hills of the Grande Rivière cut through the Réserve de biodiversité projetée Hirondelle. More specifically, it is part of the natural region of the lakes Noacocane and Nichicun Knolls and the physiographic unit of the Hillocks of Orillat Lake. The purpose of the proposed biodiversity reserve is to protect ecosystems that are representative of this natural region.

Located in the Superior geological province, the territory consists of basement metasedimentary rock, which is mainly paragneiss. The territory is composed of dead-ice moraine on a plateau setting with rounded peaks, the facies of which are associated with glacial landscapes.

With regard to the aquatic environment, the proposed biodiversity reserve protects a number of lakes. The aquatic part covers 18% of the territory of the reserve. The proposed biodiversity reserve is part of the Grande Rivière watershed area.

The reserve is located in the spruce-lichen forest bioclimatic domain and is under the influence of a cold subpolar climate, a sub-humid precipitation regime and a short growing season.

The reserve is composed mainly of spruce-moss forests and wooded shrubby coniferous heath, occasionally accompanied by lichen.

### 2.3. Land occupation and use

A vacation lease has been issued in the proposed biodiversity reserve and no trail or road has been mapped.

The proposed biodiversity reserve is located almost entirely on category III land under the James Bay and Northern Québec Agreement, signed in 1975, and the *Act respecting the land regime in the James Bay and New Québec territories* (R.S.Q., c. R-13.1). Three Cree traplines are within the area of the reserve.

The proposed biodiversity reserve is located in fur-bearing animal management unit 91 and is included in Hunting Zones 22 and 22B. It is also part of the Mistassini beaver reserve, for which the Cree hold exclusive rights to 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.

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 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.

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:

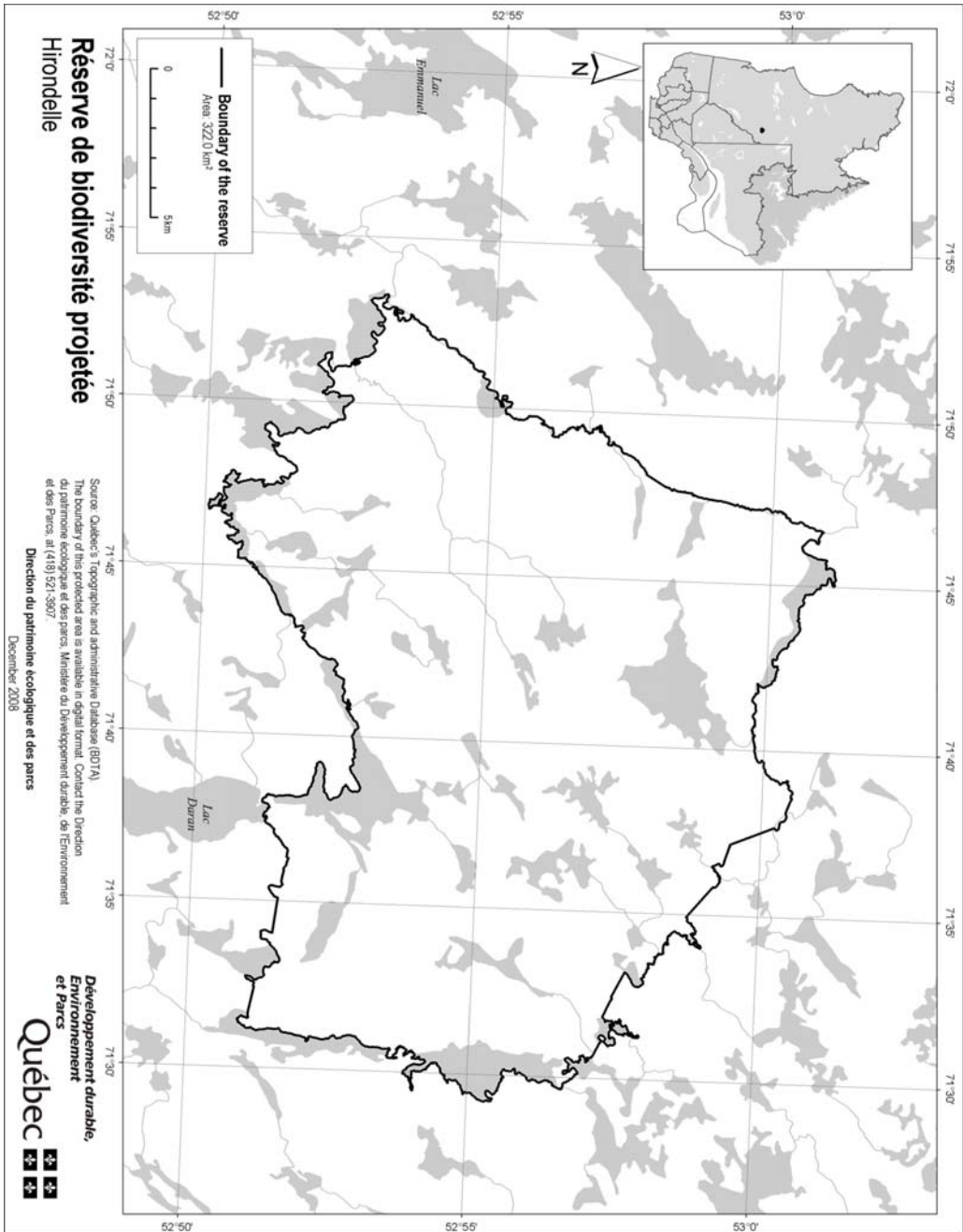
- Environmental protection: measures set out in particular in the Environment Quality Act (R.S.Q., c. Q-2) and its regulations;
- Removal of species of flora designated as threatened or vulnerable: measures set out in the Act respecting threatened or vulnerable species (R.S.Q., c. E-12.01) prohibiting 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 Minister of Sustainable Development, Environment and Parks is responsible for the conservation and management of the Réserve de biodiversité projetée Hironnelle 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 the réserve de biodiversité projetée Hirondelle**



QUÉBEC STRATEGY FOR PROTECTED AREAS



# Réserve de biodiversité projetée du Domaine-La- Vérendrye

**Conservation plan**



February 2009

## 1. Protection status and toponym

The protection status of the territory described below is a proposed biodiversity reserve governed by the provisions of the Natural Heritage Conservation Act (R.S.Q., c. C-61.01).

The envisaged permanent protected status is a “biodiversity reserve” governed by the provisions of the Natural Heritage Conservation Act.

The provisional toponym is “Réserve de biodiversité projetée du Domaine-La-Vérendrye”. 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 Réserve de biodiversité projetée du Domaine-La-Vérendrye appear on the map that constitutes Appendix 1.

The Réserve de biodiversité projetée du Domaine-La-Vérendrye is located in the Outaouais administrative region, between 46°53'20'' and 47°09'15'' latitude north and 76°32'04'' and 76°47'58'' longitude west, approximately 75 km northwest of Maniwaki and 12 km south of the Algonquin village of Lac-Rapide. The proposed biodiversity reserve covers an area of 260.6 km<sup>2</sup>, entirely in the unincorporated territory of Lac-Pythonga, part of the Vallée-de-la-Gatineau regional county municipality.

### 2.2. Ecological overview

The proposed biodiversity reserve is located in the Southern Laurentians natural province, in the Dépression de La Vérendrye natural region, mostly and more precisely in the Buttes du lac Denahy physiographic unit and in the Buttons du lac de l'Écorce ecological district, although the north section is part of the Plaine ondulée du lac Cawatose physiographic unit and of the Monticules du lac Carrière ecological district..

The proposed reserve lies in an area of small, till-covered knolls. This landscape varies in altitude from 365 m to 455 m, with an average of roughly 380 m. The reserve, located in the Grenville geological province, has a rock base of migmatite cut through by granitic gneiss. The reserve is entirely within the bioclimatic field of fir stands with yellow birch, and is characterized by a mild sub-arctic and sub-humid climate with a long growing season.

Lakes and watercourses cover one-third of the area of the reserve. Most of the land is covered by deciduous tress, with stands of yellow birch, red maple, sugar maple and quaking aspen. These species are often accompanied by stands of black spruce or, more rarely, by stands of balsam fir and white pine. Shade-tolerant hardwood sectors are found in the mature forest, while other areas contain mainly medium-age and young trees.

The proposed reserve is in the Des Rapides watershed, part of the Gens-de-Terre watershed, itself part of the Gatineau watershed which flows in the drainage basin of the Gatineau river.

### 2.3. Land occupation and use

Almost all the proposed biodiversity reserve lies within the La Vérendrye wildlife reserve, although a section in the south is part of “Territoire de chasse et de pêche Poirier”, an outfitting operation with exclusive rights. The proposed reserve abuts on fur-bearing animals management units 7, 13 and 17, and lies within hunting zone 12. Four traplines are concerned by the proposed reserve. The northern half of the proposed reserve is part of the Grand-Lac-Victoria beaver reserve.

A limited network of unpaved forest roads provides access to the proposed biodiversity reserve, especially in its south and west sections.

## 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 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 Réserve de biodiversité projetée du Domaine-La-Vérendrye 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



**Réserve de  
biodiversité  
projetée de la  
Station-de-  
Biologie-des-  
Laurentides**

**Conservation plan**



February 2009

## 1. Protection status and toponym

The protection status of the territory described below is a proposed biodiversity reserve governed by the provisions of the Natural Heritage Conservation Act (R.S.Q., c. C-61.01).

The envisaged permanent protected status is a “biodiversity reserve” governed by the provisions of the Natural Heritage Conservation Act.

The provisional toponym is “Réserve de biodiversité projetée de la Station-de-Biologie-des-Laurentides”. 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 Réserve de biodiversité projetée de la Station-de-Biologie-des-Laurentides appear on the map that constitutes Appendix 1.

The Réserve de biodiversité projetée de la Station-de-Biologie-des-Laurentides straddles the boundary between the Laurentides and Lanaudière administrative regions, and is located between 45°57' and 46°03' latitude north and 73°57' and 74°03' longitude west, less than 3 km southeast of Ville de l'Estérel and approximately 55 km north of the Mohawk village of Kanesatake. The proposed biodiversity reserve covers an area of 29.6 km<sup>2</sup>. Its small area is due to its location in a highly subdivided region where public land is scarce. The proposed reserve abuts Ville de Sainte-Adèle (Pays-d'en-Haut regional county municipality), the parish of Saint-Hippolyte (Rivière-du-Nord regional county municipality) and the municipality of Chertsey (Matawinie regional county municipality).

### 2.2. Ecological overview

The proposed biodiversity reserve is located in the Southern Laurentians natural province, in the Massif du mont Tremblant natural region, and more precisely in the Buttes du lac Masson physiographic unit.

The irregular, steep terrain comprises a series of small knolls and low hills, with a thin layer of till over anorthositic bedrock. The proposed reserve includes 15 small lakes, 10 wetlands (peat bogs and flood zones) and over 50 km of streams. The altitude of the landscape, formed by glaciers, varies from 295 m to 450 m, with an average of around 375 m.

The proposed reserve has a mainly moderate, sub-humid climate with a long growing season, but a small section in the north has a mild subpolar, sub-humid climate with a long growing season. The proposed reserve is in bioclimatic field of maple stands with yellow birch.

The proposed biodiversity reserve is home to many species of trees, including white birch, red maple, sugar maple, largetooth aspen, yellow birch, balsam fir, black spruce, white spruce and eastern white cedar. Smaller numbers of beech, red oak and quaking aspen are also found. Most of the stands are young or of medium age. The only mature stands are found in the southern section, and contain maple and yellow birch.

The proposed biodiversity reserve lies partly within the Doncaster watershed and partly within the Achigan watershed.

Over 85 species of bird frequent the area each year. It is also home to indigenous mammals such as moose, black bear, white-tailed deer, red fox, coyote, raccoon, porcupine, and several other species of rodent. The most common fish are brook trout, white sucker, bluegill and several species of *Cyprinidae*.

### 2.3. Land occupation and use

The proposed reserve corresponds in large part to the Station de biologie des Laurentides, under the responsibility of the biology department of the Université de Montréal, which has many different infrastructures to promote scientific research and education. The Université de Montréal holds one lease from the MRNF in the area, granted for community education purposes. Further information on the facilities and activities of the Station de biologie des Laurentides is available at: <http://www.bio.umontreal.ca/SBL/Index.html>

A snowmobile trail runs through the proposed biodiversity reserve. In vicinity of the station's buildings, a loop trail can be used for hiking or for cross-country skiing. An access road beforehand authorized by the Ministry of Natural Resources and Wildlife (MNRW) will be subjected to a right of way. Furthermore, a new outline for the Trans-Québec 33 snowmobile trail has been identified on site by different stakeholders. An authorization of right of way must be granted shortly by the MNRW before the setting up of that trail.

Part of the proposed territory is presently under a territorial management agreement with Les Pays-d'En-Haut Regional County Municipality (RCM).

The proposed reserve abuts on fur-bearing animal units 23 and 26, and is part of hunting zone 09E.

In this region, fragmented by a large number of roads and trails, the station offers a largely intact landscape, giving it particular ecological interest.

## 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 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;

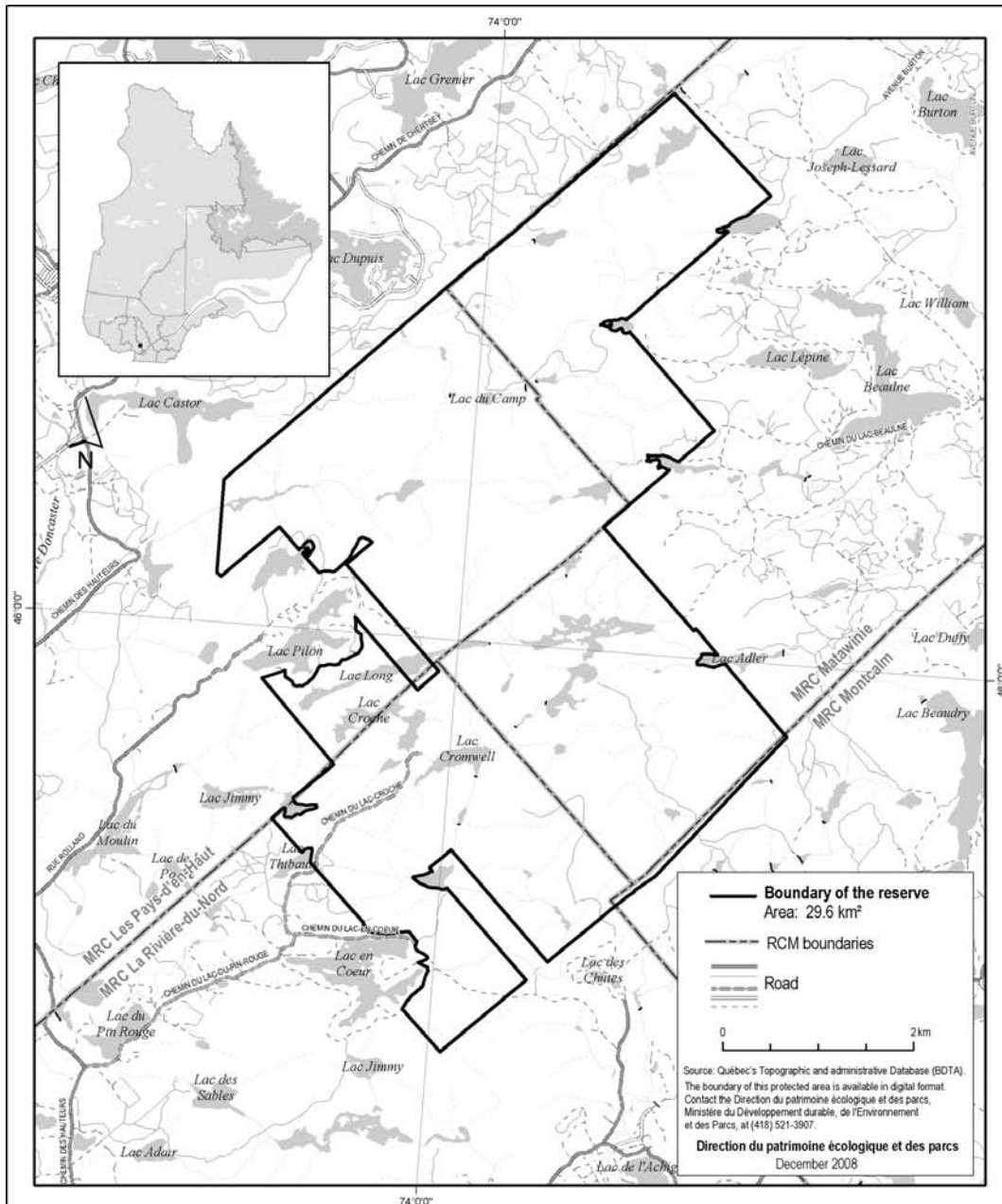
- Construction and development standards: regulatory measures adopted by regional and local municipal authorities under the Acts applicable to them.

#### 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 Réserve de biodiversité projetée de la Station-de-Biologie-des-Laurentides 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 the Réserve de biodiversité projetée de la Station-de-Biologie-des-Laurentides



**Réserve de biodiversité projetée**  
de la Station-de-Biologie-des-Laurentides

**Développement durable,  
Environnement  
et Parcs**  
Québec

## QUÉBEC STRATEGY FOR PROTECTED AREAS



# Réserve de biodiversité projetée de Grandes- Piles

**Conservation plan**



February 2009

## 1. Protection status and toponym

The protection status of the territory described below is the proposed biodiversity reserve governed by the provisions of the *Natural Heritage Conservation Act* (R.S.Q. c. C-61.01).

The envisaged permanent protected status is a “biodiversity reserve” governed by the provisions of the *Natural Heritage Conservation Act*.

The provisional toponym is “Réserve de biodiversité projetée de Grandes-Piles”. The official toponym will be determined at the time when permanent protection status is granted to the territory.

## 2. Plan and description

### 2.1. Geographic location, boundaries and dimensions

The boundaries and location of the Réserve de biodiversité projetée de Grandes-Piles appear on the map that constitutes Appendix 1.

The Réserve de biodiversité projetée de Grandes-Piles is located in the administrative region of Mauricie, between 46°44'30'' and 46°47'45'' latitude north and 72°35'15'' and 72°44' 30'' longitude west. It is located in the municipality of Grandes-Piles (regional county municipality of Mékinac) approximately 15 km north of Shawinigan. It covers an area of 36.3 km<sup>2</sup> near the Saint-Maurice River, which flows less than 3 km to the east. To the south, lakes Éric and Kiolet are excluded from the proposed biodiversity reserve.

### 2.2. Ecological overview

The Réserve de biodiversité projetée de Grandes-Piles is located in the natural region of the La Tuque Depression, in the natural province of the Southern Laurentides. It is located on a series of low hills that overlook the Saint Maurice plain, which stretches immediately to the south. The waters of the territory flow mainly into the Batiscan River (via Des Envies River), except for Lake des Îles in the western portion of the reserve, which flows into the Saint Maurice. Surface deposits are mainly glacial in origin (till). The bedrock is made of charnockitic gneiss, paragneiss and quartzite with a large number of outcroppings in the Lake Roberge region. Vegetation cover is varied and includes maple forests, birch stands (mainly yellow birch), balsam fir stands and a variety of forest stands dominated by conifers. The forests around Lake Roberge are generally younger and a number of old forests are found elsewhere within the reserve.

Lake Roberge supports a population of rainbow smelt. Lakes Roberge and Second lac Roberge support residual maskinonge landlocked in these water bodies during the withdrawal of Champlain Sea several thousand years ago (relict populations). The area of lakes Clair, des Îles, aux Lièves and Saint-Jean-Baptiste is an area of high importance for amphibians and reptiles. We find there eight of the eleven species of Anura known to exist in Québec province, five of the ten species of Urodela, three of the eight species of snakes and a species of turtle. Among those 17 species, three are considered rare (pickerel frog, northern dusky salamander and ringneck snake).

### 2.3. Land occupation, rights and use

Four rights in land have been granted within the territory of the proposed biodiversity reserve. These include 2 rights for vacationing purposes and 2 rights for municipal purposes. The Réserve de biodiversité projetée de Grandes-Piles includes six experimental forest previously enforced by the forest act. A snowmobile trail crosses the eastern part of the protected area while there is a dam south of lac des Îles.

Route 159 (Saint-Tite to Saint-Roch de Mékinac) runs alongside the southwest shoreline of Lake Roberge cutting the biodiversity reserve in two distinct parts. 1.1. The reserve is also part of the fur bearing animal management unit (UGAF) 37 and is comprised in the hunting and fishing zone 26 west.

## 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 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 Réserve de biodiversité projetée de Grandes-Piles 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.





## Notice

Automobile Insurance Act  
(R.S.Q., c. A-25)

### Groupement des assureurs automobiles — Direct compensation Agreement for the settlement of automobile claims

WHEREAS under section 173 of the Automobile Insurance Act (R.S.Q., c. A-25) the Groupement des assureurs automobiles is required to establish a Direct Compensation Agreement for the settlement of automobile claims;

WHEREAS said Agreement came into force on May 1, 1978 and was subsequently amended on September 1, 1980, June 1, 1984, July 1, 1986, October 1, 1987, January 1, 1990, May, 7 1990, December 1, 1991, June 25, 1994, June 2, 2001, June 2, 2007 and June 2, 2008;

WHEREAS amendments having been necessary, they were approved as required on March 24, 2009, by authorized insurers in accordance with section 174 of the Automobile Act Insurance;

NOW THEREFORE notice is hereby given that the Direct Compensation Agreement is amended as shown in the text of amendments published in this issue of the Gazette Officielle du Québec and will come into force on May 18, 2009 in accordance with the relevant provisions of the Automobile Insurance Act, namely thirty (30) days following publication of this notice.

FRANCINE PELLETIER,  
*Secretary*

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## Direct Compensation Agreement for the Settlement of Automobile Claims\*

Automobile Insurance Act  
(R.S.Q., c. A-25, s. 116 and 173)  
(13th edition)

### INTRODUCTION

As provided in section 173 of the Automobile Insurance Act, the Groupement des assureurs automobiles must establish a Direct Compensation Agreement. Section 116 also provides that:

“The recourse of the owner of an automobile by reason of property damage sustained in an automobile accident shall not be exercised except against the insurer with whom he subscribed his automobile liability insurance, to the extent that the Direct Compensation Agreement contemplated in section 173 applies.

However, the owner may, if he is not satisfied with the settlement made in accordance with the Agreement, exercise such recourse against the insurer in accordance with the ordinary rules of law to the extent that sections 108 to 114 do not derogate therefrom.”

### SECTION V ARBITRATION

**12.** Any dispute between the parties bound by this Agreement and resulting from its application shall be determined by the Arbitration Board of the Groupement des assureurs automobiles.

The Arbitration Board shall comprise at least seven members appointed every year by the Board of Directors of the Groupement des assureurs automobiles. The Board of Directors shall designate the chairman and the two vice-chairmen of the Arbitration Board. The Arbitration Board shall meet within sixty days after receipt of the allegations of the parties by the Groupement des assureurs automobiles.

A majority of the serving members of the Arbitration Board shall constitute a quorum for a session.

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\* This brochure represents the Direct Compensation Agreement updated as of May 18, 2009 as published and modified in the following regulations: (1978) 110 G.O. 2; (1980) 112 G.O. 2; (1981) 113 G.O. 2 (Erratum); (1984) 116 G.O. 2; (1986) 118 G.O. 2; (1986) 118 G.O. 2 (Erratum); (1987) 119 G.O. 2; (1990) 122 G.O. 2; (1990) 122 G.O. 2; (1991) 123 G.O. 2; (1994) 126 G.O. 2; (1994) 126 G.O. 2 (Erratum); (2001) 133 G.O. 2; (2001) 133 G.O. 2 (Erratum); (2007) 139 G.O. 2; (2008) 140 G.O. 2 (2009) 141 G.O. 2 in accordance with the Automobile Insurance Act (R.S.Q., c. A-25, s. 116 and 173).

The decisions of the arbitration board are taken on a simple majority vote by the members present and forming a quorum.

Decisions rendered by the Arbitration Board are final.

## SECTION VI EFFECTIVE DATE

**13.** This Agreement shall come into force on May 18, 2009 and shall apply to all accidents occurring on or after that date.

9171

### Notice

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

#### **Permanent protection status as “Réserve aquatique de l’Estuaire-de-la-Rivière-Bonaventure” assigned to part of the territory of Ville de Bonaventure**

Notice is hereby given, in accordance with section 44 of the Natural Heritage Conservation Act (R.S.Q., c. C-61.01), that the Government made Order in Council 300-2009 dated 25 March 2009 assigning permanent protection status to the Réserve aquatique de l’Estuaire-de-la-Rivière-Bonaventure, the plan of that aquatic reserve and its conservation plan being attached as a schedule to that Order in Council.

MADELEINE PAULIN,  
*Deputy Minister*

9180

### Notice

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

#### **Permanent protection status as “Réserve de biodiversité de la Météorite” assigned to part of the territory of Île René-Levasseur forming part of the regional county municipalities of Caniapiscau and Manicouagan**

Notice is hereby given, in accordance with section 44 of the Natural Heritage Conservation Act (R.S.Q., c. C-61.01), that the Government made Order in Council 302-2009 dated 25 March 2009 assigning

permanent protection status to Réserve de biodiversité de la Météorite, the plan of that biodiversity reserve and its conservation plan being attached as a schedule to that Order in Council.

MADELEINE PAULIN,  
*Deputy Minister*

9184

### Notice

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

#### **Permanent protection status as “Réserve de biodiversité des Caribous-de-Val-d’Or” assigned to part of the territory of Ville de Val-d’Or**

Notice is hereby given, in accordance with section 44 of the Natural Heritage Conservation Act (R.S.Q., c. C-61.01), that the Government made Order in Council 299-2009 dated 25 March 2009 assigning permanent protection status to the Réserve de biodiversité des Caribous-de-Val-d’Or, the plan of that biodiversity reserve and its conservation plan being attached as a schedule to that Order in Council.

MADELEINE PAULIN,  
*Deputy Minister*

9182

### Notice

Natural Heritage Conservation Act  
(R.S.Q., c. C61.01)

#### **Permanent protection status as “Réserve de biodiversité du Karst-de-Saint-Elzéar” assigned to part of the territory of the regional county municipality of Bonaventure**

Notice is hereby given, in accordance with section 44 of the Natural Heritage Conservation Act (R.S.Q., c. C-61.01), that the Government made Order in Council 298-2009 dated 25 March 2009 assigning permanent protection status to the Réserve de biodiversité du Karst-de-Saint-Elzéar, the plan of that biodiversity reserve and its conservation plan being attached as a schedule to that Order in Council.

MADELEINE PAULIN,  
*Deputy Minister*

9181

## Notice

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

### **Permanent protection status as “Réserve de biodiversité Uapishka” assigned to part of the territory of the Groulx mountains forming part of the regional county municipalities of Caniapiscau, Manicouagan and Sept-Rivières**

Notice is hereby given, in accordance with section 44 of the Natural Heritage Conservation Act (R.S.Q., c. C-61.01), that the Government made Order in Council 301-2009 dated 25 March 2009 assigning permanent protection status to Réserve de biodiversité Uapishka, the plan of that biodiversity reserve and its conservation plan being attached as a schedule to that Order in Council.

MADELEINE PAULIN,  
*Deputy Minister*

9183

## Notice

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

### **Temporary protection status assigned to a portion of Mont Gosford in Estrie, as a proposed ecological reserve**

Notice is hereby given in accordance with sections 29 and 38 of the Natural Heritage Conservation Act (R.S.Q., c. C-61.01) that:

(1) the Minister of Sustainable Development, Environment and Parks, with a ministerial order dated 31 March 2009, has assigned temporary protection status to a portion of Mont Gosford as a proposed ecological reserve for a period of four years commencing on the date of publication of this notice in the *Gazette officielle du Québec*;

(2) the Réserve écologique projetée du Mont-Gosford, located within the Municipalité de Saint-Augustin-de-Woburn in the RCM of Granit, in Estrie, concerns the upper portion of Mont Gosford and covers an area of approximately 306 hectares in size. The boundaries extend from the summit of Mont Gosford culminating at approximately 1,183 metres to an altitude of approximately 720 metres;

(3) the status of permanent protection considered for this land be “ecological reserve” as a continuation of the temporary status that has already been assigned, the grant of such a permanent status being governed by the Natural Heritage Conservation Act;

(4) the status of permanent protection shall not be granted for this land until 60 days following publication of this notice in the *Gazette officielle du Québec*, a period during which any interested party may contact Christiane Bernard, at the Direction du patrimoine écologique et des parcs, of the Ministère du Développement durable, de l’Environnement et des Parcs, and whose contact details are given in paragraph 5;

(5) a copy of the proposed ecological reserve plan may be obtained for a fee by contacting: Christiane Bernard, Direction du patrimoine écologique et des parcs, Ministère du Développement durable, de l’Environnement et des Parcs, édifice Marie-Guyart, 4<sup>e</sup> étage, boîte postale 21, 675, boulevard René-Lévesque Est, Québec (Québec) G1R 5V7, telephone: 418 521-3907, ext. 4463, fax: 418 646-6169, E-mail: christiane.bernard@mddep.gouv.qc.ca

LINE BEAUCHAMP,  
*Minister of Sustainable Development,  
Environment and Parks*

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QUÉBEC STRATEGY FOR PROTECTED AREAS



# Réserve écologique projetée du Mont-Gosford

**Conservation plan**



February 2008

## 1. Plan and description

### 1.1. Geographic location, boundaries and dimensions

The boundaries of the Réserve écologique projetée du Mont-Gosford and its location are shown on the map in the Schedule.

The territory of the proposed ecological reserve is located in Municipalité de Saint-Augustin-de-Woburn, in Municipalité régionale de comté Le Granit. With an area of some 306 hectares, the reserve mainly covers the north and west slopes of the Mont-Gosford massif. The boundaries of the proposed ecological reserve extend from the peak of Mont Gosford, culminating at about 1,183 metres, to an approximate altitude of 720 metres.

### 1.2. Ecological overview

The Réserve écologique projetée du Mont-Gosford is part of the White Mountains natural region in the Appalachians natural province, as described in the Cadre écologique de référence du Québec. Once permanent status is granted, the reserve will make it possible to consolidate the representation of forest ecosystems typical of the border mountains in Estrie within the Québec network of ecological reserves and the protection of forest stands that are rare in Québec and Estrie.

#### 1.2.1. Representative elements

##### Bioclimate

The territory covered by the proposal belongs to the bioclimatic field of sugar maple – yellow birch stands.

##### Geology

The Mont-Gosford massif has a particular geology, different from that of the rest of Estrie. It is part of the Chain Lake massif and is formed of Proterozoic (between 950 and 1,500 million years) meta-sedimentary rocks (metasandstone, metagreywacke). It lies along the continuation of the New Hampshire White Mountains.

##### Archaeology

The territory of the proposed ecological reserve does not include inventoried archaeological sites. A potential for the discovery of archaeological sites has nonetheless been recognized in respect of several territories near the protected area.

##### Vegetation

The territory is characterized by the presence of balsam fir and common wood sorrel stands and balsam fir and red spruce stands, two types of forest mixtures considered rare for that area.

Only peaks of more than 950 metres are colonized by balsam fir and common wood sorrel stands. The tree stratum is composed almost exclusively of balsam fir (*Abies balsamea*) with the occasional presence of white birch (*Betula papyrifera*) and red spruce (*Picea rubens*). At the herbaceous level, common wood sorrel (*Oxalis montana*) dominates by forming a continuous mat. The most abundant herbaceous species are *Dryopteris austriaca* var. *carthusiana*, Northern starflower (*Trientalis borealis*), large-leaved goldenrod (*Solidago macrophylla* var. *thyrsoidea*), yellow clintonia (*Clintonia borealis*) and goldthread (*Coptis trifolia*).

Balsam fir and red spruce stands occupy the upper slopes of the massif and colonize the steep gradients (50% or more). They constitute a characteristic grouping of high-altitude balsam fir stands in the U.S. Appalachians. The limited flora complex of those stands is composed of balsam fir (*Abies balsamea*), red spruce (*Picea rubens*) and white birch (*Betula papyrifera*) for the tree stratum. No shrub species covers more than 5% of the area. *Dryopteris austriaca* var. *carthusiana*, common wood sorrel (*Oxalis montana*), yellow clintonia (*Clintonia borealis*) and Indian pipe (*Monotropa uniflora*) are the main species of the poorly developed herb layer.

Situated lower on the slope, balsam fir – white birch stands and white birch – balsam fir stands are also notable for that region and considered rare in Estrie.

#### 1.2.2. Outstanding elements

In addition to containing the rare forests described above, the proposed ecological reserve constitutes one of the rare nesting areas inventoried in southern Québec for certain Arctic-alpine birds such as the spruce grouse (*Dendragapus canadensis*), fox sparrow (*Passerella iliaca*) and blackpoll warbler (*Dendroica striata*).

Bicknell's thrush (*Catharus bicknelli*), the Canada lynx (*Felis lynx*) and the bobcat (*Felis rufus*), 3 wildlife species likely to be designated as threatened or vulnerable, are found in the territory of Mont Gosford.

### 1.3. Occupation and land uses

The territory is public property. It overlaps part of the territory of the Louise-Gosford Controlled Zone (Zec) and a portion of a trapping ground (51A). The boundaries of the Zec and trapping ground must therefore be modified to allow for the creation of the ecological reserve. A hiking trail 2 m wide crosses the territory of the proposed ecological reserve, but is excluded from the reserve.

### 2. Protection status

The aim of the Réserve écologique projetée du Mont-Gosford is to protect two types of exceptional forest ecosystems and part of the habitat of certain wildlife species likely to be designated as threatened or vulnerable.

### 3. Activities framework

The activities carried on within the Réserve écologique projetée du Mont-Gosford are governed by the Natural Heritage Conservation Act.

This conservation plan does not specify any prohibited activity other than those prohibited in proposed ecological reserves by the Act; nor does it authorize any other activities, or set any additional constraints on the activities permitted by the Act.

#### 3.1. Prohibited activities

— General prohibitions under the Act

It is important to note that under the Natural Heritage Conservation Act, the main activities prohibited in an area designated as a proposed ecological reserve are

- mining, and gas or petroleum development;
- forest management within the meaning of section 3 of the Forest Act (R.S.Q., c. F-4.1);
- the development of hydraulic resources and any production of energy on a commercial or industrial basis;
- mining, gas and petroleum exploration, brine and underground reservoir exploration, prospecting, and digging or boring where those activities necessitate strip-ping, the digging of trenches, excavation or deforestation;
- any new allocation of a right to occupy land for vacation resort purposes; and
- earthwork or construction work.

#### 3.2. Activities governed by other statutes

Activities likely to be carried on within the Réserve écologique projetée du Mont-Gosford are also governed by other applicable legislative and regulatory provisions, including those that require the issue of a permit or authorization or the payment of fees. Certain activities may also be prohibited or limited by other Acts or regulations that are applicable within the proposed ecological reserve.

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

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

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

— Threatened or vulnerable plant species: measures prohibiting the removal of the species under the Act respecting threatened or vulnerable species (R.S.Q., c. E-12.01);

— Development and conservation of wildlife resources: measures set out in the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1) and its regulations;

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

#### 3.3. Supervision of activities

The Minister of Sustainable Development, Environment and Parks is responsible for the application of the Natural Heritage Conservation Act and is therefore responsible for proposed ecological reserves and those established under that Act and has authority over these lands, which form part of the domain of the State. The Minister supervises and monitors the measures contained in the Act with regard to activities permitted in protected areas. In the management of the reserve, the Minister works collaboratively with other government partners, such as

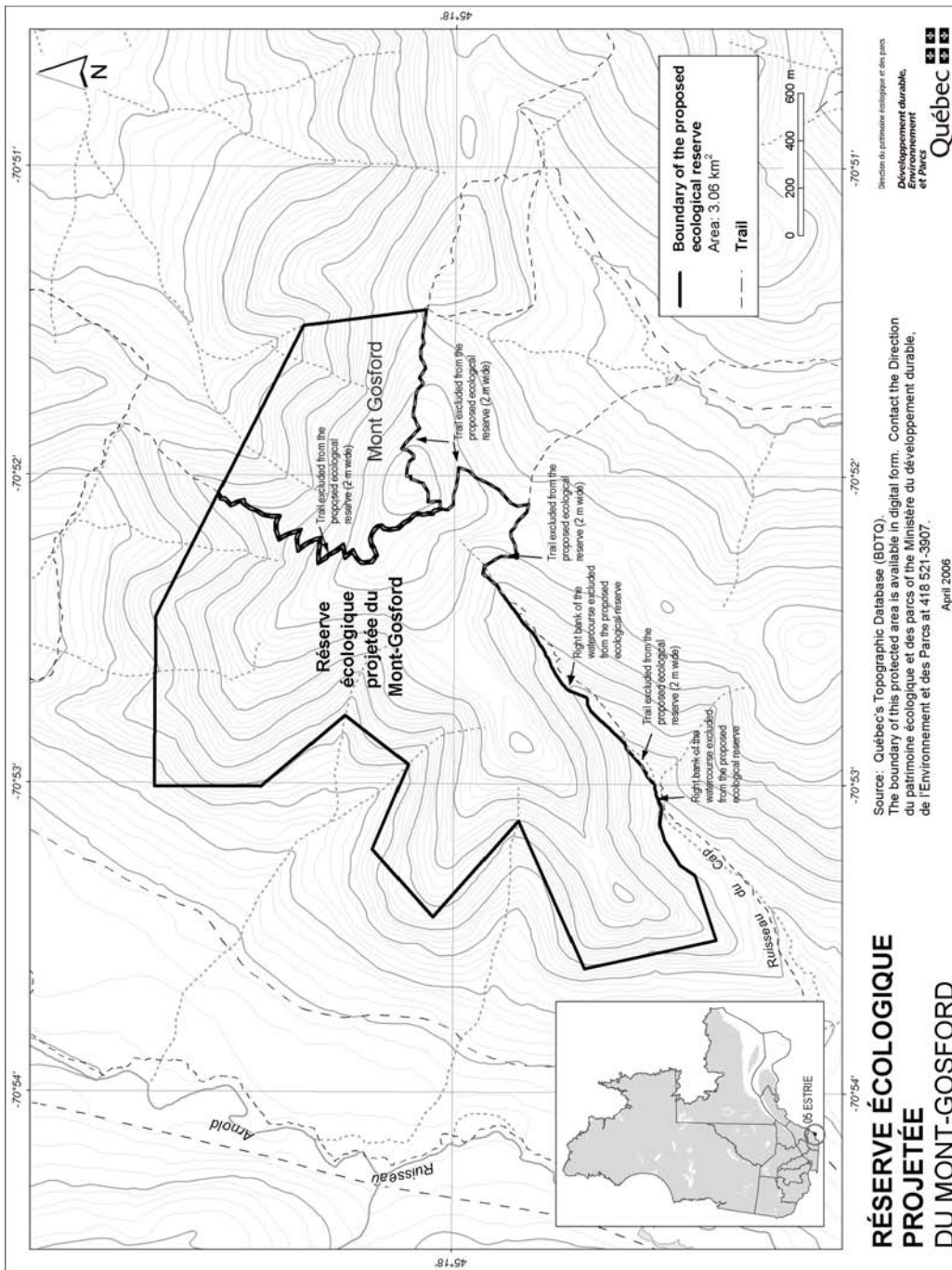
the Minister of Natural Resources and Wildlife, who have specific responsibilities with respect to the reserve or adjoining lands. In the exercise of their powers, the ministers will take into consideration the protection sought for these natural environments and the protection status that has been granted. No additional conservation measure is envisaged at this stage. As for zoning, its application does not seem appropriate in a protected area for which integral protection is intended.

#### 4. Permanent protection status

The permanent protection status envisaged for the reserve is that of “ecological reserve” under the Natural Heritage Conservation Act. The activities permitted or prohibited during the period following the granting of permanent status by the Government are those provided for in section 48 of the Act.



**SCHEDULE**  
**MAP OF THE RÉSERVE ÉCOLOGIQUE PROJÉTÉE DU MONT-GOSFORD**



## Notice

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

### **Temporary protection status assigned to a portion of the Tourbière de Shannon, as a proposed ecological reserve**

Notice is hereby given in accordance with sections 29 and 38 of the Natural Heritage Conservation Act (R.S.Q., c. C-61.01) that:

(1) the Minister of Sustainable Development, Environment and Parks, with a ministerial order dated 31 March 2009, has assigned temporary protection status to a portion of the Tourbière de Shannon as a proposed ecological reserve for a period of four years commencing on the date of publication of this notice in the *Gazette officielle du Québec*;

(2) the Réserve écologique projetée de la Tourbière-de-Shannon, located within the Municipality of Shannon in the RCM La Jacques-Cartier, being part of the administrative region of La Capitale-Nationale, covers an area of 165.77 hectares in size as shown on the plan prepared by land surveyor Denis Vaillancourt under his Minute No. 10 072;

(3) the status of permanent protection considered for this land be “ecological reserve” as a continuation of the temporary status that has already been assigned, the grant of such a permanent status being governed by the Natural Heritage Conservation Act;

(4) the status of permanent protection shall not be granted for this land until 60 days following publication of this notice in the *Gazette officielle du Québec*, a period during which any interested party may contact Christiane Bernard, at the Direction du patrimoine écologique et des parcs, of the Ministère du Développement durable, de l’Environnement et des Parcs, and whose contact details are given in paragraph 5;

(5) a copy of the proposed ecological reserve plan may be obtained for a fee by contacting: Christiane Bernard, Direction du patrimoine écologique et des parcs, Ministère du Développement durable, de l’Environnement et des Parcs, édifice Marie-Guyart, 4<sup>e</sup> étage, boîte postale 21, 675, boulevard René-Lévesque Est, Québec (Québec) G1R 5V7, telephone: 418 521-3907, ext. 4463, fax: 418 646-6169, E-mail: [christiane.bernard@mddep.gouv.qc.ca](mailto:christiane.bernard@mddep.gouv.qc.ca)

LINE BEAUCHAMP,  
*La ministre du Développement durable,  
de l’Environnement et des Parcs*

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QUÉBEC STRATEGY FOR PROTECTED AREAS



**Réserve  
écologique  
projetée de  
la Tourbière-  
de-Shannon**

**Conservation plan**

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## 1. Description of the territory

The Réserve écologique projetée de la Tourbière-de-Shannon is located in the territory of Municipalité de Shannon, Municipalité régionale de comté (MRC) de la Jacques-Cartier, in the Capitale-Nationale administrative region (region 03), approximately 30 km northwest of Ville de Québec. The Tourbière de Shannon covers an area of approximately 250 hectares at an altitude of 180 metres, on the northern flanks of the Jacques-Cartier river. The proposed ecological reserve will allow the major part of the Tourbière de Shannon's ecosystem to be integrally preserved. The area of the Réserve écologique projetée de la Tourbière-de-Shannon is 165.77 hectares. The map of the proposed ecological reserve, prepared by land surveyor Denis Vaillancourt, is shown at the end of this document.

The Tourbière de Shannon is mainly ombrotrophic (Buteau, 1989). This type of bog has a convex shape and is characterized by an acid pH between 3.5 and 4.6 and a water and mineral intake that comes solely from precipitation (Gorham & Janssens, 1992). The sphagnum contributes heavily to the acidity of the environment (Clymo, 1964). The seasonal recovery profile of this type of bog is strictly a function of precipitation, except for the summertime when evapotranspiration is significant, and in winter, when the surface of the bog is frozen (Bastien, 2007). A *lagg*<sup>1</sup> exists on the periphery of the bog and acts as a junction with the surrounding mineral soil. The water intake, after having run through the adjacent mineral soil, flows towards the margin of the bog and enriches it with available minerals. The *lagg* is characterized by the simultaneous presence of minerotrophic, facultative or even ombrotrophic species.

The proposed ecological reserve is located within the natural province of the Southern Laurentians in the Saint-Joseph Lake Low Hills ecological district. The territory is within the sugar maple-basswood bioclimatic domain. It is characterized by a subpolar and continental climate, subhumid annual precipitation and a long growing season.

The basement rocks below the Tourbière de Shannon is principally composed of gneiss and paragneiss (gneiss whose origin is sedimentary rock) (Grondin P., Leboeuf P., Noël J., Hotte D., 2003).

An administrative document of the Ministère du Développement durable, de l'Environnement et des Parcs entitled Portrait of territory groups the ecological information concerning the Réserve écologique projetée de la Tourbière-de-Shannon and is updated according to the state of knowledge of the territory.

## 2. Proposed permanent protection status

The permanent protection status proposed for the territory is "ecological reserve"; the status is governed by the Natural Heritage Conservation Act.

## 3. Conservation measures and zoning

The Minister of Sustainable Development, Environment and Parks is responsible for the application of the Natural Heritage Conservation Act and is therefore responsible for proposed ecological reserves and those established under the Act and has authority over these lands, which form part of the domain of the State. The Minister supervises and monitors the measures contained in the Act with regard to activities permitted in protected areas. In the management of the reserve, the Minister works collaboratively with other government partners, such as the Minister of Natural Resources and Wildlife and Municipalité de Shannon, who have specific responsibilities with respect to the reserve or adjoining lands. In the exercise of their powers, the ministers and the municipality will take into consideration the protection sought for these natural environments and the protection status that has been granted. No additional conservation measure is envisaged at this stage. As for zoning, its application does not seem appropriate in a protected area for which integral protection is intended.

## 4. Activities framework

Activities carried on within the Réserve écologique projetée de la Tourbière-de-Shannon are governed by the provisions of the Natural Heritage Conservation Act (R.S.Q., c. C-61.01) and include in particular activities for scientific study and educational purposes. Those activities will be subject to the written authorization of the Minister of Sustainable Development, Environment and Parks.

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

### 4.1. Prohibited activities

It is important to note that under the Natural Heritage Conservation Act, the main activities prohibited in an area designated as a proposed ecological reserve are

— mining, and gas or petroleum development;

<sup>1</sup> Lagg: the depressed and minerotrophic margin of a raised bog.

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

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

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

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

— earthwork or construction work.

#### 4.2. Activities governed by other statutes

Activities likely to be carried on within the Réserve écologique projetée de la Tourbière-de-Shannon are also governed by other applicable legislative and regulatory provisions, including those that require the issue of a permit or authorization or the payment of fees.

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

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

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

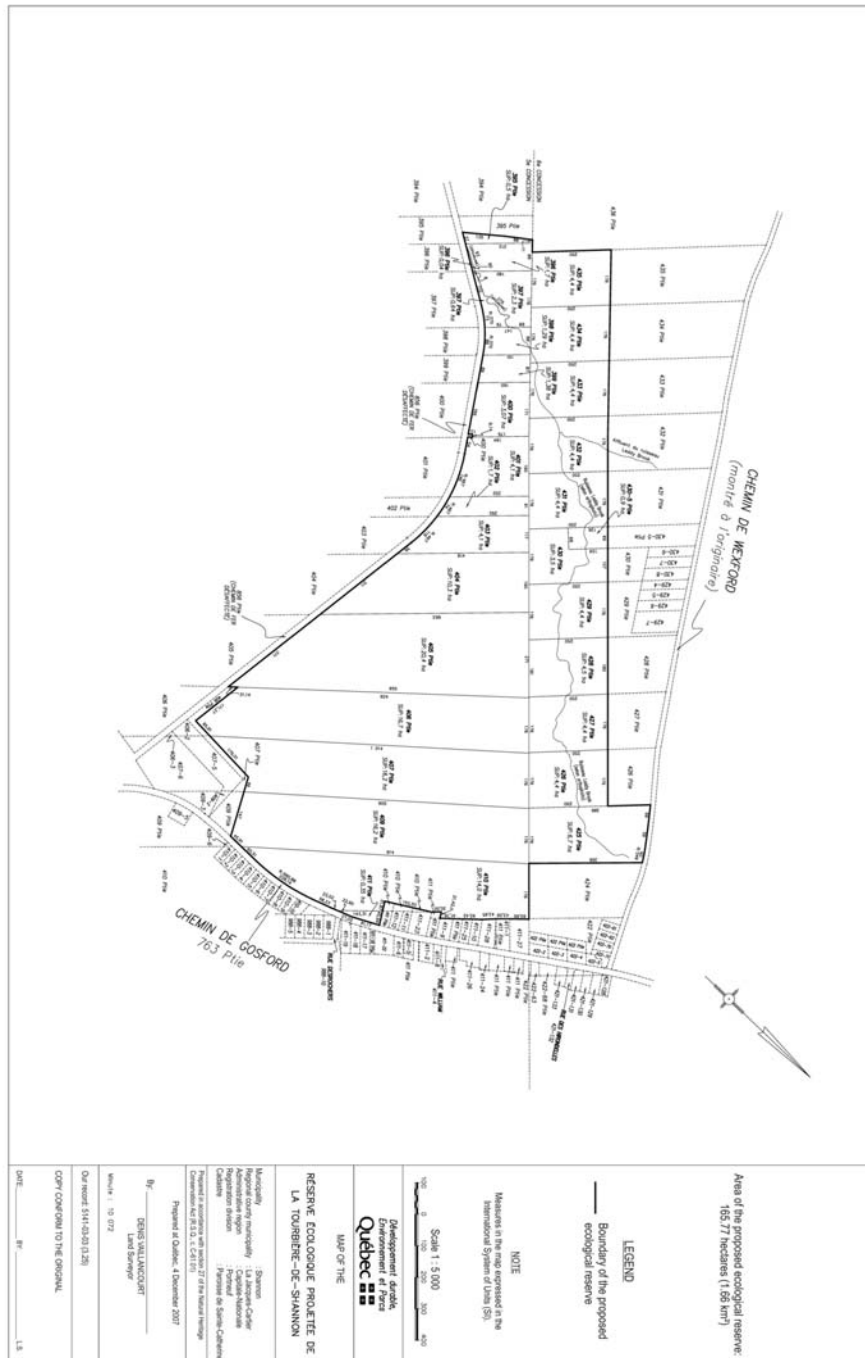
— Threatened or vulnerable plant species: measures prohibiting the removal of the species under the Act respecting threatened or vulnerable species (R.S.Q., c. E-12.01);

— Development and conservation of wildlife resources: measures set out in the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1) and its regulations;

— Access and land rights related to the domain of the State: measures set out in the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) and 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 on motor vehicle traffic in certain fragile environments made under the *Environment Quality Act* (R.S.Q., c. Q-2).

MAP OF THE RÉSERVE ÉCOLOGIQUE PROJÉTÉE DE LA TOURBIÈRE-DE-SHANNON



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

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