

Gouvernement du Québec

O.C. 1301-2023, 16 August 2023

Natural Heritage Conservation Act
(chapter C-61.01)

Setting aside of the Seigneurie-de-Joly land, situated in the Chaudière-Appalaches region

Setting aside of the Seigneurie-de-Joly land, situated in the Chaudière-Appalaches 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) natural gas 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 Seigneurie-de-Joly land is part of the domain of the State;

WHEREAS it is expedient to set aside the Seigneurie-de-Joly land, which is mapped out in the Schedule to this Order in Council and situated in the Chaudière-Appalaches region, for the purpose of establishing a new protected area in order to afford perpetual protection for representative elements of Québec's biodiversity and ecosystems and associated cultural values;

WHEREAS, to protect the Seigneurie-de-Joly 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) the carrying on of 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 infrastructure, 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) exploration for or mining of mineral substances and the construction of infrastructure to be used to transport such substances, except sand, gravel and crushed stone;

(3) natural gas storage;

(4) oil or gas pipeline construction;

(5) commercial production, processing, distribution or transmission of electricity, except

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

(b) 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;

(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), except

(a) activities necessary for the construction of infrastructure already authorized under a right existing on the date this Order in Council is made;

(b) activities necessary for the construction of infrastructure 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 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, to issue an opinion;

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*;

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

THAT the land mapped in the Schedule to this Order in Council and situated in the Chaudière-Appalaches region be set aside as the Seigneurie-de-Joly reserved 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) the carrying on of 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 infrastructure, 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) exploration for or mining of mineral substances and the construction of infrastructure to be used to transport such substances, except sand, gravel and crushed stone;

(3) natural gas storage;

(4) oil or gas pipeline construction;

(5) commercial production, processing, distribution or transmission of electricity, except

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

(b) 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;

(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), except

(a) activities necessary for the construction of infrastructure already authorized under a right existing on the date this Order in Council is made;

(b) activities necessary for the construction of infrastructure 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, to issue an opinion.

DOMINIQUE SAVOIE
Clerk of the Conseil exécutif
