

— du Plateau-du-Lac-des-Huit-Chutes;

— de la Seigneurie-du-Triton.

The draft Order extends, in accordance with the Natural Heritage Conservation Act, the setting aside of seven areas as proposed biodiversity reserves for eight years. The extension is necessary to keep in force the temporary protection assigned to the land, with a view to completing the steps necessary to assign permanent protection status, including the holding of all the required consultations. The draft Order provides that the setting aside of the land will expire on 7 March 2023.

Further information on the draft Minister's Order may be obtained by contacting Patrick Beauchesne, Director, Direction de l'écologie et de la conservation, Ministère du Développement durable, de l'Environnement et de la Lutte contre les changements climatiques, édifice Marie-Guyart, 675, boulevard René-Lévesque Est, 4^e étage, boîte 21, Québec (Québec) G1R 5V7; telephone: 418 521-3907, extension 4783; fax: 418 646-6169; email: patrick.beauchesne@mddelcc.gouv.qc.ca

Any person wishing to comment on the draft Minister's Order is requested to submit written comments within the 45-day period to Patrick Beauchesne, Director, Direction de l'écologie et de la conservation, Ministère du Développement durable, de l'Environnement et de la Lutte contre les changements climatiques, at the above-mentioned address.

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

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Draft Minister's Order

Natural Heritage Conservation Act
(chapter C-61.01)

Plan and conservation plan for the Réserve de biodiversité projetée du massif des lacs Belmont et Magpie — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the amendments to the plan and conservation plan for the proposed biodiversity reserve of Belmont and Magpie lakes massif Réserve de biodiversité projetée du massif des lacs Belmont et Magpie, appearing below, may be made by the Minister on the expiry of 45 days following this publication.

The plan is amended to exclude from the limits of the proposed biodiversity reserve 32 portions of territory totalling 2.76 km² on which mining activities are executed. The purpose of the activities is to operate surface material extraction sites for the construction of the access roads necessary to the installation of the Romaine-4 – Montagnais line, which will cross the reserve, in relation to the connection project of the Romaine complex on the land of the regional county municipalities of Minganie and Sept-Rivières, by Hydro-Québec. The surface area of the proposed biodiversity reserve decreases from 1,575 km² to 1,572.2 km². Amendments will be made to the conservation plan accordingly.

Information on the proposed amendments may be obtained by contacting Patrick Beauchesne, Director, Direction de l'écologie et de la conservation, Ministère du Développement durable, de l'Environnement et de la Lutte contre les changements climatiques, édifice Marie-Guyart, 4^e étage, boîte 21, 675, boulevard René-Lévesque Est, Québec (Québec) G1R 5V7; telephone: 418 521-3907, extension 4783; fax: 418 646-6169; email: patrick.beauchesne@mddelcc.gouv.qc.ca

Any person wishing to comment on the proposed amendments is requested to submit written comments within the 45-day period to Patrick Beauchesne, Director, Direction de l'écologie et de la conservation, Ministère du Développement durable, de l'Environnement et de la Lutte contre les changements climatiques, at the above address.

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

Amendments to the plan and conservation plan for the Réserve de biodiversité projetée du massif des lacs Belmont et Magpie*

Natural Heritage Conservation Act
(chapter C-61.01, ss. 27 and 31)

1. The plan and conservation plan for the Réserve de biodiversité projetée du massif des lacs Belmont et Magpie are replaced by those appearing in Schedule A.

2. The amendments come into force on the fifteenth day following the date of their publication in the *Gazette officielle du Québec*.

* The plan and conservation plan were made by Order in Council 1269-2003 dated 3 December 2003 (2003, *G.O.* 2, 3495). The conservation plan was amended by Order in Council 136-2008 dated 20 February 2008 (2008, *G.O.* 2, 703).

SCHEDULE A

CONSERVATION PLAN FOR THE RÉSERVE DE BIODIVERSITÉ PROJÉTÉE DU
MASSIF DES LACS BELMONT ET MAGPIE
(s. 1)

QUÉBEC STRATEGY FOR PROTECTED AREAS



**Réserve de
biodiversité
projetée du
massif des lacs
Belmont
et Magpie**

Conservation plan

Modified
August 2014

1. Protection Status and Toponym

The protection status of the area described below is “proposed biodiversity reserve,” which is governed by the *Natural Heritage Conservation Act* (chapter C-61.01).

The anticipated permanent protection status is “biodiversity reserve,” which is governed by the *Natural Heritage Conservation Act*.

The provisional toponym is “Réserve de biodiversité projetée du massif des lacs Belmont et Magpie” The official toponym will be determined when this area is granted permanent protection status.

The Réserve de biodiversité projetée du massif des lacs Belmont et Magpie safeguards an area that is of vital interest in terms of ecology and landscape.

The proposed biodiversity reserve will pursue the following conservation objectives:

- ✓ Conservation of environments representative of the natural region of Massif du lac Magpie
- ✓ Maintenance of ecosystem biodiversity
- ✓ Acquisition of additional knowledge on natural heritage

2. Plan and Description

2.1. Geographic location, boundaries, and dimensions

A map of the Réserve de biodiversité projetée du massif des lacs Belmont et Magpie and its location is presented in Appendix 1.

The Réserve de biodiversité projetée du massif des lacs Belmont et Magpie is located in the backcountry of the Côte-Nord region, between 50°40' and 51°49' north latitude and 64°24' and 65°06' west longitude. It is about 50 km north/northwest of Rivière-Saint-Jean. The proposed reserve is over 130 kilometers long, and the northern boundary follows the border of the Newfoundland part of Labrador as set out in the non-definitive 1927 Privy Council demarcation line. The surface mineral substance removal sites, commonly known as “borrow pits,” that will be used for the construction of access roads needed to install a power line from the Romaine-3 and Romaine-4 generating stations were excluded from the boundaries. The right-of-way of this line will also be excluded from the boundaries when work is completed.

The proposed biodiversity reserve covers an area of 1,572.2 km² and is in the unorganized territory of Lac-Jérôme in the Minganie Regional County Municipality.

2.2. Ecological overview

This area is in the natural province of the Basse-Côte-Nord plateau and protects natural environments characteristic of the Massif du Lac Magpie natural region.

2.2.1. Representative elements

Climate: The area is under the influence of a cold, subpolar and subhumid continental climate and has a short growing season. It is part of the spruce-moss bioclimatic domain.

Geology and geomorphology: The area is entirely within the geological Grenville Province of the Canadian Shield. The geologic foundation consists primarily of mafic rocks, specifically anorthosite and gabbro or, less commonly, diorite and gabbro. In the central part of the proposed biodiversity reserve, the basement rock is also composed of metamorphic rock, i.e., gneiss, and intrusive rock, i.e., syenite and monzonite. In terms of geomorphology, the dominant landscape is made up of low hills and knolls covered with well-drained moraine deposits. The bottom of the Rivière Magpie valley is lined with glaciofluvial sand and gravel sediments, while the steepest slopes are coated with colluvial deposits. The altitude varies from 145 to 980 m.

Hydrography: The drainage system consists primarily of basin head elements. It has some 50 lakes of glacial origin that cover 10% of the territory's area. The largest is Lac Magpie, which corresponds to a widening of the river of the same name. Other than this body of water, which is 75 km long and covers a total area of 110 km², the lakes in the proposed biodiversity reserve are generally small, have very indented shorelines, and generally have a north-south orientation.

Vegetation cover: In the northern portion of the proposed biodiversity reserve, the peaks are covered with old-growth coniferous forests dominated by black spruce (*Picea mariana*), white spruce (*Picea glauca*), and balsam fir (*Abies balsamea*). However, the steepest slopes are generally covered by dry heathland, a plant formation almost devoid of trees that consists of grasses, mosses, and lichens. The valley bottoms are dotted with stands of trembling aspen (*Populus tremuloides*), paper birch (*Betula papyrifera*), and mixed hardwood tree species. The Rivière Magpie Ouest valley contains jack pine forests that are the easternmost such forests in Québec, making them of particular interest. To complete this vegetation overview, it should be mentioned that peat bogs are scattered throughout the low-lying areas. Certain sectors have been affected by forest fires, particularly north of Lac Nouel.

2.3. Occupation and main land uses

The entire area lies within the Saguenay beaver reserve, in which Innu communities have special fur hunting and trapping rights.

Eight land rights have been granted within the perimeter of the protected area, notably two leases for personal vacation purposes, four leases for temporary shelters, and two leases for commercial purposes (Pourvoirie du lac Magpie).

3. Activities framework

§ 1. Introduction

Activities carried on within the proposed biodiversity reserve are governed mainly by the provisions of the Natural Heritage Conservation Act (chapter C-61.01).

This Division prohibits activities in addition to those prohibited under 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.

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;
- a forest development activity within the meaning of section 4 of the Sustainable Forest Development Act (chapter A-18.1);
- 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, 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 (chapter Q-2, r. 35).

- 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 developing 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 subparagraphs that is likely to degrade the bed, banks or shores of a body of water or watercourse or directly and substantially affect the quality of the biochemical characteristics of aquatic or riparian environments or wetland areas in the proposed reserve, including by discharging or dumping waste or pollutants into those areas;
 - (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; or
 - (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 reserve at the same time and that the activity implies sampling for fauna or flora resources or the use of a motor vehicle.
- 3.4.** Despite subparagraphs 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; or

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; or

(c) the demolition or reconstruction of a trapping camp, 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 permitted 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; and

(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. Every person staying, carrying on an activity or travelling in 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. 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, 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.

3.9. 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

3.10. 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 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 effective date of the protection status as a proposed reserve, 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 (chapter C-61.1), 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 the applicable provisions of 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; or

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

3.11. (1) No person may carry on forest management 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, the authorization of the Minister is not required if a person staying or residing in the proposed reserve collects wood to make a campfire.

An authorization is also not required if a person collects firewood to meet domestic needs in the following cases and on the following conditions:

a) the wood is collected to supply a trapping camp or a rough shelter permitted within the proposed reserve if

i. the wood is collected by a person in compliance with the conditions set out in the permit for the harvest of firewood for domestic purposes issued by the Minister of Forests, Wildlife and Parks under the Sustainable Forest Development Act (chapter A-18.1);

ii. the quantity of wood collected does not exceed 7 apparent cubic metres per year;

b) in all other cases if

i. the wood is collected within a sector designated by the Minister of Forests, Wildlife and Parks as a sector for which a permit for the harvest of firewood for domestic purposes under the Sustainable Forest Development Act may be issued, and for which, on the effective date of the protection status as a proposed reserve, a designation as such had already been made by the Minister;

ii. the wood is collected by a person who, on the effective date of the protection status as a proposed reserve or in any of the 3 preceding years, held a permit for the harvest of firewood for domestic purposes allowing the person to harvest firewood within the proposed reserve;

iii. the wood is collected by a person in compliance with the conditions set out in the 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.

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

Despite the first paragraph, no authorization is required to carry on commercial activities which, on the effective date of the protection status as a proposed biodiversity reserve, was the subject of a right to use the land for such a purpose, whether the right results from a lease or other form of title, permit or authorization, within the limits of the right.

§2.4 Authorization exemptions

3.13. 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.

3.14 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.

3.15 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; and
- (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

Certain activities likely to be carried out within the proposed reserve are also governed by other applicable 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 on the proposed reserve.

A special legal framework may govern permitted activities in the proposed biodiversity reserve, particularly in regard to the following:

- Environmental protection: Measures set out in particular in the *Environment Quality Act* (chapter Q-2) and its regulations
- Plant species designated as threatened or vulnerable: Measures prohibiting the removal of such species under the *Act respecting threatened or vulnerable species* (chapter E-12.01)

- Wildlife harvesting and conservation: Measures set out in the *Act respecting the conservation and development of wildlife* (chapter C-61.1) and its regulations, including the provisions pertaining to outfitting operations and beaver reserves and the measures contained in applicable federal legislation, including the fisheries regulations
- Archaeological research and discoveries: 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 particular in the *Act respecting the lands in the domain of the State* (chapter T-8.1) and 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 the regulation on motor vehicle traffic in certain fragile environments made under the *Environment Quality Act*
 - Construction and development 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 and the Fight against Climate Change

The Minister of Sustainable Development, Environment and the Fight against Climate Change is responsible for the conservation and management of the Réserve de biodiversité projetée du massif des lacs Belmont et Magpie. The Minister supervises and monitors the activities that may take place there. In managing the reserve, the Minister will work collaboratively with other government representatives having specific responsibilities within the boundaries of the reserve or on adjoining land, such as the Minister of Energy and Natural Resources; the Minister of Forests, Wildlife and Parks; the Minganie RCM; and any organization(s) with an interest in the conservation and management of this land. The ministère du Développement durable, de l'Environnement et de la Lutte contre les changements climatiques may also delegate certain management responsibilities to regional partners under a delegation agreement drawn up for this purpose. The partners' duties would take into account the type of protection desired for this natural environment and its current protection status. No additional conservation measures are anticipated at this time. With respect to zoning, as the conservation objectives for the temporary protection period are the same throughout the area, the proposed reserve comprises a single conservation zone.

Appendix 1

Map and location of the Réserve de biodiversité projetée du massif des lacs Belmont et Magpie

