

## Regulations and other acts

Gouvernement du Québec

### O.C. 110-2003, 6 February 2003

Natural Heritage Conservation Act  
(2002, c. 74)

Temporary protection of certain lands in the domain of the State as proposed aquatic reserves

WHEREAS, under section 27 of the Natural Heritage Conservation Act (2002, c. 74), for the purpose of protecting land to be established as a new protected area, the Minister of the Environment shall, with the approval of the Government, prepare the plan of that area, establish a conservation plan and assign temporary protection status to the area as a proposed aquatic reserve, biodiversity reserve, ecological reserve or man-made landscape;

WHEREAS, by reason of the ecological and heritage values they represent, it is expedient to assign temporary protection status as a proposed aquatic reserve to each of the Ashuapmushuan and Moisie rivers and part of their watershed, to prepare the plan of those areas and to establish their conservation plan for the duration of the temporary protection status assigned to them, those plans being attached hereto;

IT IS ORDERED, therefore, on the recommendation of the Minister of State for Municipal Affairs and Greater Montréal, the Environment and Water and Minister of the Environment:

THAT the Minister of the Environment be authorized to assign temporary protection status as a proposed aquatic reserve to each of the Ashuapmushuan and Moisie rivers and that the plans of those areas and the conservation plan proposed for each of them, attached hereto, be approved.

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

PLAN OF THE PROPOSED ASHUAPMUSHUAN RIVER AQUATIC RESERVE AND CONSERVATION PLAN FOR THE RESERVE  
(provisional name) February 2003

### 1. Plan and description

#### 1.1. Geographic location, boundaries and dimensions

The plan of the proposed Ashuapmushuan river aquatic reserve and its location are shown on the maps in Schedules A.1 and A.2.

The proposed Ashuapmushuan river aquatic reserve is located in the Saguenay–Lac Saint-Jean region, between 48°40' and 50°45' latitude north and 73°42' and 72°44' longitude west. It is at the northwestern end of Lac Saint-Jean, roughly thirty kilometres from Ville de Saint-Félicien.

It lies within the territory of the regional municipal counties of Le Domaine-du-Roy (to the south of the river and to the west of Du Chef river) and Maria-Chapdelaine (to the north of the river and to the east of Du Chef river).

From upstream to downstream, the reserve covers the non-municipalized territories of Lac-Ashuapmushuan and Rivière-Mistassini, and extends to the southwestern boundary of Municipalité de Saint-Thomas-Didyme.

The proposed aquatic reserve covers an area of 276.6 km<sup>2</sup>. Its boundaries were defined using a visibility model to simulate what can be perceived from a canoe on the Ashuapmushuan river. It comprises a corridor between 600 m and 6 km wide, taking in the main bed of the Ashuapmushuan river and the slopes of its valley from km 177 to km 51 from its mouth.

#### 1.2. Ecological overview

The area is in the Central Laurentian natural province. It protects a river that is characteristic of the natural region of the Manouane lake depression.

##### 1.2.1. Representative elements

Climate: The Ashuapmushuan river watershed is characterized by a subpolar, subhumid continental climate, with a middle growing season. Its upstream portion belongs to the bioclimatic field of mossy spruce stands, and its downstream portion to the bioclimatic field of fir stands with white birch.

**Geology and geomorphology:** The territory is part of the Laurentian highlands, attached to the Canadian Shield. Its average altitude is 335 m, varying between 155 m and 509 m. The substratum mainly comprises felsic rock. The valley slopes are covered by moderately drained till. The valley bottom is covered with glaciofluvial deposits (sand and gravel), except where there are rapids, where rock and washed till are found.

**Hydrography:** The Ashuapmushuan river is a Strahler 7 river. It is, after the Mistassini and the Péribonka, the largest of the 45 tributaries flowing into Lac Saint-Jean. It carries a little over one-fifth of the inflow into the lake. Its source is in the lake of the same name at an altitude of 360 m. Over most of its length it flows in narrow valleys. It is fed by some thirty permanent tributaries, the most important of which are the Du Chef, Normandin, Chigoubiche, Marquette, Aux Saumons and Du Cran rivers. It has around twelve waterfalls, the most spectacular being the De la Chaudière waterfall at km 82. The extensive hydrographic features cover 10% of the territory. The protected area also includes 92 islands covering a total area of 0.8 km<sup>2</sup>, or 0.3% of its total area.

**Vegetation:** The land in the proposed Ashuapmushuan river aquatic reserve is forest-covered, with trees growing on nine-tenths of the protected area. Half of the land is covered by young, mainly softwood stands, and one-third by mixed stands. Black spruce (*Picea mariana*) and balsam fir (*Abies balsamea*) are the main species on high ground, while jack pine (*Pinus banksiana*) is found on sandy terraces. Hardwood stands and wetlands (peat bogs and alder groves) are generally found in valley bottoms. One-quarter of the reserve was recently logged.

### 1.2.2. Outstanding elements

The Ashuapmushuan is a major habitat for landlocked salmon (*Salmo salar* ouananiche), a freshwater form of the Atlantic salmon, which is found as a native northern species in the northern hemisphere. The Ashuapmushuan river is accessible to salmon up to the De la Chaudière falls. It contains several spawning and parr raising sites, and makes a substantial contribution (70% to 90%) to the salmon production in Lac Saint-Jean. It is also a key biological corridor between Lac Saint-Jean and other salmon rivers (such as the Aux Saumons, À l'Ours, Pémonca and Du Cran rivers). The landlocked salmon population has been in a worrying decline since the 1900s. The implementation of regulatory measures and a stocking program have helped re-establish the salmon, but over the last two years the situation has once again become a cause for concern.

The Ashuapmushuan river is also important in terms of heritage. The Ashuapmushuan basin contains several archaeological sites that bear witness to occupation at an early date (6,500 to 7,000 B.C.), especially old Amerindian cemeteries and celebration sites used by the first inhabitants of North America. The river also played a major role in expeditions along the fur route between Tadoussac and Hudson Bay. The remains of the religious and commercial settlement built in 1686 on the eastern shore of Ashuapmushuan lake, at the western edge of the protected area, are one of the most outstanding and best-preserved remnants of the fur-trading period in Québec. In later times, the Ashuapmushuan was used for timber driving. The heritage value of the river is also confirmed by the presence in its waters of over twenty species of fish, including the landlocked salmon that, in 1988, became the regional emblem of the Saguenay-Lac Saint-Jean region.

### 1.3. Land occupation and use

The land occupations and uses in the proposed Ashuapmushuan river aquatic reserve are shown on the map in Schedule A.3.

Four power transmission lines, 19 km in total length, cross the zone from the west to the south. To the west, the area is bounded over a distance of 4.5 km by paved Highway 167.

The road network comprises 78% of roads unsuitable for road vehicles (220 km) and 20% of unpaved roads (58 km). The longest unpaved road follows the southern bank of the Ashuapmushuan for 30 km, from km 120.

Land rights have been granted on four sites on the perimeter of the protected area (3 Native camps and 1 commercial tourism lease).

The entire area is also an integral part of the Roberval beaver reserve, where the Inuit community of Mashteuiatsh residing at Pointe-Bleue has special rights regarding the hunting and trapping of fur-bearing animals.

The land located to the south of the Ashuapmushuan river, and a 200m wide band along the northern bank, is in the Ashuapmushuan wildlife sanctuary. The sector managed by the Société des établissements de plein air du Québec (SÉPAQ) covers 190 km<sup>2</sup>, or a little over two-thirds of the total area (68.7%). Recreational activities (small and big game hunting, fishing, blueberry picking, wildlife observation, hiking, canoeing, canoe-camping, etc.) are subject to the regulations in force (such as visitor registration and payment of the applicable fees).

The land located on the eastern bank of the Ashuapmushuan river, from Damville lake to Bouchain lake, is subject to the exclusive rights of the Damville outfitting operation. The wildlife management zone covers 11.2 km<sup>2</sup>, or 4% of the total area.

Some river banks are part of the Lac Saint-Jean community wildlife area, covering an area of 11.2 km<sup>2</sup>, or 1.9% of the proposed area.

Some sections of the territory were logged before the reserve was created.

## 2. Protection status

The proposed aquatic reserve safeguards the main bed of the Ashuapmushuan river and some of the slopes of its valley. The area includes landscapes of high quality and an outstanding cultural heritage. The river offers, in addition, habitats that are essential to the maintenance of the landlocked salmon population, the regional emblem.

Aquatic reserve status would allow the pursuit of the following conservation objectives :

- the conservation of a representative river in the natural region of the Manouane lake depression ;

- the protection of essential landlocked salmon habitats ;

- the preservation of biodiversity in aquatic and land-based ecosystems ;

- the ongoing sustainable management of fur-bearing animals ;

- the development of certain key elements in the landscape (such as the De la Chaudière waterfall) ;

- the preservation of sites of recognized or potential archaeological interest, and of the landscape visible from the bottom of the Ashuapmushuan valley ;

- the acquisition of new knowledge concerning natural and cultural heritage.

## 3. Activities within the reserve

All activities carried on within the proposed Ashuapmushuan river aquatic reserve are governed by the provisions of the Natural Heritage Conservation Act (2002, c. 74).

Except for the prohibition mentioned in item 3.1.2, this conservation plan does not specify any prohibited activity other than those prohibited in proposed aquatic reserves by the Act; nor does it authorize any other activities, or set any additional constraints on the activities permitted by the Act.

### 3.1. Prohibited activities

#### 3.1.1. General prohibitions enacted by law

For reference purposes, it is important to note that under the Natural Heritage Conservation Act, the main activities prohibited in an area designated as a proposed aquatic reserve are :

- mining, and gas or petroleum development ;

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

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

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

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

- earthwork, backfilling or construction work.

#### 3.1.2. Additional prohibitions

In the proposed Ashuapmushuan river aquatic reserve, any type of activity likely to degrade the bed, banks or shores or to otherwise affect the integrity of any body of water or watercourse in the reserve is also prohibited.

### 3.2. Activities governed by other Acts

All activities carried on within the boundaries of the proposed Ashuapmushuan river aquatic reserve remain governed by the other applicable legislative and regulatory provisions, including those that require the issue of a permit or authorization or the payment of fees. The carrying on of certain activities may also be prohibited or limited by other Acts or regulations applicable within the boundaries of the proposed aquatic reserve.

In particular, within the boundaries of the proposed aquatic reserve, special legal rules may govern permitted and prohibited activities in connection with:

— Archaeological research (especially the measures contained in the Cultural Property Act (R.S.Q., c. B-4));

— Utilisation of wildlife resources (especially the measures contained in the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), the regulation on beaver reserves and the management plan for the Ashuapmushuan wildlife reserve and, where applicable, the measures contained in the applicable federal legislation);

— Access (especially the measures contained in the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1));

— Land rights (especially the measures contained in the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) and in leases issued by the Minister of Natural Resources).

### 3.3. Supervision of activities

The Minister of the Environment is responsible for the application of the Natural Heritage Conservation Act, and is also responsible for the proposed aquatic reserves established under that Act. The Minister will supervise and monitor the measures contained in the Act with regard to permitted activities in protected areas.

All other government departments and bodies will retain their responsibilities as set out in all the legislative and regulatory texts that apply within a proposed aquatic reserve.

The Minister of Natural Resources will supervise all activities subject to the Minister's authority within the territory of the proposed Ashuapmushuan river aquatic reserve, in particular as regards permitted forms of land occupation.

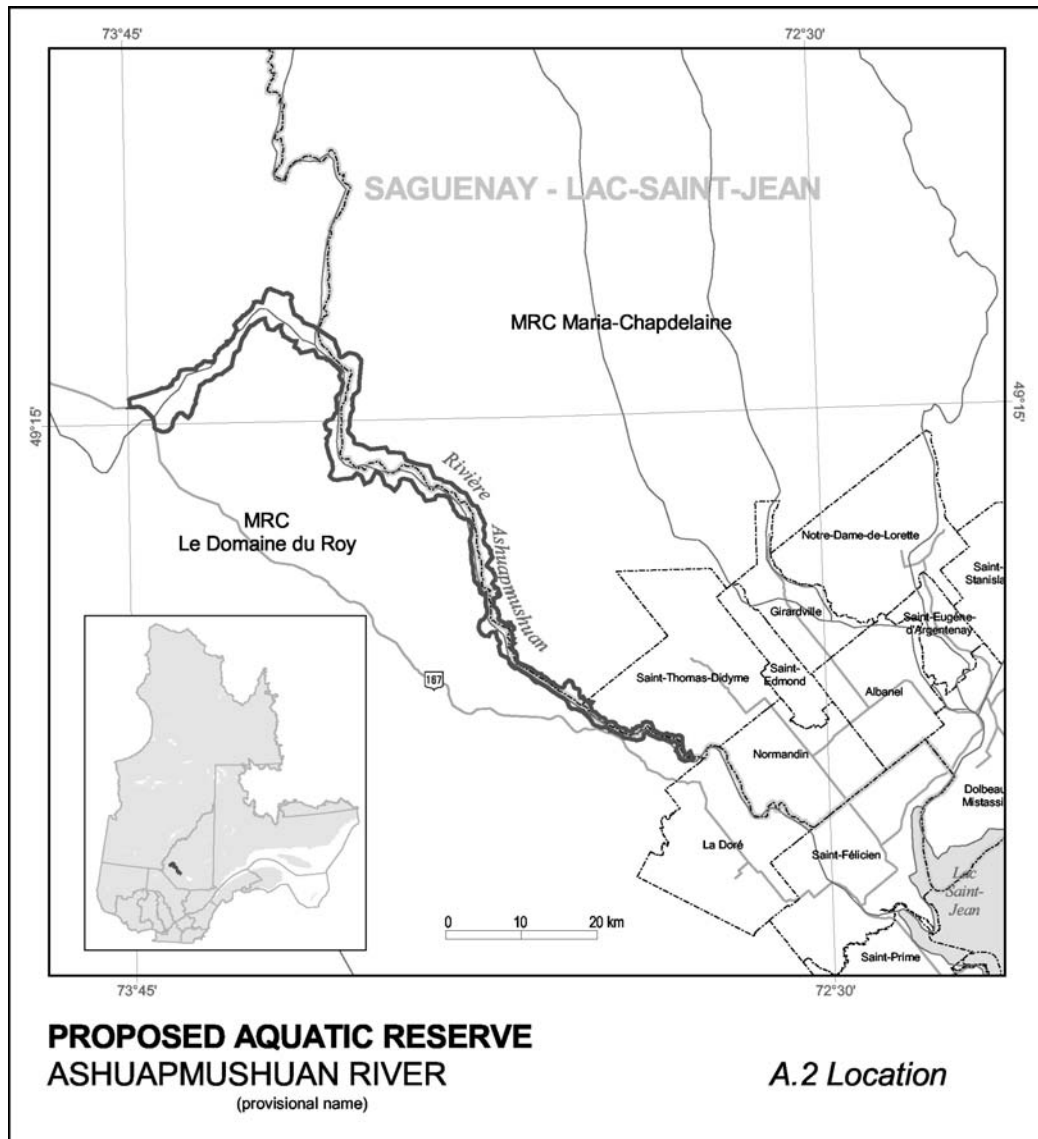
The Société de la faune et des parcs du Québec (FAPAQ) remains responsible for supervising the activities relating to wildlife protection and management that are under its responsibility, and the Société des établissements de plein air du Québec (SÉPAQ) remains responsible for the Ashuapmushuan wildlife sanctuary.

## 4. Permanent protection status

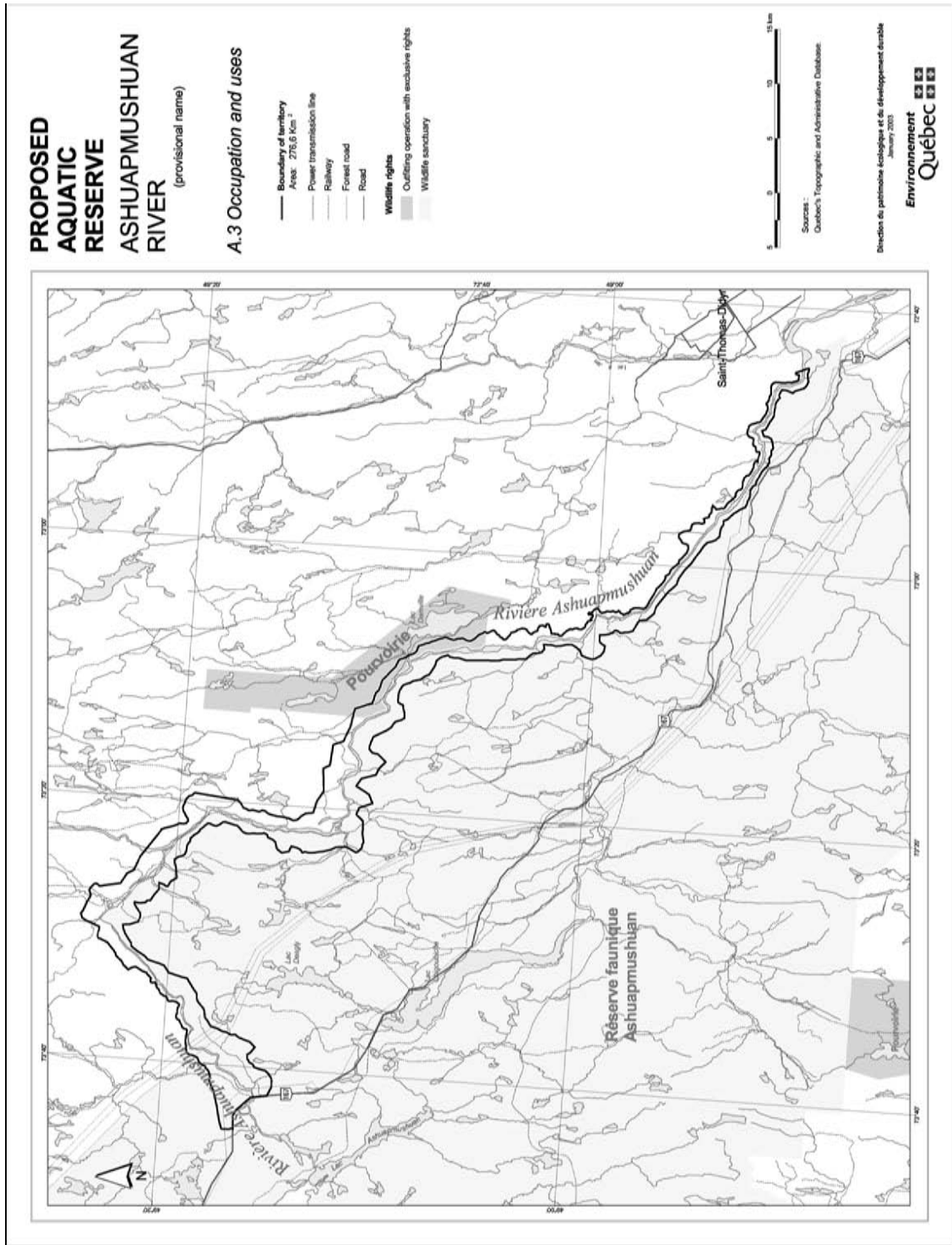
The permanent protection status envisaged for the reserve is "aquatic reserve" status under the Natural Heritage Conservation Act.



**A.2. Map showing the location of the proposed Ashuapmushuan river aquatic reserve (provisional name)**



A.3. Map showing land occupation and use in the proposed Ashuapmushuan river aquatic reserve (provisional name)



PLAN OF THE PROPOSED MOISIE RIVER  
AQUATIC RESERVE AND CONSERVATION  
PLAN FOR THE RESERVE  
(provisional name) February 2003

1. Plan and description

1.1. Geographic location, boundaries and dimensions

The plan of the proposed Moisie river aquatic reserve and its location are shown on the maps in Schedules A.1 and A.2.

The proposed Moisie river aquatic reserve is located in the Côte-Nord administrative region, between 50°19' and 52°29' latitude north and 65°58' and 67°33' longitude west. It is situated on the north shore of the Gulf of St. Lawrence, roughly 25 km from Ville de Sept-Îles. It has a network of roads suitable for road vehicles that are accessible from Highway 138.

It lies within the territory of the regional county municipalities of Caniapiscau, upstream, and Sept-Rivières, downstream.

From upstream to downstream, the river runs through the non-municipalized territories of Rivière-Mouchalagane, Rivière-Nipissis and Lac-Walker, and through the territory of Ville de Moisie.

The proposed aquatic reserve covers an area of 3 897,5.8 km<sup>2</sup>. It comprises a corridor between 6 km and 30 km wide, taking in the main bed of the Moisie river from km 37 to km 358 from its mouth, along with a broad strip of its adjacent watershed among which 115 km of Aux Pékans river.

1.2. Ecological overview

The area is in the Central Laurentian natural province. It protects a river that is characteristic of the natural regions of the Manicouagan Reservoir Basin and the Sainte-Marguerite River Plateau.

1.2.1. Representative elements

Climate: The watershed of the Moisie river straddles three distinct climate zones. From upstream to downstream, it is characterized by a cold, subpolar and subhumid climate with a short growing season, a subpolar, humid climate with a middle growing season, and a subpolar, subhumid climate with a middle growing season. The entire proposed aquatic reserve belongs to the bioclimatic field of mossy spruce stands.

Geology and geomorphology: The reserve is in the Grenville geologic province. It is part of the Canadian Shield, and constitutes the foothills of a powerful mountain range created almost one billion years ago. The substratum is mainly formed by crystalline rocks, in this instance gneiss and paragneiss. Upstream, the bedrock contains occasional carbonate rock, in this instance marble. In the downstream sector of the proposed aquatic reserve, the bedrock contains occasional mafic (anorthosite) and felsic (charnockitic) rocks. Upstream, the bedrock is covered by a thin till, and downstream surface deposits mainly comprise rock and peat. The valley bottom of the Moisie river is covered by glaciofluvial sand and gravel. The overall landscape presents a complex assembly of high and low hills, mounds and hummocks. The average altitude is 437 m, varying between 8 m and 991 m.

Hydrography: The Moisie river is a Strahler 6 river. Its source is in Ménistouc lake at an altitude of 520 m. It flows into the St. Lawrence estuary, and has a total length of 363 km. Its mouth is situated about 25 km to the east of Sept-Îles. The drainage system of the Moisie river drains a vast area of 19,196 km<sup>2</sup>. The river is fed by nine tributaries draining an area of over 300 km<sup>2</sup>. The two largest are Aux Pékans river to the north (3,419 km<sup>2</sup>) and Nipisso river to the south (4,196 km<sup>2</sup>). The river bed drops by an average of 1.4m per kilometre. It zigzags through inset gorges over much of its length, with scattered waterfalls and rapids. The annual average flow is 401 m<sup>3</sup>/s. The Moisie river has water of an exceptional quality compared to the other Québec rivers flowing off the Canadian Shield.

Vegetation: One-third of the proposed reserve is forest-covered, mainly by mature softwood stands. Black spruce (*Picea mariana*) predominates, often with balsam fir (*Abies balsamea*). Jack pine (*Pinus banksiana*) is restricted to sandy terraces. White birch (*Betula papyrifera*) is the mostly frequently encountered hardwood in the small number of mixed stands. Upstream, the steeper valley slopes are covered by heathland.

1.2.2. Outstanding elements

The Moisie river is clearly the most renowned salmon river (for *Salmo salar*) on the North Shore, because of the high average weight (roughly 7kg) of the individual catches. The spawning run on the Moisie river involves a high proportion of salmon that have spent several seasons at sea, and some fish return to spawn several seasons running. The Atlantic salmon population is currently in an alarming decline throughout its distribution area. On the Moisie river, salmon is fished on the lower 170 km and on the southern part of the Nipisso river. The annual harvest is between 1,000 and 1,500 fish, for roughly 6,500 fishing days. The economic spin-offs generated amount to around \$2 million.



Lastly, the Moisie river has high heritage value: it runs through grandiose, well-preserved scenery, and has not been harnessed to produce hydroelectric power. Its waterfalls, rapids and source, and the absence of any industrial or residential development, make it one of the last wild rivers on the North Shore.

### 1.3. Land occupation and use

The land occupations and uses in the proposed Moisie river aquatic reserve are shown on the map in Schedule A.3.

Two power transmission lines, 16 km in total length, cross the southern end of the proposed aquatic reserve.

Land rights have been granted on 57 sites within the perimeter of the proposed aquatic reserve. They involve

- 37 cottage leases;
- 15 leases for the construction of temporary forest shelters;
- 2 leases for trapping camps;
- 1 lease for community purpose;
- 1 lease for the construction and/or reconstruction of a trail.

Almost all of the proposed reserve lies within the Saguenay beaver reserve, where the Sept-Îles Inuit community residing at Uashat and Malioténam has special rights regarding the hunting and trapping of fur-bearing animals.

The part of the proposed aquatic reserve situated outside the beaver reserve includes traplines that are part of management unit 60 for fur-bearing animals (UGAF 60).

The proposed aquatic reserve includes the territory of four exclusive-right outfitting operations, covering 58.6 km<sup>2</sup>, or 2% of the total area.

An agreement to manage fishing on the Moisie river is currently being negotiated by the Société de la faune et des parcs du Québec and the Uashat Malioténam Nation in order to

- ensure that action is taken to protect the wildlife resources of the river and its tributaries;
- plan and implement research activities on the biology of the Atlantic salmon and the anadromic speckled trout;

— define the parameters for the establishment of a management council for the Moisie river.

### 2. Protection status

The Moisie river is one of the most important salmon rivers in Québec. It flows through a natural, wild landscape and offers remarkable scenery.

Aquatic reserve status would allow the pursuit of the following conservation objectives:

- the conservation of a representative river in the natural region of the Manicouagan Reservoir Basin and the Sainte-Marguerite River Plateau;
- the protection of the Atlantic salmon population;
- ongoing biodiversity in aquatic and riverbank ecosystems;
- the development of certain key elements in the landscape;
- the preservation of the landscape visible from the bottom of the Moisie river valley;
- the acquisition of new knowledge on salmon ecology and on the natural heritage of the Moisie river.

### 3. Activities within the reserve

All activities carried on within the proposed Moisie river aquatic reserve are governed by the provisions of the Natural Heritage Conservation Act (2002, c. 74).

Except for the prohibition mentioned in item 3.1.2, this conservation plan does not specify any prohibited activity other than those prohibited in proposed aquatic reserves by the Act; nor does it authorize any other activities, or set any additional constraints on the activities permitted by the Act.

#### 3.1. Prohibited activities

##### 3.1.1. General prohibitions enacted by law

For reference purposes, it is important to note that under the Natural Heritage Conservation Act, the main activities prohibited in an area designated as a proposed aquatic reserve are:

- mining, and gas or petroleum development;

— mining, gas or petroleum exploration, brine and underground reservoir exploration, prospecting, and digging or boring, where such activities necessitate stripping, the digging of trenches, excavation or deforestation;

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

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

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

— earthwork, backfilling or construction work.

### 3.1.2. Additional prohibitions

In the proposed Moisie river aquatic reserve any type of activity likely to degrade the bed, banks or shores or to otherwise affect the integrity of any body of water or watercourse in the reserve is also prohibited.

### 3.2. Activities governed by other Acts

All activities carried on within the boundaries of the proposed Moisie river aquatic reserve remain governed by the other applicable legislative and regulatory provisions, including those that require the issue of a permit or authorization or the payment of fees. The carrying on of certain activities may also be prohibited or limited by other Acts or regulations applicable within the boundaries of the proposed aquatic reserve.

In particular, within the boundaries of the proposed aquatic reserve, special legal rules may govern permitted and prohibited activities in connection with:

— Archaeological research (especially the measures contained in the Cultural Property Act (R.S.Q., c. B-4);

— Utilisation of wildlife resources (especially the measures contained in the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1) and the regulation on beaver reserves and, where applicable, the measures contained in the applicable federal legislation);

— Access (especially the measures contained in the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1));

— Land rights (especially the measures contained in the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) and in leases issued by the Minister of Natural Resources).

### 3.3. Supervision of activities

The Minister of the Environment is responsible for the application of the Natural Heritage Conservation Act, and is also responsible for the proposed aquatic reserves established under that Act. The Minister will supervise and monitor the measures contained in the Act with regard to permitted activities in protected areas.

All other government departments and bodies will retain their responsibilities as set out in all the legislative and regulatory texts that apply within a proposed aquatic reserve.

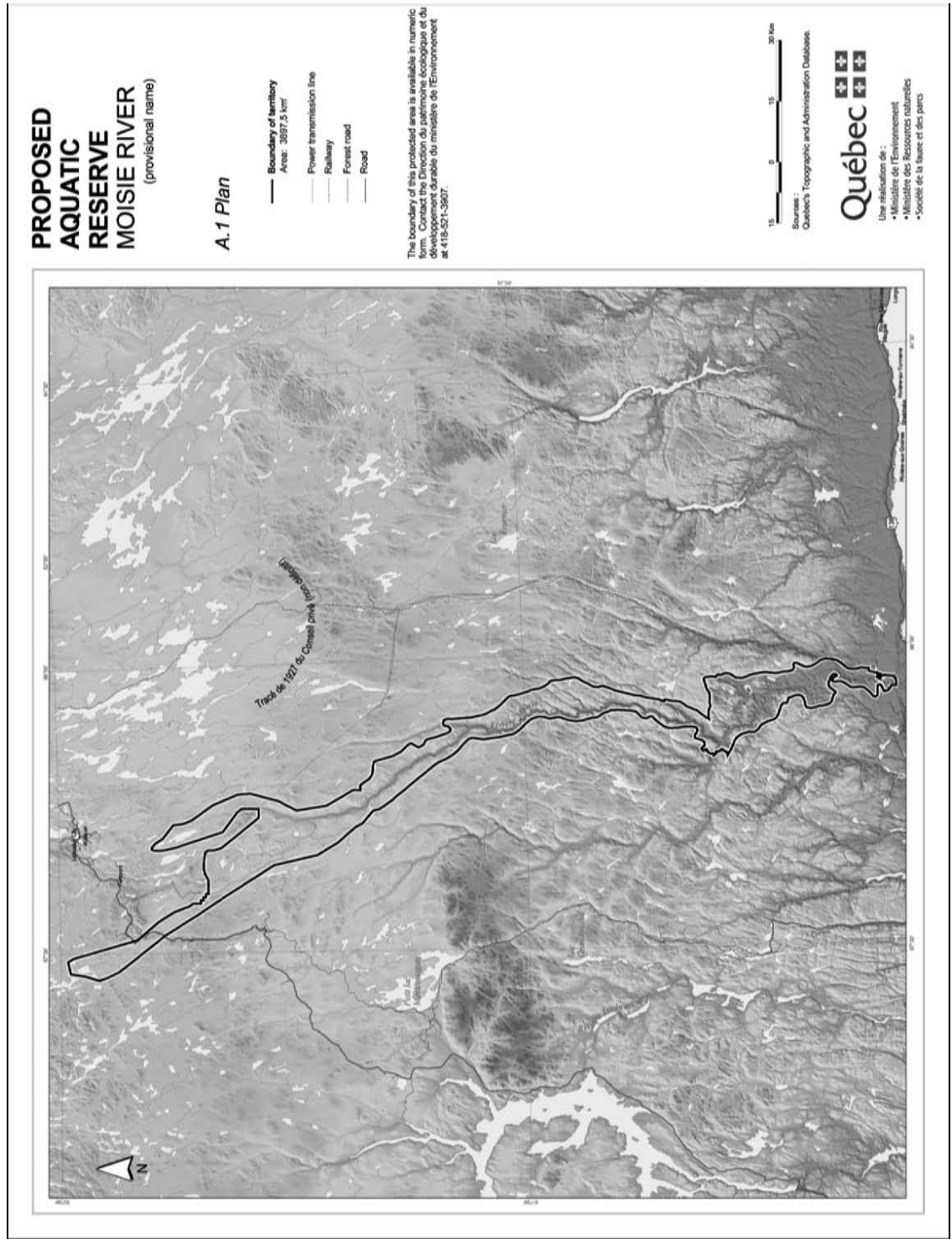
The Minister of Natural Resources will supervise all activities subject to the Minister's authority within the territory of the Moisie river, in particular as regards permitted forms of land occupation.

The Société de la faune et des parcs du Québec (FAPAQ) remains responsible for supervising the activities relating to wildlife protection and management that are under its responsibility.

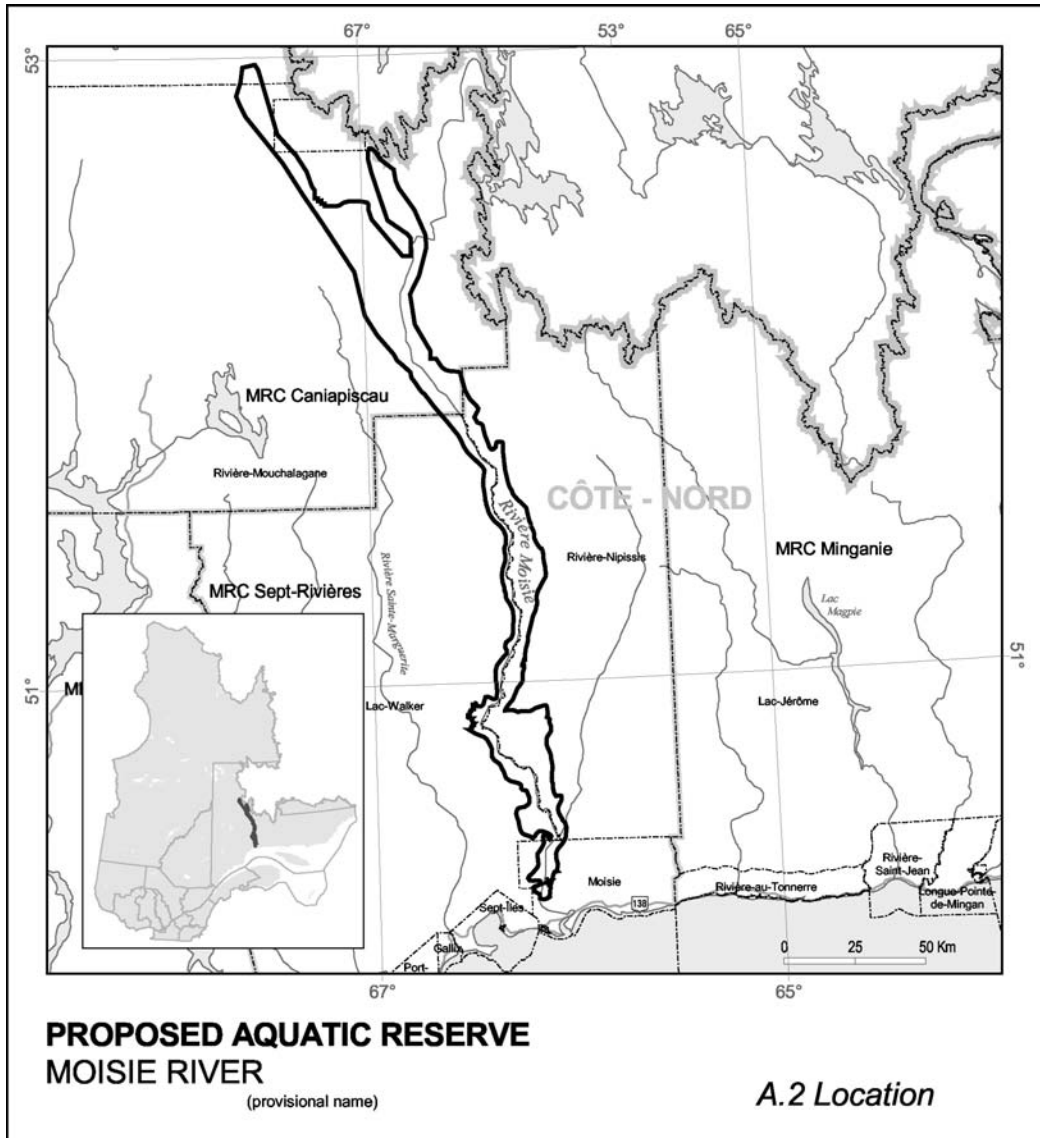
### 4. Permanent protection status

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

**SCHEDULES**  
**A.1. Plan of the proposed Moisie river aquatic reserve (provisional name)**



**A.2. Map showing the location of the proposed Moisie river aquatic reserve (provisional name)**



A.3. Map showing land occupation and use in the proposed Moisie river aquatic reserve (provisional name)

