

Regulations and other acts

Gouvernement du Québec

O.C. 1062-2004, 16 November 2004

An Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities (2003, c. 14),

Amendment to Order in Council 596-2004 dated 21 June 2004

WHEREAS, in accordance with section 51 of the Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities (2003, c. 14), the Government established a transition committee in respect of Ville de Québec and determined that the number of members of the committee be six;

WHEREAS one of the members of the committee, designated by the Minister of Municipal Affairs, Sports and Recreation, resigned on 21 September 2004;

WHEREAS it is not expedient that a new member be designated to the transition committee;

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

THAT the Schedule to Order in Council 596-2004 dated 21 January 2004 be amended by reducing the number of members of the transition committee in respect of Ville de Québec to five.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

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Gouvernement du Québec

O.C. 1069-2004, 16 November 2004

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

Approval of an amendment to the plan of the proposed Waskaganish biodiversity reserve and to its conservation plan

WHEREAS, under the first paragraph of section 27 of the Natural Heritage Conservation Act (R.S.Q., c. C-61.01), for the purpose of protecting land to be established as a new protected area, the Minister of 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, under section 31 of the Act, the Minister may, on the same conditions, amend, replace or revoke the plan of land set aside under the first paragraph of section 27 or the conservation plan established for that land, and no amendment to or replacement of a plan may affect the period of time for which the land has been set aside;

WHEREAS, in accordance with the provisions of the Act, pursuant to the Minister's Order dated 17 June 2004 (2004, *G.O.* 2, 2301), the proposed Waskaganish biodiversity reserve was established, the plan of that area and the conservation plan being those approved by the Government by Order in Council 484-2004 dated 19 May 2004 and attached to that Order;

WHEREAS the plan of the proposed Waskaganish biodiversity reserve and its conservation plan do not take into account the plan proposed by Hydro-Québec for a 69-kV transmission line to cross the biodiversity reserve between Nemiscau and Waskaganish;

WHEREAS, to facilitate the carrying out of the project, it is expedient to amend the plans of the proposed Waskaganish biodiversity reserve to provide for the exclusion of the proposed transmission line corridor;

WHEREAS, to introduce the amendments, the Minister has prepared a revised plan of the proposed Waskaganish biodiversity reserve and has made changes to the conservation plan, those amended plans being attached to this Order in Council;

WHEREAS it is advisable for the amended plans to come into force on the date of their publication in the *Gazette officielle du Québec*;

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

THAT the plan of the proposed Waskaganish biodiversity reserve and its conservation plan, as amended and attached to this Order in Council, be approved.

THAT the amended plans come into force on the date of their publication in the *Gazette officielle du Québec* with this Order in Council.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

PROPOSED WASKAGANISH BIODIVERSITY RESERVE

(provisional name)

CONSERVATION PLAN

September 2004

1. Plan and description

1.1. Geographic location, boundaries and dimensions

The location and boundaries of the proposed Waskaganish biodiversity reserve are shown on the map in the Schedule.

The proposed Waskaganish biodiversity reserve is located in the Nord-du-Québec administrative region, between 51°21' and 51°38' north latitude and 77°18' and 78°52' west longitude. It is situated in the territory of Municipalité de Baie-James.

The proposed protected area covers an area of 1,062.7 km². It is situated some 40 km east of the Cree village of Waskaganish. The eastern portion of the proposed protected area is accessible by Route 109, which runs through the area over short distances.

1.2. Ecological overview

The major part of the area is in the natural province of the Abitibi and James Bay Lowlands. It protects ecosystems characteristic of the natural regions of the James Bay Coastal Plain to the west and the Lower Rupert River Plain to the east. At the eastern end, the proposed biodiversity reserve includes part of the Upper Rupert River Plateau located in the natural province of the Mistassini River Highlands. The elevation of the territory ranges from 0 m to 277 m.

1.2.1. Representative elements

Climate: The proposed protected area is characterized by a cold, subpolar, subhumid continental climate, with a middle growing season. It belongs to the spruce-moss bioclimatic field.

Geology and geomorphology: The territory lies wholly within the Superior geologic province, whose basement is Archean (over 2.5 billion years). The geological base is mainly metasedimentary rock, namely paragneiss. Locally, there are also intrusions of mafic volcanic rock (basalt) and intrusive felsic rock (granite and granodiorite). The bedrock is covered by organic deposits alternating with marine clays and sands from the post-glacial marine transgression of the Tyrell Sea.

Hydrography: The territory is an integral part of the Pontax river watershed. The Pontax river, a Strahler 5 river, flows through about 80 km of the protected area before emptying into Rupert Bay. The proposed biodiversity reserve includes the entire subwatershed of the Machisakahikanistikw river into which flow about twenty tributaries.

Vegetation: Almost three quarters of the territory of the proposed biodiversity reserve is covered by bogs and fens. The territory is also covered by stands of black spruce (*Picea mariana*), dry heaths and stands of jack pine (*Pinus banksiana*). Certain areas have recently been affected by fire, particularly in the north and east.

1.2.2. Outstanding elements

The proposed biodiversity reserve includes five islands situated at the mouth of the Pontax river, constituting habitats of exceptional ecological significance as they are at the interface between salt water and fresh water. It also includes ecotones on the edge of Rupert Bay which are conducive to unique species of fauna and flora.

1.3. Occupation and main land uses

The occupations and main land uses in the territory of the proposed Waskaganish biodiversity reserve are shown on the map in the Schedule.

The territory of the proposed biodiversity reserve is classified as Category II and III lands under the James Bay and Northern Québec Agreement (JBNQA) signed in 1975 and the Act respecting the land regime in the James Bay and New Québec territories (R.S.Q., c. R-13.1) enacted in 1978. Category II lands are Québec public lands managed jointly at the municipal level by representatives of Municipalité de Baie-James and the Cree Regional Authority. The territory of the proposed reserve lies within the territory covered by the environmental protection regime applicable pursuant to section 22 of the JBNQA (see Chapter II of the Environment Protection Act (R.S.Q., c. Q-2)). The territory of the proposed reserve lies within the territory covered by the hunting, fishing and trapping regime applicable pursuant to section 24 of the JBNQA (see the Act respecting hunting and fishing rights in the James Bay and New Québec territories (R.S.Q., c. D-13.1)).

The territory lies wholly within the Rupert beaver reserve, where the Cree community of Waskaganish, established on Rupert Bay on the southern tip of James Bay, has special rights regarding the hunting and trapping of fur-bearing animals.

Hydro-Québec TransÉnergie is planning the construction of a 69-kilovolt power transmission line between the Nemiscau substation and the village of Waskaganish. A 5-kilometre wide corridor has been excluded from the proposed biodiversity reserve to allow the construction of the power line. Since the commissioning of the power line is scheduled for October 2006, the boundaries of the proposed biodiversity reserve will be revised at that time to confirm the actual right-of-way.

No land rights have been granted within the perimeter of the protected area.

2. Protection status

The proposed biodiversity reserve protects ecotones in terrestrial and aquatic environments, and in coastal and fresh waters. It also protects the entire river basin of a river characteristic of the James Bay area.

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

- the conservation of a mosaic of representative habitats of the natural regions of the James Bay Coastal Plain and the Lower Rupert River Plain ;

- the preservation of the biodiversity in aquatic and terrestrial ecosystems ;

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

3. Activities within the reserve

The activities carried on within the proposed Waskaganish biodiversity reserve are governed by the Natural Heritage Conservation Act (R.S.Q., c. C-61.01).

This conservation plan does not specify any prohibited activity other than those prohibited in a proposed biodiversity reserve 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

It is important to note that under the Natural Heritage Conservation Act, the main activities prohibited in an area designated as a proposed biodiversity 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 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 ; and

- earthwork or construction work.

3.2. Activities governed by other statutes

All activities likely to be carried on within the boundaries of the proposed Waskaganish biodiversity reserve also 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 biodiversity reserve.

A special legal framework may, within the boundaries of the proposed biodiversity reserve, 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)) ;

- Development 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, where applicable, the measures contained in any 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) and provided under the regulation concerning motor vehicle traffic in certain fragile environments made under the Environment Protection Act (R.S.Q., c. Q-2)) ;

- Land rights (especially 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, Wildlife and Parks).

3.3. Supervision of activities

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

All other government departments and bodies will retain their responsibilities as set out in the legislative and regulatory texts that apply within a proposed biodiversity reserve, as provided for under the Natural Heritage Conservation Act.

4. Permanent protection status

The permanent protection status envisaged for the reserve is “biodiversity reserve” status under the Natural Heritage Conservation Act.

SCHEDULE

Map of the proposed Waskaganish biodiversity reserve (provisional name)

