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Part

2

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Laws and Regulations

Volume 149

Summary

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Contents

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- (1) Acts assented to;
- (2) proclamations and Orders in Council for the coming into force of Acts;
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Regulations and other Acts

Gouvernement du Québec

O.C. 427-2017, 3 May 2017

An Act respecting municipal territorial organization
(chapter O-9)

Ville de Montréal —Modification of the boundaries of the borough of Rivière-des-Prairies–Pointe-aux-Trembles

Modification of the boundaries of the borough of
Rivière-des-Prairies–Pointe-aux-Trembles of Ville de
Montréal

WHEREAS, under section 128 of the Act respecting municipal territorial organization (chapter O-9), the council of Ville de Montréal adopted, on 27 August 2013, by-law 13-032 to extend the limits of its territory by annexing part of the territory of a contiguous unorganized territory, that is, a part of the St. Lawrence River and of Île de la Batture;

WHEREAS, under section 161 of the Act, the Minister of Municipal Affairs and Land Occupancy approved, on 13 April 2017, the annexation by-law of Ville de Montréal without amendment;

WHEREAS the annexed territory is contiguous to the boundaries of the borough of Rivière-des-Prairies–Pointe-aux-Trembles;

WHEREAS, under the first paragraph of section 10.1 of the Charter of Ville de Montréal (chapter C-11.4), any request made to the Government to have the boundaries of a borough modified must be made by the city council and the council of any borough whose boundaries are the subject of the request;

WHEREAS the council of Ville de Montréal and the council of the borough of Rivière-des-Prairies–Pointe-aux-Trembles respectively passed, on 27 August 2013, resolution. CM13 0820 and, on 13 December 2012, resolution. CA12 30 12 0479, whereby they requested that the Government modify the boundaries of the borough of Rivière-des-Prairies–Pointe-aux-Trembles to include the annexed territory;

WHEREAS, in accordance with section 10.1 of the Charter, a public consultation meeting was held on 13 June 2013 in the borough of Rivière-des-Prairies–Pointe-aux-Trembles, with regard to the modification;

IT IS ORDERED, therefore, on the recommendation of the Minister of Municipal Affairs and Land Occupancy:

THAT the boundaries of the borough of Rivière-des-Prairies–Pointe-aux-Trembles of Ville de Montréal be modified to include the territory annexed by Ville de Montréal and described in the description attached to this Order in Council;

THAT this Order in Council come into force on 10 May 2017.

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

SCHEDULE

OFFICIAL DESCRIPTION OF THE LIMITS OF THE TERRITORY DETACHED FROM AN UNORGANIZED AQUATIC TERRITORY AND ANNEXED TO THE TERRITORY OF VILLE DE MONTRÉAL (OUTSIDE RCM)

The part of the unorganized aquatic territory, annexed to the territory of Ville de Montréal (outside RCM), comprising on the date of this description and with reference to the cadastre of Québec all the lots or parts of lots, their successor lots, the hydrographic and topographical entities, built-up sites or parts thereof included in the perimeter starting from the intersection of the west bank of the St. Lawrence River with the eastern extension of the northern limit of lot 1 262 110, and that follows the following lines and demarcations: easterly, the said extension into the St. Lawrence River, across an unnamed island, to its intersection with a centre line, passing between Montréal island and Île Saint-Patrice, in a general southerly direction, the said centre line, upstream of the St. Lawrence River, passing between Montréal island and Île Dufault, to its intersection with the eastern extension of the southern limit of lot 1 093 333; westerly, the said

extension, passing twice in lot 1 093 649, to its intersection with the west bank of the St. Lawrence River; lastly, northerly, the said west bank of the St. Lawrence River, to the starting point.

Such perimeter defines the territory to be annexed to Ville de Montréal (outside RCM).

Ministère de l'Énergie et des Ressources naturelles
Office of the Surveyor-General of Québec
Service de l'arpentage et des limites territoriales

Prepared at Québec, on 19 December 2016.

BY: GENEVIÈVE TÉTREAUULT,
Land Surveyor

Record BAGQ: 534855

102955

Draft Regulations

Draft Regulation

An Act respecting the collection of certain debts (chapter R-2.2)

Regulation — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting the application of the Act respecting the collection of certain debts, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The main purpose of the draft Regulation is to adjust the duties to be paid by the applicant for a collection agent's permit issued by the Office de la protection du consommateur to the Policy for the funding of public services. That policy provides mechanisms to determine the cost of the services invoiced by the departments and bodies. The draft Regulation also increases the duties for the issue of a collection agent's permit, so that the duties better reflect the actual costs borne by the Office for the issue of permits. The increase will be spread over a 3-year period.

The draft Regulation also provides for

— costs for opening a file charged to a permit holder who provides security in bonds; and

— the requirement to attach a review engagement report to the financial statements that must be provided each year.

Lastly, the draft Regulation revokes the forms for the permit and the security.

Further information may be obtained by contacting Johanne Renaud, Office de la protection du consommateur, Village olympique – 5199, rue Sherbrooke Est, bureau 3721, Montréal (Québec) H1T 3X2; telephone: 514 253-6556, extension 3428; fax: 514 864-2400; email: johanne.renaud@opc.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister of Justice, 1200, route de l'Église, Québec (Québec) G1V 4M1.

STÉPHANIE VALLÉE,
Minister of Justice

Regulation to amend the Regulation respecting the application of the Act respecting the collection of certain debts

An Act respecting the collection of certain debts (chapter R-2.2, s. 51)

1. The Regulation respecting the application of the Act respecting the collection of certain debts (chapter R-2.2, r. 1) is amended in section 1 by replacing “in accordance with Form N-39 attached hereto” in paragraph *e* by “in accordance with section 24”.

2. Section 6 is replaced by the following:

“6. An applicant must forward to the president, using the form provided by the president, the following information and documents:

(a) the applicant's name and the names under which the applicant does business which must appear on the permit;

(b) the applicant's address, telephone number and, where applicable, technological address and fax number, and those of the establishment for which the permit is requested;

(c) the name, address, telephone number and, where applicable, technological address and fax number of the natural person who signed the application for a permit and the person's date of birth;

(d) in the case of a partnership or legal person, the name, date of birth, home address and telephone number of the partners or directors, along with their position and the percentage of their share in the partnership or legal person;

(e) the name, date of birth, home address, telephone number and, where applicable, technological address of all the applicant's representatives;

(f) when the applicant is required to be registered, the Québec business number (NEQ) assigned by the enterprise registrar;

(g) a statement that, at the time of the application, the partnership or legal person, if constituted under the laws of Québec, was in compliance with the provisions governing legal publicity;

(h) the name and address of the financial institution where the trust account is held, as well as the account number;

(i) the answers to the following questions concerning the applicant, concerning the person, in the case of a sole proprietorship, or concerning each partner or director, in the case of a partnership or legal person, that is:

- i. whether they are an undischarged bankrupt;
- ii. whether they have been found guilty, in the 3 years prior to the application, of an offence against an Act or regulation the application of which is under the supervision of the Office de la protection du consommateur, of an indictable criminal offence or of an offence punishable on summary conviction under Part IX or under section 423 or 426 of the Criminal Code (Revised Statutes of Canada (1985), chapter C-46), unless a pardon has been obtained;
- iii. if the answer to one of the questions in subparagraphs *i* and *ii* is affirmative, the nature of the offence, the date of the judgment and the court file number.

Every application for a permit must be submitted with the duties payable and the security required under sections 12 to 14, along with a statement that the information provided pursuant to the first paragraph is true.”

3. Section 9 is revoked.

4. The first paragraph of section 14 is replaced by the following:

“The duties to be paid by an applicant are set as follows:

Periods	Duties
Until 30 April 2017	\$356
From 1 May 2017 to 30 April 2018	\$737
From 1 May 2018 to 30 April 2019	\$1,119
From 1 May 2019 to 30 April 2020	\$1,500

”.

5. The following is inserted after section 14.1:

“**14.2.** The duties payable under section 14 are increased by 50% if priority processing is requested. The application must then be processed by the president within 3 working days.”.

6. Section 18 is amended by adding the following paragraph at the end:

“An applicant who furnishes security in the manner provided for in paragraph *d* of section 16 must pay duties of \$278 to cover the costs for opening a file.”.

7. Section 19 is replaced by the following:

“**19.** The security must be drawn up using the form provided by the president, and include

- (a) the date on which the security is furnished;
- (b) the total amount of the obligation which the surety is required to meet for the duration of the permit and its renewal as determined in section 12 or 13, as the case may be;
- (c) a solidary undertaking by the surety with the applicant towards the president, in the case of an individual security, or with any member of the group towards the president, in the case of a group security policy, up to the amount of the security, to pay any amount payable pursuant to section 26;
- (d) when the security is furnished by the applicant on the applicant’s own behalf, an undertaking by the applicant, up to the amount of the security, to pay any amount payable pursuant to section 26;
- (e) a statement that the undertaking is binding on the administrators of the surety or the applicant in the case of security furnished by the applicant;
- (f) a waiver of the benefits of discussion and division, and the fact that the surety is subrogated in the rights of a consumer to whom an indemnity is paid up to the amount disbursed by the surety;
- (g) a statement that the surety or applicant may only terminate the security by sending at least 90 days’ written notice to the president along with proof that a copy of the notice was notified to the applicant, if applicable; and
- (h) a statement that, despite the expiry of the security, the obligations of the surety are maintained and the responsibility of the applicant continues to extend to the applicant’s clients, when, as the case may be,

- i. civil proceedings were instituted within the time prescribed by the Civil Code;
- ii. the agreement or transaction, which was intended to prevent judicial proceedings, was entered into within the same time;
- iii. penal proceedings were instituted within the time prescribed by section 63.1 of the Act;
- iv. the act or omission that is the subject of the civil judgment, the agreement or transaction or, as the case may be, the conviction is related to a contract concluded or fault committed while the security was in effect, or occurred while the security was in effect.

The form must be signed by the surety or by the applicant if furnished by the latter and, at the request of the surety, by the principal debtor.”

- 8.** Section 20 is revoked.
- 9.** Section 21 is revoked.
- 10.** Section 22 is revoked.
- 11.** Section 24 is replaced by the following:

“**24.** Each of the permit holders covered by a group security policy must be identified by a member’s certificate containing

- (a) the name of the surety;
- (b) the name of the group for which the surety furnishes security;
- (c) the member’s certificate number of the group;
- (d) the amount of security payable pursuant to section 12 or 13;
- (e) the number of the group security policy and its date of issue;
- (f) an attestation that the permit holder is a member of the group and is covered by the group security policy; and
- (g) the signature of a duly authorized representative of the surety or of the association authorized by the surety, and the date of issue.

The surety may cancel the member’s certificate only by sending at least 90 days’ written notice to the president along with proof that a copy of the notice was notified to the member.”

12. Section 43 is amended in the English version by replacing “remit a receipt” in the second paragraph by “remit an acquittance”.

13. Section 57 is amended by inserting “must contain an auditor’s certificate or a review engagement report” after “by an accountant who belongs to the professional order recognized by the Professional Code (chapter C-26),”.

14. Forms N-34 to N-39 attached to the Regulation are revoked.

15. This Regulation comes into force on (*insert the fifteenth day following the date of its publication in the Gazette officielle du Québec*), except section 4, which comes into force 3 months after that date.

102953

Draft Regulation

Consumer Protection Act
(chapter P-40.1)

Regulation — Amendment

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

The main purpose of the draft Regulation is to adjust the duties to be paid by the applicant for a permit issued by the Office de la protection du consommateur to the Policy for the funding of public services. That policy provides mechanisms to determine the cost of the services invoiced by the departments and bodies.

It is proposed to increase the duties for the issue of an itinerant merchant’s permit, a physical fitness studio operator’s permit, a money lender’s permit, and a merchant’s permit to offer or make a contract of additional warranty for an automobile or a motorcycle, as well as for exemptions from the use of trust accounts, so that the duties better reflect the actual costs borne by the Office for the issue of permits and exemptions. The increase will be spread over a 4-year period.

The draft Regulation provides for 2 classes of itinerant merchant’s permits, instead of the 16 current classes, and extends the exemption from the application of the provisions governing itinerant sales and the obligation to

hold a permit to contracts involving a total obligation of \$100 or less, instead of the current \$25. It also provides that the security required from an itinerant merchant is \$100,000, unless the contracts entered into by a merchant are always lower than \$500, in which case the security required is \$25,000.

It also provides that the holder of a physical fitness studio operator's permit must furnish security in the amount of \$30,000 per establishment and that the exemption for membership contracts with a physical fitness studio under \$100 also applies to accessory contracts of service or for the lease of goods. It is also proposed to prohibit stipulations in a subscription contract to a physical fitness studio that could have the effect of renewing the contract otherwise than in the manner prescribed by the Regulation.

To reduce the costs entailed by the administrative formalities imposed on enterprises, it is also proposed

— to replace, for holders of a merchant's permit to offer additional warranties for cars or motorcycles, the obligation to produce an audit report, with the financial statements, by the obligation to produce a review engagement report;

— to eliminate the obligation to provide a copy of the enterprise's constituting act and of the resolution from the board of directors in the case of a first application for a permit;

— to eliminate the obligation to furnish additional security per establishment for applicants for exemptions from the use of a trust account.

The draft Regulation also proposes

— to charge costs for opening a file to permit holders who furnish security in bonds;

— to specify that applicants for a permit must provide their name and the names under which they do business;

— to require that natural persons who sign an application for a permit on behalf of a legal person also provide their date of birth.

It also exempts from the application of the rules governing itinerant merchants all contracts for the sale or lease of new road vehicles entered into in a temporary branch, and it specifies the amount of security to be furnished by merchants trading certain off-highway vehicles.

Lastly, the draft Regulation specifies that work covered by the exception provided for in section 7 of the Regulation respecting the application of the Consumer Protection Act (chapter P-40.1, r. 3) is limited to the installation and repair of the goods mentioned therein.

Further information may be obtained by contacting Johanne Renaud, Office de la protection du consommateur, Village olympique – 5199, rue Sherbrooke Est, bureau 3721, Montréal (Québec) H1T 3X2; telephone: 514 253-6556, extension 3428; fax: 514 864-2400; email: johanne.renaud@opc.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister of Justice, 1200, route de l'Église, Québec (Québec) G1V 4M1.

STÉPHANIE VALLÉE,
Minister of Justice

Regulation to amend the Regulation respecting the application of the Consumer Protection Act

Consumer Protection Act
(chapter P-40.1, s. 350)

1. The Regulation respecting the application of the Consumer Protection Act (chapter P-40.1, r. 3) is amended by replacing section 7 by the following:

“7. Despite section 57 of the Act, a contract entered into by a merchant the object of which is the sale, installation or repair of a door, window, thermal insulation, roofing or exterior wall covering, constitutes a contract entered into by an itinerant merchant even if it was entered into at the address of the consumer upon the latter's express request.”

2. Section 8 is amended

(1) by replacing “new automobile” in paragraphs *b* and *b.1* by “new road vehicle”;

(2) by replacing “\$25” in paragraph *m* by “\$100”.

3. Section 15.1 is amended by adding the following paragraph at the end:

“The first paragraph also applies, with the necessary modifications, to a contract of service or for the lease of goods referred to in section 207 of the Act.”

4. The following is inserted after section 25.9:

“**25.10.** A stipulation having the effect of renewing, otherwise than in the manner provided for in section 15.2, a service contract involving sequential performance entered into by a merchant who operates a physical fitness studio is prohibited.”.

5. Section 94 is amended

(1) by replacing subparagraph *b* of the first paragraph by the following:

“(b) the merchant’s name and the names under which the merchant does business which must appear on the permit;”;

(2) by striking out “, if the application is for that person,” in subparagraph *d* of the first paragraph;

(3) by striking out subparagraphs *f*, *h* and *j* of the first paragraph.

6. Section 94.01 is amended by replacing paragraph *b* by the following:

“(b) if applicable, a statement that the consideration for the applicant’s contracts will always be below \$500 for the term of the permit requested;”.

7. Section 94.03 is amended

(1) by replacing subparagraph *b* of the second paragraph by the following:

“(b) vehicles with a net weight of less than 5,500 kg other than the vehicles listed in subparagraph *c* of the second paragraph and other than trailers and semi-trailers with a net weight of less than 1,300 kg;”;

(2) by replacing subparagraph *c* of the second paragraph by the following:

“(c) motorcycles, mopeds, half-tracks, snowmobiles, other off-highway vehicles within the meaning of the Act respecting off-highway vehicles (chapter V-1.2) and farm machines.”.

8. Section 94.1 is amended by replacing “and audited according to generally accepted auditing standards” in paragraph *a* by “and including an auditor’s report or a review engagement report”.

9. Section 104 is replaced by the following:

“**104.** The security that an applicant for an itinerant merchant’s permit must furnish is \$100,000, unless the contracts entered into by the applicant are always lower than \$500, in which case the security required is \$25,000.

The duties that must be paid by the applicant are fixed according to the following classes:

(a) if the applicant has less than 50 representatives (Class 1), the duties are fixed as follows:

Periods	Duties
Until 30 April 2018	\$631
From 1 May 2018 to 30 April 2019	\$778
From 1 May 2019 to 30 April 2020	\$924
From 1 May 2020	\$1,072

(b) if the applicant has 50 representatives or more (Class 2), the duties are fixed as follows:

Periods	Duties
Until 30 April 2018	\$4,300
From 1 May 2018 to 30 April 2019	\$4,730
From 1 May 2019 to 30 April 2020	\$5,203
From 1 May 2020	\$5,715

”.

10. Sections 105 is replaced by the following:

“**105.** If, during the term of the permit, the consideration for the permit holder’s contract increases to \$500 or more, the permit holder must, without delay, make up the difference in the security required by the first paragraph of section 104.

If, during the term of the permit, the number of representatives of a permit holder increases to 50 or more, the permit holder must, without delay, make up the difference in the duties payable for Class 2 under the second paragraph of section 104.”.

11. Section 106 is revoked.

12. Section 107 is replaced by the following:

“**107.** The duties that must be paid by an applicant for a money lender’s permit are fixed as follows:

Periods	Duties
Until 30 April 2018	\$889
From 1 May 2018 to 30 April 2019	\$1,429
From 1 May 2019 to 30 April 2020	\$1,969
From 1 May 2020	\$2,509

13. Section 108 is replaced by the following:

“**108.** The security that an applicant for a physical fitness studio operator’s permit must furnish is \$30,000 per establishment used as a physical fitness studio. The duties that must be paid by the applicant per establishment used as a physical fitness studio are fixed as follows:

Periods	Duties
Until 30 April 2018	\$449
From 1 May 2018 to 30 April 2019	\$798
From 1 May 2019 to 30 April 2020	\$1,146
From 1 May 2020	\$1,495

14. Section 108.1 is amended by replacing the part preceding subparagraph *a* of the first paragraph by the following:

“**108.1.1.** The duties that must be paid by an applicant for a merchant’s permit to offer or make a contract of additional warranty are fixed as follows:

Periods	Duties
Until 30 April 2018	\$889
From 1 May 2018 to 30 April 2019	\$1,429
From 1 May 2019 to 30 April 2020	\$1,969
From 1 May 2020	\$2,509

The security to be furnished by the applicant is:”

15. Section 108.1 is amended

(1) by replacing subparagraph *b* of the second paragraph by the following:

“(b) an amount of \$100,000 for the trade of vehicles with a net weight of less than 5,500 kg other than the vehicles listed in subparagraph *c* of the second paragraph and other than trailers and semi-trailers with a net weight of less than 1,300 kg;”;

(2) by replacing subparagraph *c* of the second paragraph by the following:

“(c) an amount of \$25,000 for the trade of motorcycles, mopeds, half-tracks, snowmobiles, other off-highway vehicles within the meaning of the Act respecting off-highway vehicles (chapter V-1.2) and farm machines.”.

16. Section 112 is amended by adding the following paragraph at the end:

“An applicant who furnishes security in the manner provided for in subparagraph *d* of the first paragraph of section 110 must pay duties of \$278 to cover the costs for opening a file.”.

17. Section 127 is amended by replacing “sections 104, 107 or 108” by “section 104 or sections 107 to 108.1.3”.**18.** Section 146 is amended

(1) by inserting “The exemption is valid for 2 years and is renewable upon payment of the duties.” at the end of the first paragraph;

(2) by replacing the second paragraph by the following:

“The duties that must be paid by an applicant for an exemption are fixed as follows:

Periods	Duties
Until 30 April 2018	\$889
From 1 May 2018 to 30 April 2019	\$1,429
From 1 May 2019 to 30 April 2020	\$1,969
From 1 May 2020	\$2,509

19. Section 149 is replaced by the following:

“**149.** An itinerant merchant who meets the requirements of sections 104 and 105 is not required to deposit in a trust account the amounts referred to in sections 255 and 256 of the Act and is not required to furnish additional security.”.

20. Section 150 is amended

(1) by striking out “and on the number of establishments in operation” in the first paragraph;

(2) by striking out “on the basis of sales,” in the second paragraph;

(3) by striking out the third paragraph.

21. Section 154 is revoked.

22. Section 163 is amended by replacing “is 2 years” by “remains in force”.

23. Section 170 is amended by replacing “and audited according to generally accepted auditing standards” in the first paragraph by “and include an auditor’s report or a review engagement report”.

TRANSITIONAL AND FINAL

24. Despite section 104 of the Regulation respecting the application of the Consumer Protection Act, as replaced by section 9 of this Regulation, holders of itinerant merchant’s permits who have 10 representatives or more but less than 50 must, until 30 April 2019, pay duties in the amount of \$823.

25. Despite section 104 of the Regulation respecting the application of the Consumer Protection Act, as replaced by section 9 of this Regulation, holders of itinerant merchant’s permits who have 500 representatives or more but less than 1,000 must, until 30 April 2020, pay duties in the amount of \$5,795.

26. Despite section 104 of the Regulation respecting the application of the Consumer Protection Act, as replaced by section 9 of this Regulation, holders of itinerant merchant’s permits who have 1,000 representatives or more must, until 30 April 2020, pay duties in the amount of \$11,170.

27. Itinerant merchant’s permits in classes 9 to 16, issued before the date of coming into force of this section and in force on that date, are deemed to be permits issued under section 104 of the Regulation respecting the application of the Consumer Protection Act, as replaced by section 9 of this Regulation.

28. If, during the term of the itinerant merchant’s permit, the amount of security payable under section 104 of the Regulation respecting the application of the Consumer Protection Act decreases by reason of the coming into force of this Regulation, the permit holder may replace it, subject to the second paragraph of

section 119 of the Regulation respecting the application of the Consumer Protection Act, by the security payable under section 104 of the Regulation as replaced by section 9 of this Regulation.

29. The increase in the amount of security payable under sections 104 and 108 of the Regulation respecting the application of the Consumer Protection Act, by reason of the replacement of those sections by this Regulation, applies at the time of an application for the renewal of a permit made by the permit holder.

30. This Regulation comes into force on (*insert the fifteenth day following the date of its publication in the Gazette officielle du Québec*), except sections 9 to 14, the second paragraph of section 18, sections 20, 22 and 24 to 27, which come into force 3 months after that date.

102954

Draft Regulation

Natural Heritage Conservation Act
(chapter C-61.01)

Réserve de biodiversité de la Moraine-d’Harricana

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Government intends to constitute the Réserve de biodiversité de la Moraine-d’Harricana and to approve the conservation plan applicable to the territory designated in the plan accompanying it and that it intends to make for that purpose the draft Regulation respecting the Réserve de biodiversité de la Moraine-d’Harricana, appearing below, on the expiry of 45 days following this publication.

The constitution of the Réserve de biodiversité de la Moraine-d’Harricana, a name approved by the Commission de toponymie, resulting from the amalgamation of the proposed Réserve de biodiversité du réservoir Decelles and the proposed Réserve de biodiversité de la forêt Piché-Lemoine, will give to those territories, set aside in July 2004, permanent protection status and will make the activities framework provided for in the Natural Heritage Conservation Act (chapter C-61.01) and in the draft Regulation prepared for that biodiversity reserve applicable to the territory designated in the plan accompanying it.

The activities contains the general guidelines of the activities framework currently in force in the territories of the proposed Réserve de biodiversité du réservoir Decelles and the proposed Réserve de biodiversité de la forêt Piché-Lemoine. It provides for prohibitions in addition to those

set out in the Natural Heritage Conservation Act and it regulates the carrying out of certain activities that may be carried out within the territory to better ensure the protection of the natural environment, in conformity with the principles of conservation and other objectives of management of the biodiversity reserve. Thus certain activities are subject to the prior authorization of the Minister.

Further information may be obtained by contacting Marc-André Bouchard, Acting Director, Direction des aires protégées, Ministère du Développement durable, de l'Environnement et de la Lutte contre les changements climatiques, édifice Marie-Guyart, 4^e étage, boîte 21, 675, boulevard René-Lévesque Est, Québec (Québec) G1R 5V7; telephone: 418 521-3907, extension 4712; fax: 418 646-6169; email: marc-andre.bouchard@mddelcc.gouv.qc.ca

Any person wishing to comment on the proposed biodiversity reserve is requested to submit written comments within the 45-day period to Marc-André Bouchard, at the above contact information.

DAVID HEURTEL,
*Minister of Sustainable Development,
the Environment and the
Fight Against Climate Change*

Regulation respecting the Réserve de biodiversité de la Moraine-d'Harricana

Natural Heritage Conservation Act
(chapter C-61.01, s. 43 and s. 46, par. 1, subpars. *e*, *f* and *g*, and par. 2)

1. The Réserve de biodiversité de la Moraine-d'Harricana is constituted in the territory mapped in the Schedule I.

DIVISION I PROTECTION OF RESOURCES AND THE NATURAL ENVIRONMENT

2. Subject to the prohibition in the second paragraph, no person may introduce any specimens or individuals of a native or non-native species of fauna into the biodiversity reserve, including by stocking, unless the person has been authorized by the Minister.

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

Except with the authorization of the Minister, no person may introduce non-native species of flora into the biodiversity reserve.

3. No person may use fertilizers in the biodiversity reserve. Compost for domestic purposes is however permitted if it is used at least 20 metres from a watercourse or body of water, measured from the high-water mark.

The high-water mark is the mark defined Protection Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains (chapter Q-2, r. 35).

4. No person may remove species of flora, small fruits or any other non-timber forest product by mechanical means.

5. No person may, unless the person has been authorized by the Minister,

(1) intervene in a wetland area, including a marsh, swamp or peat 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) installation or erect any construction, infrastructure or new works in the bed, on the banks or shores or the floodplain of a watercourse or body of water; no authorization is however required for minor works — quay or platform, boat shelter — installed for private purposes and may be free of charge under section 2 of the Regulation respecting the water property in the domain of the State (chapter R-13, r. 1);

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

(6) carry out soil development work or an activity likely to degrade the soil or a geological formation, or to damage the vegetation cover, in particular by stripping, the digging of trenches or excavation work, including any burial, earthwork, removal or displacement of surface materials or vegetation cover, for any purpose;

(7) install or construct a structure, infrastructure or new works;

(8) reconstruct or demolish a structure, infrastructure or works;

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

(10) 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

(11) hold a sports event, tournament, rally or any other similar event where

(a) fauna or flora species are taken or are likely to be taken; or

(b) motor vehicles or craft are used.

6. Despite paragraphs 6, 7 and 8 of section 4, no authorization is required to carry out the work described in paragraph 1 of this section if the requirements of paragraph 2 are met.

(1) The work involves

(a) the maintenance, repair or improvement of any construction, infrastructure or works, including a camp, a cabin, a road or a trail, including an ancillary facility such as a lookout or stairs;

(b) the construction or installation

i. of a dependency or a facility ancillary to a trapping camp, a rough shelter, a shelter or a cabin, including a shed, a well, a water intake or sanitary facilities; or

ii. of a trapping camp, a rough shelter, a shelter or a cabin if, on the date status as a biodiversity reserve takes effect, such a building was allowed under the right of use or occupancy granted, but was not yet carried out; or

(c) the demolition or reconstruction of a trapping camp, a rough shelter, a shelter or a cabin, including a dependency or a facility ancillary to such a construction, including a shed, a well, a water intake or sanitary facilities;

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

(a) the work involves a construction, infrastructure or works whose presence is allowed in the biodiversity reserve;

(b) the work is carried out within the area of the land or right of way covered by the right of use or occupancy in the biodiversity reserve, whether the right results from a lease, a servitude or another 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 allowed by the provisions applicable to the sale, lease and granting of immovable rights under the Act respecting the lands in the domain of the State (chapter T-8.1) and, if applicable, the limits set under an authorization issued in connection with that construction, works or infrastructure;

(d) the work is carried out in accordance with the prescriptions of any permit or authorization issued for the work or in connection with the construction, infrastructure or works to which they are related, as well as in compliance with the applicable legislative and regulatory measures;

(e) in the case of forest roads, the work must not result in altering or exceeding the existing right of way, enlarging the driving roadway or converting the road into a higher class road.

For the purposes of this section, repair and improvement work includes work to replace or install structures or facilities with a view to complying with the requirements of environmental regulations.

7. No person may bury, abandon or dispose of waste, snow or other residual materials other than in waste disposal containers, facilities or sites determined by the Minister, or elsewhere with the authorization of the Minister.

DIVISION II RULES OF CONDUCT FOR USERS

8. No person may enter, carry on an activity or operate a vehicle in a given sector of the biodiversity 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.

9. No person may destroy, remove, move or damage any poster, sign, notice or other type of signage posted by the Minister within the biodiversity reserve.

DIVISION III ACTIVITIES REQUIRING AN AUTHORIZATION

10. No person may, for a period of more than 90 days in the same year, occupy or use the same site of the biodiversity reserve, unless the person has been authorized by the Minister.

(1) For the purposes of the first paragraph,

(a) the occupation or use of a site includes

i. staying or settling in the biodiversity reserve, for instance for vacation purposes;

ii. setting up a camp or a shelter; and

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

(b) the expression “same site” includes any other site within a radius of 1 kilometre from the site;

(2) Despite the first paragraph, an authorization is not required if a person,

(a) on the date on which the protection status as a biodiversity reserve takes effect, 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 (chapter C-61.1), and whose right to occupy the land is renewed or extended on the same conditions, subject to possible changes in fees; or

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

11. 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.

Despite the first paragraph, persons staying or residing in the biodiversity reserve and who collect wood required to make a campfire are not required to obtain the authorization of the Minister.

Such an authorization is also not required if a person collects firewood to meet domestic needs to supply a trapping camp or a rough shelter permitted within the reserve in the following cases and on the following conditions:

(1) 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 Forests, Wildlife and Parks under the Sustainable Forest Development Act (chapter A-18.1);

(2) the quantity of wood collected does not exceed 7 apparent cubic metres per year.

Despite the first paragraph, an authorization to carry on a forest management activity is not required if a person authorized by lease to occupy land within the biodiversity reserve in accordance with this plan carries on the forest management activity for the purpose of

(1) clearing, maintaining or creating visual openings, and 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 for access roads, stairs or other trails permitted under those provisions; or

(2) clearing the necessary area for the installation, connection, maintenance, repair, reconstruction or improvement of power, water, sewer or telecommunication lines, facilities and mains.

If the work referred to in subparagraph 2 of the fourth paragraph 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 provided for in sections 12 and 14.

12. No person may carry on commercial activities in the biodiversity reserve, except with the authorization of the Minister.

Despite the first paragraph, no authorization is required

(1) if the activity does not involve the taking of fauna or flora resources, or the use of a motor vehicle; or

(2) to carry on commercial activities if, on the date on which protection status as a biodiversity reserve takes effect, the activities were the subject of a right of use of the land for such purpose, whether or not the right results from a lease or another form of title, permit or authorization, within the limits of what the right allows.

DIVISION IV **AUTHORIZATION EXEMPTIONS**

13. Despite the preceding provisions, an authorization is not required for an activity or other form of intervention within the biodiversity 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 catastrophe. The person concerned must, however, immediately inform the Minister of the activity or intervention that has taken place.

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

15. Despite the preceding provisions, the following activities and interventions 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 biodiversity reserve to complete a project for which express authorization had previously been given by the Government and the Minister, or only by the latter, in accordance with the requirements of the Environment Quality Act, 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 it is carried out in accordance with the request.

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 monitor the impact of 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 traffic incidental to the work.

DIVISION V

FINAL

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

Draft Regulation

Natural Heritage Conservation Act
(chapter C-61.01)

Réserve de biodiversité des Méandres-de-la-Taitaipenistouc

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Government intends to constitute the Réserve de biodiversité des Méandres-de-la-Taitaipenistouc and to approve the conservation plan applicable to the territory designated in the plan accompanying it and that it intends to make for that purpose the draft Regulation respecting the Réserve de biodiversité des Méandres-de-la-Taitaipenistouc, appearing below, on the expiry of 45 days following this publication.

The constitution of the Réserve de biodiversité des Méandres-de-la-Taitaipenistouc, a name approved by the Commission de toponymie, will give the territory of the Réserve de biodiversité projetée du lac Bright Sand, set aside in June 2003, permanent protection status and will make the activities framework provided for in the Natural Heritage Conservation Act (chapter C-61.01) and in the draft Regulation prepared for the biodiversity reserve applicable to the territory designated in the plan accompanying it.

The activities framework contains the general guidelines of the activities framework currently in force in the Réserve de biodiversité projetée du lac Bright Sand. It provides for prohibitions in addition to those set out in the Natural Heritage Conservation Act and it regulates the carrying out of certain activities that may be carried out within the reserve to better ensure the protection of the natural environment, in conformity with the principles of conservation and other objectives of management of the biodiversity reserve. Thus certain activities are subject to the prior authorization of the Minister.

Further information on the proposed constitution of the Réserve de biodiversité des Méandres-de-la-Taitaipenistouc may be obtained by contacting Marc-André Bouchard, Acting Director, Direction des aires protégées, Ministère du Développement durable, de l'Environnement et de la Lutte contre les changements climatiques, édifice Marie-Guyart, 4^e étage, boîte 21, 675, boulevard René-Lévesque Est, Québec (Québec) G1R 5V7; telephone: 418 521-3907, extension 4712; fax: 418 646-6169; email: marc-andre.bouchard@mddelcc.gouv.qc.ca

Any person wishing to comment on the proposed constitution of the Réserve de biodiversité des Méandres-de-la-Taitaipenistouc is requested to submit written comments within the 45-day period to Marc-André Bouchard, at the above contact information.

DAVID HEURTEL,
*Minister of Sustainable Development,
the Environment and the
Fight Against Climate Change*

Regulation respecting the Réserve de biodiversité des Méandres-de-la-Taitaipenistouc

Natural Heritage Conservation Act
(chapter C-61.01, s. 43 and s. 46, par. 1, subpars. e,
f and g, and par. 2)

1. The Réserve de biodiversité des Méandres-de-la-Taitaipenistouc is constituted in the territory mapped in Schedule I.

DIVISION I PROTECTION OF RESOURCES AND THE NATURAL ENVIRONMENT

2. Subject to the prohibition in the second paragraph, no person may introduce any specimens or individuals of a native or non-native species of fauna into the biodiversity reserve, including by stocking, unless the person has been authorized by the Minister.

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

Except with the authorization of the Minister, no person may introduce non-native species of flora into the biodiversity reserve.

3. No person may use fertilizers in the biodiversity reserve. Compost for domestic purposes is however permitted if it is used at least 20 metres from a watercourse or body of water, measured from the high-water mark.

The high-water mark means the mark defined by the Protection Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains (chapter Q-2, r. 35).

4. No person may remove species of flora, small fruits or any other non-timber forest product by mechanical means.

5. No person may, unless the person has been authorized by the Minister,

(1) intervene in a wetland area, including a marsh, swamp or peat 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 construction, infrastructure or works in the bed, on the banks or shores or the floodplain of a watercourse or body of water; no authorization is however required for minor works — quay or platform, boat shelter — installed for private purposes and may be free of charge under section 2 of the Regulation respecting the water property in the domain of the State (chapter R-13, r. 1);

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

(6) carry out soil development work or an activity likely to degrade the soil or a geological formation, or to damage the vegetation cover, in particular by stripping, the digging of trenches or excavation work, including any burial, earthwork, removal or displacement of surface materials or vegetation cover, for any purpose;

(7) install or construct a structure, infrastructure or new works;

(8) reconstruct or demolish a structure, infrastructure or works;

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

(10) 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

(11) hold a sports event, tournament, rally or any other similar event where

(a) fauna or flora species are taken or are likely to be taken; or

(b) motor vehicles or craft are used.

6. Despite paragraphs 6, 7 and 8 of section 4, no authorization is required to carry out the work described in paragraph 1 of this section if the requirements of paragraph 2 are met.

(1) The work involves

(a) the maintenance, repair or improvement of any construction, infrastructure or works, including a camp, a cabin, a road or a trail, including an ancillary facility such as a lookout or stairs;

(b) the construction or installation

i. of a dependency or a facility ancillary to a trapping camp, a rough shelter, a shelter or a cabin, including a shed, a well, a water intake or sanitary facilities; or

ii. of a trapping camp, a rough shelter, a shelter or a cabin if, on the date status as a biodiversity reserve takes effect, such a building was allowed under the right of use or occupancy granted, but was not yet carried out; or

(c) the demolition or reconstruction of a trapping camp, a rough shelter, a shelter or a cabin, including a dependency or a facility ancillary to such a construction, including a shed, a well, a water intake or sanitary facilities;

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

(a) the work involves a construction, infrastructure or works whose presence is allowed in the biodiversity reserve;

(b) the work is carried out within the area of the land or right of way covered by the right of use or occupancy in the biodiversity reserve, whether the right results from a lease, a servitude or another 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 allowed by the provisions applicable to the sale, lease and granting of immovable rights under the Act respecting the lands in the domain of the State (chapter T-8.1) and, if applicable, the limits set under an authorization issued in connection with that construction, works or infrastructure;

(d) the work is carried out in accordance with the prescriptions of any permit or authorization issued for the work or in connection with the construction, infrastructure or works to which they are related, as well as in compliance with the applicable legislative and regulatory measures.

For the purposes of this section, repair and improvement work includes work to replace or install structures or facilities with a view to complying with the requirements of environmental regulations.

7. No person may bury, abandon or dispose of waste, snow or other residual materials other than in waste disposal containers, facilities or sites determined by the Minister, or elsewhere with the authorization of the Minister.

Despite the first paragraph, an outfitter does not need an authorization to use a disposal facility or site, in compliance with the Environment Quality Act (chapter Q-2) and its regulations, if the outfitter was already using the facility or site before protection status as a biodiversity reserve took effect.

DIVISION II RULES OF CONDUCT FOR USERS

8. No person may enter, carry on an activity or operate a vehicle in a given sector of the biodiversity 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.

9. No person may destroy, remove, move or damage any poster, sign, notice or other type of signage posted by the Minister within the biodiversity reserve.

DIVISION III ACTIVITIES REQUIRING AN AUTHORIZATION

10. No person may, for a period of more than 90 days in the same year, occupy or use the same site of the biodiversity reserve, unless the person has been authorized by the Minister.

(1) For the purposes of the first paragraph,

(a) the occupation or use of a site includes

i. staying or settling in the biodiversity reserve, for instance for vacation purposes;

ii. setting up a camp or a shelter; and

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

(b) the expression “same site” includes any other site within a radius of 1 kilometre from the site;

(2) Despite the first paragraph, an authorization is not required if a person,

(a) on the date on which protection status as a biodiversity reserve takes effect, 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 (chapter 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 law, has entitlement under a sublease, an assignment of a lease or a transfer of a right or authorization referred to in subparagraph *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 legally occupied on the date on which protection status as a proposed biodiversity reserve takes effect, under the Act respecting the lands in the domain of the State.

11. 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.

Despite the first paragraph, persons staying or residing in the biodiversity reserve and who collect wood required to make a campfire are not required to obtain the Minister’s authorization.

Such an authorization is also not required if a person collects firewood to meet domestic needs to supply a trapping camp or a rough shelter permitted within the biodiversity reserve in the following cases and on the following conditions:

(1) 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 Forests, Wildlife and Parks under the Sustainable Forest Development Act (chapter A-18.1);

(2) the quantity of wood collected does not exceed 7 apparent cubic metres per year.

Despite the first paragraph, an authorization to carry on a forest management activity is not required if a person authorized by lease to occupy land within the biodiversity reserve in accordance with this plan carries on the forest management activity for the purpose of

(1) clearing, maintaining or creating visual openings, and 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 for access roads, stairs or other trails permitted under those provisions; or

(2) clearing the necessary area for the installation, connection, maintenance, repair, reconstruction or improvement of power, water, sewer or telecommunication lines, facilities and mains.

If the work referred to in subparagraph 2 of the fourth paragraph 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 provided for in sections 12 and 14.

12. No person may carry on commercial activities in the biodiversity reserve, except with the authorization of the Minister.

Despite the first paragraph, no authorization is required

(1) if the activity does not involve the taking of fauna or flora resources, or the use of a motor vehicle; or

(2) to carry on commercial activities if, on the date on which protection status as a biodiversity reserve takes effect, the activities were the subject of a right of use of the land for such purpose, whether or not the right results from a lease or another form of title, permit or authorization, within the limits of what the right allows.

DIVISION IV AUTHORIZATION EXEMPTIONS

13. Despite the preceding provisions, an authorization is not required for an activity or other form of intervention within the biodiversity 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 catastrophe. The person concerned must, however, immediately inform the Minister of the activity or intervention that has taken place.

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

15. Despite the preceding provisions, the following activities and interventions 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 biodiversity reserve to complete a project for which express authorization had previously been given by the Government and the Minister, or only by the latter, in accordance with the requirements of the Environment Quality Act, 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 it is carried out in accordance with the request.

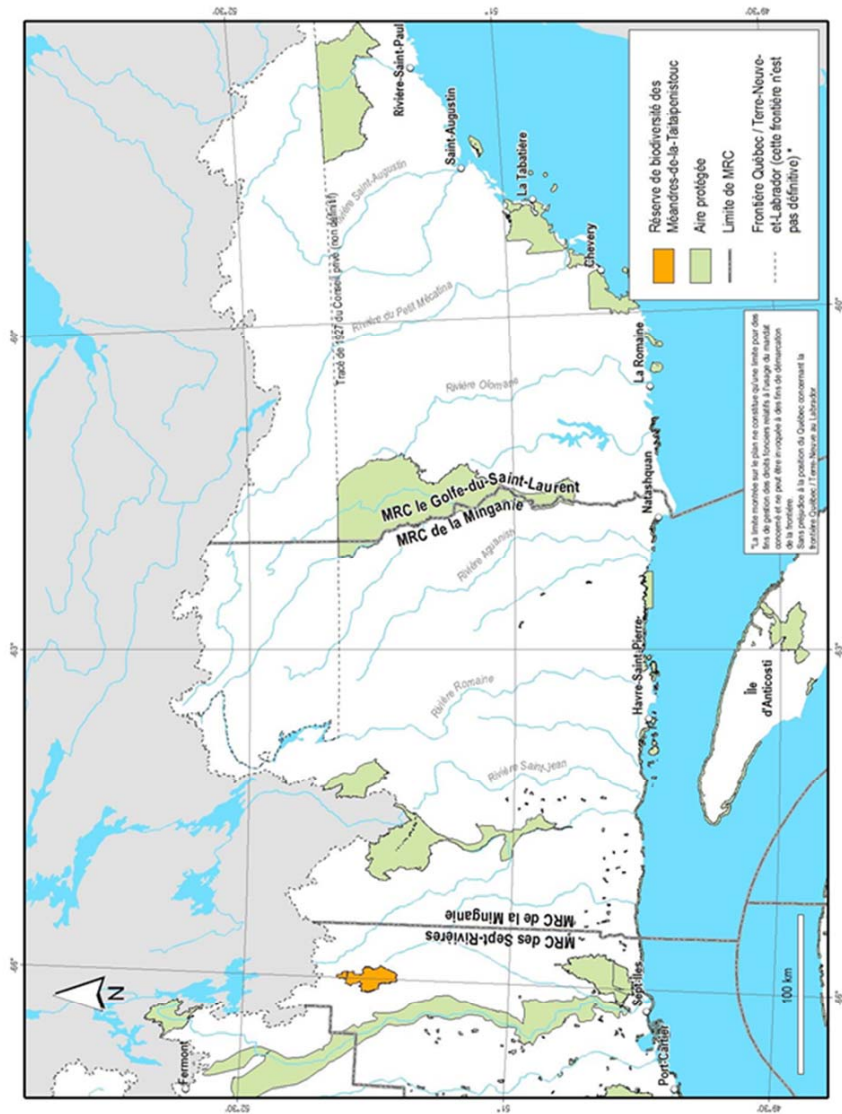
The Société is to keep the Minister informed of the various activities or interventions referred to in this section it proposes to carry out before the work is begun in the reserve.

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 monitor the impact of 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 traffic incidental to the work.

DIVISION V FINAL

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

SCHEDULE I
PLAN OF THE RÉSERVE DE BIODIVERSITÉ DES MÉANDRES-DE-LA-TAITAIPENISTOUÇ
 (s. 1)



Draft Regulation

Natural Heritage Conservation Act
(chapter C-61.01)

Réserve de biodiversité Kakinawigak

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Government intends to constitute the Réserve de biodiversité Kakinawigak and to approve the conservation plan applicable to the territory designated in the plan accompanying it and that it intends to make for that purpose the draft Regulation respecting the Réserve de biodiversité Kakinawigak, appearing below, on the expiry of 45 days following this publication

The constitution of the Réserve de biodiversité Kakinawigak, a name approved by the Commission de toponymie, will give to the territory of the proposed Réserve de biodiversité du lac des Quinze, set aside in July 2004, permanent protection status and will make the activities framework provided for in the Natural Heritage Conservation Act (chapter C-61.01) and in the draft Regulation prepared for the proposed biodiversity reserve applicable to the territory designated in the plan accompanying it.

The activities framework contains the general guidelines of the activities framework currently in force in the territory of the proposed Réserve de biodiversité du lac des Quinze. It provides for prohibitions in addition to those set out in the Natural Heritage Conservation Act and it regulates the carrying out of certain activities that may be carried out within the territory to better ensure the protection of the natural environment, in conformity with the principles of conservation and other objectives of management of the biodiversity reserve. Thus certain activities are subject to the prior authorization of the Minister.

Further information may be obtained by contacting Marc-André Bouchard, Acting Director, Direction des aires protégées, Ministère du Développement durable, de l'Environnement et de la Lutte contre les changements climatiques, édifice Marie-Guyart, 4^e étage, boîte 21, 675, boulevard René-Lévesque Est, Québec (Québec) G1R 5V7; telephone: 418 521-3907, extension 4712; fax: 418 646-6169; email: marc-andre.bouchard@mddelcc.gouv.qc.ca

Any person wishing to comment on the proposed biodiversity reserve is requested to submit written comments within the 45-day period to Marc-André Bouchard, at the above contact information.

DAVID HEURTEL,
*Minister of Sustainable Development,
the Environment and the
Fight Against Climate Change*

Regulation respecting the Réserve de biodiversité Kakinawigak

Natural Heritage Conservation Act
(chapter C-61.01, s. 43 and s. 46, par. 1, subpars. e, f and g, and par. 2)

1. The Réserve de biodiversité Kakinawigak is constituted in the territory mapped in the Schedule I.

DIVISION I PROTECTION OF RESOURCES AND THE NATURAL ENVIRONMENT

2. Subject to the prohibition in the second paragraph, no person may introduce any specimens or individuals of a native or non-native species of fauna into the biodiversity reserve, including by stocking, unless the person has been authorized by the Minister.

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

Except with the authorization of the Minister, no person may introduce non-native species of flora into the biodiversity reserve.

3. No person may use fertilizers in the biodiversity reserve. Compost for domestic purposes is however permitted if it is used at least 20 metres from a watercourse or body of water, measured from the high-water mark.

The high-water mark means the mark defined by the Protection Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains (chapter Q-2, r. 35).

4. No person may remove species of flora, small fruits or any other non-timber forest product by mechanical means.

5. No person may, unless the person has been authorized by the Minister,

(1) intervene in a wetland area, including a marsh, swamp or peat 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 construction, infrastructure or new works in the bed, on the banks or shores or the floodplain of a watercourse or body of water; no authorization is however required for minor works — quay or platform, boat shelter — installed for private purposes and may be free of charge under section 2 of the Regulation respecting the water property in the domain of the State (chapter R-13, r. 1);

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

(6) carry out soil development work or an activity likely to degrade the soil or a geological formation, or to damage the vegetation cover, in particular by stripping, the digging of trenches or excavation work, including any burial, earthwork, removal or displacement of surface materials or vegetation cover, for any purpose;

(7) install or construct a structure, infrastructure or new works;

(8) reconstruct or demolish a structure, infrastructure or works;

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

(10) 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

(11) hold a sports event, tournament, rally or any other similar event where

(a) fauna or flora species are taken or are likely to be taken; or

(b) motor vehicles or craft are used.

6. Despite paragraphs 6, 7 and 8 of section 4, no authorization is required to carry out the work described in paragraph 1 of this section if the requirements of paragraph 2 are met.

(1) The work involves

(a) the maintenance, repair or improvement of any construction, infrastructure or works, including a camp, a cabin, a road or a trail, including an ancillary facility such as a lookout or stairs;

(b) the construction or installation

i. of a dependency or a facility ancillary to a trapping camp, a rough shelter, a shelter or a cabin, including a shed, a well, a water intake or sanitary facilities; or

ii. of a trapping camp, a rough shelter, a shelter or a cabin if, on the date status as a biodiversity reserve takes effect, such a building was allowed under the right of use or occupancy granted, but was not yet carried out; or

(c) the demolition or reconstruction of a trapping camp, a rough shelter, a shelter or a cabin, including a dependency or a facility ancillary to such a construction, including a shed, a well, a water intake or sanitary facilities;

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

(a) the work involves a construction, infrastructure or works whose presence is allowed in the territory of the biodiversity reserve;

(b) the work is carried out within the area of the land or right of way covered by the right of use or occupancy in the biodiversity reserve, whether the right results from a lease, a servitude or another 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 allowed by the provisions applicable to the sale, lease and granting of immovable rights under the Act respecting the lands in the domain of the State (chapter T-8.1) and, if applicable, the limits set under an authorization issued in connection with that construction, works or infrastructure;

(d) the work is carried out in accordance with the prescriptions of any permit or authorization issued for the work or in connection with the construction, infrastructure or works to which they are related, as well as in compliance with the applicable legislative and regulatory measures;

(e) in the case of forest roads, the work must not result in altering or exceeding the existing right of way, enlarging the driving roadway or converting the road into a higher class road.

For the purposes of this section, repair and improvement work includes work to replace or install structures or facilities with a view to complying with the requirements of environmental regulations.

7. No person may bury, abandon or dispose of waste, snow or other residual materials other than in waste disposal containers, facilities or sites determined by the Minister, or elsewhere with the authorization of the Minister.

Despite the first paragraph, an outfitter holding a lease for accommodation purposes in the reserve does not need an authorization to use a disposal facility or site, in compliance with the Environment Quality Act (chapter Q-2) and its regulations, if the outfitter was already using the facility or site before protection status as a biodiversity reserve took effect.

DIVISION II RULES OF CONDUCT FOR USERS

8. No person may enter, carry on an activity or operate a vehicle in a given sector of the biodiversity 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.

9. No person may destroy, remove, move or damage any poster, sign, notice or other type of signage posted by the Minister within the biodiversity reserve.

DIVISION III ACTIVITIES REQUIRING AN AUTHORIZATION

10. No person may, for a period of more than 90 days in the same year, occupy or use the same site of the biodiversity reserve, unless the person has been authorized by the Minister.

(1) For the purposes of the first paragraph,

(a) the occupation or use of a site includes

i. staying or settling in the biodiversity reserve, for instance for vacation purposes;

ii. setting up a camp or shelter; and

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

(b) the expression “same site” includes any other site within a radius of 1 kilometre from the site;

(2) Despite the first paragraph, an authorization is not required if a person,

(a) on the date on which the protection status as a biodiversity reserve takes effect, 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 (chapter C-61.1), and whose right to occupy the land is renewed or extended on the same conditions, subject to possible changes in fees; or

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

11. 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.

Despite the first paragraph, persons staying or residing in the biodiversity reserve and who collect wood required to make a campfire are not required to obtain the authorization of the Minister.

Such an authorization is also not required if a person collects firewood to meet domestic needs to supply a trapping camp or a rough shelter permitted within the reserve in the following cases and on the following conditions:

(1) 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 Forests, Wildlife and Parks under the Sustainable Forest Development Act (chapter A 18.1);

(2) the quantity of wood collected does not exceed 7 apparent cubic metres per year.

Despite the first paragraph, an authorization to carry on a forest management activity is not required if a person authorized by lease to occupy land within the biodiversity reserve in accordance with this plan carries on the forest management activity for the purpose of

(1) clearing, maintaining or creating visual openings, and 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 for access roads, stairs or other trails permitted under those provisions; or

(2) clearing the necessary area for the installation, connection, maintenance, repair, reconstruction or improvement of power, water, sewer or telecommunication lines, facilities and mains.

If the work referred to in subparagraph 2 of the fourth paragraph 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 provided for in sections 12 and 14.

12. No person may carry on commercial activities in the biodiversity reserve, except with the authorization of the Minister.

Despite the first paragraph, no authorization is required

(1) if the activity does not involve the taking of fauna or flora resources, or the use of a motor vehicle; or

(2) to carry on commercial activities if, on the date on which protection status as a biodiversity reserve takes effect, the activities were the subject of a right of use of the land for such purpose, whether or not the right results from a lease or another form of title, permit or authorization, within the limits of what the right allows.

DIVISION IV AUTHORIZATION EXEMPTIONS

13. Despite the preceding provisions, an authorization is not required for an activity or other form of intervention within the biodiversity 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 catastrophe. The person concerned must, however, immediately inform the Minister of the activity or intervention that has taken place.

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

15. Despite the preceding provisions, the following activities and interventions 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 biodiversity reserve to complete a project for which express authorization had previously been given by the Government and the Minister, or only by the latter, in accordance with the requirements of the Environment Quality Act, 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 it is carried out in accordance with the request.

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 monitor the impact of 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 traffic incidental to the work.

DIVISION V FINAL

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

Draft Regulation

Natural Heritage Conservation Act
(chapter C-61.01)

Réserve de biodiversité Katnukamat

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Government intends to constitute the Réserve de biodiversité Katnukamat and to approve the conservation plan applicable to the territory designated in the plan accompanying it and that it intends to make for that purpose the draft Regulation respecting the Réserve de biodiversité Katnukamat, appearing below, on the expiry of 45 days following this publication.

The constitution of the Réserve de biodiversité Katnukamat, a name approved by the Commission de toponymie, will give the territory of the Réserve de biodiversité projetée des buttes du lac aux Sauterelles, set aside in June 2003, permanent protection status and will make the activities framework provided for in the Natural Heritage Conservation Act (chapter C-61.01) and in the draft Regulation prepared for the biodiversity reserve applicable to the territory designated in the plan accompanying it.

The activities framework contains the general guidelines of the activities framework currently in force in the Réserve de biodiversité projetée des buttes du lac aux Sauterelles. It provides for prohibitions in addition to those set out in the Natural Heritage Conservation Act and it regulates the carrying out of certain activities that may be carried out within the reserve to better ensure the protection of the natural environment, in conformity with the principles of conservation and other objectives of management of the biodiversity reserve. Thus certain activities are subject to the prior authorization of the Minister.

Further information on the proposed constitution of the Réserve de biodiversité Katnukamat may be obtained by contacting Marc-André Bouchard, Acting Director, Direction des aires protégées, Ministère du Développement durable, de l'Environnement et de la Lutte contre les changements climatiques, édifice Marie-Guyart, 4^e étage, boîte 21, 675, boulevard René-Lévesque Est, Québec (Québec) G1R 5V7; telephone: 418 521-3907, extension 4712; fax: 418 646-6169; email: marc-andre.bouchard@mddelcc.gouv.qc.ca

Any person wishing to comment on the proposed constitution of the Réserve de biodiversité Katnukamat is requested to submit written comments within the 45-day period to Marc-André Bouchard, at the above contact information.

DAVID HEURTEL,
*Minister of Sustainable Development,
the Environment and the
Fight Against Climate Change*

Regulation respecting the Réserve de biodiversité Katnukamat

Natural Heritage Conservation Act
(chapter C-61.01, s. 43 and s. 46, par. 1, subpars. e, f and g, and par. 2)

1. The Réserve de biodiversité Katnukamat is constituted in the territory mapped in Schedule I.

DIVISION I PROTECTION OF RESOURCES AND THE NATURAL ENVIRONMENT

2. Subject to the prohibition in the second paragraph, no person may introduce any specimens or individuals of a native or non-native species of fauna into the biodiversity reserve, including by stocking, unless the person has been authorized by the Minister.

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

Except with the authorization of the Minister, no person may introduce non-native species of flora into the biodiversity reserve.

3. No person may use fertilizers in the biodiversity reserve. Compost for domestic purposes is however permitted if it is used at least 20 metres from a watercourse or body of water, measured from the high-water mark.

The high-water mark means the mark defined by the Protection Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains (chapter Q-2, r. 35).

4. No person may remove species of flora, small fruits or any other non-timber forest product by mechanical means.

5. No person may, unless the person has been authorized by the Minister,

(1) intervene in a wetland area, including a marsh, swamp or peat 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 construction, infrastructure or new works in the bed, on the banks or shores or the floodplain of a watercourse or body of water; no authorization is however required for minor works — quay or platform, boat shelter — installed for private purposes and may be free of charge under section 2 of the Regulation respecting the water property in the domain of the State (chapter R-13, r. 1);

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

(6) carry out soil development work or an activity likely to degrade the soil or a geological formation, or to damage the vegetation cover, in particular by stripping, the digging of trenches or excavation work, including any burial, earthwork, removal or displacement of surface materials or vegetation cover, for any purpose;

(7) install or construct a structure, infrastructure or new works;

(8) reconstruct or demolish a structure, infrastructure or works;

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

(10) 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

(11) hold a sports event, tournament, rally or any other similar event where

(a) fauna or flora species are taken or are likely to be taken; or

(b) motor vehicles or craft are used.

6. Despite paragraphs 6, 7 and 8 of section 4, no authorization is required to carry out the work described in paragraph 1 of this section if the requirements of paragraph 2 are met.

(1) The work involves

(a) the maintenance, repair or improvement of any construction, infrastructure or works, including a camp, a cabin, a road or a trail, including an ancillary facility such as a lookout or stairs;

(b) the construction or installation

i. of a dependency or a facility ancillary to a trapping camp, a rough shelter, a shelter or a cabin, including a shed, a well, a water intake or sanitary facilities; or

ii. of a trapping camp, a rough shelter, a shelter or a cabin if, on the date status as a biodiversity reserve takes effect, such a building was allowed under the right of use or occupancy granted, but was not yet carried out; or

(c) the demolition or reconstruction of a trapping camp, a rough shelter, a shelter or a cabin, including a dependency or a facility ancillary to such a construction, including a shed, a well, a water intake or sanitary facilities;

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

(a) the work involves a construction, infrastructure or works whose presence is allowed in the biodiversity reserve;

(b) the work is carried out within the area of the land or right of way covered by the right of use or occupancy in the biodiversity reserve, whether the right results from a lease, a servitude or another 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 allowed by the provisions applicable to the sale, lease and granting of immovable rights under the Act respecting the lands in the domain of the State (chapter T-8.1) and, if applicable, the limits set under an authorization issued in connection with that construction, works or infrastructure;

(d) the work is carried out in accordance with the prescriptions of any permit or authorization issued for the work or in connection with the construction, infrastructure or works to which they are related, as well as in compliance with the applicable legislative and regulatory measures;

(e) in the case of forest roads, the work must not result in altering or exceeding the existing right of way, enlarging the driving roadway or converting the road into a higher class road.

For the purposes of this section, repair and improvement work includes work to replace or install structures or facilities with a view to complying with the requirements of environmental regulations.

7. No person may bury, abandon or dispose of waste, snow or other residual materials other than in waste disposal containers, facilities or sites determined by the Minister, or elsewhere with the authorization of the Minister.

Despite the first paragraph, an outfitter does not need an authorization to use a disposal facility or site, in compliance with the Environment Quality Act (chapter Q-2) and its regulations, if the outfitter was already using the facility or site before protection status as a biodiversity reserve took effect.

DIVISION II RULES OF CONDUCT FOR USERS

8. No person may enter, carry on an activity or operate a vehicle in a given sector of the biodiversity 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.

9. No person may destroy, remove, move or damage any poster, sign, notice or other type of signage posted by the Minister within the biodiversity reserve.

DIVISION III ACTIVITIES REQUIRING AN AUTHORIZATION

10. No person may, for a period of more than 90 days in the same year, occupy or use the same site of the biodiversity reserve, unless the person has been authorized by the Minister.

(1) For the purposes of the first paragraph,

(a) the occupation or use of a site includes

i. staying or settling in the biodiversity reserve, for instance for vacation purposes;

ii. setting up a camp or a shelter; and

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

(b) the expression “same site” includes any other site within a radius of 1 kilometre from the site;

(2) Despite the first paragraph, an authorization is not required if a person,

(a) on the date on which protection status as a biodiversity reserve takes effect, 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 (chapter 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 law, has entitlement under a sublease, an assignment of a lease or a transfer of a right or authorization referred to in subparagraph *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 legally occupied on the date on which protection status as a proposed biodiversity reserve takes effect, under the Act respecting the lands in the domain of the State.

11. 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.

Despite the first paragraph, persons staying or residing in the biodiversity reserve and who collect wood required to make a campfire are not required to obtain the authorization of the Minister.

Such an authorization is also not required if a person collects firewood to meet domestic needs to supply a trapping camp or a rough shelter permitted within the biodiversity reserve in the following cases and on the following conditions:

(1) 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 Forests, Wildlife and Parks under the Sustainable Forest Development Act (chapter A-18.1);

(2) the quantity of wood collected does not exceed 7 apparent cubic metres per year.

Despite the first paragraph, an authorization to carry on a forest management activity is not required if a person authorized by lease to occupy land within the biodiversity reserve in accordance with this plan carries on the forest management activity for the purpose of

(1) clearing, maintaining or creating visual openings, and 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 for access roads, stairs or other trails permitted under those provisions; or

(2) clearing the necessary area for the installation, connection, maintenance, repair, reconstruction or improvement of power, water, sewer or telecommunication lines, facilities and mains.

If the work referred to in subparagraph 2 of the fourth paragraph 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 provided for in sections 12 and 14.

12. No person may carry on commercial activities in the biodiversity reserve, except with the authorization of the Minister.

Despite the first paragraph, no authorization is required

(1) if the activity does not involve the taking of fauna or flora resources, or the use of a motor vehicle; or

(2) to carry on commercial activities if, on the date on which protection status as a biodiversity reserve takes effect, the activities were the subject of a right of use of the land for such purpose, whether or not the right results from a lease or another form of title, permit or authorization, within the limits of what the right allows.

DIVISION IV AUTHORIZATION EXEMPTIONS

13. Despite the preceding provisions, an authorization is not required for an activity or other form of intervention within the biodiversity 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 catastrophe. The person concerned must, however, immediately inform the Minister of the activity or intervention that has taken place.

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

15. Despite the preceding provisions, the following activities and interventions 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 biodiversity reserve to complete a project for which express authorization had previously been given by the Government and the Minister, or only by the latter, in accordance with the requirements of the Environment Quality Act, 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 it is carried out in accordance with the request.

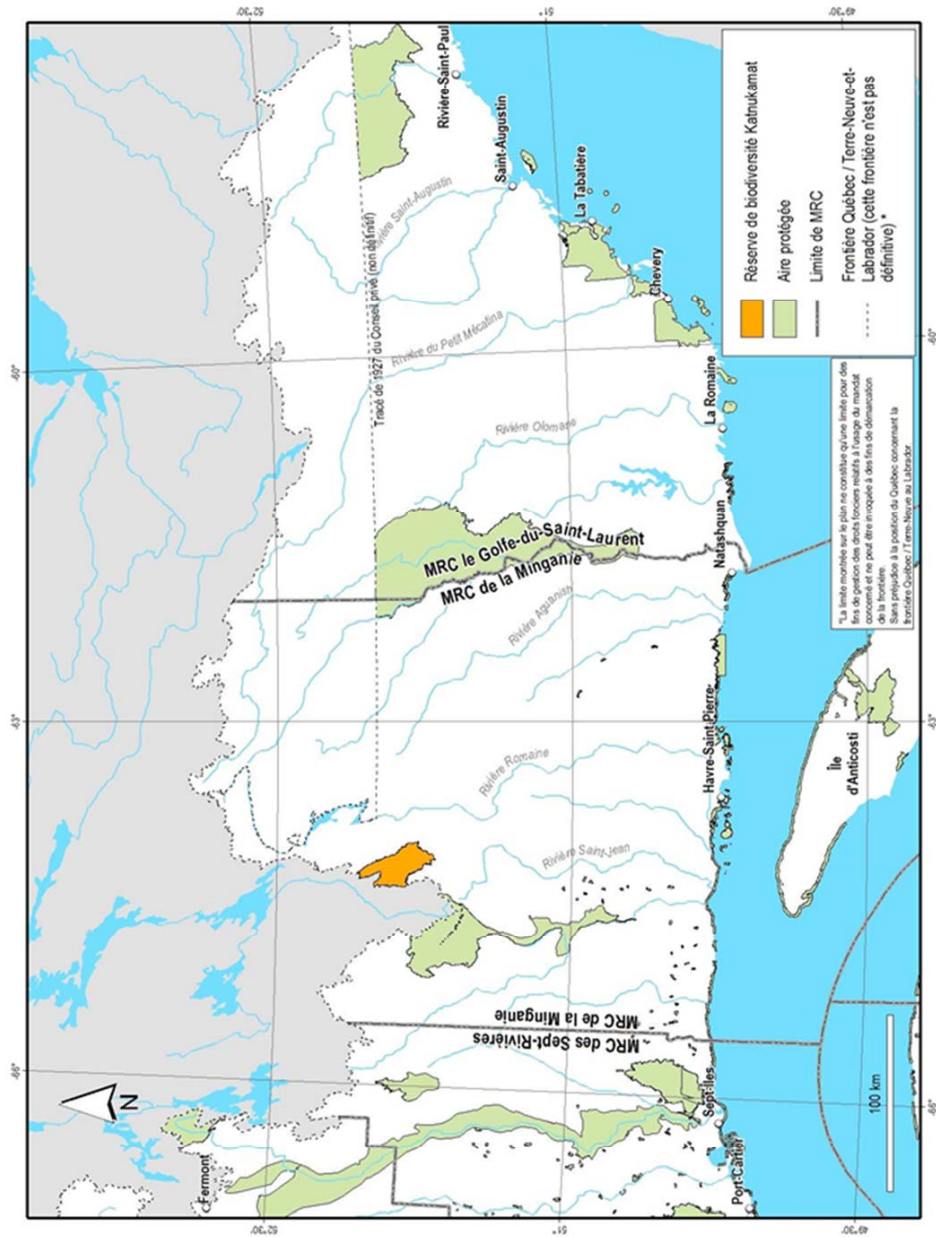
The Société is to keep the Minister informed of the various activities or interventions referred to in this section it proposes to carry out before the work is begun in the reserve.

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 monitor the impact of 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 traffic incidental to the work.

DIVISION V FINAL

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

SCHEDULE I
PLAN OF THE RÉSERVE DE BIODIVERSITÉ KATNUKAMAT
 (s. 1)



Draft Regulation

Natural Heritage Conservation Act
(chapter C-61.01)

Réserve de biodiversité Opasatica

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Government intends to constitute the Réserve de biodiversité Opasatica and to approve the conservation plan applicable to the territory designated in the plan accompanying it and that it intends to make for that purpose the draft Regulation respecting the Réserve de biodiversité Opasatica, appearing below, on the expiry of 45 days following this publication.

The constitution of the Réserve de biodiversité Opasatica, a name approved by the Commission de toponymie, will give the territory of the proposed Réserve de biodiversité du lac Opasatica, set aside in July 2004, permanent protection status and will make the activities framework provided for in the Natural Heritage Conservation Act (chapter C-61.01) and in the draft Regulation prepared for the proposed biodiversity reserve applicable to the territory designated in the plan accompanying it.

The activities contains the general guidelines of the activities framework currently in force in the territory of the proposed Réserve de biodiversité du lac Opasatica. It provides for prohibitions in addition to those set out in the Natural Heritage Conservation Act and it regulates the carrying out of certain activities that may be carried out within the territory to better ensure the protection of the natural environment, in conformity with the principles of conservation and other objectives of management of the biodiversity reserve. Thus certain activities are subject to the prior authorization of the Minister.

Further information may be obtained by contacting Marc-André Bouchard, Acting Director, Direction des aires protégées, Ministère du Développement durable, de l'Environnement et de la Lutte contre les changements climatiques, édifice Marie-Guyart, 4^e étage, boîte 21, 675, boulevard René-Lévesque Est, Québec (Québec) G1R 5V7; telephone: 418 521-3907, extension 4712; fax: 418 646-6169; email: marc-andre.bouchard@mddelcc.gouv.qc.ca

Any person wishing to comment on the proposed biodiversity reserve is requested to submit written comments within the 45-day period to Marc-André Bouchard, at the above contact information.

DAVID HEURTEL
*Minister of Sustainable Development,
the Environment and the
Fight Against Climate Change*

Regulation respecting the Réserve de biodiversité Opasatica

Natural Heritage Conservation Act
(chapter C-61.01, s. 43 and s. 46, par. 1, subpars. e, f and g, and par. 2)

1. The Réserve de biodiversité Opasatica is constituted in the territory mapped in Schedule I.

DIVISION I PROTECTION OF RESOURCES AND THE NATURAL ENVIRONMENT

2. Subject to the prohibition in the second paragraph, no person may introduce any specimens or individuals of a native or non-native species of fauna into the biodiversity reserve, including by stocking, unless the person has been authorized by the Minister.

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

Except with the authorization of the Minister, no person may introduce non-native species of flora into the biodiversity reserve.

3. No person may use fertilizers in the biodiversity reserve. Compost for domestic purposes is however permitted if it is used at least 20 metres from a watercourse or body of water, measured from the high-water mark.

The high-water mark means the mark defined by the Protection Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains (chapter Q-2, r. 35).

4. No person may remove species of flora, small fruits or any other non-timber forest product by mechanical means.

5. No person may, unless the person has been authorized by the Minister,

(1) intervene in a wetland area, including a marsh, swamp or peat 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 construction, infrastructure or new works in the bed, on the banks or shores or the floodplain of a watercourse or body of water; no authorization is however required for minor works — quay or platform, boat shelter — installed for private purposes and may be free of charge under section 2 of the Regulation respecting the water property in the domain of the State (chapter R-13, r. 1);

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

(6) carry out soil development work or an activity likely to degrade the soil or a geological formation, or to damage the vegetation cover, in particular by stripping, the digging of trenches or excavation work, including any burial, earthwork, removal or displacement of surface materials or vegetation cover, for any purpose;

(7) install or construct a structure, infrastructure or new works;

(8) reconstruct or demolish a structure, infrastructure or works;

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

(10) 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

(11) hold a sports event, tournament, rally or any other similar event where

(a) fauna or flora species are taken or are likely to be taken; or

(b) motor vehicles or craft are used.

6. Despite paragraphs 6, 7 and 8 of section 4, no authorization is required to carry out the work described in paragraph 1 of this section if the requirements of paragraph 2 are met.

(1) The work involves

(a) the maintenance, repair or improvement of any construction, infrastructure or works, including a camp, a cabin, a road or a trail, including an ancillary facility such as a lookout or stairs;

(b) the construction or installation

i. of a dependency or a facility ancillary to a trapping camp, a rough shelter, a shelter or a cabin, including a shed, a well, a water intake or sanitary facilities; or

ii. of a trapping camp, a rough shelter, a shelter or a cabin if, on the date status as a biodiversity reserve takes effect, such a building was allowed under the right of use or occupancy granted, but was not yet carried out; or

(c) the demolition or reconstruction of a trapping camp, a rough shelter, a shelter or a cabin, including a dependency or a facility ancillary to such a construction, including a shed, a well, a water intake or sanitary facilities;

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

(a) the work involves a construction, infrastructure or works whose presence is allowed in the biodiversity reserve;

(b) the work is carried out within the area of the land or right of way covered by the right of use or occupancy in the biodiversity reserve, whether the right results from a lease, a servitude or another 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 allowed by the provisions applicable to the sale, lease and granting of immovable rights under the Act respecting the lands in the domain of the State (chapter T-8.1) and, if applicable, the limits set under an authorization issued in connection with that construction, works or infrastructure;

(d) the work is carried out in accordance with the prescriptions of any permit or authorization issued for the work or in connection with the construction, infrastructure or works to which they are related, as well as in compliance with the applicable legislative and regulatory measures;

(e) in the case of forest roads, the work must not result in altering or exceeding the existing right of way, enlarging the driving roadway or converting the road into a higher class road.

For the purposes of this section, repair and improvement work includes work to replace or install structures or facilities with a view to complying with the requirements of environmental regulations.

7. No person may bury, abandon or dispose of waste, snow or other residual materials other than in waste disposal containers, facilities or sites determined by the Minister, or elsewhere with the authorization of the Minister.

DIVISION II RULES OF CONDUCT FOR USERS

8. No person may enter, carry on an activity or operate a vehicle in a given sector of the biodiversity 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.

9. No person may destroy, remove, move or damage any poster, sign, notice or other type of signage posted by the Minister within the biodiversity reserve.

DIVISION III ACTIVITIES REQUIRING AN AUTHORIZATION

10. No person may, for a period of more than 90 days in the same year, occupy or use the same site of the biodiversity reserve, unless the person has been authorized by the Minister.

(1) For the purposes of the first paragraph,

(a) the occupation or use of a site includes

i. staying or settling on the biodiversity reserve, for instance for vacation purposes;

ii. setting up a camp or shelter; and

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

(b) the expression “same site” includes any other site within a radius of 1 kilometre from the site;

(2) Despite the first paragraph, an authorization is not required if a person,

(a) on the date on which protection status as a biodiversity reserve takes effect, 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 (chapter C-61.1), and whose right to occupy the land is renewed or extended on the same conditions, subject to possible changes in fees; or

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

11. 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.

Despite the first paragraph, persons staying or residing in the biodiversity reserve and who collect wood required to make a campfire are not required to obtain the authorization of the Minister.

Such an authorization is also not required if a person collects firewood to meet domestic needs to supply a trapping camp or a rough shelter permitted within the biodiversity reserve in the following cases and on the following conditions:

(1) 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 Forests, Wildlife and Parks under the Sustainable Forest Development Act (chapter A-18.1);

(2) the quantity of wood collected does not exceed 7 apparent cubic metres per year.

Despite the first paragraph, an authorization to carry on a forest management activity is not required if a person authorized by lease to occupy land within the biodiversity reserve in accordance with this plan carries on the forest management activity for the purpose of

(1) clearing, maintaining or creating visual openings, and 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 for access roads, stairs or other trails permitted under those provisions; or

(2) clearing the necessary area for the installation, connection, maintenance, repair, reconstruction or improvement of power, water, sewer or telecommunication lines, facilities and mains.

If the work referred to in subparagraph 2 of the fourth paragraph 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 provided for in sections 12 and 14.

12. No person may carry on commercial activities in the biodiversity reserve, except with the authorization of the Minister.

Despite the first paragraph, no authorization is required if the activity does not involve the taking of fauna or flora resources, or the use of a motor vehicle.

DIVISION IV AUTHORIZATION EXEMPTIONS

13. Despite the preceding provisions, an authorization is not required for an activity or other form of intervention within the biodiversity 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 catastrophe. The person concerned must, however, immediately inform the Minister of the activity or intervention that has taken place.

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

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

(1) any activity or intervention required within the biodiversity reserve to complete a project for which express authorization had previously been given by the Government and the Minister, or only by the latter, in accordance with the requirements of the Environment Quality Act, 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 it is carried out in accordance with the request.

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.

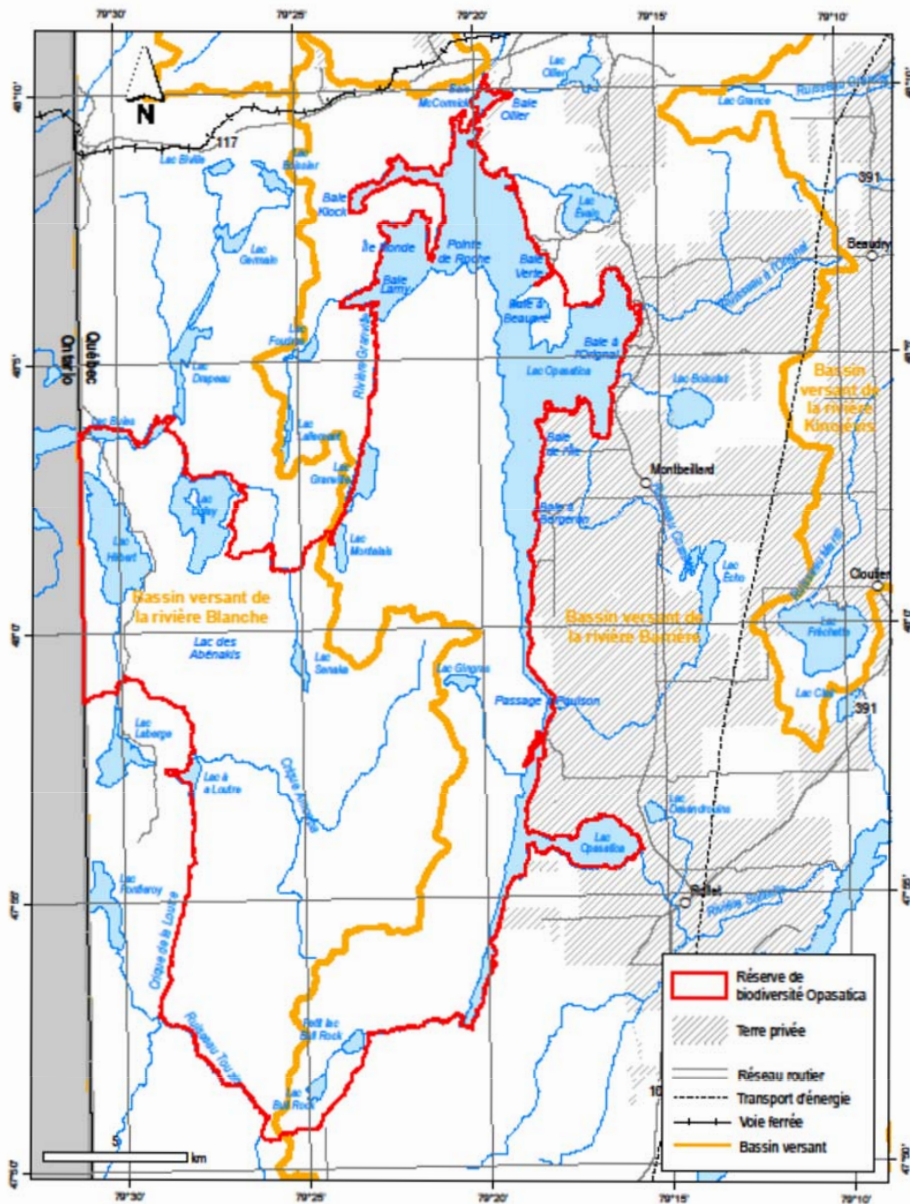
For the purposes of this section, the activities and interventions of the Société include but are not restricted to pre-project studies, analysis work or field research, work required to study and monitor the impact of power transmission and distribution line corridors and rights of way, geological or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

DIVISION V FINAL

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

SCHEDULE I**LOCATION PLAN OF THE RÉSERVE DE BIODIVERSITÉ OPASATICA**

(s. 1)



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

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