

M.O., 2013**Order of the Minister of Sustainable Development,
Environment, Wildlife and Parks
dated 24 September 2013**

Natural Heritage Conservation Act
(chapter C-61.01)

Assignment of proposed biodiversity reserve status to land located on île aux Lièvres, in the St. Lawrence estuary, and establishment of the plan of that area and its conservation plan

THE MINISTER OF SUSTAINABLE DEVELOPMENT,
ENVIRONMENT, WILDLIFE AND PARKS,

CONSIDERING the first paragraph of section 27 of the Natural Heritage Conservation Act (chapter C-61.01), which provides that, for the purpose of protecting land to be established as a new protected area, the Minister, with the approval of the Government, prepares the plan of that area, establishes a conservation plan and assigns temporary protection status to the area as a proposed aquatic reserve, biodiversity reserve, ecological reserve or man-made landscape;

CONSIDERING section 28 of the Act under which the setting aside of land under the first paragraph of section 27 is valid for a period of not more than four years, subject to renewals or extensions, which may not be such that the term of the setting aside exceeds six years, unless so authorized by the Government;

CONSIDERING Order in Council 646-2013 dated 19 June 2013 by which the Government authorized the Minister of Sustainable Development, Environment, Wildlife and Parks to assign the status of proposed biodiversity reserve to land located on île aux Lièvres, in the St. Lawrence estuary, to prepare the plan of that area and to establish the conservation plan of the Réserve de biodiversité projetée de l'Île-aux-Lièvres;

CONSIDERING the land's outstanding features, given the marine and coastal biodiversity of the St. Lawrence estuary, and for ecotourism activities;

ORDERS AS FOLLOWS:

The status of proposed biodiversity reserve, the plan of that area and its conservation plan being those attached to this Minister's Order, is assigned to the land located on île aux Lièvres, in the St. Lawrence estuary;

The status is assigned for a period of four years beginning on the fifteenth day following the date of publication of this Minister's Order in the *Gazette officielle du Québec*.

Québec, 24 September 2013

YVES-FRANÇOIS BLANCHET,
*Minister of Sustainable Development,
Environment, Wildlife and Parks*

QUÉBEC STRATEGY FOR PROTECTED AREAS



**Réserve de
biodiversité
projetée de
l'Île-aux-
Lièvres**

Conservation plan



September 2013

1. Protection status and toponym

The protection status of the territory described below is that of proposed biodiversity reserve under the Natural Heritage Conservation Act (chapter C-61.01).

The permanent protection status planned is that of “biodiversity reserve” under the Natural Heritage Conservation Act.

The provisional toponym is “Réserve de biodiversité projetée de l’Île-aux-Lièvres” The official toponym will be determined when the territory is given permanent protection status.

2. Plan and description

2.1 Geographic location, boundaries and dimensions

The boundaries and location of Réserve de biodiversité projetée de l’Île-aux-Lièvres are shown on the plan in Appendix.

Île aux Lièvres is located in the upper estuary of the St. Lawrence with Saint-Siméon to the north and Rivière-du-Loup to the south. It is about 8 km from both shores and has a length of 13 km and a width of no more than 1.6 km. Its centre lies approximately at 47° 51’ north latitude and 69° 43’ west longitude. It is the largest uninhabited island of the St. Lawrence.

The Réserve de biodiversité projetée de l’Île-aux-Lièvres is in the Bas-Saint-Laurent administrative region. It belongs to the territory of the municipality of Saint-André in the Kamouraska regional county municipality and is contiguous to the Saguenay-St. Lawrence Marine Park.

Île aux Lièvres has a total surface area of 8.5 km². It has been owned entirely by the Société Duvetnor Ltée since 1986. In December 2012, the Ministère du Développement durable, de l’Environnement, de la Faune et des Parcs (MDDEFP) acquired lots 24, 25, 26, 27, 28, 29, 30, 31 (except for the observation tower), 47, 48, 49, 51 and 52, which cover 793 hectares of land. The MDDEFP also acquired all the rights that the Société Duvetnor Ltée held on the registered flat (lot 23) surrounding the island and covering approximately 270 hectares. Lot 50, on which are located the accommodations infrastructure, is still fully owned by the Société Duvetnor Ltée.

2.2 Ecological overview

Île aux Lièvres is part of a group of islands forming a chain and including île Aux Fraises, île Blanche and the three islands making up the Pot à l’Eau-de-Vie. This chain is a shoal that runs along the river’s longitudinal axis, measuring about 25 km in length and covering about 1,400 ha. Approximately 440 ha of this total are flats and 960 ha are island bodies.

The bedrock of île aux Lièvres consists of clay shales that locally contain beds of conglomerate, limestone, orthoquartzite and feldspathic sandstone. These shales are covered by a thin layer of unconsolidated deposits of coastal origin. The soils are shallow and there is an abundance of rock outcrops. The maximum land altitude is 86 meters.

Most of île aux Lièvres is covered by balsam fir white birch with the exception of the higher areas. The island's forest cover was affected by a fire in 1922, intensive logging in the early 1950s and several outbreaks of spruce budworm between 1975 and 1985.

The island's shrub flora is relatively poor because of the abundance of snowshoe hares and due to grazing on woody species composing this stratum, which consists primarily of balsam fir, white birch, trembling aspen, red-osier dogwood, mooseberry and Canada yew.

Of the 50 species of forest birds inhabiting the island, the most abundant are the Swainson's thrush, white-throated sparrow, bay-breasted warbler, American robin, Nashville warbler, fox sparrow and Tennessee warbler. Several species of diurnal or nocturnal birds of prey have been observed there including: the northern saw-whet owl, eastern screech-owl, great horned owl, barred owl, northern goshawk, sharp-shinned hawk, osprey, merlin and northern harrier. The ruffed grouse, introduced in 1990 and 1991, is now ubiquitous.

With the exception of the occasional presence of the red fox, the only terrestrial mammals inhabiting the island are snowshoe hares, muskrats, meadow voles and deer mice. Little brown bats have likewise been observed.

The île aux Lièvres flats are highly frequented by the estuary's wildlife. The flats are an important habitat for breeding common eider ducklings in addition to being a site widely used by grey seals and harbour seals and a significant herring spawning site.

The pass located southwest of île aux Lièvres is reportedly frequented by Atlantic herring during the spawning period as well as by species of forage fish such as capelin and sandlance. The area proves to be a highly attractive biological crossroads in the upper estuary of the St. Lawrence, particularly in late spring and early summer for belugas and several species of marine birds (common eiders, scoters, razorbills, black guillemots, etc.). In the spring, île aux Lièvres is a favourite migratory stopover for brants and numerous shorebirds.

Île aux Lièvres is one of twenty islands between Kamouraska and the confluence of the Saguenay and St. Lawrence. The islands and marine area separating them are of major importance for marine and coastal wildlife. The location and size of île aux Lièvres make it key to the conservation of wildlife in the St. Lawrence estuary.

2.3 Land occupation and uses

Lot 50, which belongs to the Société Duvetnor Ltée, is the port of entry to the island and the proposed biodiversity reserve. There is a six-room inn, four rental cottages, two residences for employees, a sani-station, garage (workshop), small cafe, wind turbine, several solar panels, septic systems and equipment for drinking water supply. There is also a campground called La Plage with nine sites. The entire infrastructure is located within 500 m of the reception area.

The Société Duvetnor Ltée offers ecotourism activities such as hiking and wilderness camping. The island (including lot 50) has a 45 km network of trails in all. The proposed biodiversity reserve has three campgrounds with a total of 13 sites. The first campground, called Les Cèdres, includes seven sites and is located in the centre of the island on the north shore, slightly more than 4 km from the reception area. A second campground called L'Anse à la Boule has three sites. It is located in the centre of the island on the south shore, slightly more than 4 km from the reception area. A third campground called Les Bélugas has three sites and is about 12 km from the reception area.

3. Activities framework

§ 1. Introduction

§1.1 Foreword

Activities carried on within the Réserve de biodiversité projetée de l'Île-aux-Lièvres are governed mainly by the provisions of the Natural Heritage Conservation Act.

This Division prohibits activities in addition to those prohibited by the Act and provides the framework for the various activities permitted so as to better protect the natural environment in keeping with the conservation principles and other management objectives established for the proposed biodiversity reserve. Accordingly, certain activities require the prior authorization of the Minister. The permitted and prohibited activities considered for the period that follows the assignment of permanent status by the Government are the same with the necessary adjustments to take into account the application of section 46 of the Act.

Under 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;
- forest development activity within the meaning of section 4 of the Sustainable Forest Development Act (chapter A-18.1); and
- the development of hydraulic resources and any production of energy on a commercial or industrial basis.

§1.2 Management of the proposed biodiversity reserve

The Minister may, on the conditions the Minister determines, entrust any natural person or legal person established in the public interest or for a private interest with all or any of the Minister's powers relating to the management of the proposed biodiversity reserve.

The Minister, on the conditions the Minister determines, entrusts the management of the Réserve de biodiversité projetée de l'Île-aux-Lièvres to Société Duvetnor Ltée.

§ 2. Prohibitions, prior authorizations and other conditions governing certain activities in the proposed reserve

§2.1 Protection of resources and the natural environment

3.1. Every person who enters the proposed reserve or stays, travels or engages in an activity in the proposed reserve must first obtain authorization from the Minister or a manager designated by the Minister.

3.2. Subject to the prohibition in the second paragraph, no person may establish in the proposed reserve any specimens or individuals of a native or non-native species of fauna into the reserve, including by stocking, unless the person has been authorized by the Minister.

No person may stock a watercourse or body of water for aquaculture, commercial fishing or any other commercial purpose.

No person may establish in the proposed reserve a non-native species of flora, unless the person has been authorized by the Minister.

3.3. No person may use fertilizer or fertilizing material in the proposed biodiversity reserve. Compost for domestic purposes is permitted if used at least 20 metres from a watercourse or body of water measured from the high-water mark.

The high-water mark means the high-water mark defined in the Protection Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains, made by Order in Council 468-2005 dated 18 May 2005 and amended by Order in Council 709-2008 dated 25 June 2008.

3.4. No person may, unless the person has been authorized by the Minister,

- (1) carry out a wildlife intervention;
- (2) intervene in a wetland area, including a marsh, swamp or bog;
- (3) modify the natural drainage or water regime of the proposed reserve, including by creating or developing watercourses or bodies of water;
- (4) dig, fill, obstruct or divert a watercourse or body of water;
- (5) install or erect any structure, infrastructure or new works in or on the bed, banks, shores or floodplain of a watercourse or body of water;

- (6) carry on any activity other than those referred to in the preceding paragraphs that is likely to degrade the bed, banks or shores of a body of water or watercourse or directly and substantially affect the quality or biochemical characteristics of aquatic or riparian environments or wetland areas in the proposed biodiversity reserve, including by discharging or dumping waste or pollutants into the watercourse or body of water;
- (7) carry out soil development work, including any burial, earthwork, removal or displacement of surface materials or vegetation cover, for any purpose including recreational and tourism purposes such as trail development;
- (8) install or erect any structure, infrastructure or new works;
- (9) reconstruct or demolish an existing structure, infrastructure or works;
- (10) carry on an activity that is likely to severely degrade the soil or a geological formation or damage the vegetation cover, such as stripping, the digging of trenches or excavation work;
- (11) use a pesticide, although no authorization is required for the use of personal insect repellent;
- (12) carry on educational activities, strategic environmental assessment activities or research-related activities if the activities are likely to significantly damage or disturb the natural environment, in particular because of the nature or size of the samples taken or the invasive character of the method or process used; or
- (13) hold a sports event, tournament, rally or similar event if more than 15 persons are likely to participate in the activity and have access to the proposed biodiversity reserve at the same time; no authorization may be issued by the Minister if the activity involves motor vehicle traffic, unless it has been shown to the Minister that it is impossible to organize the activity elsewhere or that bypassing the proposed biodiversity reserve is highly unfeasible.

3.5. Despite subparagraphs 5, 7, 8, 9 and 10 of section 3.4, no authorization is required to carry out work referred to in subparagraph 1 of this section when the requirements of subparagraph 2 are met.

- (1) The work involves:
 - (a) work to maintain, repair or upgrade an existing structure, infrastructure or works such as a campsite, road or trail, including ancillary facilities such as lookouts or stairs;
 - (b) the construction or erection of an appurtenance or ancillary facility of a rough shelter, shelter or campsite such as a shed, well, water intake or sanitary facilities;
 - (c) the demolition or reconstruction of a campsite, rough shelter, shelter or cottage, including an appurtenance or ancillary facility such as a shed, well, water intake or sanitary facilities; or

(d) the installation of a floating wharf by the manager designated by the Minister, provided that the manager holds the authorization required under the Regulation respecting the water property in the domain of the State (chapter R-13, r. 1).

(2) The work is carried out in compliance with the following requirements:

(a) the work involves a structure, infrastructure or works permitted within the proposed biodiversity reserve;

(b) the work is carried out in compliance with the conditions of a permit or authorization issued for the work or in connection with the structure, infrastructure or works involved, and in accordance with the laws and regulations that apply.

For the purposes of this section, repair and upgrading work includes work to replace or erect works or facilities to comply with the requirements of an environmental regulation.

3.6. No person may bury, abandon or dispose of waste, snow or other residual materials elsewhere than in waste disposal containers, facilities or sites determined by the Minister or in another place with the authorization of the Minister or the manager authorized by the Minister.

§2.2 Rules of conduct for users

3.7. Every person staying, carrying on an activity or travelling in the proposed biodiversity reserve is required to maintain the premises in a satisfactory state and before leaving, return the premises to their natural state to the extent possible.

3.8. Every person who makes a campfire must:

(1) first clear an area around the fire site sufficient to prevent the fire from spreading by removing all branches, scrub, dry leaves and other combustible material;

(2) ensure that the fire is at all times under the immediate supervision of a person on the premises; and

(3) ensure that the fire is completely extinguished before leaving the premises.

3.9. In the proposed biodiversity reserve, no person may:

(1) cause any excessive noise;

(2) behave in a manner that unduly disturbs other users or interferes with their enjoyment of the premises; or

(3) harass wildlife.

For the purposes of subparagraphs 1 and 2 of the first paragraph, behaviour that significantly disturbs other persons and constitutes unusual or abnormal conditions for the carrying on of an activity or for the permitted use of property, a device or an instrument within the proposed biodiversity reserve is considered excessive or undue.

3.10. No person may enter, carry on an activity or travel in a vehicle in a given sector of the proposed biodiversity reserve if the signage erected by the Minister restricts access, traffic or certain activities in order to protect the public from a danger or to avoid placing the fauna, flora or other components of the natural environment at risk, unless the person has been authorized by the Minister.

3.11. No person may destroy, remove, move or damage any poster, sign, notice or other types of signage posted by the Minister or the manager designated by the Minister within the proposed biodiversity reserve.

§2.3 Activities requiring an authorization

3.12. No person may occupy or use the same site in the proposed biodiversity reserve for a period of more than 90 days in the same year, unless the person has been authorized by the Minister.

- (1) For the purposes of the first paragraph,
- (a) the occupation or use of a site includes
 - i. staying or settling in the proposed reserve, including for vacation purposes;
 - ii. installing a camp or shelter in the proposed reserve; and
 - iii. installing, burying or leaving property in the proposed reserve, including equipment, any device or a vehicle;
 - (b) "same site" means any other site within a radius of 1 kilometre from the site.

3.13. (1) No person may carry on forest development activities to meet domestic needs or for the purpose of maintaining biodiversity, unless the person has been authorized by the Minister.

(2) Despite paragraph 1, persons staying or residing in the proposed reserve who harvest wood to make a campfire in the open are exempted from obtaining an authorization from the Minister.

An authorization from the Minister is not required to harvest firewood for domestic purposes when

(a) the wood is harvested to supply a trapping camp or rough shelter permitted within the proposed reserve:

i. if the harvest is carried out in accordance with the conditions of the forest management permit for the harvest of firewood for domestic purposes issued by the Minister of Natural Resources under the Sustainable Forest Development Act;

ii. if the amount of wood harvested per year does not exceed 7 m³;

(b) in other cases:

i. if the harvest is carried out in a sector accepted by the Minister of Natural Resources as a sector that may be subject to the issuance of forest management permits for the harvest of firewood for domestic purposes under the Sustainable Forest Development Act, provided that sector has already been accepted by the Minister on the date on which the protection status as a proposed reserve takes effect;

ii. if the harvest is carried out by a person who, on the date on which the protection status as a proposed reserve takes effect, or during the three preceding years, held a permit for the harvest of firewood for domestic purposes that enabled the person to harvest wood in the proposed reserve;

iii. if the harvest is carried out in accordance with the conditions of the forest management permit for the harvest of firewood for domestic purposes issued by the Minister of Natural Resources under the Sustainable Forest Development Act.

3.14. No person may carry on commercial activities within the proposed biodiversity reserve, unless the person has been authorized by the Minister.

§2.4 Authorization exemption

3.15. Despite the preceding provisions, an authorization is not required for an activity or other form of intervention within the proposed biodiversity reserve if urgent action is necessary to prevent harm to the health or safety of persons, or to repair or prevent damage caused by a real or apprehended disaster. The person concerned must, however, immediately inform the Minister of the activity or intervention that has taken place.

4. Activities governed by other laws

Certain activities likely to be carried on within the 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 laws or regulations that are applicable within the proposed biodiversity reserve.

A special legal framework can provide cohesion concerning permitted activities, especially in connection with the following matters:

- Environmental protection: measures set out in particular in the Environment Quality Act (chapter Q-2) and its regulations;
- Species of flora designated as threatened or vulnerable: measures set out in the Act respecting threatened or vulnerable species (chapter E-12.01) prohibiting the removal of such species;
- Development and conservation of wildlife resources: measures set out in the Act respecting the conservation and development of wildlife and its regulations (chapter C-61.1), including the provisions pertaining to outfitting operations and beaver reserves and the measures contained in applicable federal legislation, in particular fishery regulations;
- Archeological research and finds: measures set out in particular in the Cultural Heritage Act (chapter P-9.002);
- 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 (chapter T-8.1) and in the Watercourses Act (chapter R-13);
- Operation of vehicles: measures set out in particular in the Act respecting the lands in the domain of the State and in the regulation on motor vehicle traffic in certain fragile environments enacted pursuant to the Environment Quality Act;
- Construction and layout standards: regulatory measures adopted by regional and local municipal authorities under the Acts applicable to them.

5. Responsibilities of the Minister of Sustainable Development, Environment, Wildlife and Parks

The conservation and management of Réserve de biodiversité projetée de l'Île-aux-Lièvres are the responsibility of the Minister of Sustainable Development, Environment, Wildlife and Parks, who is therefore responsible for the monitoring and control of activities permitted there. In managing the reserve, the Minister works with the collaboration and participation of other government representatives having specific responsibilities in or adjacent to the territory, such as the Minister of Natural Resources. In the exercise of their powers and functions, the Ministers will take into consideration the protection sought for these natural environments and the protection status that has now been granted them. No additional conservation measure is planned at this point. Regarding zoning, the conservation objectives for the temporary protection period are the same for the entire area, the proposed reserve being only one conservation area.

Appendix

Plan of the Réserve de biodiversité projetée de l'Île-aux-Lièvres

