

## Draft Regulations

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### Draft conservation plan

Natural Heritage Conservation Act  
(chapter C-61.01)

#### Réserve aquatique projetée de la Rivière-Kovik — 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, the Environment and the Fight Against Climate Change intends to assign a temporary protection status as a proposed aquatic reserve to the territory in the conservation plan established for the Réserve aquatique projetée de la Rivière-Kovik, appearing below, on the expiry of 45 days following this publication.

The setting aside of the territory, authorized by Order in Council 69-2018 dated 7 February 2018, 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 aquatic reserve will make the activities framework provided for in the Act and in the conservation plan established for the proposed aquatic 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 aquatique projetée de la Rivière-Kovik. 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 aquatic reserve. Certain activities are subject to the prior authorization from the Minister.

Further information on the setting aside of land may be obtained by contacting Francis Bouchard, Director, Direction des aires protégées, Ministère du Développement durable, de l'Environnement et de la Lutte contre les changements climatiques, édifice Marie-Guyart, 4<sup>e</sup> étage, boîte 21, 675, boulevard René-Lévesque Est, Québec (Québec) G1R 5V7; telephone: 418 521-3907, extension 4426; fax: 418 646-6169; email: francis.bouchard@mddelcc.gouv.qc.ca.

Any person wishing to comment on the matter is requested to submit written comments within the 45-day period to Francis Bouchard, at the above contact information.

ISABELLE MELANÇON,  
*Minister of Sustainable Development,  
the Environment and the  
Fight Against Climate Change*

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#### Temporary protection status assigned as Réserve aquatique projetée de la Rivière-Kovik

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

1. The conservation plan of the Réserve aquatique projetée de la Rivière-Kovik appears in Schedule A.
2. The territory in the Schedule to the conservation plan constitutes the Réserve aquatique projetée de la Rivière-Kovik.
3. The temporary status as proposed aquatic reserve, for a period of 4 years, and the conservation plan of the Réserve aquatique projetée de la Rivière-Kovik, 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 AQUATIQUE PROJETÉE DE LA RIVIÈRE-KOVIK**

(s. 1)

## QUÉBEC STRATEGY FOR PROTECTED AREAS

**Réserve  
aquatique  
projetée de la  
Rivière-Kovik****Conservation plan**

April 2018

Note to the reader

Since Réserve aquatique projetée de la Rivière-Kovik is in territory covered by the *James Bay and Northern Québec Agreement* (JBNQA), it is important to specify that, pursuant to Section 24 of that Agreement as well as the *Act respecting hunting and fishing rights in the James Bay and New Québec territories* (chapter D-13.1), beneficiaries of the JBNQA conserve their right to harvest within the boundaries of the proposed aquatic reserve.

## 1. Protection status and toponym

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

The permanent protection status to be granted at the end of the process is that of “aquatic reserve”, this status also being governed by the *Natural Heritage Conservation Act*.

The provisional toponym is: Réserve aquatique projetée de la Rivière-Kovik. The official toponym will be determined when the territory is given permanent protection status. It is understood that the representative authorities of Nunavik, along with the communities concerned by the proposed aquatic reserve, will contribute proposals for an official toponym to the Commission de toponymie du Québec.

## 2. Conservation objectives

Réserve aquatique projetée de la Rivière-Kovik was primarily created to protect and maintain biological diversity and the associated natural and cultural resources, and to ensure the conservation of local populations of resident and anadromous Arctic char. Protecting this territory increases the representativeness of the regional and national network of protected areas, since it contains a number of ecological components of interest that are representative of the characteristic ecosystems of the Salluit plateau natural region (see section 3.2). Protecting these ecosystems will allow the pursuit of traditional Inuit activities by people in the communities of Salluit, Ivujivik, Akulivik and Puvirnituk, who frequent the territory for fishing, hunting, trapping and soapstone gathering. Also, it is important to note that the proposed aquatic reserve will ensure the protection of around twenty identified archeological sites.

## 3. Plan and description

### 3.1. Geographical location, boundaries and dimensions

The boundaries and location of the proposed reserve are illustrated in Appendix 1.

Réserve aquatique projetée de la Rivière-Kovik is located in the administrative region of Nord-du-Québec, between 61°23' and 62°00' north latitude and 77°47' and 75°30' west longitude. It is about 100 km northeast of the village of Akulivik and covers an area of 4651.2 km<sup>2</sup>.

### 3.2. Ecological portrait

The waters of the proposed reserve are mostly in the Rivière Kovik watershed, with smaller portions in the Rivière Frichet and Rivière Delaize watersheds.

Réserve aquatique projetée de la Rivière-Kovik is in the Churchill geological province. Its geological foundation is composed essentially of felsic plutonic rocks, including granite, tonalite, porphyritic monzonite and diorite. At the eastern end the bedrock consists of gabbro, a basic plutonic rock.

The proposed reserve is in the Ungava peninsula natural province, more precisely the Salluit plateau natural region and the physiographic units of the Baie-Kovik lowlands and the Lac-Fargues high plateau. In its western part, where the elevation ranges from 0 to 90 m, the topography is that of an undulating plain subject to marine invasion. The broad depressions present are filled with fine marine and littoral deposits, accompanied by a concentration of De Geer moraines. The little relief present, of slight amplitude, consists of rocky outcrops left by the scouring action of waves. To the east, the elevation gradually rises from 90 to 430 m, where the landscape is shaped by valleys intersecting buttes (50 to 100 m in height) covered with thin till.

The elevation of the proposed reserve ranges from about 15 to 430 m.

The territory is located in the polar climate zone, with an average annual temperature that ranges from -9.1 to -8.1 °C. Annual precipitation is on the order of 330 to 442 mm, while the growing season is 80 to 89 days.

The proposed reserve straddles two bioclimatic domains, those of shrub Arctic tundra and herbaceous Arctic tundra. The vegetation is mostly prostrate shrubs in association with mosses and lichens. In valley bottoms and at the bases of slopes there are stands of erect shrubs with dwarf birch, while exposed hilltops are characterized by stands of lichen and moss accompanied by herbaceous plants and ground-hugging shrubs. In the western portion there are a few tidal marshes typical of the Southern Arctic.

Among terrestrial wildlife, the following are likely to inhabit the proposed reserve: migratory caribou (the Rivière-aux-Feuilles herd), Ungava lemming, Arctic hare, grey wolf, polar bear and Arctic fox. As for aquatic wildlife, the following species were identified during knowledge acquisition work in August 2014: lake cisco, three-spined stickleback, nine-spined stickleback, lake whitefish, Arctic char and lake trout. Avian wildlife in the proposed reserve would include: Canada goose, snow bunting, tundra swan, common eider, snowy owl, rock ptarmigan and snow goose.

### 3.3. Land occupation and uses

The territory of the proposed reserve has been used by the Inuit for centuries, as demonstrated by the many stone relics along the shores of Baie Kovik (house, food shelters, fox trap, etc.). Today the sector continues to be used for the harvesting of wildlife resources, in particular Arctic char, by the communities of Salluit, Ivujivik, Akulivik and Puvirnituk. To that end, the Akulivik section of the Nunavik Hunting Fishing Trapping

Association has set up a committee for the self-regulation of harvesting activities by JBNQA beneficiaries, to ensure that the resource remains sustainable. Each year, the committee sets rules that must be followed by any subsistence fisher who goes to Rivière Kovik to fish for Arctic char.

The proposed reserve is located partly on Category II lands belonging to the communities of Salluit (to the east) and Akulivik (to the west), which have exclusive hunting, fishing and trapping rights and the right to establish and operate an outfitter, pursuant to the *James Bay and Northern Québec Agreement* (JBNQA) and the *Act respecting the land regime in the James Bay and New Québec territories* (chapter R-13.1).

With regard to wildlife harvesting and development, the proposed reserve is in hunting zone 23. It is also part of the Nouveau-Québec beaver reserve and is in fur-bearing animal management unit 96.

There are no roads in the territory, nor have any land rights been issued for areas within it. However, there are numerous active mineral titles near or adjoining the boundaries of the proposed reserve, especially along its southern and western edges. Consideration will have to be given to the impacts that operating such sites could have on the protected area and its conservation objectives.

## 4. Activities framework

### §1 — Introduction

The purpose of the proposed aquatic 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. The type of protected area allows the pursuit of less damaging activities and occupancies, namely recreational, wildlife, ecotourism and educational activities and occupancies.

The proposed aquatic reserve must be considered to be a territory dedicated to the protection of the natural environment and the related cultural resources, the discovery of nature and of the Innu culture, and recreation.

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

Under section 34 of the Act, the main activities prohibited in an area to which status as a proposed aquatic 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.

The measures in the Natural Heritage Conservation Act and this plan apply subject to the provisions of the agreements referred to in the Act approving the Agreement concerning James Bay and Northern Québec (chapter C-67) and in the Act approving the Northeastern Québec Agreement (chapter C-67.1).

Although fundamental for the protection of the territory and ecosystems therein, the prohibitions are insufficient to ensure the good management of the proposed aquatic 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 aquatic 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 aquatic reserve. Thus certain activities are subject to 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 under the Natural Heritage Conservation Act.

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 aquatic reserve and that may not be authorized. A proposed aquatic reserve is managed in a manner very similar to the permanent aquatic reserve 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 Ministère du Développement durable, de l'Environnement et de la Lutte contre les changements climatiques (MDDELCC) at

[http://www.mddelcc.gouv.qc.ca/biodiversite/aires\\_protegees/regime-activites/regime-activite-reserve-bio-aqua.pdf](http://www.mddelcc.gouv.qc.ca/biodiversite/aires_protegees/regime-activites/regime-activite-reserve-bio-aqua.pdf).

## **§2 — Prohibitions, prior authorizations and other conditions governing certain activities in the proposed aquatic reserve**

### **§2.1 — 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 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 paragraphs 1 to 4 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; no authorization is required however for the collection of soapstone by Innu beneficiaries;
- (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 any other similar event, where, as the case may be,
  - (a) fauna or flora species are sampled or are likely to be sampled; or
  - (b) motor vehicles or boats are used.



**4.5.** Despite paragraphs 6, 7 and 8 of section 4.4, no authorization is required to carry out the following work when the requirements of the second paragraph are met:

- (1) the maintenance, repair or upgrade of any structure, infrastructure or works such as a camp, cottage, road or trail, including ancillary facilities such as lookouts or stairs;
- (2) the construction or erection of
  - (a) an appurtenance or ancillary facility of a rough shelter, shelter or cottage such as a shed, well, water intake or sanitary facilities; or
  - (b) 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 aquatic reserve; or
- (3) 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.

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

- (1) the work involves a structure, infrastructure or works permitted within the proposed reserve;
- (2) 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;
- (3) 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 issued in connection with the structure, works or infrastructure; and
- (4) 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.

**4.6.** No person may bury, incinerate, abandon or dispose of waste, snow or other residual materials elsewhere than in waste disposal containers, facilities or sites determined by the Minister. The materials may be buried, incinerated, abandoned or disposed of elsewhere with the authorization of the Minister.

**§2.2 — 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.

**§2.3 — 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.

For the purposes of the first paragraph,

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

Despite the first paragraph, no authorization is required if a person,

- (1) on the effective date of the protection status as a proposed aquatic 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;
- (2) 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 1, and whose right to occupy the land is renewed or extended on the same conditions, subject to possible changes in fees; or
- (3) elects to acquire land the person legally occupies on the effective date of the protection status as a proposed aquatic reserve, pursuant to the Act respecting the lands in the domain of the State.

**4.10.** No person may carry on commercial activities in the proposed aquatic reserve, unless the person has been authorized by the Minister.

Despite the first paragraph, no authorization is required

- (1) if the activity does not imply sampling for fauna or flora resources or the use of a motor vehicle;
- (2) to carry on commercial activities which, on the effective date of the protection status as a proposed aquatic 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**

**4.11.** Despite the preceding provisions, no authorization is 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.

**4.12** It is understood that the provisions of this plan are applicable subject to the rights provided for in Chapter 24 of the James Bay and Northern Québec Agreement and in the Act respecting hunting and fishing rights in the James Bay and New Québec territories (chapter D-13.1). In particular, Innu beneficiaries who, for food, ritual or social purposes, carry on an intervention or an activity within the proposed reserve are exempted from obtaining an authorization.

**4.13** 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 (chapter Q-2), 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 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 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 aquatic reserve, a particular legal framework may govern permitted activities under the following categories:

- **Protection of the environment:** measures set out in particular by the *Environment Quality Act* (chapter Q-2) and its regulations;
- **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 relating to activities that could modify a biological, physical or chemical element specific to the habitat of an animal or fish dependent on that habitat, to threatened or vulnerable wildlife species, and to outfitters and beaver reserves; measures in the applicable federal laws and regulations, including the legislation and regulations on fisheries; and in northern regions, particular measures stipulated by the *Act respecting hunting and fishing rights in the James Bay and New Québec territories* (chapter D-13.1);
- **Protection of cultural heritage, archeological research and discoveries:** measures set out in particular by the *Cultural Heritage Act* (chapter P-9.002);
- **Access and property rights related to the domain of the State:** measures set out in particular by the *Act respecting the lands in the domain of the State* (chapter T-8.1) and the *Watercourses Act* (chapter R-13), and in northern regions, by the *Act respecting the land regime in the James Bay and New Québec territories* (chapter R-13.1);
- **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 conservation and management of Réserve aquatique projetée de la Rivière-Kovik. Among other things, the Minister sees to the control and supervision of activities that take place there. In her management, the Minister enjoys the collaboration and participation of governmental, regional and local representatives that have specific responsibilities in or adjacent to the territory, including the Minister of Energy and Natural Resources, the Minister of Forests, Wildlife and Parks, their delegates, the Kativik Regional Government (KRG) and the Makivik Corporation. 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 aquatique projetée de la Rivière-Kovik**

