

Regulations and other acts

Gouvernement du Québec

O.C. 82-2008, 6 February 2008

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

Amendment to the plan of the proposed Harrington Harbour shore 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 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 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 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 section 90 of the Act, the proposed Harrington Harbour shore biodiversity reserve was established on 19 June 2003, the plan of the area and the conservation plan being those approved by the Government by Order in Council 1269-2003 dated 3 December 2003 and published in the *Gazette officielle du Québec* of 17 December 2003;

WHEREAS, in accordance with section 28 of the Act, the extension of the setting aside of the area for an additional term of four years beginning on 19 June 2007 was authorized by the Government by Order in Council 132-2007 dated 14 February 2007;

WHEREAS the permanent protection status that will be assigned to the proposed biodiversity reserve at the end of the term is that of national park;

WHEREAS the proposed Harrington Harbour shore biodiversity reserve includes installations for the development of hydraulic resources and the production of energy;

WHEREAS the Government has agreed to extend Route 138 in order to link the villages of the Lower North Shore and enhance their development;

WHEREAS the proposed extension of Route 138 runs through the proposed Harrington Harbour shore biodiversity reserve, and earthwork and construction work are prohibited in a proposed biodiversity reserve;

WHEREAS there is a potential for one or more quarries that are to have a major economic impact for the region at the eastern boundary of the proposed Harrington Harbour shore biodiversity reserve;

WHEREAS mining exploration must be carried on in the area to confirm its economic potential, and mining exploration is prohibited in a proposed biodiversity reserve;

WHEREAS the exclusion of portions of the land for earthwork and construction work required for the extension of Route 138 and mining exploration does not reduce the biodiversity of the national park to be established from the proposed biodiversity reserve;

WHEREAS it is expedient to modify the boundaries of the proposed Harrington Harbour shore biodiversity reserve to exclude the installations for the development of hydraulic resources and the production of energy in the reserve, and to permit earthwork and construction work required for the extension of Route 138 and mining exploration;

WHEREAS, to introduce the modifications, the Minister of Sustainable Development, Environment and Parks has prepared a revised plan of the proposed Harrington Harbour shore 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 be approved and 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 Sustainable Development, Environment and Parks:

THAT the plan of the proposed Harrington Harbour shore biodiversity reserve and its conservation plan, attached to this Order in Council, be approved as amended;

THAT the amended plans have 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

QUÉBEC STRATEGY FOR PROTECTED AREAS



**Proposed
Harrington
Harbour shore
biodiversity
reserve**

Conservation plan



November 2007

1. Plan and description

1.1. Geographic location, boundaries and dimensions

The boundaries and location of the proposed Harrington Harbour shore biodiversity reserve are shown on the map attached as a Schedule.

The proposed Harrington Harbour shore biodiversity reserve is located in the Côte-Nord administrative region, between 50°15' and 51°00' north latitude and 58°57' and 60°01' west longitude.

The major part of the protected area lies within the territory of Municipalité de Côte-Nord-du-Golfe-du-Saint-Laurent, the eastern sector being part of Municipalité de Gros-Mécatina. The municipalities are situated outside the regional county municipality.

The proposed Harrington Harbour shore biodiversity reserve covers a total area of 1,221.2 km². It is made up of three distinct sub-sectors forming a continuum along the shore of the Gulf of St. Lawrence between Monger lake to the north-east and Volant lake to the south-west.

1.2. Ecological overview

The area is in the Lower North Shore Plateau natural province. It protects a rocky shore characteristic of the Mécatina hills natural region.

1.2.1. Representative elements

Climate: The littoral of Harrington Harbour is subject to hemi-arctic conditions, characterized by a marine nordic boreal climate. According to the Litynski classification, the climate is subpolar and humid, with a middle growing season. The protected area belongs to the bioclimatic field of forest tundra.

Geology and geomorphology: The territory is wholly within the Grenville geologic province of the Canadian Shield. The bedrock is metamorphic rock, mainly gneiss and paragneiss, although the more significant landforms are linked to the presence of syenite and monzonite, intermediate rocks that are not very common in the natural province. In terms of geomorphology, the dominant landscape is that of knolls that are bare or covered with organic deposits. The plains are covered with clay loam marine sediments. The altitude varies from 5 m to 250 m.

Hydrography: The drainage system is well developed. The reserve has some 120 lakes totalling 133.5 km² which cover approximately 10.4% of the total of the protected area. Several watercourses flow through the

territory before emptying into the Gulf of St. Lawrence, including the Petit Mécatina river, a Strahler 6 river, and the Nétagamiou and Gros Mécatina rivers, both Strahler 3 rivers.

Vegetation: Over half (55%) of the protected rocky shore is covered by dry heathland with krummholz, a plant formation constituted of stunted trees, grasses, mosses and lichens. Some one-quarter (25%) of the area is occupied by a softwood forest. The forest stands, most of which are over 90 years old, are dominated by black spruce (*Picea mariana*) or balsam fir (*Abies balsamea*). The central area of the protected area is covered by large peat bogs over almost 10% of its total area.

1.2.2. Outstanding elements

The Étamamiou, Porc-Épic and Gros Mécatina rivers, which run through the territory from west to east, are populated by Atlantic salmon (*Salmo salar*) and have salmon river status.

1.3. Occupation and main land uses

Several fishing communities are found in villages located in the periphery of the proposed biodiversity reserve, including the villages of Chevery, Tête-à-la-Baleine, Mutton Bay, Harrington Harbour and La Tabatière.

Two land rights have been granted within the perimeter of the protected area, one for personal vacation purposes, the other for cross-country ski trails.

Two outfitting operations having exclusive rights are established within the proposed biodiversity reserve: Pourvoirie Mécatina inc. on the lower portion of the Gros Mécatina river and Pourvoirie Étamiamiou inc. on the river of the same name.

The proposed biodiversity reserve is wholly within fur-bearing animal management unit (FAMU) 66.

The boundaries of the proposed biodiversity reserve on the edge of the Robertson lake reservoir are at an elevation of 161 metres.

2. Protection status

Proposed biodiversity reserve status would allow the pursuit of the following conservation objectives:

— the conservation of a rocky shore characteristic of the Lower North Shore;

— the protection of essential habitat for Atlantic salmon;

— the preservation of biodiversity in hemi-arctic ecosystems;

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

3. Activities framework

Activities carried on within the proposed Harrington Harbour shore biodiversity reserve are governed by the provisions of 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

As provided in the Natural Heritage Conservation Act, the main activities prohibited in an area to which status as a proposed biodiversity reserve has been assigned are:

— mining, and gas or petroleum development;

— mining, gas and petroleum exploration, brine and underground reservoir exploration, prospecting, and digging or boring, where the activities necessitate stripping, 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

Certain activities likely to be carried on within the proposed Harrington Harbour shore biodiversity reserve are also governed by other legislative and regulatory provisions, including provisions that require the issue of a permit or authorization or the payment of fees. Certain activities may also be prohibited or limited by other Acts or regulations that are applicable within the proposed biodiversity reserve.

A special legal framework may govern permitted activities within the proposed biodiversity reserve in connection with the following matters:

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

— Removal of species of flora designated as threatened or vulnerable: measures set out in the Act respecting threatened or vulnerable species (R.S.Q., c. E-12.01) prohibiting the removal of such species;

— Development and conservation of wildlife resources: measures set out in particular 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 applicable federal legislation, in particular the fishery regulations;

— Archæological 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 particular in the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) and in 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. T8.1) and in the regulation respecting motor vehicle traffic in certain fragile environments made under the Environment Quality Act (R.S.Q., c. Q-2);

— Construction and development standards: regulatory measures adopted by 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 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 permitted activities in protected areas.

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

The Minister of Natural Resources and Wildlife will supervise all activities subject to the Minister's authority within the territory of the proposed Harrington Harbour shore biodiversity reserve, in particular as regards permitted forms of land occupation, and wildlife protection and management.

4. Permanent protection status

The permanent protection status sought is to be that of "national park" under the Parks Act (R.S.Q., c. P-9).

SCHEDULE

PLAN OF THE PROPOSED HARRINGTON HARBOUR SHORE BIODIVERSITY RESERVE

