

Regulations and other Acts

M.O., 2014

Order of minister of Sustainable Development, Environment and the Fight Against Climate Change dated 9 July 2014

Natural Heritage Conservation Act
(chapter C-61.01)

Assignment of temporary protection status as proposed biodiversity reserve to land of the Charlevoix region, for a period of 4 years, and establishment of a plan and a conservation plan of the area

THE MINISTER OF SUSTAINABLE DEVELOPMENT,
ENVIRONMENT AND THE FIGHT AGAINST CLIMATE
CHANGE,

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, such as a park, 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, which provided that, unless the Government authorizes a longer period, the setting aside of land under 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 1199-2013 dated 20 November 2013 authorizing the Minister of Sustainable Development, Environment, Wildlife and Parks to assign the temporary protection status of proposed biodiversity reserve to land of the Charlevoix region, to draw a plan of the area and to establish the conservation plan of the Réserve de biodiversité projetée de la Côte-de-Charlevoix;

CONSIDERING the publication in Part 2 of the *Gazette officielle du Québec* of 15 January 2014, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), of a draft conservation plan and a draft Order concerning the assignment of temporary protection status as proposed biodiversity reserve to land of the Charlevoix region with a notice that they could be made by the Minister on the expiry of 45 days following that publication;

CONSIDERING that the period has expired and no comments were received;

CONSIDERING the important ecological and heritage value of the land, which is particularly known for the presence of species of flora and fauna of interest and remarkable natural landscapes;

ORDERS AS FOLLOWS:

The temporary protection status as proposed biodiversity reserve is assigned to land of the Charlevoix region for a period of 4 years beginning on the fifteenth day following the date of publication of this Minister's Order in the *Gazette officielle du Québec*;

The plan of the Réserve de biodiversité projetée de la Côte-de-Charlevoix, attached to this Minister's Order, is drawn;

The conservation plan of the Réserve de biodiversité projetée de la Côte-de-Charlevoix, attached to this Minister's Order, is established.

Québec, 9 July 2014

DAVID HEURTEL,
*Minister of Sustainable Development,
Environment and the Fight Against
Climate Change*

QUÉBEC STRATEGY FOR PROTECTED AREAS



Réserve de biodiversité projetée de la Côte-de- Charlevoix

Conservation plan



May 2014

1. Protection status and toponym

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

The envisaged permanent protection status could be “national park” per the Parks Act (chapter P-9).

The provisional toponym is: Réserve de biodiversité projetée de la Côte-de-Charlevoix. The official toponym will be determined when permanent protection status is awarded to this territory.

2. Plan and description

2.1 Geographic location, boundaries and dimensions

The location and boundaries of the réserve de biodiversité projetée de la Côte-de-Charlevoix are shown on the appended plan.

The réserve de biodiversité projetée de la Côte-de-Charlevoix is located in the Capitale-Nationale administrative region, between 47°51' and 48° 02' latitude North and 70°02' and 69°45' longitude West, approximately 8 km North-east (Palissades sector) and North (coastal sector) of the municipality of Saint-Siméon.

This proposed protected area extends over the territory of the Charlevoix-Est regional county municipality (RCM) and lies partially within the territories of the municipalities of Saint-Siméon and Baie-Sainte-Catherine.

The réserve de biodiversité projetée de la Côte-de-Charlevoix covers an area of 61,9 km². It includes two large blocks of public lands. The first block, located between highway 138 and the middle estuary of the St. Lawrence River, falls between the northern boundary of anse à Boudin and the southern boundary of anse du Chafaud aux Basques. The entire coastal sector is adjacent to the Saguenay–St. Lawrence Marine Park. The second block is located on both sides of highway 170 and includes the former “Les Palissades” forest education centre.

Within the territory of the proposed biodiversity reserve, a 50-metre right-of-way is excluded from portions of highways 138 and 170, as is a 20-metre right-of-way from the chemin de la Mer. As well, all private landholdings are excluded from the proposed reserve.

2.2 Ecological overview

According to the Cadre écologique de référence, this proposed biodiversity reserve falls within the Central Laurentian Natural Province. For the purposes of the Québec national park network planning framework, the proposed biodiversity reserve is included in Natural Region B-21 (La côte de Charlevoix).

The territory of the proposed biodiversity reserve falls within the Grenville geological province, at the southeast border of the Canadian Shield. The Precambrian basement rock is comprised of mostly gneiss and, to a lesser extent, of granite. From the point of view of geological structure, the coastal escarpment that runs along the St. Lawrence River between anse à Boudin and anse du Chafaud aux Basques corresponds to a normal fault line regionally called the Saint-Laurent fault, which is itself parallel to Logan's Line. The rivière Noire, which crosses the Palissades sector, fills another fault that is perpendicular to the Saint-Laurent fault.

The principal geomorphological formations in the proposed protected area are mainly due to glacial action, marine invasion that followed the deglaciation of the region, and to current erosion. The last ice advance shaped trough valleys in the rivière Noire and rivière de la Baie des Rochers valleys. A glacial cirque can also be observed in the cliffs to the north of cap aux Corbeaux. The basin-like lac à Jean kettle lake, formed by the melting of a block of ice imprisoned in deposits left by glacial thaw, can be found in the Palissades sector. Glacial thaw ponding also shaped potholes bordering the rivière de la Baie des Rochers and left glaciofluvial deposits of sand and gravel in the rivière Noire valley. Various erratic blocks, abandoned by glacial downwasting, are dispersed here and there in the Palissades sector.

In general, glacial deposits cover the greater part of the surface of the proposed protected area, with outcroppings of rocky substrate visible in many locations. Till, sand and gravel deposits are of varying thickness (thinner on the hills and thicker in the valleys), with till the most abundant. These deposits are found at altitudes higher than 170 metres.

The melting of the Laurentian ice-sheet and collapse of the Earth's crust under the weight of the glacier led to a marine invasion known as the Goldthwait Sea, which flooded all of the depressions and valleys in the proposed biodiversity reserve to approximately 170 metres above sea level and left a variety of deposits, including clay, sand and gravel, some of which cover other deposits or shapes left by the advancing or retreating glacier. Below 170 metres in altitude, glacial deposits have been generally reworked by the waters of the Goldthwait Sea and the action of today's watercourses.

Finally, as a large part of the proposed biodiversity reserve is highly escarped, various angular blocks of talus can be found at the base of cliffs, formed by the phenomenon known as congelifraction.

The topography of the proposed biodiversity reserve is uneven, with high relief resulting from watercourse erosion that deeply dissected the southeast border of the Laurentian Plateau giving the landscape a mountainous look. A number of hill summits are virtually flattened and display steep flanks. As the summits are all approximately the same height, the horizon of the plateau is relatively even, which seems to confirm the existence of an ancient peneplain with an average elevation of 330 metres, corresponding to the Laurentian Peneplain.

Along the coast, the relief culminates at an altitude of approximately 350 metres, while the colline de la Dune, located behind cap de la Tête au Chien, rises to 417 metres. The rocky escarpments that border the entire coastline are steep, with relief rising very quickly. Of the numerous small coves cut out of the shoreline, very few can provide shelter to navigators in bad weather. The only notable recesses along the coast are the baie des Rochers and anse du Chafaud aux Basques. However, both are difficult to reach at low tide. Relief is more pronounced in the Palissades sector, with average hill height rising to more than 500 metres. The highest peak, reaching 599 metres, is found to the west of Petit lac Noir. Here too, the cliffs that border the rivière Noire valley are very steep, with vertical drop exceeding 300 metres.

The waters of the entire proposed biodiversity reserve either flow directly into the St. Lawrence River (coastal sector) or indirectly, through the rivière Noire (Palissades sector). In the coastal sector, drainage basins are for the most part small in size and flow directly into the river, sometimes creating small watercourses that cascade down the escarpments. The major part of the hydrographic basins of the rivière du Basque, which flows into anse du Chafaud aux Basques, and of the rivière de la Baie des Rochers, which cascades near its mouth and flows into the bay of the same name, are located outside of the proposed protected area and as such, only account for a small share of the reserve's waters. The entire Palissades sector is drained by the rivière Noire, whose total watershed is 295 km², meaning that approximately 10% of its size (31.2 km²) is located within the proposed protected area. The riverbed of the eastern part of the rivière Noire is fairly rectilinear, while to the west, it snakes: in the lac à Jean sector there are many meanderings, some of which are abandoned.

A little more than twenty small lakes or ponds less than three hectares in area are dispersed throughout the proposed biodiversity reserve. The only lake of some size is the 22.8 hectares lac de la Chute, which is located to the north of the baie des Rochers into which it flows through the ruisseau à Jean-Gousse.

The climate of the réserve de biodiversité projetée de la Côte-de-Charlevoix is intermediate continental subpolar and subhumid. The influence of the St. Lawrence River estuary gives the territory a more marine climate that tends to abate seasonal temperature variance. However, weather conditions become more severe toward the interior of the territory and on the plateau. Weather is milder along the coast and in the lower rivière Noire valley than on the plateau. The Saint-Siméon weather station (altitude 15.2 metres) measures average annual daily temperature to be 3.2°C with average annual rainfall at 1 013.6 mm, the snow fraction being 29.5%. As we know that air temperature drops by approximately 0.6°C per 100 metres of elevation, average annual temperature of at least 0°C may be reached on the highest peaks of the Palissades sector. The frost-free season in the proposed protected area oscillates around 128 days, while annual sunshine is approximately 1,830 hours.

The territory of the réserve de biodiversité projetée de la Côte-de-Charlevoix falls within the yellow birch fir forest bioclimatic domain, which can be considered as a transitional forest between the coniferous forest of the Laurentian massif and the deciduous forest of the St. Lawrence Lowlands. Balsam fir is sometimes found in conjunction with yellow birch, red spruce and sugar maple. In the Palissades sector, the cold temperate forest is mixed, with balsam fir predominating and reflecting the regional climate. Alder groves cover the fluvial deposits that border the rivière Noire. On both sides of this alluvial plate, black spruce has established itself on deposits of glaciofluvial origin that support the valley walls. The lower talus has been colonized by white birch stands, while sunny species succeed in rooting here and there in the higher talus. Slopes with south and southwest exposure tolerate thermophilic species such as maple. Red pine has colonized the walls of the upper plateau, while other coniferous groups cover the plateau itself. Forests in the Palissades sector are well preserved and have been little disturbed by human activity for more than 35 years, given its former status (abolished in 2001) as a forest education centre.

The forest in the coastal sector of the proposed biodiversity reserve is mixed, with white birch and quaking aspen often cohabiting with conifer species. Red maple stands are limited to the more protected sites, while enclaves of softwood forest occupy the most inhospitable environments such as the area surrounding the baie des Rochers. From the point of view of floristics, there are two species in the territory likely to be designated as threatened or vulnerable. The first is in cap du Basque: the Climbing Bleeding Heart (*Adlumina fungosa*), which generally colonizes humid rocky environments in western Québec. The second species, the large-flowered ground cherry (*Leucophysalis grandiflora*), was observed in the 1980s along the rivière Noire (Palissades sector).

The principal species of Québec large and small wildlife are to be found in this proposed protected area, including moose, beaver, hare, muskrat, otter, groundhog and ruffed grouse, to name but a few. The peregrine falcon species that is designated as vulnerable is also present here. The coastal zone abuts three areas of waterfowl concentration: anse du Chafaud aux Basques, baie des Rochers and pointe à Pierre. All three aquatic sectors are part of the Saguenay–St. Lawrence Marine Park. Another wildlife habitat that has been designated under the Act Respecting the Conservation and Development of Wildlife (chapter C-61.1), is located in the réserve de biodiversité projetée de la Côte-de-Charlevoix: l'île du Chafaud aux Basques (two hectares). The status of this area is protected as an island or peninsular bird colony of less than 50 hectares in size that has at least 25 nests of bird species that live in colonies, other than heron. In this case, l'île du Chafaud aux Basques protects a colony of Double-crested Cormorant.

Three archeological sites identified by the ministère de la Culture et des Communications are found within the proposed protected area. Site DaEk-26, located in anse du Chafaud aux Basques, includes a semicircular dry masonry oven apparently built in the 17th century by Basque sailors to extract oil from marine mammal fat and that was discovered during an archeological dig in 1961. The other two sites, CIEk-a and CIEk-4, are both located in the baie des Rochers sector. The first is a shipwreck on the anse de Sable foreshore, while the second is comprised of vestiges of the old baie des Rochers mill dam.

2.3 Land occupation and uses

A number of leases exist on the proposed biodiversity reserve. Ten leases were granted for vacationing purposes and 2 for buildings and encampments. Two commercial outfitter leases also exist, as well as an exclusive fishing right in Étang de la Chute, which is also located in the outfitter area. Finally, five rights of passage have been issued, involving trail development, construction and/or maintenance.

Extensive recreational activities such as hiking, rock-climbing and nature observation are practiced on the territory proposed as a protected area, as are fishing, hunting and trapping, except in the Palissades sector, where hunting and trapping are prohibited by the Regulation respecting hunting (Act Respecting the Conservation and Development of Wildlife) (chapter C-61.1, r. 12). Finally, a 4.8 km power line (3.6 km of which crosses the territory of the proposed reserve), provides electricity to the cap de la Tête au Chien lighthouse.

The majority of the territory involved is covered by a land management agreement with the Charlevoix-Est regional county municipality.

2.4 Conservation and zoning measures

No additional conservation measures are envisaged at this stage. With respect to zoning, all conservation goals for the provisional protection period being identical throughout the territory, the proposed biodiversity reserve is comprised of a single conservation zone.

3. Activities within the Réserve

§ 1. Introduction

Activities carried on within the proposed reserve are governed mainly by the provisions of the Natural Heritage Conservation Act.

This Division describe prohibited activities in addition to those already forbidden by the above-mentioned 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.

Under the Natural Heritage Conservation Act, certain activities prohibited in the proposed biodiversity reserve 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.

§ 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. 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.

3.2. No person may use fertilizer or fertilizing material in the proposed 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.

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

- (1) intervene in a wetland area, including a marsh, swamp or bog;
- (2) modify the proposed reserve's natural drainage or water regime, including by creating or modifying watercourses or bodies of water;
- (3) dig, fill, obstruct or divert a watercourse or body of water;
- (4) 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, although no authorization is required for minor works such as a wharf, platform or boathouse erected for private purposes and free of charge under section 2 of the Regulation respecting the water property in the domain of the State (chapter R-13, r. 1);
- (5) 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 biochemical characteristics or quality of aquatic or riparian environments or wetland areas in the proposed reserve, including by discharging or dumping waste or pollutants into the watercourse or body of water;
- (6) 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;
- (7) install or erect any structure, infrastructure or new works;
- (8) reconstruct or demolish an existing structure, infrastructure or works;
- (9) 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;
- (10) use a pesticide, although no authorization is required for the use of personal insect repellent;

(11) carry on educational 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;

(12) 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 reserve is highly unfeasible.

3.4. Despite paragraphs 6, 7, 8 and 9 of section 3.3, 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 camp cottage, road or trail, including ancillary facilities such as lookouts or stairs;

(b) the construction or erection of

i. an appurtenance or ancillary facility of a trapping camp, rough shelter, shelter or cottage such as a shed, well, water intake or sanitary facilities; and

ii. a trapping camp, rough shelter, shelter or cottage if such a building was permitted under the right to use or occupy the land but had not been constructed or installed on the effective date of the status as a proposed reserve;

(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.

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

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

(b) the work is carried out within the area of land or right of way subject to the right to use or occupy the land in the proposed reserve, whether the right results from a lease, servitude or other form of title, permit or authorization;

(c) the nature of the work or elements erected by the work will not operate to increase the area of land that may remain deforested beyond the limits permitted under the provisions applicable to the sale, lease and granting of immovable rights under the Act respecting the lands in the domain of the State (chapter T-8.1) and, if applicable, the limits allowed under an authorization for the structure, works or infrastructure;

(d) 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.

3.5. 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.

Despite the first paragraph, an outfitting operation does not require an authorization to use a disposal facility or site in compliance with the Environment Quality Act (chapter Q-2) and its regulations if the outfitting operation was already using the facility or site on the effective date of the protection status as a proposed reserve.

§2.2 Rules of conduct for users

3.6. Any person staying, carrying on an activity or travelling within the proposed 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.

3.7. 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.

3.8. In the proposed 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 reserve is considered excessive or undue.

3.9. No person may enter, carry on an activity or travel in a vehicle in a given sector of the proposed reserve if the signage erected by the Minister restricts access, circulation 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.

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

§2.3 Activities requiring an authorization

3.11. No person may occupy or use the same site in the proposed reserve for a period of more than 90 days in the same year, unless the person has been so 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.

- (2) Despite the first paragraph, no authorization is required if a person

(a) on the date on which the protection status as a proposed reserve takes effect, was a party to a lease or had already obtained another form of right or authorization allowing the person to legally occupy the land under the Act respecting the lands in the domain of the State or, if applicable, the Act respecting the conservation and development of wildlife, and whose right to occupy the land is renewed or extended on the same conditions, subject to possible changes in fees;

(b) in accordance with law, has entitlement under a sublease, an assignment of a lease or a transfer of a right or authorization referred to in paragraph a, and whose right to occupy the land is renewed or extended on the same conditions, subject to possible changes in fees; and

(c) elects to acquire land the person legally occupies on the date on which the protection status as a proposed reserve takes effect, pursuant to the Act respecting the lands in the domain of the State.

3.12. (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 subsection 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 Forests, Wildlife and Parks 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 Forests, Wildlife and Parks 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 Forests, Wildlife and Parks under the Sustainable Forest Development Act.

(3) Despite subsection 1, an authorization to carry on a forest management activity is not required if a person authorized by lease to occupy land within the proposed reserve in accordance with this conservation plan carries on the forest management activity for the purpose of

(a) clearing the permitted areas, maintaining them or creating visual openings, or any other similar removal work permitted under the provisions governing the sale, lease and granting of immovable rights under the Act respecting the lands in the domain of the State, including work for access roads, stairs and other trails permitted under those provisions; or

(b) clearing the necessary area for the installation, connection, maintenance, repair, reconstruction or upgrading of facilities, lines or mains for water, sewer, electric power or telecommunications services.

If the work referred to in paragraph *b* of subsection 3 is carried on for or under the responsibility of an enterprise providing any of those services, the work requires the prior authorization of the Minister, other than in the case of the exemptions in sections 3.13 and 3.15.

(4) Despite subsection 1, an authorization to carry on a forest management activity to maintain a sugar bush and harvest maple products for domestic needs is not required if

(a) the activity is carried on by a person who, on the effective date of the protection status as a proposed reserve or in any of the three preceding years, held a sugar bush management permit issued by the Minister of Forests, Wildlife and Parks under the Sustainable Forest Development Act allowing the person to carry on within the proposed reserve the activities associated with operating a sugar bush;

(b) the activity is carried on within a zone for which the permit obtained allowed the carrying on of sugar bush operations on the effective date of the protection status as a proposed reserve or in any of the three preceding years; or

(c) the activity is carried on by a person in compliance with the conditions set out in the sugar bush management permit issued by the Minister of Forests, Wildlife and Parks under the Sustainable Forest Development Act.

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

Despite the first paragraph, no authorization is required to continue carrying on commercial activities that, on the date on which the protection status as a proposed reserve takes effect, are subject to the right to use the land for that purpose, whether the right results from a lease or other form of title, permit or authorization, within the limits permitted by that right.

§2.4 Authorization exemptions

3.14. Despite the preceding provisions, an authorization is not required for an activity or other form of intervention within the proposed 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.

3.15 The members of a Native community who, for food, ritual or social purposes, carry on an intervention or an activity within the proposed reserve are exempted from obtaining an authorization.

3.16 Despite the preceding provisions, the following activities and interventions carried out by Hydro-Québec (Société) or by any other person for Hydro-Québec do not require the prior authorization of the Minister under this conservation plan:

- (1) any activity or intervention required within the proposed reserve to complete a project for which express authorization had previously been given by the Government and the Minister, or only by the Minister, in accordance with the Environment Quality Act, if the activity or intervention is carried out in compliance with the authorizations issued;
- (2) any activity or intervention necessary for the preparation and presentation of a pre-project report for a project requiring an authorization under the Environment Quality Act;
- (3) any activity or intervention relating to a project requiring the prior authorization of the Minister under the Environment Quality Act if the activity or intervention is in response to a request for a clarification or for additional information made by the Minister to the Société, and the activity or intervention is carried out in conformity with the request.

The Société is to keep the Minister informed of the various activities or interventions referred to in this section it proposes to carry out before the work is begun in the proposed reserve.

For the purposes of this section, the activities and interventions of the Société include but are not restricted to pre-project studies, analysis work or field research, work required to study and ascertain the impact of electric power transmission and distribution line corridors and rights of way, geological or geophysical surveys and survey lines, and the opening and maintenance of roads required for the purpose of access, construction or equipment movement incidental to the work.

4. Activities governed by other laws

Various activities that may be carried on within the boundaries of the proposed reserve are also subject to other applicable legislative and regulatory provisions, including those that require a permit or authorization or the payment of fees. Some activities may also be prohibited or limited by other Acts or regulations that apply within the boundaries of the proposed reserve.

In particular, within the boundaries of proposed reserves, a special legal framework may govern permitted and prohibited activities in the following areas:

- Environmental protection: measures especially contained in the Environment Quality Act (chapter Q-2), and its regulations
- Floristic species designated as threatened or vulnerable: measures contained in the Act respecting threatened or vulnerable species (chapter E-12.01) that in particular prohibit harvesting these species
- Development and conservation of wildlife resources: measures contained in the Act Respecting the Conservation and Development of Wildlife (chapter C-61.1) and its regulations
- Archeological research and discoveries: measures contained especially in the Cultural Heritage Act (chapter P-9.002)
- Access and land rights related to the domain of the State: measures contained in the Act respecting the lands in the domain of the State (chapter T-8.1) and the Watercourses Act (chapter R-13)
- Circulation: measures contained especially in the Act respecting the lands in the domain of the State and regulations on the circulation of motor vehicles in specified fragile environments as enacted under the Environment Quality Act
- Construction and development: regulatory measures adopted by municipal authorities at regional and local levels, under applicable law

5. Responsibilities of the Minister of Sustainable Development, Environment and the Fight Against Climate Change

Conservation and management of the réserve de biodiversité projetée de la Côte-de-Charlevoix falls within the mandate of the Minister of Sustainable Development, Environment and the Fight Against Climate Change, who ensures the monitoring and control of activities therein with the collaboration of other government actors that have specific responsibilities either within the territory or in close proximity to it. These actors include the Minister of Energy and Natural Resources, the Minister of Forests, Wildlife and Parks, the Charlevoix-Est RCM due to the agreement on land management that applies to intramunicipal parcels and, as the case may be, bodies with an interest in the conservation and management of this territory. The Ministère may also delegate specified management activities to regional partners and a management agreement could be prepared for this purpose.

APPENDIX

Plan of the réserve de biodiversité projetée de la Côte-de-Charlevoix

