

## Draft Regulations

### Draft Regulation

Act to amend the Natural Heritage Conservation Act and other provisions (2021, chapter 1)

Natural Heritage Conservation Act (chapter C-61.01)

Sustainable Forest Development Act (chapter A-18.1)

#### **Certain transitional measures necessary for the application of the Act to amend the Natural Heritage Conservation Act and other provisions**

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting certain transitional measures necessary for the application of the Act to amend the Natural Heritage Conservation Act and other provisions, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation proposes certain transitional measures to ensure the effective implementation of the Act to amend the Natural Heritage Conservation Act and other provisions (2021, chapter 1). More specifically, it applies the new procedure for changing or repealing the protected areas on lands in the domain of the State set out in section 42 of the Natural Heritage Conservation Act (chapter C-61.01) to the areas established as at 18 March 2021. It also renders applicable, in respect of the ecological reserves established as at that date, the new provisions of the Act concerning the prohibitions in those reserves as of the coming into force of the Regulation.

In addition, the Réserve aquatique de la Vallée-de-la-Rivière-Sainte-Marguerite becomes the Réserve de biodiversité de la Vallée-de-la-Rivière-Sainte-Marguerite.

It also enables the Government, when designating or changing a protected area on lands in the domain of the State, to take into account public consultations that took place on or before 18 March 2021 and provided clarification concerning the various issues raised by a proposed protected area or a proposed change to a protected area.

In addition, it allows the Minister to change the proposed protected areas using the previous procedure provided for in the Natural Heritage Conservation Act, as it read on 18 March 2021.

Lastly, it adjusts the Regulation respecting the sustainable development of forests in the domain of the State (chapter A-18.1, r. 0.01) to ensure that the regulation of forest development activities provided for in that Regulation for the protected areas established under the Natural Heritage Conservation Act conforms with the activity framework provided for in the Act.

Study of the matter has shown no impact on enterprises, including small and medium-sized businesses.

Further information concerning the draft Regulation may be obtained by contacting Francis Bouchard, Director, Direction des aires protégées, Ministère de l'Environnement et de la Lutte contre les changements climatiques, Édifice Marie-Guyart, 4<sup>e</sup> étage, boîte 21, 675, boulevard René-Lévesque Est, Québec (Québec) G1R 5V7; telephone: 418 576-3217; fax: 418 646-6169; email: consultation.GOQ@environnement.gouv.qc.ca.

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

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#### **Regulation respecting certain transitional measures necessary for the application of the Act to amend the Natural Heritage Conservation Act and other provisions**

Act to amend the Natural Heritage Conservation Act and other provisions (2021, chapter 1, s. 66)

Natural Heritage Conservation Act (chapter C-61.01, s. 44)

Sustainable Forest Development Act (chapter A-18.1, s. 38)

**1.** Sections 46, 47 and 49 of the Natural Heritage Conservation Act (chapter C-61.01), as they read on 18 March 2021, continue to apply to the Réserve aquatique de la Vallée-de-la-Rivière-Sainte-Marguerite established as at that date until the coming into force of

the first regulation made under section 44 of the Natural Heritage Conservation Act that applies to that reserve. The same applies to the Regulation respecting the Réserve aquatique de la Vallée-de-la-Rivière-Sainte-Marguerite (chapter C-61.01, r. 1.1), as it reads on 18 March 2021.

However, that aquatic reserve becomes, without further formality, the Réserve de biodiversité de la Vallée-de-la-Rivière-Sainte-Marguerite.

**2.** Despite the first paragraph of section 1 of this Regulation and the second paragraph of section 62 of the Act to amend the Natural Heritage Conservation Act and other provisions (2021, chapter 1), the provisions of the regulations adopted for each biodiversity reserve and ecological reserve established as at 18 March 2021 that concern their establishment, boundaries and plan, as they read on that date, remain in force despite the coming into force of the first regulation made under section 44 of the Natural Heritage Conservation Act (chapter C-61.01) that applies to those reserves.

Those provisions are deemed to have been made in accordance with section 27 of the Natural Heritage Conservation Act and the Government may assign the reserves concerned any other protection status, apply any other conservation measure to them, amend their boundaries or terminate their designation in accordance with section 42 of that Act.

**3.** The conservation plans for biodiversity reserves, ecological reserves and the Estuaire-de-la-Rivière-Bonaventure marine reserve, established as at 18 March 2021, are replaced by the conservation plans published by the Minister on the website of the Minister's department.

**4.** For the purposes of section 62 of the Act to amend the Natural Heritage Conservation Act and other provisions (2021, chapter 1), this Regulation is deemed to be the first regulation made under section 44 of the Natural Heritage Conservation Act (chapter C-61.01) in respect of the ecological reserves established as at 18 March 2021.

**5.** Sections 31 to 38 of the Natural Heritage Conservation Act (chapter C-61.01) do not apply to the designation of land as a protected area in accordance with section 27 of that Act or the change to a protected area in accordance with section 42 of that Act, when, on or before 18 March 2021, one of the public consultations listed below provided clarification concerning the various issues raised by the proposed protected area or the proposed change to a protected area established as at that date:

(1) a public consultation held in accordance with sections 37 to 42 of the Natural Heritage Conservation Act, as they read on 18 March 2021;

(2) a public hearing or targeted consultation held in accordance with section 6.3 of the Environment Quality Act (chapter Q-2);

(3) an environmental and social impact assessment and review procedure provided for in Title II of the Environment Quality Act.

**6.** The Minister may change the proposed aquatic reserves, proposed biodiversity reserves and proposed ecological reserves referred to in section 64 of the Act to amend the Natural Heritage Conservation Act and other provisions (2021, chapter 1) on the conditions set out in sections 27, 29 and 30 of the Natural Heritage Conservation Act, as they read on 18 March 2021.

**7.** The Regulation respecting the sustainable development of forests in the domain of the State (chapter A-18.1, r. 0.01) is amended in section 3

(1) by striking out subparagraph 1 of the first paragraph;

(2) by inserting the following after the fourth paragraph:

“Forest development activities in a protected area, within the meaning of the Natural Heritage Conservation Act (chapter C-61.01), established under that Act or the Parks Act (chapter P-9) must be carried out in accordance with those Acts.”

**8.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

Despite the first paragraph, section 3 comes into force, in respect of the following protected areas, on the date of the coming into force of the first regulation made under section 44 of the Natural Heritage Conservation Act (chapter C-61.01) that applies to those areas:

(1) the Réserve aquatique de l'Estuaire-de-la-Rivière-Bonaventure;

(2) the Réserve de biodiversité des Caribous-de-Val-d'Or;

(3) the Réserve de biodiversité du Karst-de-Saint-Élzéar;

(4) the Réserve de biodiversité des Lacs-Vaudray-et-Joannès;

(5) the Réserve de biodiversité de la Météorite;

(6) the Réserve de biodiversité Uapishka.