

## Regulations and other acts

Gouvernement du Québec

### O.C. 955-2007, 31 October 2007

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

Amendment to the plan of the proposed Moisie river aquatic reserve and conservation plan for the reserve

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 Sustainable Development, Environment and Parks may, 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 biodiversity reserve, aquatic 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, the amendment to or replacement of a plan not affecting the period of time for which the land has been set aside;

WHEREAS, in accordance with the provisions of the Act, the Government authorized the creation of the proposed Moisie river aquatic reserve and approved the plan of that area and its conservation plan by Order in Council 110-2003 dated 6 February 2003 published in the *Gazette officielle du Québec* of 19 February 2003;

WHEREAS, under the Minister's Order dated 18 March 2003 published in the *Gazette officielle du Québec* of 9 April 2003, the proposed Moisie river aquatic reserve was created, the plan of that area and its conservation plan being those approved by the Government;

WHEREAS the land in the proposed Moisie river aquatic reserve contains large infrastructures, including a segment of Route 389 and segments of major power transmission lines, and those infrastructures are regularly or periodically the subject of major maintenance or improvement work for purposes in the public interest;

WHEREAS certain remedial work to be carried out on Route 389 is planned in the short term by the Minister of Transport to improve public security;

WHEREAS the characteristics of the infrastructures and the type of work to be carried out substantially reduce the interest in situating the site of the infrastructures within an area devoted to protecting biodiversity;

WHEREAS excluding the site of the infrastructures from the protected land will facilitate the carrying out of the urgent remedial work planned and various legislative and regulatory measures will continue to govern the work to ensure it is carried out in compliance with environmental protection imperatives;

Whereas for the purpose of excluding the zones where those infrastructures are located from the protected land, the Minister has prepared a revised plan for the proposed Moisie river aquatic reserve and made consequential amendments to its conservation plan, those amended plans being attached to this Order in Council;

WHEREAS it is expedient that those plans be approved and 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 Sustainable Development, Environment and Parks:

THAT the plan of the proposed Moisie river aquatic reserve and conservation plan for the reserve, attached hereto, be approved as amended;

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

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

### PLAN OF THE PROPOSED MOISIE RIVER AQUATIC RESERVE AND CONSERVATION PLAN FOR THE RESERVE (September 2007)

#### 1. Plan and description

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

The boundaries and location of the proposed Moisie river aquatic reserve are shown on the map in the Schedule.

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 Route 138.

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

The proposed aquatic reserve runs through the non-municipalized territories of Caniapiscau, Rivière-Mouchalagane, Rivière-Nipissis and Lac-Walker, and through the territories of Ville de Fermont and Ville de Sept-Îles.

The proposed aquatic reserve covers an area of 3,945.2 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, including 115 km from 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 domain 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. Downstream, the bedrock is covered by a thin till, and upstream 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 Moisie river bed drops by an average of 1.4 m 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. Since 1995, the annual harvest is between 400 and 1,800 fish for fishing effort between 2,000 and 6,200 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

Two power transmission lines crossing, over 17.6 km in total length, the proposed aquatic reserve in its northern part and four others covering a distance of 17.2 km in its southern part, are excluded from the boundaries of the proposed aquatic reserve.

The right-of-way of Route 389 leading to Fermont crosses the land of the proposed aquatic reserve. A corridor of 20 m from the centre line of Route 389 and the proposed layout of km 528 were excluded from the boundaries 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 commercial purposes;
- 1 lease for community purposes;
- 1 lease for the construction 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 (FAMU 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 Ministère des Ressources naturelles et de la Faune and the Uashat Malioténam Nation in order to ensure that action is taken to protect the wildlife resources of the river and its tributaries and define the parameters for the establishment of a management council for the Moisie river. The agreement should be entered into before the 2008 fishing season and will follow through on the service contract that was effective in the summer of 2007.

### 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;
- the maintenance of biodiversity in aquatic and riverbank ecosystems;
- the development of certain key features of 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 framework

All activities carried on within the proposed Moisie river aquatic reserve are governed by the provisions of the Natural Heritage Conservation Act (R.S.Q., c. C-61.01).

Except for the prohibition in Division 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 under the Act

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

Certain activities carried on within the boundaries of the proposed Moisie river aquatic reserve are also governed by other applicable legislative and regulatory provisions, including those that require the issue of a permit or authorization or the payment of fees. 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.

Within the boundaries of the proposed aquatic reserve, special legal rules may govern permitted activities in connection with:

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

— Harvesting of threatened or vulnerable wildlife and plant species likely to be so designated: measures prohibiting the harvesting of those species under the Act respecting threatened or vulnerable species (R.S.Q., c. E-12.01);

— Development and conservation of wildlife resources: measures set out in the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1) and its regulations, including the provisions pertaining to outfitting operations and beaver reserves and the measures contained in the applicable federal legislation, in particular the fishery regulations;

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

— Access and land rights related to the domain of the State: measures set out in the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) and the Watercourses Act (R.S.Q., c. R-13);

— Operation of vehicles: measures set out in particular in the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) and in the Regulation respecting motor vehicle traffic in certain fragile environments made under the Environment Quality Act;

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

### 3.3. Supervision of activities

The Minister of Sustainable Development, Environment and Parks is responsible for the application of the Natural Heritage Conservation Act, and is also responsible for the proposed aquatic reserves established under that Act. The Minister supervises and monitors 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 the legislative and regulatory texts that apply within a proposed aquatic reserve.

The Minister of Natural Resources and Wildlife supervises all activities subject to the Minister's authority within the territory of the Moisie river, in particular as regards permitted forms of land occupation and wildlife protection and management.

### 4. Permanent protection status

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

**SCHEDULE**

**Map of the proposed Moisie river aquatic reserve**  
(provisional name)

