

M.O., 2018**Order of the Minister of Sustainable Development, the Environment and the Fight Against Climate Change dated 6 August 2018**

Natural Heritage Conservation Act
(chapter C-61.01)

Assignment of temporary protection status as proposed biodiversity reserve or proposed aquatic reserve to three areas situated in the James Bay territory for four years, establishment of the plan and conservation plan of those areas and revocation of the plans of two proposed biodiversity reserves situated in that territory

The Minister of Sustainable Development, the 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, the Minister of Sustainable Development, the Environment and the Fight Against Climate Change, 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 the first paragraph of section 28 of the Act, which provides 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, which may be renewed or extended;

CONSIDERING the Agreement to resolve the Baril-Moses forestry dispute between the Cree Nation of Eeyou Istchee and the Gouvernement du Québec, entered into on 13 July 2015 and approved by Décret 612-2015 dated 2 July 2015, which provides for the establishment of the Broadback River Protected Area in the territory of the James Bay and Northern Québec Agreement;

CONSIDERING that the Broadback River Protected Area, covering three sectors of James Bay, require the establishment of three new proposed reserves as Réserve de biodiversité projetée de Chisesaakahikan-et-de-la-Rivière-Broadback, Réserve aquatique projetée du Lac-Waswanipi and Réserve de biodiversité projetée Assinica, with a view to subsequently assign them permanent protection status;

CONSIDERING the Minister's Order dated 29 May 2008 (2008, *G.O.* 2, 2124), authorized by Order in Council 445-2008 dated 7 May 2008, which provides that temporary protection status was assigned to the territory of the proposed Lac-Dana biodiversity reserve and the proposed Tourbières-Boisées-du-Chiwakamu biodiversity reserve for a period of four years starting on 11 June 2008;

CONSIDERING the second paragraph of section 28 of the Natural Heritage Conservation Act, which provides that the renewals or extensions of the setting aside of land as proposed biodiversity reserve may not be such that the term of the setting aside exceeds six years, unless so authorized by the Government;

CONSIDERING the Minister's Order dated 11 May 2012 (2012, *G.O.* 2, 1552), authorized by Order in Council 107-2012 dated 22 February 2012, which extends the setting aside of the territory of the proposed Lac-Dana biodiversity reserve and the proposed Tourbières-Boisées-du-Chiwakamu biodiversity reserve for a period of eight years starting on 11 June 2012;

CONSIDERING the first paragraph of section 31 of the Natural Heritage Conservation Act, which provides that the Minister may revoke the plan of land set aside under section 27 or the conservation plan established for that land, with the approval of the Government;

CONSIDERING that to facilitate the management of the new proposed reserves, the territory of the Réserve de biodiversité projetée de Chisesaakahikan-et-de-la-Rivière-Broadback includes the territory of the proposed Lac-Dana biodiversity reserve and the proposed Tourbières-Boisées-du-Chiwakamu biodiversity reserve, and the plans of those areas will be revoked;

CONSIDERING section 32 of the Act, which provides that land ceases to be set aside in particular on publication in the *Gazette officielle du Québec* of a notice of revocation of the plans by the Minister, with the approval of the Government;

CONSIDERING that this Minister's Order constitutes the notice of revocation of the plans of the proposed Lac-Dana biodiversity reserve and the proposed Tourbières-Boisées-du-Chiwakamu biodiversity reserve published in the *Gazette officielle du Québec* as required by section 32 of the Act;

CONSIDERING Décret 72-2018 dated 7 February 2018, which authorizes the Minister of Sustainable Development, the Environment and the Fight Against Climate Change to assign to three areas situated in the James Bay territory temporary protection status, to prepare the plan of those areas and to establish the conservation plan for the Réserve de biodiversité projetée de Chisesaakahikan-et-de-la-Rivière-Broadback, the Réserve aquatique projetée du Lac-Waswanipi and the Réserve de biodiversité projetée Assinica, and to publish in the *Gazette officielle du Québec* a notice of revocation of the plans of the proposed Lac-Dana biodiversity reserve and the proposed Tourbières-Boisées-du-Chiwakamu biodiversity reserve;

CONSIDERING the publication in Part 2 of the *Gazette officielle du Québec* of 6 June 2018, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), of the draft conservation plan for the Réserve de biodiversité projetée de Chisesaakahikan-et-de-la-Rivière-Broadback, the Réserve aquatique projetée du Lac-Waswanipi and the Réserve de biodiversité projetée Assinica with a notice of the Minister's intention to assign temporary protection status to the land appearing as a schedule to each of those documents on the expiry of 45 days following its publication;

CONSIDERING the first paragraph of section 29 of the Act, which provides that a notice of the setting aside of land by the Minister pursuant to section 27 is to be published in the *Gazette officielle du Québec*;

CONSIDERING that this Minister's Order constitutes the notice to be published in the *Gazette officielle du Québec* as required by section 29 of the Act;

CONSIDERING that it is expedient to assign temporary protection status to those three areas;

ORDERS AS FOLLOWS:

Temporary protection status is hereby assigned to three areas situated in the James Bay territory as Réserve de biodiversité projetée de Chisesaakahikan-et-de-la-Rivière-Broadback, Réserve aquatique projetée du Lac-Waswanipi and Réserve de biodiversité projetée Assinica for a period of four years starting on the fifteenth day following the date of publication of this Minister's Order in the *Gazette officielle du Québec*;

The conservation plan of the Réserve de biodiversité projetée de Chisesaakahikan-et-de-la-Rivière-Broadback, the Réserve aquatique projetée du Lac-Waswanipi and the Réserve de biodiversité projetée Assinica, attached to this Order, is hereby established;

The plan of the Réserve de biodiversité projetée de Chisesaakahikan-et-de-la-Rivière-Broadback, the Réserve aquatique projetée du Lac-Waswanipi and the Réserve de biodiversité projetée Assinica, attached to the conservation plan, is hereby prepared;

The plan and conservation plan of the proposed Lac-Dana biodiversity reserve and the proposed Tourbières-Boisées-du-Chiwakamu biodiversity reserve are hereby revoked.

Québec, 6 August 2018

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

Temporary protection status assigned as Réserve de biodiversité projetée de Chisesaakahikan-et-de-la-Rivière-Broadback

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

1. The conservation plan of the Réserve de biodiversité projetée de Chisesaakahikan-et-de-la-Rivière-Broadback appears in Schedule A.

2. The territory in the Schedule to the conservation plan constitutes the Réserve de biodiversité projetée de Chisesaakahikan-et-de-la-Rivière-Broadback.

3. The temporary status as proposed biodiversity reserve, for a period of 4 years, and the conservation plan of the Réserve de biodiversité projetée de Chisesaakahikan-et-de-la-Rivière-Broadback, 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 DE CHISESAAKAHIKAN-ET-DE-LA-RIVIÈRE-BROADBACK

(s. 1)

QUÉBEC STRATEGY FOR PROTECTED AREAS



**Réserve
de biodiversité
projetée de
Chisesaakahikan-
et-de-la-Rivière-
Broadback**

Conservation plan

April 2018

1. Protection status and toponym

The 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 to be granted is that of “biodiversity reserve”, this status also being governed by the *Natural Heritage Conservation Act*.

The provisional toponym is “Réserve de biodiversité projetée de Chisesaakahikan-et-de-la-Rivière-Broadback”. In Cree, “Chisesaakahikan” means “big lake” and also refers to Lac Evans. The official toponym will be determined when the territory is given permanent protection status.

2. Conservation objectives

Réserve de biodiversité projetée de Chisesaakahikan-et-de-la-Rivière-Broadback was created primarily to protect and maintain biological diversity and the associated natural and cultural resources.

In ecological terms, Réserve de biodiversité projetée de Chisesaakahikan-et-de-la-Rivière-Broadback would protect natural environments that are characteristic of the Matagami Depression and Upper Rupert Plateau natural regions (see section 3.2).

Culturally, protection of this territory will allow the pursuit of traditional activities by the Cree Nation, specifically the communities of Nemaska, Waswanipi and Mistissini, who frequent the land in the course of these activities. Note that Réserve de biodiversité projetée de Chisesaakahikan-et-de-la-Rivière-Broadback protects the old trading post of the Hudson’s Bay Company and the old village of the community of Nemaska at Lac Nemiscau. This site is still used today by the members of the community, notably for an annual gathering. The recreotourism activities of people from the surrounding municipalities will also be maintained.

3. Plan and description

3.1. Geographical location, boundaries and dimensions

Réserve de biodiversité projetée de Chisesaakahikan-et-de-la-Rivière-Broadback is located in the administrative region of Nord-du-Québec. It is approximately 150 km northeast of the city of Matagami, between 50°41’ and 51°17’ north latitude and between 75°49’ and 77°26’ west longitude. It covers an area of 4977.9 km².

In the Lac Nemiscau / Rivière Rupert area, the boundaries of the proposed reserve correspond to the 100-year flood line. Staying above this line respects commitments related to authorizations for the Eastmain-1-A-Sarcelle-Rupert project with regard to the ecological instream flow from the Rupert spillway, which is managed jointly by Hydro-Québec and the Crees through the Rivière Rupert Water Management Board.

The boundaries and location of Réserve de biodiversité projetée de Chisesaakahikan-et-de-la-Rivière-Broadback are shown on the map comprising Appendix 1.

3.2. Ecological portrait

Réserve de biodiversité projetée de Chisesaakahikan-et-de-la-Rivière-Broadback is in the Abitibi Lowlands and Mistassini Highlands natural provinces. More precisely, it will protect natural environments characteristic of the Matagami Depression and Upper Rupert Plateau natural regions, and of the following physiographic complexes: the Lac Evans plain, the Lac Tésécau mounds and the Lac Caminscanane hummocky plain.

The waters of the proposed biodiversity reserve are part of two large watersheds in the Baie-James territory, namely those of Rivière Broadback and, to a lesser extent, Rivière Rupert. Occupying a large proportion of the proposed reserve, the wetlands present are primarily ombrotrophic and minerotrophic bogs.

The proposed reserve is in the Superior geological province. The geological foundation consists essentially of pre- to syntectonic metasedimentary and granitoid rocks. The surface deposits are varied and include organic, lacustrine and glacial deposits with no particular morphology.

The proposed reserve has a topographic relief of plains and hills in which the elevation ranges from about 240 to 380 m.

The territory is subject to a cold subpolar climate, with the average annual temperature ranging from -3.1 to -1.1 °C. The average annual precipitation ranges from 850 to 989 mm, while the average growing season ranges from 124 to 143 days.

The forest cover of the proposed reserve, which is in the black spruce/moss bioclimatic domain, is characterized by the presence of black spruce stands with mosses or heaths, along with a few grey pine stands. The woodlands are of various age classes, resulting from the principal natural disturbances of the Baie-James region, namely forest fires, windthrow and spruce budworm outbreaks. The reserve will protect several old-growth forests, a habitat favoured by woodland caribou, which in 2005 was designated vulnerable in Québec under the *Act respecting threatened or vulnerable species* (chapter E-12.01).

Besides woodland caribou, Réserve de biodiversité projetée de Chisesaakahikan-et-de-la-Rivière-Broadback is probably home to abundant or representative species associated with the Abitibi Lowlands and Mistassini Highlands natural provinces, including moose, Canada lynx, American marten, beaver, lake trout and lake sturgeon.

3.3. Land occupation and uses

Under 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), the territory of Réserve de biodiversité projetée de Chisesaakahikan-et-de-la-Rivière-Broadback is on Category III lands. The Category III lands on which the proposed reserve is located are under the responsibility of the Eeyou-Istchee James Bay Regional Government, which is governed by the *Cities and Towns Act* (chapter C-19), subject to special provisions of the *Act establishing the Eeyou Istchee James Bay Regional Government* (chapter G-1.04). Category III lands are lands over which Aboriginals do not generally have exclusive rights, but where they may pursue

their activities of hunting, fishing and trapping, without compensation rights for areas affected by development projects.

The *Agreement Concerning a New Relationship Between Le Gouvernement du Québec and the Crees of Québec*, known as “the Peace of the Braves”, concluded in February 2002, includes a provision, in section 4.18, that allows the communities concerned to revise the selection of Category I lands. The implementation of this commitment is under discussion by the Crees and the Québec government. The reconfigurations being considered could affect the boundaries of certain sectors of the proposed reserve. Once the reconfiguration of Category I lands becomes official, the management of these lands will no longer be subject to the conservation plan, and will revert to the local Cree administrations concerned, in accordance with the *Act respecting the land regime in the James Bay and New Québec territories* (chapter R-13.1).

With regard to conservation, Réserve de biodiversité projetée de Chisesaakahikan-et-de-la-Rivière-Broadback includes six biological refuges (Nos. 08666R001, 08666R002, 08666R003, 08666R006, 08666R007 and 08666R030). The protection status of biological refuge, governed by the *Sustainable Forest Development Act* (chapter A-18.1), is aimed at conserving the biological diversity associated with mature or overmature forests. The proposed reserve overlies two wildlife habitats protected under the *Act respecting the conservation and development of wildlife* (chapter C-61.1), namely the Lac du Tast heronry (No. 03-10-0083-2007) and the Lac Evans heronry (No. 03-10-0079-2007). Lastly, the eastern part of the proposed reserve overlies the northwestern extremity of Réserve faunique Assinica.

Regarding wildlife development and harvesting, the proposed biodiversity reserve is in hunting zone 22. It straddles the Abitibi and Nottaway beaver reserves, as well as fur-bearing animal management units 88 and 90. It also overlies, in varying proportions, sixteen Cree trapping grounds within the meaning of the *Act respecting hunting and fishing rights in the James Bay and New Québec territories* (chapter D-13.1). It also overlaps part of the operating territory of an outfitter without exclusive rights that offers hunting and fishing activities.

The territory of the proposed reserve is relatively unfragmented. There are a few forest roads in the southern part, and two electrical transmission lines in the east. A 60-metre right-of-way has been excluded from the reserve for each of these lines. There are also a few leases granted by the Ministère de l'Énergie et des Ressources naturelles, including eleven cottage leases, seven leases for temporary forest shelters, two for accommodation by an outfitter without exclusive rights, and one for a telecommunications tower.

Due to the presence of two mineral titles on the territory, the withdrawal from mineral exploration cannot, for the moment, be applied to the totality of the proposed reserve. Reflecting this reality, the boundaries indicated in the Registre des aires protégées exclude the lands of the mineral titles. As these titles expire or are not renewed, or are abandoned or revoked, these lands will gradually be withdrawn from mineral exploration and incorporated into the biodiversity reserve.

With regard to cultural features, it should be noted that the proposed biodiversity reserve includes the site of the old Nemaska post, where the community's original village was located, and which they still use today as a gathering place.

4. Activities framework

§1 – 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. The measures provided for in the Natural Heritage Conservation Act and by 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 by the Act approving the Northeastern Québec Agreement (chapter C-67.1).

Under section 34 of the Natural Heritage Conservation Act, the main activities prohibited in an area to which status as 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 are insufficient 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.

Since 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 biodiversity reserve, the Ministère du Développement durable, de l'Environnement et de la Lutte contre les changements climatiques (MDDELCC) has prepared an explanatory document indicating the compatibility or incompatibility of each type of activity with the biodiversity and aquatic reserves. The document may be consulted on the website of the MDDELCC at:

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 biodiversity 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 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 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 for the removal of soapstone by a beneficiary within the meaning of section 1 of the Act respecting the land regime in the James Bay and New Québec territories (chapter R-13.1);
- (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 likely to be sampled; or
 - (b) vehicles or craft are used.

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 the second paragraph are met:

- (1) the maintenance, repair or upgrade of a 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 trapping camp, 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 biodiversity reserve;
- (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 for the structure, works or infrastructure;
- (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; and
- (5) 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, 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.

Despite the first paragraph, no authorization is required for an outfitting operation for using a facility or disposal site, in accordance with the Environment Quality Act (chapter Q-2) and its regulations, where the outfitting operation was already using it on the effective date of the protection status as a proposed biodiversity reserve.

§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; and

(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 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, the Act approving the Agreement concerning James Bay and Northern Québec (chapter C-67) 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 biodiversity reserve, pursuant to the Act respecting the lands in the domain of the State.

4.10. 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.

Despite the first paragraph, 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:

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

(a) 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);

(b) the quantity of wood collected does not exceed 7 apparent cubic metres per year;

(2) in all other cases if

(a) 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;

(b) 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;

(c) 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.

Despite the first paragraph, 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

(1) 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

(2) 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 subparagraph 2 of the fourth paragraph 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.

4.11. 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

(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 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

4.12. 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.

4.13 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. Note that only Cree Native persons, beneficiaries of the Agreement concerning James Bay and Northern Québec, are subject to such an exemption.

It is understood that the provisions of this plan are applicable subject to the authorization exemptions and other provisions provided for in the Act respecting hunting and fishing rights in the James Bay and New Québec territories (chapter D-13.1).

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 (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 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 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 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; 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);
- **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);
- **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 conservation and management of Chisesaakahikan-et-de-la-Rivière-Broadback. 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 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.

**Temporary protection status assigned
as Réserve aquatique projetée
du Lac-Waswanipi**

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

- 1.** The conservation plan of the Réserve aquatique projetée du Lac-Waswanipi appears in Schedule A.
- 2.** The territory in the Schedule to the conservation plan constitutes the Réserve aquatique projetée du Lac-Waswanipi.
- 3.** The temporary status as proposed aquatic reserve, for a period of 4 years, and the conservation plan of the Réserve aquatique projetée du Lac-Waswanipi, 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 ACONSERVATION PLAN OF THE RÉSERVE AQUATIQUE PROJÉTÉE DU
LAC-WASWANIFI

(s. 1)

QUÉBEC STRATEGY FOR PROTECTED AREAS

**Réserve
aquatique
projetée du
Lac-Waswanipi****Conservation plan**

April 2018

1. Legal 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 is that of “aquatic reserve”, this status also being governed by the *Natural Heritage Conservation Act*.

The provisional toponym is “Réserve aquatique projetée du Lac-Waswanipi”. The official toponym will be determined when the territory is given permanent protection status.

2. Conservation objectives

Réserve aquatique projetée du Lac-Waswanipi was created primarily to protect and maintain biological diversity and the associated natural and cultural resources.

In ecological terms, the proposed reserve would protect natural environments that are characteristic of the Chibougamau Depression natural region, as well as Lac Waswanipi, which is part of the Rivière Nottaway watershed.

Culturally, the proposed reserve is the result of a proposal by the Cree community of Waswanipi, which wanted to conserve the integrity of Lac Waswanipi in order to maintain traditional Cree activities there. Also, Lac Waswanipi is part of the network of waterways used historically by this community, so the area has good archeological potential.

Recreotourism activities by people from the surrounding municipalities will also be maintained.

3. Plan and description

3.1. Geographical location, boundaries and dimensions

Réserve aquatique projetée du Lac-Waswanipi is located in the administrative region of Nord-du-Québec. Covering an area of 577.4 km², it lies about 35 km southwest of the Cree community of Waswanipi and 50 km northeast of the municipality of Lebel-sur-Quévillon, between 49° 27' and 49° 43' north latitude and between 76° 17' and 76° 42' west longitude.

The boundaries and location of the proposed reserve are shown on the map comprising Appendix 1.

3.2. Ecological portrait

Réserve aquatique projetée du Lac-Waswanipi is in the Mistassini Highlands natural province. More precisely, it will protect natural environments characteristic of the Chibougamau Depression natural region.

The waters of the proposed reserve are part of the Rivière Nottaway watershed.

The proposed reserve is in the Superior geological province. The geological foundation is mostly tonalitic rocks of intrusive origin, with smaller proportions of metamorphosed volcanic-sedimentary rocks (amphibolite, metabasalt and mafic gneiss) and sedimentary rocks.

The surface deposits present in the proposed reserve are primarily silty clay of glacio-lacustrine origin, although organic deposits and glacial deposits with no particular morphology are also abundant. In the centre of the territory and at the southern end of Lac Waswanipi, there are stretches of carbonate-rich clay attributable to the presence of small pockets of carbonate-rich sedimentary rocks of Paleozoic age that were carried southeast out of the James Bay basin by glacial activity. The elevation ranges from 258 m to 341 m.

The proposed aquatic reserve is subject to a subpolar climate, with the average annual temperature ranging from -1.1 to 0.8 °C. Total annual precipitation is on the order of 850 to 989 mm, while the growing season ranges from 144 to 163 days.

The plant cover of the proposed reserve, which is in the black spruce/moss bioclimatic domain, is characterized by the presence of conifer forests, dominated by black spruce, along with mixed forests. A few bogs and coniferous swamps are also present.

With regard to terrestrial and aquatic wildlife, the proposed reserve is probably home to abundant or representative species associated with the Mistassini Highlands natural province, including moose, American marten, beaver, lake trout and lake sturgeon. The following aquatic species can also be found in Lac Waswanipi: pickerel, whitefish, walleye and yellow perch.

3.3. Land occupation and uses

Under 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), the territory of the proposed reserve partly overlies, in the north, the Category II lands of the community of Waswanipi, and in the south, Category III lands. Category III lands are lands over which Aboriginals do not generally have exclusive rights, but where they may pursue their activities of hunting, fishing and trapping, without compensation rights for areas affected by development projects. The Category III lands on which the proposed reserve is located are under the responsibility of the Eeyou-Istchee James Bay Regional Government, which is governed by the *Cities and Towns Act* (chapter C-19), subject to special provisions of the *Act establishing the Eeyou Istchee James Bay Regional Government* (chapter G-1.04). Under the *Agreement on Governance in the Eeyou Istchee James Bay Territory*, the Cree Nation Government, a legal person established in the public interest by the *Act respecting the Cree Nation Government* (chapter G-1.031), may also exercise municipal and supramunicipal authority where the proposed reserve overlies Category II lands.

The *Agreement Concerning a New Relationship Between Le Gouvernement du Québec and the Crees of Québec*, known as “the Peace of the Braves”, concluded in February 2002, includes a provision, in section 4.18, that allows the communities concerned to revise the selection of Category I lands. The implementation of this commitment is under discussion by the Crees and the Québec government. The reconfigurations being considered could affect the boundaries of certain sectors of the proposed reserve. Once the reconfiguration of Category I lands becomes official, the management of these lands will no longer be subject to the conservation plan, and will revert to the local Cree administrations concerned, in accordance with the *Act respecting the land regime in the James Bay and New Québec territories* (chapter R-13.1).

With regard to conservation, Réserve aquatique projetée du Lac-Waswanipi overlies a wildlife habitat protected under the *Act respecting the conservation and development of wildlife* (chapter C-61.1), namely the Lac Waswanipi heronry (No. 03-10-0073-2007).

The proposed reserve is in hunting zone 17. It is also in Abitibi beaver reserve, where the Cree community of Waswanipi enjoys specific rights pertaining to the hunting and trapping of fur-bearing animals, and in fur-bearing animal management unit 88. The proposed reserve also overlies three Cree trapping grounds within the meaning of the *Act respecting hunting and fishing rights in the James Bay and New Québec territories* (chapter D-13.1). The proposed protected area also overlies part of the operating territories of outfitters without exclusive rights that offer hunting and fishing activities. Seven land rights have also been granted, including four for temporary shelters and three for accommodation by an outfitter without exclusive rights. Note that an enclave in the southern part of the proposed reserve will serve to exclude the campground of the municipality of Baie-James, together with its boat launch and access road.

There are numerous forest roads on the terrestrial portion of the proposed aquatic reserve.

In cultural terms, note that the proposed reserve includes the Vieux-Poste site, where the original village of Waswanipi was located, which the community still uses as a gathering place. Two privately-owned lots on Île du Vieux-Poste are excluded from the proposed reserve. Also, the community of Waswanipi hosts an annual walleye fishing tournament, an important event that takes place on Lac Waswanipi and thus within the territory of the proposed reserve. Each year, the holding of this tournament will be authorized by the Minister of Sustainable Development, Environment and the Fight against Climate Change, so long as a positive recommendation is received based on the annual monitoring of walleye populations.

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 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 aquatic 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 aquatic reserve are governed mainly by the provisions of the Natural Heritage Conservation Act. The measures provided for in the Natural Heritage Conservation Act and by 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 by the Act approving the Northeastern Québec Agreement (chapter C-67.1).

Under section 34 of the Natural Heritage Conservation Act (chapter C-61.01), the main activities prohibited in an area to which status as 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.

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 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.

Since 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 aquatic reserve, the Ministère du Développement durable, de l'Environnement et de la Lutte contre les changements climatiques (MDDELCC) has prepared an explanatory document indicating the compatibility or incompatibility of each type of activity with the biodiversity and aquatic reserves. The document may be consulted on the website of the MDDELCC at:

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 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 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 for the removal of soapstone by a beneficiary within the meaning of section 1 of the Act respecting the land regime in the James Bay and New Québec territories (chapter R-13.1);
- (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 likely to be sampled; or

(b) vehicles or craft are used.

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 the second paragraph are met:

(1) the maintenance, repair or upgrade of a 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 trapping camp, 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;

(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 for the structure, works or infrastructure;

(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; and

(5) 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, 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.

Despite the first paragraph, no authorization is required for an outfitting operation for using a facility or disposal site, in accordance with the Environment Quality Act (chapter Q-2) and its regulations, where the outfitting operation was already using it on the effective date of the protection status as a proposed aquatic reserve.

§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; and

(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, the Act approving the Agreement concerning James Bay and Northern Québec (chapter C-67) 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 forest management activities to meet domestic needs or for the purpose of maintaining biodiversity, unless the person has been authorized by the Minister.

Despite the first paragraph, 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:

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

(a) 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);

(b) the quantity of wood collected does not exceed 7 apparent cubic metres per year;

(2) in all other cases if

(a) 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 aquatic reserve, a designation as such had already been made by the Minister;

(b) the wood is collected by a person who, on the effective date of the protection status as a proposed aquatic 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;

(c) 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.

Despite the first paragraph, 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

(1) 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

(2) 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 subparagraph 2 of the fourth paragraph 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.

4.11. 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

4.12. 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.

4.13 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. Note that only Cree Native persons, beneficiaries of the Agreement concerning James Bay and Northern Québec, are subject to such an exemption.

It is understood that the provisions of this plan are applicable subject to the authorization exemptions and other provisions provided for in the Act respecting hunting and fishing rights in the James Bay and New Québec territories (chapter D-13.1).

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 (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 aquatic 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 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; 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);
- **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);
- **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);

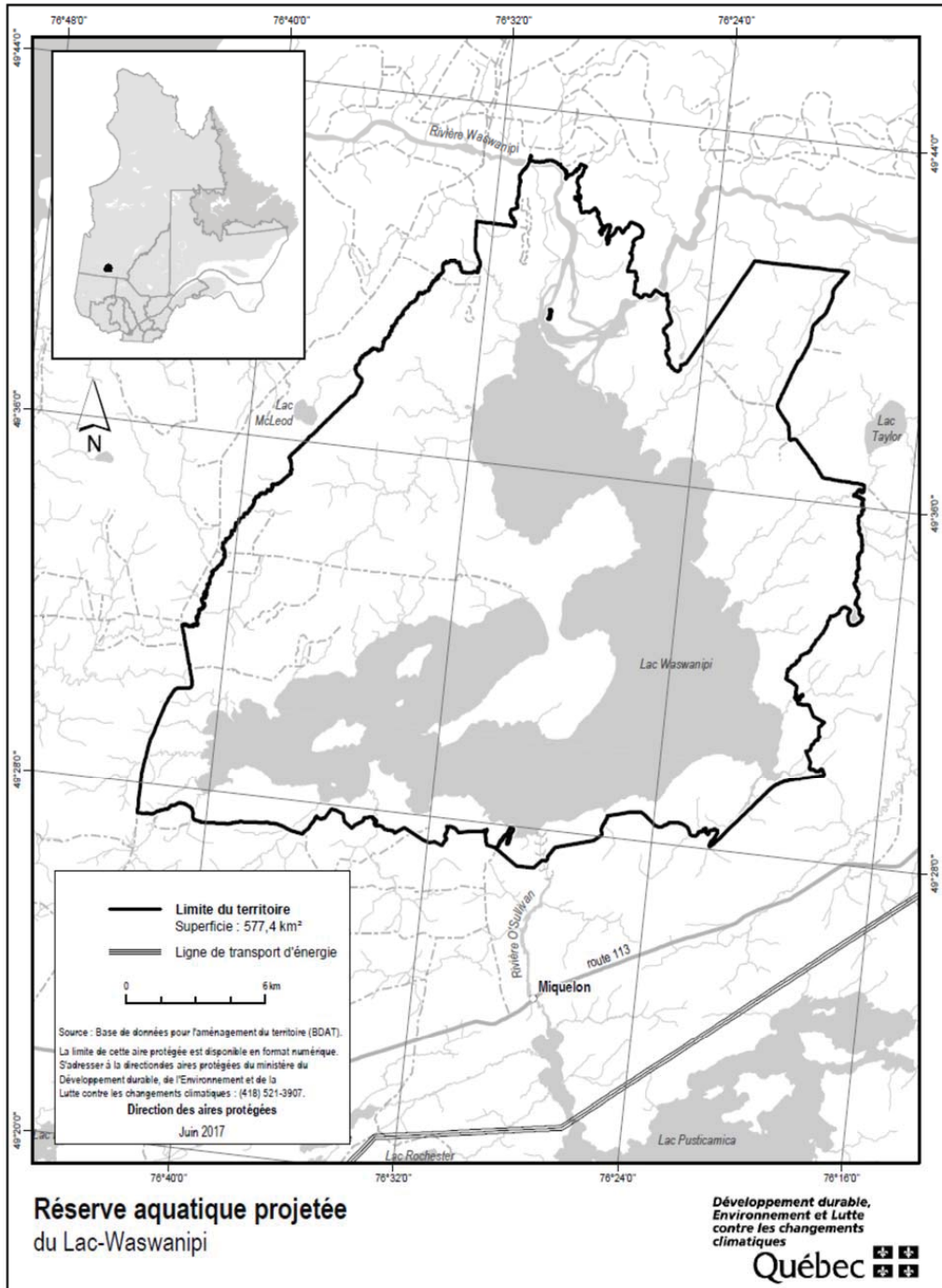
- **Travel:** measures stipulated by the *Act respecting the lands in the domain of the State* and by the regulations on motor vehicle travel in fragile environments, under the *Environment Quality Act*;
- **Construction and development standards:** regulatory measures adopted by local and regional municipal 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 conservation and management of Réserve aquatique projetée du Lac-Waswanipi. 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 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 aquatique projetée du Lac-Waswanipi



Temporary protection status assigned as Réserve de biodiversité projetée Assinica

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

- 1.** The conservation plan of the Réserve de biodiversité projetée Assinica appears in Schedule A.
- 2.** The territory in the Schedule to the conservation plan constitutes the Réserve de biodiversité projetée Assinica.
- 3.** The temporary status as proposed biodiversity reserve, for a period of 4 years, and the conservation plan of the Réserve de biodiversité projetée Assinica, 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 ASSINICA
(s. 1)**

QUÉBEC STRATEGY FOR PROTECTED AREAS



**Réserve de
biodiversité
projetée
Assinica**

Conservation plan

April 2018

1. Protection status and toponym

The 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 envisaged permanent protection status could be "biodiversity reserve" or "national park" a status governed by the Parks Act (chapter P-9).

The provisional toponym is "Réserve de biodiversité projetée Assinica". The official toponym will be determined when the territory is given permanent protection status.

2. Conservation objectives

Réserve de biodiversité projetée Assinica was created primarily to protect and maintain biological diversity and the associated natural and cultural resources.

In ecological terms, Réserve de biodiversité projetée Assinica would protect natural environments that are characteristic of the Chibougamau Depression and Upper Rupert Plateau natural regions (see section 3.2).

Culturally, protection of this territory will allow the pursuit of traditional activities by the Cree Nation, specifically the communities of Oujé-Bougoumou, Mistissini and Waswanipi, who frequent the land in the course of these activities. It should also be noted that recreotourism activities by people from the surrounding municipalities will also be maintained.

3. Plan and description

3.1. Geographical location, boundaries and dimensions

Réserve de biodiversité projetée Assinica is located in the administrative region of Nord-du-Québec. It is composed of two distinct parts, the larger of which is 324.7 km² in size. Lying adjacent to Réserve de parc national Assinica, it is approximately 32 km northwest of the city of Chibougamau, between 50°05' and 50°27' north latitude and between 74°34' and 74°50' west longitude. The smaller part is more to the north, and is 60.9 km² in size. It is approximately 140 km northwest of Chibougamau, between 50°44' and 50°47' north latitude and between 75°50' and 76°04' west longitude. The total area of the proposed reserve is 385.6 km².

The boundaries and location of Réserve de biodiversité projetée Assinica are shown on the map comprising Appendix 1.

3.2. Ecological portrait

Réserve de biodiversité projetée Assinica is in the Superior geological province. The geological foundation of the northern part consists essentially of tonalitic rocks of intrusive origin along with sedimentary rocks. To a lesser extent there are also granitic foundation rocks. The northern part of the reserve will protect a formation of sub-aerial deltas, a unique geomorphological phenomenon. In the southern part the geological foundation is primarily granitoid rocks of intrusive origin, with a smaller proportion of sedimentary rocks and

amphibolites. The surface deposits characterizing the northern part are glacial deposits with no particular morphology, together with organic deposits. The same is true of the southern part, where there are also fluvio-glacial deposits.

According to the ecological reference framework of Québec (MDDELCC, 2014), Réserve de biodiversité projetée Assinica belongs to the Mistassini Highlands natural province. More precisely, it will protect natural environments characteristic of the Chibougamau Depression and Upper Rupert Plateau natural regions, and of the following physiographic complexes: the Lac Caminscanane hummocky plain, the Lac Mistassini and Lac Albanel knolls, and the Lac Sauvage hummocky terrain.

The waters of the proposed biodiversity reserve belong to two large watersheds in the Baie-James territory, namely the Rivière Broadback and Rivière Nottaway watersheds. Occupying a large proportion of the proposed reserve, especially in the southern part, the wetlands present are primarily ombrotrophic and minerotrophic bogs.

With a topographic relief of hummocky terrain, the territory has an elevation ranging from about 360 to 470 m.

The area is subject to a cold subpolar climate, with the average annual temperature ranging from -3.1 to -1.1 °C. The average annual precipitation ranges from 850 to 989 mm, while the average growing season ranges from 124 to 143 days.

The forest cover of the proposed reserve, which is in the black spruce/moss bioclimatic domain, is characterized by the presence of black spruce stands with mosses or heaths, along with a few grey pine stands. The woodlands are of various age classes, resulting from the principal natural disturbances of the Baie-James region, namely forest fires, windthrow and spruce budworm outbreaks. The reserve will protect several old-growth forests, a habitat favoured by woodland caribou, which in 2005 was designated vulnerable in Québec under the *Act respecting threatened or vulnerable species* (chapter E-12.01).

Besides woodland caribou, Réserve de biodiversité projetée Assinica is probably home to abundant or representative species associated with boreal forest ecosystems, including moose, American marten, beaver, lake trout and lake sturgeon.

3.3. Land occupation and uses

Under 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), the proposed reserve is on Category III lands. The Category III lands on which the proposed reserve is located are under the responsibility of the Eeyou-Istchee James Bay Regional Government, which is governed by the *Cities and Towns Act* (chapter C-19), subject to special provisions of the *Act establishing the Eeyou Istchee James Bay Regional Government* (chapter G-1.04). Category III lands are lands over which Aboriginals do not generally have exclusive rights, but where they may pursue their activities of hunting, fishing and trapping, without compensation rights for areas affected by development projects. It should be noted that, with the implementation of Complementary Agreement No. 22 to the JBNQA and the *Final Settlement Agreement*

Related to Certain Issues Referred to in Schedule G of the Agreement Concerning a New Relationship Between Le Gouvernement du Québec and the Crees of Québec, concluded in November 2011, the proposed reserve will partly overlie, in the south, Category II lands belonging to the community of Oujé-Bougoumou. Under the *Agreement on Governance in the Eeyou Istchee James Bay Territory*, the Cree Nation Government, a legal person established in the public interest by the *Act respecting the Cree Nation Government* (chapter G-1.031), may also exercise municipal and supramunicipal authority where the proposed reserve overlies Category II lands. The Crees will have exclusive hunting and fishing rights there.

With regard to conservation, Réserve de biodiversité projetée Assinica includes one biological refuge (No. 02664R029). The protection status of biological refuge, governed by the *Sustainable Forest Development Act* (chapter A-18.1), is aimed at conserving the biological diversity associated with mature or overmature forests. Significant portions of both parts of the proposed reserve also overlie Réserve faunique Assinica.

Regarding wildlife development and harvesting, the proposed reserve is in hunting zone 22 and in fur-bearing animal management units 88 and 90. The northern part is in the Abitibi beaver reserve and in fur-bearing animal management unit 88. The southern part is in the Mistassini beaver reserve and straddles fur-bearing animal management units 87 and 91. It also overlies, in varying proportions, eight Cree trapping grounds within the meaning of the *Act respecting hunting and fishing rights in the James Bay and New Québec territories* (chapter D-13.1), two of which are in the northern part while six are in the southern part.

The territory of the proposed reserve is relatively unfragmented by anthropic infrastructures. An electrical transmission line crosses the northern part. A 60-metre right-of-way has been excluded from the reserve for this line. No leases have been granted by the Ministère de l'Énergie et des Ressources naturelles.

4. Activities framework

§1 – 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. The measures provided for in the Natural Heritage Conservation Act and by 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 by the Act approving the Northeastern Québec Agreement (chapter C-67.1).

Under section 34 of the Natural Heritage Conservation Act (chapter C-61.01), the main activities prohibited in an area to which status as 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 are insufficient 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.

Since 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 biodiversity reserve, the Ministère du Développement durable, de l'Environnement et de la Lutte contre les changements climatiques (MDDELCC) has prepared an explanatory document indicating the compatibility or incompatibility of each type of activity with the biodiversity and aquatic reserves. The document may be consulted on the website of the MDDELCC at:

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 biodiversity 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 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 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 for the removal of soapstone by a beneficiary within the meaning of section 1 of the Act respecting the land regime in the James Bay and New Québec territories (chapter R-13.1);
- (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 likely to be sampled; or

(b) vehicles or craft are used.

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 the second paragraph are met:

(1) the maintenance, repair or upgrade of a 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 trapping camp, 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 biodiversity reserve;

(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 for the structure, works or infrastructure;

(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; and

(5) 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, 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.

Despite the first paragraph, no authorization is required for an outfitting operation for using a facility or disposal site, in accordance with the Environment Quality Act (chapter Q-2) and its regulations, where the outfitting operation was already using it on the effective date of the protection status as a proposed biodiversity reserve.

§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; and

(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 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, the Act approving the Agreement concerning James Bay and Northern Québec (chapter C-67) 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 biodiversity reserve, pursuant to the Act respecting the lands in the domain of the State.

4.10. 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.

Despite the first paragraph, 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:

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

(a) 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);

(b) the quantity of wood collected does not exceed 7 apparent cubic metres per year;

(2) in all other cases if

(a) 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;

(b) 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;

(c) 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.

Despite the first paragraph, 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

(1) 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

(2) 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 subparagraph 2 of the fourth paragraph 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.

4.11. 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

- (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 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

4.12. 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.

4.13 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. Note that only Cree Native persons, beneficiaries of the Agreement concerning James Bay and Northern Québec, are subject to such an exemption.

It is understood that the provisions of this plan are applicable subject to the authorization exemptions and other provisions provided for in the Act respecting hunting and fishing rights in the James Bay and New Québec territories (chapter D-13.1).

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 (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 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 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 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; 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);
- **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);
- **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 conservation and management of Réserve de biodiversité projetée Assinica. 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 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 Assinica

