

Gouvernement du Québec

**O.C. 951-2001, 23 August 2001**

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

**Wildlife habitats**  
— Amendments

Regulation to amend the Regulation respecting wildlife habitats

WHEREAS under section 128.18 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), the Government may make regulations on the various matters mentioned therein;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Regulation respecting wildlife habitats attached hereto was published in Part 2 of the *Gazette officielle du Québec* of 27 December 2000 with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS comments were made on the draft and amendments have been made since that publication;

WHEREAS it is expedient to make the Regulation to amend the Regulation respecting wildlife habitats with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for Wildlife and Parks:

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

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

**Regulation to amend the Regulation respecting wildlife habitats\***

An Act respecting the conservation and development of wildlife  
(R.S.Q., c. C-61.1, ss. 128.1, 128.6 and 128.18, pars. 1 and 2)

1. Section 1 of the Regulation respecting wildlife habitats is amended

(1) by inserting “, 6 as regards the Gaspésie caribou population” in the introductory paragraph after “5”; and

(2) by substituting “the Regulation respecting threatened or vulnerable species and their habitats, made by Order in Council 950-2001 dated 23 August 2001” for “regulation under paragraph 2 of section 10 of the Act respecting threatened or vulnerable species (R.S.Q., c. E-12.01)” in paragraph 6.

2. The following is added to section 2:

“In Division II,

(1) “laying out as an uneven-aged structure” means forest management intended to ensure that all age and diameter classes are present in a stand so that it remains of uneven-aged; (*aménagement en structure inéquienne*)

(2) “selection cutting” means the felling or harvesting of chosen trees in order to keep in the stand stems from each age or diameter class; it requires the marking in each of the age or diameter classes of the trees to be harvested in the stand; (*coupe de jardinage*)

(3) “cut with regeneration and soil protection including high regeneration” means cutting all at once all the trees in an area, while preserving advance regeneration and stems smaller than 10 centimetres at breast height, minimising any disturbance of the soil during harvest operations and ensuring the protection of lichen-bearing snags; (*coupe avec protection de la régénération et des sols incluant la haute régénération*)

(4) “release of softwood regeneration” means an operation that consists in favouring seedlings of softwood species at the expense of competing plant species such as ligneous or herbaceous species; (*dégagement de régénération résineuse*)

\* The Regulation respecting wildlife habitats, made by Order in Council 905-93 dated 22 June 1993 (1993, *G.O.* 2, 3536), was last amended by the Regulation made by Order in Council 256-99 dated 24 March 1999 (1999, *G.O.* 2, 426). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2000, updated to 1 November 2000.

(5) “precommercial thinning” means an operation that consists in reducing the density of seedlings to increase the growth and strength of remaining stems; that intervention does not allow for the harvest of merchantable volume; (*éclaircie précommerciale*)

(6) “commercial thinning” means a partial cut in a stand so as to reduce the number of stems and to give more strength to the remaining stems; that intervention allows for the harvest of a merchantable volume; (*éclaircie commerciale*)

(7) “even-aged stand” means a stand where trees have the same or almost the same age; (*peuplement équien*)

(8) “uneven-aged stand” means a stand comprising trees from different age or diameter classes; (*peuplement inéquien*)

(9) “planting” means an operation that consists in putting seedlings into the soil so as to quickly occupy the station (*plantation*).

In this Regulation, “habitat of the Gaspésie caribou population” means the habitat described in section 2 of the Regulation respecting threatened or vulnerable species and their habitats.”.

3. The following paragraph is added at the end of section 8:

“Notwithstanding the first paragraph, a person may carry on the forest management activities referred to in sections 8.1 to 8.5 in the habitat of the Gaspésie caribou population shown on the chart in Schedule 1, provided that the person does so during the period from 15 June to 1 November while complying with the standards applicable to the activities prescribed in those sections.”.

4. The following is inserted after section 8:

“8.1 In the territory of the conservation zone shown on the chart in Schedule 1, a person may carry on silvicultural activities for the following purposes only:

- (1) to improve the production of lichens;
- (2) to facilitate the movement of the Gaspésie caribou population, designated as a vulnerable species by section 2 of the Regulation respecting threatened or vulnerable species and their habitats; or
- (3) to increase a stand’s resistance to the spruce budworm.

8.2 In the management zone 2A shown on the chart in Schedule 1, a person may carry on the following silvicultural activities only, and only for the purposes indicated, where applicable:

- (1) selection cutting;
- (2) laying out an uneven-aged structure; or

(3) precommercial thinning to improve the production of lichens or to facilitate the movement of caribou referred to in paragraph 2 of section 8.1.

8.3 In the management zone 2B shown on the chart in Schedule 1, a person may carry on the following silvicultural activities only, and only on the conditions and for the purposes indicated, where applicable:

(1) in an even-aged stand in the balsam fir-white birch forest zone on a fine-textured mesic site:

(a) cutting with regeneration and soil protection including high regeneration over a maximum of 10 hectares in a single block, leaving intact an adjacent block of forest of the same size, in 15-year intervals; at all times, at least 33% of all stands must be 90 years old or more; the area of the felling and hauling trails shall not exceed 25% of the total area of the cutting sector;

- (b) commercial thinning;
- (c) precommercial thinning;
- (d) planting; or
- (e) the release of softwood regeneration;

(2) in an even-aged stand in the balsam fir-white birch forest zone on a mountainous fine-textured mesic site:

(a) cutting with regeneration and soil protection including high regeneration over a maximum of 5 hectares in a single block, leaving intact an adjacent block of forest of the same size, in 20-year intervals; at all times at least 33% of all stands must be 90 years old or more;

(b) precommercial thinning to accelerate regeneration and to meet the needs of the caribou referred to in paragraph 2 of section 8.1;

- (c) the release of softwood regeneration; or
- (d) planting;

(3) in an uneven-aged stand in the balsam fir-white birch forest zone on a mountainous fine-textured mesic site or on a fine-textured mesic site, selection cutting must be performed over a basal area of 30 sq. m/ha all species before treatment and 21 sq. m/ha all species after treatment, according to a felling percentage of no more than 30% and according to a turnaround time of 30 years except for the balsam fir-white birch forest zone on a fine-textured mesic site in which case the turnaround time shall be 25 years. The width of hauling trails shall not exceed 4 metres and they must be spaced out at intervals of at least 28 metres.

**8.4** In the management zone 2C shown on the chart in Schedule 1, a person may carry on the following silvicultural activities only and only on the conditions indicated:

(1) in an even-aged stand in the balsam fir-white birch forest zone on a fine-textured mesic site:

(a) cutting with regeneration protection including high regeneration over a maximum of 10 hectares in a single block, leaving intact an adjacent block of forest of the same size, in 15-year intervals; at all times at least 33% of all stands must be 70 years old or more; the area of the felling and hauling trails shall not exceed 25% of the total area of the cutting sector;

(b) commercial thinning;

(c) precommercial thinning;

(d) planting; or

(e) the release of softwood regeneration;

(2) in an uneven-aged stand of balsam fir-white birch, selection cutting shall be performed in accordance with paragraph 3 of section 8.3.

**8.5** When activities referred to in sections 8.1 to 8.4 are carried on in the balsam fir-white birch forest zone on a mountainous fine-textured mesic site, neither cable and grapple skidders nor fixed-head tree fellers may be used; furthermore, the width of the access roads may not exceed 20 metres, including the right-of-way.”.

**5.** The words “other than the habitat of the Gaspésie caribou population, with respect to the territory of the Chic-Chocs Wildlife Sanctuary shown on the chart in Schedule 1” are added at the end of section 9.

**6.** The following is inserted after section 12:

“**12.1.** In the habitat of the Gaspésie caribou population located in the Chic-Chocs Wildlife Sanctuary and shown on the chart in Schedule 1, activities such as outcrop stripping, trenching, excavating, boring, seismic refraction surveying, well sinking for the purposes of exploring for natural gas or petroleum, or access road construction for the purposes of those activities may be carried out only in compliance with the following requirements:

(1) written notice shall be sent by registered mail to the Minister at least 15 days prior to the date set to begin the work; the notice must specify the type of work planned, the size of the area involved, the location and the work schedule;

(2) the activity may be carried out only during the period from 15 June to 1 November;

(3) the area where outcrop stripping, trenching, excavating, boring or well sinking for the purposes of exploring for natural gas or petroleum take place may not exceed 5 hectares in a single block and such areas shall be spaced out at intervals of at least 100 metres;

(4) the sum of the areas where such activities take place may not be more than 2% of the total area of the territory shown in Schedule 1; and

(5) trenches and other excavations shall be filled in and organic matter shall be spread over them when the activity has been completed.

The percentage requirement in subparagraph 4 of the first paragraph is cumulative and shall apply to areas deforested year after year in simultaneous or successive deforestation activities by one or more persons for a maximum of 10 years from the completion of the work or, where the work lasts less than one year, from the beginning of the work.”.

**7.** The following is inserted after section 19:

“**19.1** The prohibition set forth in section 128.6 does not apply to a person whose activities are carried out in the habitat of the Gaspésie caribou population and are related to the maintenance of the right-of-way of an aboveground or underground telecommunications line or a power distribution line.”.

**8.** The words “and maintenance” are inserted after the word “development” in the heading of Division V.

**9.** The following paragraphs are added to section 25:

“The prohibition set forth in the first paragraph does not apply either to a person who carries on, in the habitat of the Gaspésie caribou population, activities involving the maintenance of a vacation site, in particular of a wilderness campsite or a developed campsite with or without services or of a rest area, including a strip of 20 metres around it; the prohibition does not apply either to a person who carries on landscaping or maintenance activities in a services zone in the part of Parc de conservation de la Gaspésie located in that habitat.

For the purposes of the second paragraph, “services zone” means a services zone appearing as such in Schedule 2 to the Parks Regulation, made by Order in Council 838-2000 dated 28 June 2000.”

10. The following paragraph is added to section 26:

“The prohibition set forth in the first paragraph does not apply to a person whose activities are related to the maintenance of trails referred to in that paragraph and located in the habitat of the Gaspésie caribou population.”

11. The words “other than the habitat of the Gaspésie caribou population” are added at the end of section 36.

12. Schedule 1 attached hereto is added at the end of the Regulation.

13. This Regulation comes into force on the same date as the Regulation respecting threatened or vulnerable species and their habitats, made by Order in Council 950-2001 dated 23 August 2001.

