

Draft Regulation

Natural Heritage Conservation Act
(chapter C-61.01)

Réserve de biodiversité d'Anticosti

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting the Réserve de biodiversité d'Anticosti, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The object of the draft Regulation is to establish the activity framework applicable in the Réserve de biodiversité d'Anticosti.

Further information on the draft Regulation may be obtained by contacting Estelle Bassilekin, Official Documents Officer, Direction des aires protégées, Direction générale de la conservation de la biodiversité, Ministère de l'Environnement, de la Lutte contre les changements climatiques, de la Faune et des Parcs, édifice Marie-Guyart, 4^e étage, boîte 21, 675, boulevard René-Lévesque Est, Québec (Québec) G1R 5V7; email: estelle.bassilekin@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 Jacob Martin-Malus, Associate Deputy Minister for Biodiversity, Wildlife and Parks, Ministère de l'Environnement, de la Lutte contre les changements climatiques, de la Faune et des Parcs, édifice Marie-Guyart, 675, boulevard René-Lévesque Est, 30^e étage, Québec (Québec) G1R 5V7; email: consultation08@environnement.gouv.qc.ca.

BENOIT CHARETTE

Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks

Regulation respecting the Réserve de biodiversité d'Anticosti

Natural Heritage Conservation Act
(chapter C-61.01, s. 44, 1st par.)

1. This Regulation establishes the activity framework applicable in the Réserve de biodiversité d'Anticosti, designated by the Government pursuant to section 27 of the Natural Heritage Conservation Act (chapter C-61.01).

2. For the purposes of this Regulation, “boundary of the littoral zone”, “littoral zone”, “lakeshore”, “riverbank” and “flood zone” have the meaning given in section 4 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (chapter Q-2, r. 0.1).

3. Unless authorization is obtained from the Minister, no person may remove, extract, excavate or damage a fossil in the biodiversity reserve.

Despite the first paragraph, no authorization is required to remove fossils when

- (1) the removal is effected on a non-commercial basis;
- (2) the fossils removed are exposed at the ground surface;
- (3) the fossils removed are separated from the rock that contains them;
- (4) the removal does not require excavation using mechanical means or extraction using tools;
- (5) the removal is limited to a maximum of five fossils of less than 10 cm per person per year; and
- (6) the removal is effected only in a place where no signage erected by the Minister prohibits removal in order to preserve fossil-bearing sectors that must be maintained intact because of their representative or exceptional nature.

4. Unless authorization is obtained from the Minister, no person may carry on an activity that negatively affects a species of fauna or flora designated or likely to be designated as threatened or vulnerable and that is not already subject to authorization or prohibited under the Act respecting the conservation and development of wildlife (chapter C-61.1) or the Act respecting threatened or vulnerable species (chapter E-12.01) and their regulations.

For the purposes of the first paragraph, an activity that negatively affects a species of fauna or flora designated or likely to be designated as threatened or vulnerable is, in particular, an activity involving removing, capturing or otherwise disturbing a specimen of that species.

5. Unless authorization is obtained from the Minister and subject to the prohibition in the second paragraph, no person may introduce a specimen of a native or non-native species of fauna into the biodiversity reserve, including by stocking.

No person may stock a lake or watercourse for aquaculture, commercial fishing or any other commercial purpose.

Unless authorization is obtained from the Minister, no person may introduce a specimen of a non-native species of flora into the biodiversity reserve.

6. No person may use fertilizers in the biodiversity reserve.

Despite the first paragraph, the use of compost for domestic purposes is permitted at least 20 m from a lake or watercourse, measured from the boundary of the littoral zone.

7. No person may remove plant species, berries or any other non-timber forest product from the biodiversity reserve by mechanical means.

8. Unless authorization is obtained from the Minister, no person may, in the biodiversity reserve,

(1) install or erect any construction, infrastructure or new works;

(2) intervene in a wetland or body of water;

(3) modify the natural drainage or water regime, including by creating or developing lakes or watercourses;

(4) carry on an activity other than those referred to in paragraphs 1 to 3 that is likely to directly and substantially alter the physical, chemical or biological characteristics or the quality of a wetland or body of water in the biodiversity reserve, including by discharging or dumping any residual material or contaminant into the wetland or body of water;

(5) carry out soil development work or an activity likely to degrade the soil or a geological formation, or to damage the vegetation cover, in particular by stripping, the digging of trenches or excavation work, including any burial, earthwork, removal or displacement of surface materials or vegetation cover, for any purpose;

(6) reconstruct or demolish a structure, infrastructure or works;

(7) use a pesticide;

(8) carry on educational or research-related activities if the activities are likely to directly or significantly damage or disturb the natural environment, in particular because of the nature or size of the samples removed or the invasive character of the method or process used; or

(9) hold a sports event, tournament, rally or any other similar event where

(a) fauna or flora species are removed or are likely to be removed; or

(b) vehicles or watercraft are used.

9. Despite paragraph 1 of section 8, no authorization is required for the installation of a platform, either a floating platform with a movable anchor or on piles, or a boathouse on piles in accordance with section 2 of the Regulation respecting the water property in the domain of the State (chapter R-13, r. 1).

10. Despite paragraphs 6, 7 and 8 of section 8, if the requirements provided for in the second paragraph are met, no authorization is required to carry out the following work:

(1) the rebuilding, maintenance, closure, repair or improvement of any construction, infrastructure or works, including a camp, a cabin, a road or a trail, including an ancillary facility such as a lookout or stairs;

(2) the construction or installation

(a) of a dependency or a facility ancillary to a shelter or a cabin, including a shed, a water withdrawal facility or devices for the discharge and disposal of wastewater, grey water and toilet effluents; or

(b) of a shelter or cabin when, on (*insert here the date of coming into force of this Regulation*), such a building was allowed under the right of use or occupancy granted, but was not yet carried out; or

(3) the demolition or reconstruction of a shelter or a cabin, including a dependency or a facility ancillary to such a construction, such as a shed, a water withdrawal facility or devices for the discharge and disposal of wastewater, grey water and toilet effluents.

The carrying out of the work referred to in the first paragraph must comply with the following:

(1) the work involves a construction, infrastructure or works whose presence is allowed in the biodiversity reserve;

(2) the work is carried out within the area of the land or right of way covered by the right of use or occupancy in the biodiversity reserve, whether the right results from a lease, a servitude or another 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 allowed by 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 set under an authorization issued in connection with that construction, works or infrastructure;

(4) the work is carried out in accordance with the prescriptions of any permit or authorization issued for the work or in connection with the construction, infrastructure or works to which they are related, as well as in compliance with the applicable laws and regulations;

(5) in the case of forest roads, the work must not result in altering or exceeding the existing right of way or converting the road into a higher class of road.

For the purposes of this section, rebuilding, maintenance, closure, repair or improvement work includes work to replace or install structures or facilities with a view to complying with a law or regulation.

11. Despite paragraph 7 of section 8, no authorization is required for the use of an insect repellent for personal purposes or of a pesticide inside a building used as an accommodation unit for outfitting purposes.

12. Unless authorization is obtained from the Minister, no person may bury, incinerate, abandon or dispose of residual materials or snow, except if they are disposed of in waste disposal containers, facilities or sites determined by the Minister.

Despite the first paragraph, no authorization is required to use a disposal facility or site, in compliance with the Environment Quality Act (chapter Q-2) and its regulations, if the use is part of the activities of an outfitting operation and began before (*insert here the date of coming into force of this Regulation*).

13. Unless authorization is obtained from the Minister, no person may enter, carry on an activity or operate a vehicle in a given sector of the biodiversity reserve if the signage erected by the Minister restricts such entry, the carrying on of such an activity or the operation of such a vehicle in the sector in order to protect the public from danger or to avoid placing the fauna, flora or other components of the natural environment at risk.

14. No person may destroy, remove, move or damage any poster, sign, notice or other type of signage installed by the Minister within the biodiversity reserve.

15. Unless authorization is obtained from the Minister, no person may, for a period of more than 30 days in the same year, occupy or use the same site in the biodiversity reserve.

For the purposes of the first paragraph,

(1) the occupation or use of a site includes

(a) staying or settling on the biodiversity reserve, for instance for vacation purposes;

(b) setting up a camp or shelter;

(c) installing, burying or abandoning any property in the reserve, including equipment, a device or a vehicle; and

(2) the reference to the same site includes any other site within a radius of 1 km from that site.

Despite the first paragraph, an authorization is not required if a person

(1) on (*insert here the date of coming into force of this regulation*) was a party to a lease or had entitlement under another form of right or another authorization allowing the person to legally occupy the land under the Act respecting the lands in the domain of the State (chapter T-8.1) 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; or

(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.

16. Unless authorization is obtained from the Minister, no person may carry on a forest development activity for a non-commercial purpose.

Despite the first paragraph, no authorization is required by a person staying or residing in the biodiversity reserve and who harvests the wood needed to make a campfire.

No such authorization is required if a person, under a lease to occupy land in the biodiversity reserve in accordance with the provisions of this Regulation, carries out a forest development activity for the purpose of

(1) clearing, maintaining or creating visual openings, and 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 (chapter T-8.1), including for access roads, stairs or other trails permitted under those provisions; or

(2) clearing the necessary area for the installation, connection, maintenance, repair, reconstruction or improvement of power, water, sewer or telecommunication lines, facilities and mains.

If the work referred to in subparagraph 2 of the third paragraph is carried on for or under the responsibility of an enterprise providing any of those services, the work requires authorization from the Minister, other than in the case of the exemption provided for in section 17.

17. Unless authorization is obtained from the Minister, no person may carry on commercial activities in the biodiversity reserve other than those provided for in section 49 de la Natural Heritage Conservation Act (chapter C-61.01).

Despite the first paragraph, no authorization is required

(1) if the activity does not involve the removal of fauna or flora resources or the use of a motor vehicle; or

(2) to carry on commercial activities if, on (*insert here the date of coming into force of this Regulation*), the activities were the subject of a right of use of the land for such purpose, whether or not the right results from a lease or another form of title, permit or authorization, within the limits of what the right allows.

18. Despite any other provision of this Regulation, an authorization is not required by a person for an activity or other form of intervention within the biodiversity reserve if urgent action is necessary to prevent harm to the life, health or safety of a human being, an ecosystem or a living species or to repair or prevent damage caused by an actual or apprehended catastrophe. The person concerned must, however, immediately inform the Minister of the activity or intervention that has taken place.

19. Despite any other provision of this Regulation, an authorization is not required for a member of a Native community for an intervention within the biodiversity reserve where that intervention is part of the exercise of rights covered by section 35 of the Constitution Act, 1982 (being Schedule B to the Canada Act 1982 (U.K.), 1982, c. 11) and those rights are credibly asserted or established.

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

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