

Draft conservation plan

Natural Heritage Conservation Act
(chapter C-61.01)

**Réserve de biodiversité projetée Judith-De Brésoles
— Temporary protection status**

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Minister of Sustainable Development, Environment and the Fight Against Climate Change intends to assign a temporary protection status as a proposed biodiversity reserve to the territory in the conservation plan established for the Réserve de biodiversité projetée Judith-De Brésoles, appearing below, on the expiry of 45 days following this publication.

The setting aside of the territory, in accordance with the Natural Heritage Conservation Act, will be for a period of four years. The assignment of a temporary protection status as a proposed biodiversity reserve will make the activities framework provided for in the Act and in the conservation plan established for the proposed biodiversity reserve applicable to the territory designated in the plan accompanying it.

The activities framework is set out in section 4 of the draft conservation plan of the Réserve de biodiversité projetée Judith-De Brésoles. It provides for prohibitions in addition to those set out in the Act and it regulates the carrying out of certain activities that may be carried out within the territory to better ensure the protection of the natural environment, in conformity with the principles of conservation and other objectives of management of the proposed biodiversity reserve. Thus certain activities are subject to the prior authorization from the Minister.

Further information may be obtained by contacting Agathe Cimon, Director, Direction des aires protégées, 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 4426; fax: 418 646-6169; email: agathe.cimon@mddelcc.gouv.qc.ca

Any person wishing to comment on the matter is requested to submit written comments within the 45-day period to Agathe Cimon, Director, Direction des aires protégées, 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,
Environment and the
Fight Against Climate Change*

**Temporary protection status assigned
as Réserve de biodiversité projetée
Judith-De Brésoles**

Natural Heritage Conservation Act
(chapter C-61.01, ss. 27 and 28)

1. The conservation plan of the Réserve de biodiversité projetée Judith-De Brésoles appears in Schedule A.

2. The territory in the Schedule to the conservation plan constitutes the Réserve de biodiversité projetée Judith-De Brésoles.

3. The temporary status as proposed biodiversity reserve, for a period of 4 years, and the conservation plan of the Réserve de biodiversité projetée Judith-De Brésoles, applicable to the territory appearing as a schedule to the document, come into force on the fifteenth day following the date of their publication in the *Gazette officielle du Québec*.

SCHEDULE A

CONSERVATION PLAN OF THE RÉSERVE DE BIODIVERSITÉ PROJÉTÉE JUDITH-DE BRÉSOLES

(s. 1)

QUÉBEC STRATEGY FOR PROTECTED AREAS

**Réserve de
biodiversité
projetée
Judith-De
Brésoles****Conservation plan**

March 2016

1. Protection status and toponym

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

The permanent protection status proposed for the territory is that of “biodiversity reserve”, this status also being governed by the *Natural Heritage Conservation Act*.

The provisional toponym is: Réserve de biodiversité projetée Judith-De Brésoles. The official toponym will be determined when the territory is given permanent protection status.

2. Conservation objectives

Réserve écologique Judith-De Brésoles and Réserve de biodiversité projetée Judith-De Brésoles together form a nucleus of conservation that will better protect the ecosystems they contain. Creation of the proposed biodiversity reserve will protect and maintain biological diversity and the associated natural and cultural resources. Additionally, protection of this territory will augment the representativeness of the regional and national network of protected areas, since it has multiple components of ecological interest that are representative of characteristic ecosystems in the northern part of the La Tuque depression natural region (see section 3.2). Protection of these ecosystems will allow the practice of recreational and tourism activities to continue on the territory.

3. Plan and description

3.1. Geographical location, boundaries and dimensions

The boundaries and location of Réserve de biodiversité projetée Judith-De Brésoles appear in Appendix 1.

Réserve de biodiversité projetée Judith-De Brésoles is located in the administrative region of Mauricie, about 35 km northeast of downtown La Tuque, between 47° 34' and 47° 38' north latitude and between 72° 17' and 72° 22' west longitude. With a total area of 7.97 km², the proposed reserve sits on either side of Réserve écologique Judith-De Brésoles, extending to the northeast shore of Lac Édouard.

Since there are no roads into the proposed reserve, the main access is by regional snowmobile trail #355, which skirts the western boundary of Réserve écologique Judith-De Brésoles. It can also be accessed by a quad trail in the northeast, or by boat or seaplane via Lac Édouard or Lac aux Orignaux.

3.2. Ecological portrait

Réserve de biodiversité projetée Judith-De Brésoles is in the southern Laurentian natural province, more precisely the northern part of the La Tuque depression natural region, in the northern part of the Lac Wayagamac low hills physiographic complex.

The relief of the proposed reserve is essentially mounds, the elevation ranging from 360 to 450 m, with an average elevation of 395 m.

Around Lac Édouard, in the western part of the proposed reserve, the geological foundation (Grenville geological province) consists of a gneissic complex of quartz-plagioclase, biotite and/or hornblende, along with amphibolites. The eastern part is mostly underlain by granite with pegmatite.

The surface deposits of the proposed reserve are varied and include the following: glacial deposits with no particular morphology, undifferentiated tills of medium thickness (50 cm to 1 m), and fluvio-glacial, proglacial, juxtaglacial and outwash deposits. There are also thick organic deposits, and a few rocky outcrops on the edge of Lac Édouard.

The proposed biodiversity reserve is subject to a mild continental subarctic climate, subhumid with a long growing season. The average annual temperature is 1.9 to 4.5°C, total annual precipitation is 800 to 1359 mm, and the average growing season is 180 to 209 days.

The waters of the proposed reserve belong to the Rivière Batiscan watershed. Besides a few small lakes, the western part features a large coniferous swamp and fair-sized flooded swamps, while the eastern part has bogs/fens and fair-sized flooded swamps. As mentioned earlier, the western part includes sections of shoreline on Lac Édouard and Lac aux Orignaux.

The proposed reserve is in the mixed forest bioclimatic domain (fir-white birch). Woodlands in the western part are primarily mixed, with few deciduous stands and only rare coniferous stands. Woodlands in the eastern part are primarily coniferous, with few mixed stands and only rare deciduous stands.

Réserve de biodiversité projetée Judith-De Brésoles has a great diversity of forest stands, all age classes being represented. However, many stands in the western part are old-growth forest, accompanied by stands of 40 to 80 years. Stands in the eastern part are much more varied in age. Based on the available data, no age class is dominant.

The section west of the ecological reserve is favourable to the development of yellow birch-fir stands, with a few sugar maple-yellow birch stands. The section east of the ecological reserve is favourable to conifers (balsam fir-black spruce stands and black and/or red spruce stands). A major element of interest in the proposed biodiversity reserve is the presence of sugar maple-yellow birch stands at the northern limit of their range.

Wholly or partly included in the proposed reserve are several High Conservation Value Forests. They are: a proposed conservation zone (under the Mauricie TRIAD project), a priority 1 landscape protection area, a maple stand, and old-growth forests. Two biological refuges (#04251R091 and #04251R093) are also part of the proposed reserve.

No occurrence of a threatened or vulnerable species has been noted in the proposed reserve. However, one occurrence of southern bog lemming, a species likely to be designated threatened or vulnerable, has been observed nearby.

3.3. Land occupation and uses

There is a single resort lease on the territory of Réserve de biodiversité projetée Judith-De Bréssoles.

The proposed reserve is in fur-bearing animal management unit 33, and in hunting zone 26.

A canoe-kayak route crosses Lac Édouard in a north-south direction. A regional snowmobile trail crosses the proposed reserve in the same direction, along the western boundary of Réserve écologique Judith-De Bréssoles. A provincial quad trail crosses the northeast corner of the proposed biodiversity reserve.

Apart from the two trails, the territory of the proposed reserve is remarkably intact and thus relatively unfragmented. Use and maintenance of the trails may continue subject to the Activities framework described in section 4.

4. Activities framework

§ Introduction

The purpose of the proposed biodiversity reserve is to protect natural environments and their components. Activities that may have a significant impact on ecosystems and biodiversity, particularly industrial activities, are prohibited therein. This type of protected area allows the pursuit of less damaging activities and occupancies, namely recreational, wildlife, ecotourism and educational activities and occupancies.

The proposed biodiversity reserve must be considered to be a territory dedicated to the protection of the natural environment, nature discovery and recreation.

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

As provided in the 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 activities 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.

Although fundamental for the protection of the territory and ecosystems therein, the prohibitions do not cover all the standards deemed to be desirable to ensure the good management of the proposed biodiversity reserve and the conservation of the natural environment. The Natural Heritage Conservation Act makes it possible to specify in the conservation plan the legal framework applicable in the territory of the proposed biodiversity reserve.

The provisions in this section provide for prohibitions in addition to those already prescribed by law and regulate certain activities allowed to better ensure the protection of the natural environment, in conformity with the principles of conservation and other objectives of management of the proposed biodiversity reserve. Thus certain activities are subject to the prior authorization from the Minister.

The measures contained in this section concern in particular the new interventions in the territory and do not generally call into question existing facilities or certain activities already under way in the territory, thereby preserving a number of existing uses. Lastly, the measures also contain, for certain activities, exemptions from the requirement to obtain an authorization.

The measures do not distinguish, among all the activities subject to an authorization, those that are considered to be compatible from those that are considered to be incompatible with the vocation of the proposed biodiversity reserve. This last status (temporary) is managed in a manner very similar to the permanent status and basic information concerning the compatibility or incompatibility of each type of activity may be found in the document *Activity Framework for Biodiversity Reserves and Aquatic Reserves*, available on the website of the MDDELCC at

http://www.mddelcc.gouv.qc.ca/biodiversite/aires_protegees/regime-activites/regime-activite-reserve-bio-aqua-en.pdf.

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

§ Protection of resources and the natural environment

4.1. 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.

4.2. 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).

4.3. No person may remove species of flora, small fruits or any other non-timber forest product by mechanical means.

4.4. 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 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 reserve, including by discharging or dumping waste or pollutants into those areas;
- (6) carry out soil development work or carry on an activity that is likely to degrade the soil or a geological formation or damage the vegetation cover, such as stripping, the digging of trenches or excavation work, including any burial, earthwork, removal or displacement of surface materials or vegetation cover, for any purpose;
- (7) install or erect any structure, infrastructure or new works;
- (8) reconstruct or demolish a structure, infrastructure or works;
- (9) use a pesticide, although no authorization is required for the use of personal insect repellent;
- (10) 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
- (11) hold a sports event, tournament, rally or similar event if the activity implies sampling for fauna or flora resources or the use of a vehicle, motorized or not.

4.5. Despite paragraphs 6, 7 and 8 of section 4.4, 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 a 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 biodiversity 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;

(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; and

(e) for roads in the forest, the work must not operate to alter or exceed the existing right of way, widen the roadway or convert the road to a higher class.

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.

4.6. 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.

§ Rules of conduct for users

4.7. No person may enter, carry on an activity or operate 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.

4.8. 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.

§ Activities requiring an authorization

4.9. 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 biodiversity 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 law, has entitlement under a sublease, an assignment of a lease or a transfer of a right or authorization referred to in subparagraph 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 biodiversity reserve, pursuant to the Act respecting the lands in the domain of the State.

4.10. (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 biodiversity 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 biodiversity 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, maintaining 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 4.12 and 4.14.

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

(a) carried on by a person who, on the effective date of the protection status as a proposed biodiversity reserve or in any of the 3 preceding years, held a permit for the operation of a sugar bush issued by the Minister of Forests, Wildlife and Parks under the Sustainable Forest Development Act allowing the person to carry on sugar bush activities in the territory of the proposed reserve;

(b) carried on within an area that, under the permit received, was already the subject of sugar bush activities on the effective date of the protection status as a proposed biodiversity reserve or in any of the 3 preceding years;

(c) carried on by a person in conformity with the conditions of the permit for a sugar bush operation issued by the Minister of Forests, Wildlife and Parks under the Sustainable Forest Development Act.

4.11. 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

(a) if the activity does not imply sampling for fauna or flora resources or the use of a motor vehicle;

(b) 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.

§ **Authorization exemptions**

4.12. 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.

4.13 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.

4.14 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 purposes of access, construction or traffic incidental to the work.

5. Activities governed by other laws

Certain activities that could potentially be practised in the proposed biodiversity reserve are also governed by other applicable legislative and regulatory provisions, and some require a permit or authorization or the payment of certain fees. Certain activities could be prohibited or limited under other laws or regulations applicable on the territory of the proposed reserve.

Within the proposed biodiversity reserve, a particular legal framework may govern permitted activities under the following categories:

- **Protection of the environment:** measures stipulated by the *Environment Quality Act* (chapter Q-2) and its regulations;
- **Biological refuges:** protection measures stipulated by the *Sustainable Forest Development Act* (chapter A-18.1, sections 27 to 30);
- **Plant species designated as threatened or vulnerable:** measures prohibiting the harvesting of such species under the *Act respecting threatened or vulnerable species* (chapter E-12.01);
- **Exploitation and conservation of wildlife resources:** measures stipulated by the *Act respecting the Conservation and Development of Wildlife* (chapter C-61.1) and its regulations, including provisions related to threatened or vulnerable wildlife species, outfitters and beaver reserves, and measures in the applicable federal laws and regulations, including the legislation and regulations on fisheries;
- **Archeological research and discoveries:** measures stipulated by the *Cultural Heritage Act* (chapter P-9.002);
- **Access and property rights related to the domain of the State:** measures stipulated by the *Act Respecting the Lands in the Domain of the State* (chapter T-8.1) and by the *Watercourses Act* (chapter R-13);
- **Issuance and oversight of forest development permits** (harvesting of firewood for domestic purposes, wildlife development, recreational development); and **delivery of authorizations** (forest roads): measures stipulated by the *Sustainable Forest Development Act* (chapter A-18.1);
- **Travel:** measures stipulated by the *Act Respecting the Lands in the Domain of the State* and by the regulations on motor vehicle travel in fragile environments, under the *Environment Quality Act*;
- **Construction and development standards:** regulatory measures adopted by local and regional municipal authorities in accordance with the applicable laws.

6. 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 management of Réserve de biodiversité projetée Judith-De Brésoles. Among other things, the Minister sees to the control and supervision of activities that may be practised there. In his management, the Minister enjoys the collaboration and participation of other government representatives that have specific responsibilities in or adjacent to the territory, including the Minister of Energy and Natural Resources and the Minister of Forests, Wildlife and Parks, and their delegates. In performing their functions they will take into account the protection desired for these natural environments and the protection status they are now granted.

Appendix 1

Map of Réserve de biodiversité projetée Judith-De Brésolles

