

Gouvernement du Québec

O.C. 1078-2022, 15 June 2022

Natural Heritage Conservation Act
(chapter C-61.01)

Setting aside of the Montagne-du-Diable land and authorization to amend the map and the conservation plan for the proposed Montagne-du-Diable biodiversity reserve situated in the Laurentides region

Setting aside of the Montagne-du-Diable land and authorization to amend the map and the conservation plan for the proposed Montagne-du-Diable biodiversity reserve situated in the Laurentides region

WHEREAS, under the first paragraph of section 12.3 of the Natural Heritage Conservation Act (chapter C-61.01), the Government may, by order, set aside any land that is part of the domain of the State in order to establish a new protected area;

WHEREAS, under the second paragraph of section 12.3 of the Act, while the land is set aside, no new right, lease, permit, licence or authorization may be granted or issued for the carrying on of any of the following activities:

- (1) commercial forest development activities;
- (2) exploration for and the mining and transportation of mineral substances;
- (3) petroleum, brine or underground reservoir exploration, production and storage;
- (4) oil or gas pipeline construction;
- (5) the commercial production, processing, distribution or transmission of electricity;
- (6) wildlife harvesting activities or agricultural activities;
- (7) the construction of any infrastructure subject to an authorization of the Minister responsible for the administration of the Act respecting the lands in the domain of the State (chapter T-8.1);

WHEREAS, under the first paragraph of section 12.4 of the Natural Heritage Conservation Act, the Government's decision must specify the reasons that justify setting aside the land concerned as well as the activities listed in the second paragraph of section 12.3 that are covered by the decision;

WHEREAS, under the second paragraph of section 12.4 of the Act, the Government's decision must be accompanied by a map of the land that has been set aside;

WHEREAS the Montagne-du-Diable land is part of the domain of the State;

WHEREAS it is expedient to set aside the Montagne-du-Diable land, which is mapped in the Schedule to this Order in Council and situated in the Laurentides region, for the purpose of establishing a new protected area in order to improve the configuration of the adjacent proposed biodiversity reserve and afford perpetual protection for representative elements of Québec's biodiversity and ecosystems and associated cultural values;

WHEREAS, to protect the Montagne-du-Diable land from activities that may have an impact on biodiversity, it is expedient to specify that, for the activities listed in the second paragraph of section 12.3 of the Natural Heritage Conservation Act, no new right, lease, permit, licence or authorization may be granted or issued, while the land is set aside, for the carrying on of the following activities:

- (1) commercial forest development activities, except
 - (a) activities carried on to protect forests against fire, destructive insects and cryptogamic diseases;
 - (b) activities carried on to operate, improve, repair, maintain or decommission existing infrastructures, including roads;
 - (c) activities necessary for road construction or for the clearing of land for the construction of infrastructure or for other activities the carrying on of which is not prohibited by this Order in Council where the minister authorizing the activities has consulted the minister responsible for the administration of the Natural Heritage Conservation Act and the latter has taken into consideration the elements provided for in sections 22, 22.0.1 and 22.1 of the Act, with the necessary modifications, in order to issue an opinion;
- (2) activities carried on for the purposes of exploration for or the mining of mineral substances and the construction of infrastructure to be used to transport such substances, except sand, gravel and crushed stone;
- (3) petroleum, brine or underground reservoir exploration, production and storage;
- (4) oil or gas pipeline construction;
- (5) activities carried on for the purposes of the commercial production, processing, distribution or transmission of electricity, except for

(a) activities relating to electric power transmission lines at voltages below 44 kV; and

(b) the preliminary activities and interventions needed to document an application for a new right, lease, permit, licence or authorization;

(6) the carrying on of an agricultural activity;

WHEREAS, under section 12.5 of the Natural Heritage Conservation Act, the Government's decision comes into force on the date of its publication in the *Gazette officielle du Québec*;

WHEREAS, in the Ministerial Order dated 29 May 2008 (2008, G.O. 2, 3028), the Minister of Sustainable Development, Environment and Parks, authorized by Order in Council 445-2008 dated 7 May 2008, assigned proposed biodiversity status to the Montagne-du-Diable land for a period of four years beginning on 11 June 2008;

WHEREAS, in the Ministerial Order dated 23 December 2008 (2008, G.O. 2, 5551), the Minister of Sustainable Development, Environment and Parks, authorized by Order in Council 940-2008 dated 1 October 2008, amended the map and the conservation plan for the proposed Montagne-du-Diable biodiversity reserve, the amended map and plan taking effect on 1 October 2008;

WHEREAS, in the Ministerial Order dated 11 May 2012 (2012, G.O. 2, 2551), the Minister of Sustainable Development, Environment and Parks, authorized by Order in Council 107-2012 dated 22 February 2012, extended the proposed biodiversity status of the Montagne-du-Diable land for a period of eight years beginning on 11 June 2012;

WHEREAS, in the Ministerial Order dated 21 May 2020 (2020, G.O. 2, 2516), the Minister of the Environment and the Fight Against Climate Change, authorized by Order in Council 95-2020 dated 12 February 2020, extended the proposed biodiversity status of the Montagne-du-Diable land for a period of eight years beginning on 11 June 2020;

WHEREAS, under the first paragraph of section 64 of the Act to amend the Natural Heritage Conservation Act and other provisions (2021, chapter 1), sections 34 and 36 of the Natural Heritage Conservation Act, as they read on 18 March 2021, continue to apply in particular to proposed biodiversity reserves as at that date under that Act and the same applies to the conservation plans adopted for each of the reserves concerned, as they read on 18 March 2021;

WHEREAS, under the second paragraph of section 64 of the Act to amend the Natural Heritage Conservation Act and other provisions, those reserves are continued, without further formality, and are terminated if

(1) the area concerned is designated a protected area under Division III of Chapter II of the Natural Heritage Conservation Act, as enacted by section 35 of the Act to amend the Natural Heritage Conservation Act and other provisions, or under another Act; or

(2) the Government publishes a notice to that effect in the *Gazette officielle du Québec*;

WHEREAS, under section 6 of the Regulation respecting certain transitional measures necessary for the application of the Act to amend the Natural Heritage Conservation Act and other provisions, made by Order in Council 198-2022 dated 23 February 2022, the Minister of the Environment and the Fight Against Climate Change may change in particular the proposed biodiversity reserves referred to in section 64 of the Natural Heritage Conservation Act on the conditions set out in sections 27, 29 and 30 of the Natural Heritage Conservation Act as they read on 18 March 2021;

WHEREAS the proposed Montagne-du-Diable biodiversity reserve covers part of the Montagne du Diable regional park;

WHEREAS the Minister of the Environment and the Fight Against Climate Change wishes to change the map of the proposed Montagne-du-Diable biodiversity reserve to exclude three sectors of small dimensions and allow the development of intensive development zones in the Montagne du Diable regional park;

WHEREAS the Minister of the Environment and the Fight Against Climate Change must, as a result, amend the conservation plan for the proposed Montagne-du-Diable biodiversity reserve to reflect the changes made to the map of the reserve;

IT IS ORDERED, therefore, on the recommendation of the Minister of the Environment and the Fight Against Climate Change:

THAT the land mapped in the Schedule to this Order in Council and situated in the Laurentides region be set aside as the Montagne-du-Diable reserve land;

THAT, for the activities listed in the second paragraph of section 12.3 of the Natural Heritage Conservation Act (chapter C-61.01), no new right, lease, permit, licence or authorization be granted or issued, while the land is set aside, for the carrying on of the following activities:

(1) commercial forest development activities, except

(a) activities carried on to protect forests against fire, destructive insects and cryptogamic diseases;

(b) activities carried on to operate, improve, repair, maintain or decommission existing infrastructures, including roads;

(c) activities necessary for road construction or for the clearing of land for the construction of infrastructure or for other activities the carrying on of which is not prohibited by this Order in Council where the minister authorizing the activities has consulted the minister responsible for the administration of the Natural Heritage Conservation Act and the latter has taken into consideration the elements provided for in sections 22, 22.0.1 and 22.1 of the Act, with the necessary modifications, in order to issue an opinion;

(2) activities carried on for the purposes of exploration for or the mining of mineral substances and the construction of infrastructure to be used to transport such substances, except sand, gravel and crushed stone;

(3) petroleum, brine or underground reservoir exploration, production and storage;

(4) oil or gas pipeline construction;

(5) activities carried on for the purposes of the commercial production, processing, distribution or transmission of electricity, except for

(a) activities relating to electric power transmission lines at voltages below 44 kV; and

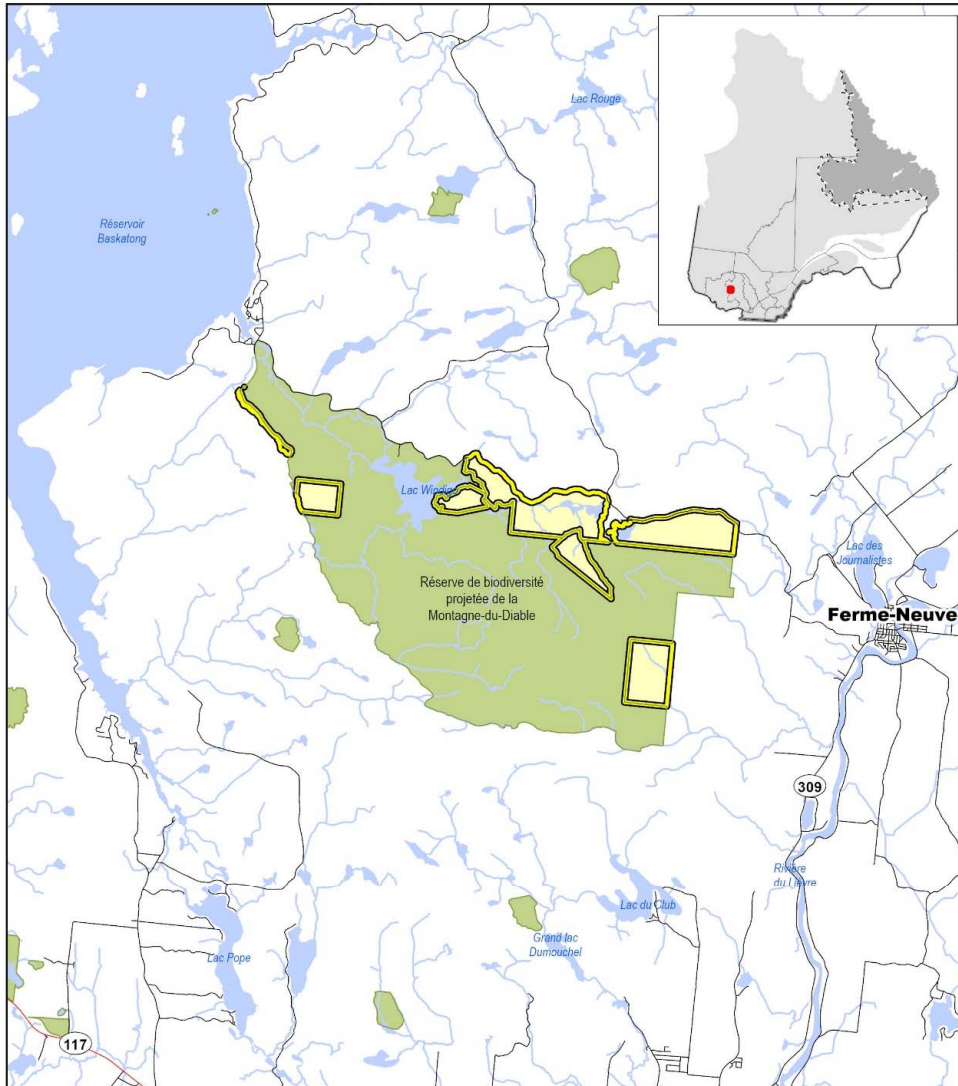
(b) the preliminary activities and interventions needed to document an application for a new right, lease, permit, licence or authorization;

(6) the carrying on of an agricultural activity;

THAT the Minister of the Environment and the Fight Against Climate Change be authorized to amend the map and conservation plan for the proposed Montagne-du-Diable biodiversity reserve.

YVES OUELLET
Clerk of the Conseil exécutif

SCHEDULE
Montagne-du-Diable land set aside



**Territoire mis en réserve
de la Montagne-du-Diable**

- Territoire mis en réserve
- Registre des aires protégées

Environnement
et Lutte contre
les changements
climatiques
Québec

0 5 km