

**Classement CCEK**

Titre Aires protégées

Type Dossiers Environnementaux

Date D'ouverture 2005

Notes Document: Natural Heritage Conservation Act 2005

Document: Summary of the MDDEP Presentation made in Kuujuaq; 30 March 2006; Concerning proposed amendments to the Parks Acts and the Natural Heritage Conservation Act

1er Août 2006: Lettre du Comité Consultatif de l'Environnement Kativik; Modifications aux plans de conservation des réserves de biodiversité et aquatiques projetées ( Propositions de mesures réglementaires)

12 Septembre 2006: Projet de lettre; Modifications proposées à la Loi sur les parcs et à la Loi sur la conservation du patrimoine naturel

Document: Draft Brief on the Proposed Amendments to Québec's Natural Heritage Conservation Act and Parks Act; Submitted by the James Bay Advisory Committee on the environment; 15 Septembre 2006

15 Février 2007: Communiqué de presse de Développement durable, Environnement et Parcs Québec sur les Aires protégées au Québec

Développement durable,  
Environnement  
et Parcs

Québec 

## Communiqué de presse

### LES AIRES PROTÉGÉES AU QUÉBEC : UN HÉRITAGE POUR LA VIE LE GOUVERNEMENT DU QUÉBEC ANNONCE DES ACTIONS QUI AMÉLIORENT LA PERFORMANCE DU QUÉBEC DANS LES AIRES PROTÉGÉES

**Québec, le 15 février 2007** – En conférence de presse aujourd'hui, le ministre du Développement durable, de l'Environnement et des Parcs et leader adjoint du gouvernement, M. Claude Béchar, a procédé à d'importantes annonces en matière d'aires protégées qui témoignent de l'importance que le gouvernement accorde à la protection de la nature et de la biodiversité.

#### Publication du premier registre d'aires protégées au Canada

Le ministre a profité de cette conférence de presse pour rendre public le registre des aires protégées du Québec. Ce registre, une première au Canada, repose sur des standards légaux et internationaux de première importance. Ce registre démontre que le Québec compte, avec ce que nous ajoutons aujourd'hui, 4,79 % de son territoire en aires protégées. « *L'annonce de ce registre était attendue par tous ceux qui sont préoccupés par la mise en place d'un réseau d'aires protégées de qualité au Québec. Maintenant, lorsque nous parlerons d'aires protégées au Québec, nous nous appuyerons tous sur les mêmes définitions, ce qui nous permettra de développer le réseau sur des bases solides* », a souligné le ministre.

#### Protection de nouveaux territoires

Le gouvernement a entériné la mise en réserve, à des fins de réserve de biodiversité projetée et de réserve pour fins de parc national et de création d'une réserve écologique, de 13 955 km<sup>2</sup> additionnels. Cette nouvelle superficie d'aires protégées représente 0,82 % du territoire, il s'agit ici d'une des plus importantes mise en réserve de l'histoire du Québec.

Parmi certains territoires dont nous assurons maintenant la sauvegarde à des fins d'aires protégées, j'aimerais signaler les 7 541 km<sup>2</sup> qui s'ajoutent à l'actuelle réserve du parc national des Lacs-Guillaume-Delisle-et-à-l'Eau-Claire; la création de la réserve de biodiversité projetée Albanel-Témiscamie-Otish qui deviendra bientôt un parc national de 10 934 km<sup>2</sup>; les réserves de biodiversité de la Seigneurie-du-Triton dans la Capitale-Nationale et d'Opémican au Témiscamingue. « *Aujourd'hui, c'est plus de 20 % de territoires protégés que nous ajoutons au Québec. Ces ajouts de nouvelles aires protégées constituent des superficies importantes dans la mise en place de notre réseau d'aires protégées* », a conclu le ministre Béchar.

#### Prolongation du statut d'aires protégées projetées

Pour poursuivre nos actions de conservation, pour maintenir nos acquis en matière d'aires protégées projetées, pour compléter le processus de consultations menant à la création permanente d'aires protégées, le gouvernement vient d'autoriser la prolongation du statut de 3 réserves aquatiques projetées et de 16 réserves de biodiversité projetées, ce qui garantit le maintien de 19 488 km<sup>2</sup> d'aires protégées.

## Développement du réseau d'aires protégées en milieu privé

Enfin, pour renforcer la mise en place du réseau des aires protégées en milieu privé, le ministre Béchard a annoncé l'octroi de 1,6 M\$ pour aider plus de 20 organismes à acquérir des milieux naturels de grande valeur écologique et pour permettre la réalisation d'actions de conservation volontaire.

*« L'ensemble des annonces accroît sensiblement notre performance en aires protégées et en protection de la nature, rend transparent nos interventions et nous place résolument dans la voie de l'atteinte de nos objectifs », a souligné le ministre.*

Le ministre a conclu en remerciant les différents groupes écologistes qui ont participé à l'élaboration de ce registre.

On trouvera dans le site Internet du ministère du Développement durable, de l'Environnement et des Parcs l'information sur le [Programme de conservation du patrimoine naturel en milieu privé](#).

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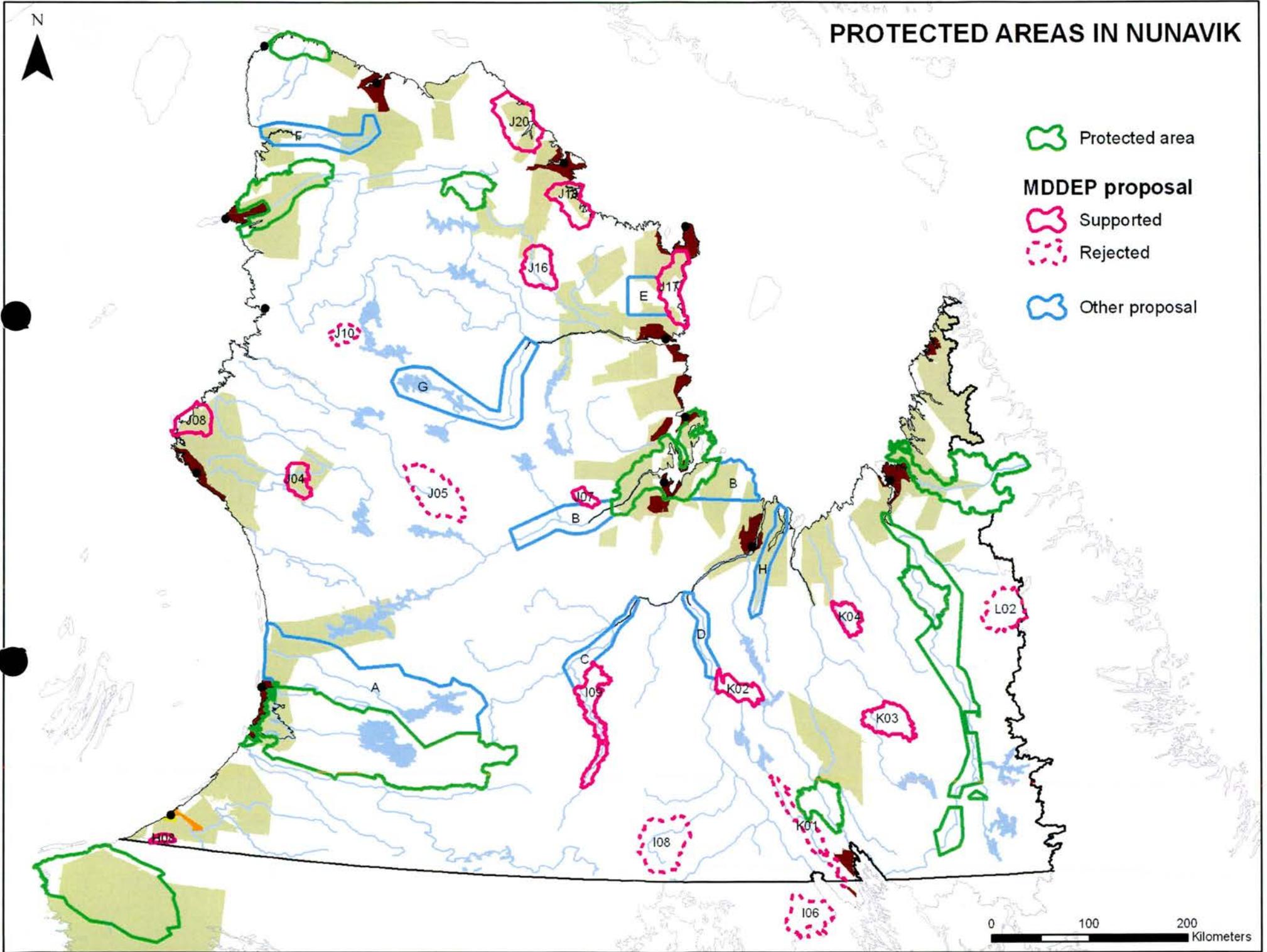
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# PROTECTED AREAS IN NUNAVIK



-  Protected area
- MDDEP proposal**
  -  Supported
  -  Rejected
  -  Other proposal



## Biodiversité

Aires protégées

Biosécurité (OGM)

Cadre écologique de référence

Centre de données sur le  
patrimoine naturel

Espèces menacées ou vulnérables

Espèces aquatiques nuisibles

Stratégie et Plan d'action québécois  
sur la diversité biologique

## Registre des aires protégées

La Loi sur la conservation du patrimoine naturel prévoit à l'article 5 la tenue d'un registre des différentes aires protégées.

Afin de faciliter la consultation de ce registre, le ministère du Développement durable, de l'Environnement et des Parcs (MDDEP) diffuse sur son site Internet l'information concernant les caractéristiques requises pour chaque aire protégée.

Le Ministère procède à la mise à jour en continu des inscriptions au registre des aires protégées et de leurs caractéristiques

## Autres documents

[Le aires de mise bas du caribou au nord du 52<sup>e</sup> parallèle](#)

[Les aires de confinement du cerf de Virginie à l'Île d'Anticosti](#)

[Registre complet par désignation](#)

[Désignations relevant du MDDEP - Cartes](#)

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- [Le contenu du Registre des aires protégées](#)
- [Synthèse des informations du Registre des aires protégées au Québec](#)
- [Figure : Les aires protégées au Québec, selon les catégories de l'UICN](#)

## Contexte

On peut faire remonter l'existence des aires protégées au Québec à 1876, soit au moment de la création du parc du Mont-Royal à Montréal, qui a été désigné en 2005<sup>1</sup> *arrondissement historique et naturel*. Ce premier parc municipal est suivi en 1894 par le parc de la Montagne-Tremblante, qui deviendra plus tard le parc national du Mont-Tremblant.

Aujourd'hui, le Québec possède un réseau d'aires protégées qui utilise plus de 20 désignations juridiques différentes d'aires protégées. Ces aires protégées forment un réseau de plus de 1 800 sites et couvrent un large spectre, allant des réserves écologiques aux parcs nationaux, aux réserves de biodiversité, aux habitats fauniques, aux réserves nationales de faune, aux milieux naturels en terres privées voués à la conservation. Ces aires protégées sont administrées par diverses instances gouvernementales, personnes morales et individus.

Différentes ententes internationales ou autres, notamment la Convention sur la diversité biologique, de même que le Plan d'action stratégique sur les aires protégées demandent des rapports périodiques sur l'état du réseau des aires protégées. Cette responsabilité requiert l'élaboration d'une approche standardisée pour faciliter une évaluation uniforme pour tout le territoire du Québec, car le principal défi vient du fait qu'avant l'adoption de la Loi sur la conservation du patrimoine naturel, aucun ministère ou organisme du Québec n'avait la responsabilité de tenir un tel bilan sur les aires protégées, ni de gérer les données s'y rapportant, ni d'appliquer des règles uniformes et reconnues.

L'adoption de la Loi sur la conservation du patrimoine naturel (2002) oblige le ministre du Développement durable, de l'Environnement et des Parcs à tenir un registre des aires protégées, à s'inscrire dans le cadre de la définition d'aires protégées inscrite dans cette loi et à prendre aussi en compte les normes internationales généralement acceptées à cet effet.

*« Le ministre tient un registre des différentes aires protégées. Y sont notamment précisés, la superficie, la localisation, le ou les statuts de protection, le ministère, l'organisme gouvernemental ou la personne responsable ainsi que le classement respectif de ces aires en tenant compte des différentes catégories reconnues de l'Union mondiale pour la nature (UICN, 1994) » (Loi sur la conservation du patrimoine naturel, article 5).*

### **Pourquoi un registre?**

Le Registre des aires protégées répond à plusieurs besoins :

- Il procure un cadre commun pour recueillir, traiter et publier les données concernant les aires protégées.
- Il constitue une référence unique et intégrée pour le Québec en matière d'aires protégées, tant au sens de la Loi sur la conservation du patrimoine naturel que des recommandations de l'Union mondiale pour la nature (UICN).
- Il permet une évaluation et une comparaison cohérente avec d'autres instances; notamment les autres provinces canadiennes et territoires.
- Il constitue un outil de planification et de gestion de la qualité et de la diversité du réseau des aires protégées, c'est-à-dire qu'il aide à cerner des carences du réseau et favorise l'évaluation entre les provinces naturelles.
- Il constitue le moyen de reconnaître la conformité des différentes désignations et des territoires avec le titre d'aire protégée.

### **Qu'entend-t-on par « aire protégée »?**

Sur le plan international, la définition d'aire protégée a été précisée au début des années 1990. On la retrouve dans la Convention sur la diversité biologique en



1992, où elle désigne :

*« toute zone géographiquement délimitée qui est désignée ou réglementée et gérée en vue d'atteindre des objectifs spécifiques de conservation ».*



L'Union mondiale pour la nature (UICN, 1994) définit une aire protégée comme :

*« une portion de terre et/ou de mer vouée spécialement à la protection et au maintien de la diversité biologique, ainsi que des ressources naturelles et culturelles associées et gérées par des moyens efficaces, juridiques ou autres ».*

En décembre 2002, le gouvernement du Québec adoptait la Loi sur la conservation du patrimoine naturel (LCPN) afin de concourir à l'objectif de sauvegarder le caractère, la diversité et l'intégrité du patrimoine naturel du Québec. Dans cette loi, on entend par aire protégée :

*« un territoire, en milieu terrestre ou aquatique, géographiquement délimité, dont l'encadrement juridique et l'administration visent spécifiquement à assurer la protection et le maintien de la diversité biologique et des ressources naturelles et culturelles associées ».*

### **Pourquoi une classification des aires protégées?**

L'Union mondiale pour la nature (UICN) a élaboré un système reconnu internationalement pour la classification des aires protégées. Ce système permet une harmonisation relative à l'évaluation des moyens de protection de la biodiversité de même qu'il facilite la comparaison d'un État à un autre par l'utilisation de critères communs.

Depuis 1994, l'UICN encourage les gouvernements à classer leurs différentes aires protégées dans une des six catégories qui se distinguent par leurs objectifs de gestion. D'ailleurs, ces catégories servent de base au classement dans la Liste des Nations Unies des aires protégées, compilée par le Centre mondial de surveillance continue de la conservation de la nature. Elles couvrent toute la gamme des aires protégées, des réserves intégrales aux paysages humanisés où la conservation de la diversité biologique n'exclut pas la présence de communautés humaines.

Les catégories servent à décrire l'ensemble des activités de gestion qui définissent un réseau d'aires protégées. Ce système est la clef d'une compréhension internationale des aires protégées; il sert à améliorer les normes de gestion de ces aires.

L'acceptation de ce système de classification a été confirmée lors de réunion de mars 2004 de la Conférence des parties de la Convention sur la diversité biologique. En effet, cette dernière *« encourage les Parties, les autres gouvernements et les organisations compétentes à assigner des*

*catégories de gestion à leurs aires protégées, en fournissant des informations conformes aux catégories affinées de l'UICN pour la présentation des rapports ».*

### **Classification des aires protégées au Registre**

Les aires protégées au Québec sont classées en tenant compte des six catégories de gestion proposées par l'Union mondiale pour la nature en 1994 (cela en référence à la Loi sur la conservation du patrimoine naturel). Ces catégories de gestion se résument comme suit :

**Catégorie Ia** Aire protégée administrée principalement pour la science et la protection de la nature

Espace terrestre ou marin, comportant des écosystèmes, des éléments géologiques ou physiographiques ou encore des espèces remarquables ou représentatives, administré principalement à des fins de recherche scientifique et de surveillance continue de l'environnement.  
Exemple au Québec : le statut de réserve écologique.

**Catégorie Ib** Aire protégée administrée principalement pour la protection des ressources sauvages

Vaste espace terrestre ou marin, intact ou peu modifié, ayant conservé son caractère naturel, dépourvu d'habitation permanente ou importante, protégé et géré dans le but de préserver son état naturel.  
Exemple au Québec : aucun.

**Catégorie II** Aire protégée administrée principalement pour la protection des écosystèmes et aux fins de récréation

Zone naturelle, terrestre ou marine, désignée : (a) pour protéger l'intégrité écologique dans un ou plusieurs écosystèmes pour le bien des générations actuelles et futures; (b) pour exclure toute exploitation ou occupation incompatible avec les objectifs de la désignation; (c) pour offrir des possibilités de visite, à des fins scientifiques, éducatives, spirituelles, récréatives ou touristiques, tout en respectant le milieu naturel et la culture des communautés locales.  
Exemple au Québec : le statut de parc national québécois.

**Catégorie III** Aire protégée administrée principalement dans le but de préserver des éléments naturels spécifiques

Aire contenant un ou plusieurs éléments naturels ou naturels et culturels particuliers d'importance exceptionnelle ou unique, méritant d'être protégée du fait de sa rareté, de sa représentativité, de ses qualités esthétiques ou de son importance culturelle intrinsèque.  
Exemple au Québec : les statuts de réserve de biodiversité, de réserve aquatique et fréquemment, de refuge d'oiseaux migrateurs.

**Catégorie IV** Aire protégée administrée principalement aux fins de conservation par l'aménagement

Aire terrestre ou marine faisant l'objet d'une intervention active quant à sa gestion, de façon à garantir le maintien des habitats ou à satisfaire

aux exigences d'espèces particulières.

Exemple au Québec : aire de confinement du cerf de Virginie en vertu du Règlement sur les habitats fauniques.

**Catégorie V** Aire protégée administrée principalement dans le but d'assurer la conservation de paysages terrestres ou marins et aux fins récréatives

Zone terrestre englobant parfois la côte et la mer, dont le paysage possède des qualités esthétiques, écologiques ou culturelles particulières, résultant de l'interaction ancienne de l'homme et de la nature, et présentant souvent une grande diversité biologique. Le maintien de l'intégrité de cette interaction traditionnelle est essentielle à la protection, au maintien et à l'évolution d'une telle aire.

Exemple au Québec : aucun.

**Catégorie VI** Aire protégée administrée principalement aux fins d'utilisation durable des écosystèmes naturels

Aire contenant des systèmes naturels, en grande partie non modifiés, gérée de façon à assurer la protection et le maintien à long terme de la diversité biologique, tout en garantissant la durabilité des fonctions et des produits naturels nécessaires au bien-être de la communauté.

Exemple au Québec : aire de concentration d'oiseaux aquatiques en vertu du Règlement sur les habitats fauniques, parfois un refuge faunique, parfois une réserve nationale de faune.

**Sans catégorie** Aire protégée dont la catégorie UICN est présentement en évaluation.

Pour être admissibles au Registre des aires protégées au Québec, une désignation et un territoire doivent remplir les conditions suivantes :

- être conformes à la définition d'aire protégée de l'UICN (1994) ou de la LCPN;
- répondre aux critères de sélection relatifs à une catégorie définie par l'UICN dans ses Lignes directrices pour les catégories de gestion des aires protégées.

### Historique du Registre des aires protégées au Québec

En 1987, le ministère de l'Environnement établit et publie *Les milieux naturels protégés au Québec*, constituant un premier bilan des aires protégées. **Constat : 0,36 %** de la superficie du Québec est affectée à des fins d'aires protégées. Ce bilan comptabilise principalement les superficies protégées des parcs, des réserves écologiques, de certains milieux paragouvernementaux et des superficies en milieu privé.

En 1999, le ministère de l'Environnement publie un deuxième bilan des aires protégées sous les titres de *Répertoire des aires protégées et des aires de conservation gérées au Québec*, et *Portrait synthèse des données sur les aires protégées au Québec*. **Constat : 2,84 %** de la superficie du Québec est affectée à des fins d'aires protégées. Ce bilan prend en compte la notion d'aires protégées au sens de la Convention sur la diversité biologique (1992) et de l'Union mondiale pour la nature (UICN,

1994).

En 2007, le ministre du Développement durable, de l'Environnement et des Parcs publie un troisième bilan des aires protégées, qui constitue la première version du *Registre des aires protégées au Québec*. **Constat : 4,79 %** de la superficie du Québec est réservée à des fins d'aires protégées.

Le Québec est pratiquement le seul gouvernement à l'échelle mondiale à s'être donné un tel moyen législatif pour reconnaître, inscrire et centraliser les informations concernant toutes les aires protégées à l'intérieur de ses frontières.

### **Le contenu du Registre des aires protégées**

Une fois qu'un territoire remplit les conditions de base d'une aire protégée, ce territoire se voit accorder un minimum de six attributs dans le registre, soit :

- La désignation ou le statut de protection
- Le toponyme du territoire
- Le responsable de ce territoire
- L'emplacement du territoire
- Le classement de chaque territoire en tenant compte des catégories de l'UICN
- La superficie

Par ailleurs, la Loi sur la conservation du patrimoine naturel introduit des précisions supplémentaires lorsqu'il s'agit d'une réserve naturelle inscrite au Registre des aires protégées. Une réserve naturelle se verra accorder, dans le registre, quatre attributs supplémentaires, soit :

- Nom du propriétaire
- Adresse du propriétaire
- Organisme de conservation partie à l'entente (s'il y a lieu)
- Durée de la reconnaissance

### **Synthèse des informations du Registre des aires protégées au Québec**

#### **Aires protégées (au sens de l'UICN ou de la Loi sur la conservation du patrimoine naturel)**

Désignation	Total sans superposition de territoire	
	Superficie km <sup>2</sup>	Pourcentage <sup>1</sup> %
Écosystème forestier exceptionnel - Forêt ancienne	142,16	0,01
Écosystème forestier exceptionnel - Forêt rare	25,30	0,00
Écosystème forestier exceptionnel - Forêt refuge	10,76	0,00

Habitat d'une espèce floristique menacée ou vulnérable	49,34	0,00
Habitat faunique - Aire de concentration d'oiseaux aquatiques	3 558,07	0,21
Habitat faunique - Aire de confinement du cerf de Virginie	2 269,25	0,14
Habitat faunique - Colonie d'oiseaux en falaise	0,89	0,00
Habitat faunique - Colonie d'oiseaux sur une île ou une presqu'île	1,23	0,00
Habitat faunique - Habitat du rat musqué	42,61	0,00
Habitat faunique - Habitat d'une espèce faunique menacée ou vulnérable	102,14	0,01
Habitat faunique - Héronnière (bande de protection 0-200 m)	19,25	0,00
Habitat faunique - Vasière	0,89	0,00
Milieu marin protégé	1 136,72	0,07
Milieu naturel de conservation volontaire	154,49	0,01
Parc de la Commission de la capitale nationale (Canada)	363,81	0,02
Parc et lieu historique national	1,90	0,00
Parc national du Québec	6 368,55	0,38
Parc national et réserve de parc national du Canada	930,06	0,06
Refuge d'oiseaux migrateurs	516,24	0,03
Refuge faunique	19,52	0,00
Réserve aquatique projetée	5 067,75	0,30
Réserve de biodiversité	193,07	0,01
Réserve de biodiversité projetée	34 871,51	2,09
Réserve de parc national	22 391,19	1,34
Réserve écologique	949,17	0,06
Réserve écologique projetée	635,22	0,04
Réserve nationale de faune	50,60	0,00
Réserve naturelle reconnue	19,43	0,00
<b>Total</b>	<b>79 891,10</b>	<b>4,79</b>

1. Selon la superficie du Québec établie à 1 667 441 km<sup>2</sup>

**Figure : Les aires protégées au Québec, selon les catégories de l'UICN**



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<sup>1</sup> Conformément à la Loi sur les biens culturels



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**Draft Brief on the Proposed Amendments to  
Québec's *Natural Heritage Conservation Act* and  
*Parks Act***

**Submitted by the James Bay Advisory Committee on the  
Environment**

**September 15, 2006**

# **Draft Brief on the Proposed Amendments to Québec's *Natural Heritage Conservation Act* and *Parks Act***

## **Introduction**

This document presents the James Bay Advisory Committee on the Environment's comments and recommendations regarding the amendments to the *Natural Heritage Conservation Act* (hereafter the NHCA) and the *Parks Act* (hereafter the PA) proposed by the Ministère du Développement durable, de l'Environnement et des Parcs (MDDEP). The comments follow those made by the JBACE on May 24 in relation to the proposed amendments to the conservation plans for biodiversity and aquatic reserves.

The purpose of our comments is to ensure that the amendments made to the two statutes are consistent with the provisions of Section 22 of the James Bay and Northern Québec Agreement (JBNQA) and that they respect Aboriginal rights, including those enshrined in Section 24 of the JBNQA.

Our comments mostly deal with the proposed amendments to the PA and NHCA. However, we felt it was important to also comment on aspects not necessarily covered by these two statutes but to which we wish to draw the MDDEP's attention.

Lastly, we are very happy to have been consulted upstream of the amendment process. As you know, one of the functions of the JBACE is to advise the government regarding policy, legislative and regulatory proposals with a potential impact on the environmental and social protection regime established for the James Bay Territory. It is therefore very important that we be able to comment on legislative texts as early as possible in the process so that the JBACE may better fulfil its mandate.

## **1. Minister's increased powers to authorize activities in protected areas**

According to the MDDEP, the NHCA and PA amendments grant increased powers to the Minister for purposes of efficiency and effectiveness. However, these

amendments may violate the consultation obligations provided for in the JBNQA.

The proposed amendments empower the Minister to authorize activities with potential environmental and social impacts, such as mining, gas or petroleum exploration in proposed reserves (NHCA, s. 46), the introduction of non-native species, and the occupation of protected areas and proposed national parks for vacation or outfitting purposes (NHCA, s. 47 and PA, s. 5.4).<sup>1</sup>

As mentioned in our letter of May 24, we are particularly concerned about the Minister's power to grant leases for vacation purposes, which seems inconsistent with the measures adopted by the MRNF to prohibit new vacation development in proposed protected areas in the James Bay Territory.

Furthermore, in our opinion, such powers cannot be exercised in the James Bay Territory without first consulting the local and regional organizations, especially those established pursuant to the JBNQA.

Consequently, for the James Bay Territory, we feel that the Minister must be required to consult the conservation councils for the protected areas concerned before authorizing activities otherwise prohibited by the NHCA (s. 46 and 47) or PA (s. 5.4).

We also deem that the James Bay Advisory Council on the Environment (JBACE) should be involved in the amending process. As advisor to the responsible governments concerning environmental and social protection in the James Bay Territory, and given its extensive experience, it seems only logical that the Minister consult the JBACE when contemplating authorizing an activity under sections 46 and 47 of the NHCA or section 5.4 of the PA that would otherwise be prohibited. Given that the JBACE's mandate covers the whole James Bay Territory, the Committee is in a position to take a coherent approach to management of protected areas in the Territory.

***Recommendation:***

That for the James Bay Territory, the conservation councils concerned and the JBACE be consulted on the powers conferred on the Minister by sections 46 and 47 of the NHCA and section 5.4 of the PA.

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<sup>1</sup> All references are to the sections of the *Possible Amendments to the Natural Heritage Conservation Act* and *Possible Amendments to the Parks Act* (preliminary versions submitted to the JBACE by the Direction du patrimoine écologique et du développement durable on February 16, 2006).

## 2. Composition and mandate of James Bay conservation councils

Neither the NHCA nor the PA provides for the composition of conservation councils. However, in our opinion, the conservation councils are important elements of involving local communities, particularly Aboriginal communities, in the management of protected areas and parks.

In order to respect the social and legal environments in the James Bay Territory, we consider that the conservation councils must have majority representation from the Crees. Moreover, sub-paragraph 22.2.2 c) of the JBNQA provides for:

*A special status and involvement for the Cree people over and above that provided for in procedures involving the general public through consultation or representative mechanisms where such is necessary to protect or give effect to the rights and guarantees in favour of the Native people established by and in accordance with the Agreement.*

This request is more easily justified by the composition of the James Bay population and is consistent with international trends regarding the involvement of indigenous peoples.<sup>2</sup>

According to section 41.2 of the NHCA, the Native communities concerned will be consulted during the preparation of conservation plans. One way to consult them is to give them a dominant role in conservation councils. Even if neither the NHCA nor the PA establishes the composition of conservation councils, we strongly suggest that the MDDEP adopt a clearer policy regarding the composition of conservation councils in the James Bay Territory. We also ask that the role and mandate of conservation councils take into account the legal environment specifically created by the JBNQA.

### ***Recommendation:***

That the composition and mandate of the conservation councils for protected areas established in the James Bay region reflect the region's social and legal environments.

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<sup>2</sup> IUCN. 2004. *Speaking a Common Language. The Uses and Performance of the IUCN System of Management Categories for Protected Areas.*

<http://www.iucn.org/themes/WCPA/pubs/pdfs/speakingacommonlanguage.pdf>

### 3. Consultation of the Crees

Section 41.2 of the NHCA provides for consultation of Native people:

*The conservation plans shall be prepared, and their content revised, in collaboration with the government departments and bodies concerned. The Minister shall also take such measures as are considered necessary to consult all other persons, groups or organizations the Minister considers appropriate to consult, including the Native communities.*

Section 41.2 does not highlight the need to consult the Native communities separately from the general public, which goes against sub-paragraph 22.2.2 c) of the JBNQA as well as the *Interim Guide for Consulting the Aboriginal Communities*.<sup>3</sup> Both of these documents state the **need to hold separate consultations with the Native communities**. Furthermore, the Interim Guide states that participation must be secured upstream of the consultation processes. Thus, it would be important for the NHCA and PA to incorporate the Québec government directions regarding consultation of the Aboriginal communities and provide for separate consultations with Aboriginal people upstream of the consultation processes.

Where James Bay is concerned, **consultation must not be limited to local Aboriginal bodies, but must also extend to regional Aboriginal bodies as well, such as the Grand Council of the Crees.**

#### ***Recommendation:***

That the consultation of Native communities provided for in the PA and NHCA comply with sub-paragraph 22.2.2 c) of the JBNQA and the principles of the *Interim Guide for Consulting the Aboriginal Communities* (of Québec). In addition, in the James Bay Territory, these consultations must include the local and regional Aboriginal bodies set up there.

### 4. Consultations pursuant to Section 22 of the JBNQA

The JBACE is pleased that the Québec *Parks Act* is being amended to prevent duplication of the consultation processes. However, **we insist that the precedence of the JBNQA be respected**, including as regards the organization of consultations, as only this process guarantees meaningful participation of the Cree communities.

We would also stress the importance of consulting the JBACE on all legislative

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<sup>3</sup> Québec Government. 2006. *Interim Guide for Consulting the Aboriginal Communities*. [http://www.saa.gouv.qc.ca/publications\\_documentation/publications/guide-interimaire\\_en.pdf](http://www.saa.gouv.qc.ca/publications_documentation/publications/guide-interimaire_en.pdf)

and regulatory amendments that might affect the James Bay's biophysical and social environment. In particular, we wish to emphasize the importance of consulting the JBACE before assigning temporary protection status to areas located within the territory of application of the environmental and social protection regime established by Section 22 of the JBNQA. This recommendation must be read in conjunction with the following recommendation, for this obligation can be honoured by involving the JBACE in the development of a strategy for establishing protected areas in James Bay.

***Recommendation:***

That, in implementing the PA and NHCA, the MDDEP respect the precedence of the consultation processes established by Section 22 of the JBNQA.

That the MDDEP consult the JBACE before assigning protection status to any territory covered by Section 22 of the JBNQA.

## **5. Protected areas establishment strategy for James Bay**

The James Bay Territory is affected by numerous hydroelectric development, forestry and mining projects, all of which have major environmental and human impacts. Establishment of a protected areas network is therefore crucial to protecting Cree territory and hunting, fishing and trapping activities.

We must stress the importance of adopting a strategy for establishing protected areas in the James Bay Territory. Furthermore, we consider that the MDDEP should work collaboratively with the JBACE to devise and implement such a strategy.

***Recommendation:***

That the Minister adopt, as soon as possible, a strategy for establishing protected areas in James Bay that has been developed in partnership with the JBACE.

## **6. Delegation of management**

The NHCA provides for the delegation of management of a protected area to a natural or legal person (s. 12). The PA provides only for the delegation of the power to carry out work or management activities (s. 6 and 8.1.1). However, since the Minister has already delegated management of Pinguait National Park to the Kativik Regional Government, it would be important for the new *Parks Act* to contain a similar section to section 12 of the NHCA, which explicitly recognizes

the possibility of delegating management of a national park to an Aboriginal body.

***Recommendation:***

That the delegation of management to an Aboriginal body provided for in section 12 of the NHCA be introduced into the PA.

## **7. Term of temporary protection status**

The NHCA provides for temporary protection status for an initial period of 4 years, which can be renewed but not exceed 6 years (NHCA, s. 30). The PA provides for temporary protection status for an initial period of 8 years, which can be extended to no more than 10 years (PA, s. 4.2). Not only is 6 years already a long time for temporary protection status, but it also exceeds the mandate of the government that decreed it.

Thus, a term of 8 years with possible extension to 10 years seems too long, especially considering that the Minister has the power to authorize the occupation of proposed parks for vacation or outfitting purposes (PA, s. 5.4). In our opinion, it would be more logical to apply the same term (4 years, renewable up to 6 years) to all protected areas, whether national parks or biodiversity reserves.

***Recommendation:***

That the terms of temporary protection status and renewal and extension periods (PA, s. 4.2) be the same as those provided for in the NHCA, namely 4 years, renewable up to 6 years.

## **8. Concept of man-made landscape**

The amended NHCA includes a section on man-made landscapes that shows a special effort by the MDDEP to implement this new concept (at least in North America). The JBACE endorses this concept, but would like to stress that the expression "man-made landscape" should also apply to Aboriginal territories, not just farming areas in southern Québec. Aboriginal people's contribution to landscape protection is too often under-estimated and it should be remembered that so-called pristine areas in the North have been shaped by Aboriginal peoples' traditional pursuits.

The concept of an inhabited park is already being developed under the Albanel-Temiscamie-Otish national park project. The concept should include recognition of Aboriginal landscapes (portage, burial, maintenance of specific areas to make

them more conducive to gathering, hunting and trapping).

In this regard, it would be desirable that the MDDEP work with the bodies established by the JBNQA to devise a program for recognizing Aboriginal landscapes.

***Recommendation:***

That the MDDEP, in consultation with the bodies established pursuant to the JBNQA, consider assigning "man-made landscape" status to Aboriginal landscapes.

**9. Minister responsible for the *Parks Act***

Section 16 of the Parks Act entrusts application of the Act to the Minister of Natural Resources and Wildlife (previously Minister of Natural Resources, Wildlife and Parks), whereas this responsibility should fall to the Minister of Sustainable Development, Environment and Parks.

**Summary of JBACE recommendations**

Below is a summary of the JBACE's recommendations to the MDDEP:

1. That for the James Bay Territory, the conservation councils concerned and the JBACE be consulted on the powers conferred on the Minister by sections 46 and 47 of the NHCA and section 5.4 of the PA.
2. That the composition and mandate of the conservation councils for protected areas established in the James Bay region reflect the region's social and legal environments.
3. That the consultation of Native communities provided for in the PA and NHCA comply with sub-paragraph 22.2.2 c) of the JBNQA and the principles of the *Interim Guide for Consulting the Aboriginal Communities* (of Québec). In addition, in the James Bay Territory, these consultations must include the local and regional Aboriginal bodies set up there.
4. That, in implementing the PA and NHCA, the MDDEP respect the precedence of the consultation processes established by Section 22 of the JBNQA.

That the MDDEP consult the JBACE before assigning protection status to any territory covered by Section 22 of the JBNQA.

5. That the Minister adopt, as soon as possible, a strategy for establishing protected areas in James Bay that has been developed in partnership with the JBACE.
6. That the delegation of management to an Aboriginal body provided for in section 12 of the NHCA be introduced into the PA.
7. That the terms of temporary protection status and renewal and extension periods (PA, s. 4.2) be the same as those provided for in the NHCA, namely 4 years, renewable up to 6 years.
8. That the MDDEP, in consultation with the bodies established pursuant to the JBNQA, consider assigning "man-made landscape" status to Aboriginal landscapes.

## PROJET DE LETTRE

Le 12 septembre 2006

Monsieur Léopold Gaudreau  
Sous-ministre adjoint au développement durable  
Ministère du Développement durable,  
de l'Environnement et des Parcs  
Édifice Marie-Guyart, 30<sup>e</sup> étage  
675, boulevard René-Lévesque Est  
Québec (Québec) G1R 5V7

Objet : **Modifications proposées à la Loi sur les parcs et à la Loi  
sur la conservation du patrimoine naturel**

Monsieur le sous-ministre adjoint,

J'ai le plaisir de vous transmettre, au nom des membres du Comité consultatif de l'environnement Kativik, nos commentaires et recommandations sur les modifications proposées à la *Loi sur les parcs* et à la *Loi sur la conservation du patrimoine naturel*.

Il n'y a, à l'heure actuelle, sur le territoire du Nunavik, aucune terre mise en réserve pour la création de réserves de biodiversité ou de réserves aquatiques. Par contre, plusieurs grands espaces ont été choisis et mis en réserve pour la création de futurs parcs. Un premier parc a été créé en 2004, soit celui des Pingualuit, qui préserve entre autres le cratère du Nouveau-Québec et une importante aire de mise bas du troupeau de caribous de la Rivière-aux-Feuilles.

Depuis le début des années 1990, un important régime de protection a été établi au nord du 55<sup>e</sup> parallèle. Il est administré à la fois par les ministères responsables des ressources naturelles, de l'environnement, de la faune et des parcs et par l'Administration régionale Kativik. Tout d'abord, une large consultation publique a conduit en 1991 et 1992 à deux arrêtés ministériels qui ont assuré la mise en réserve de douze parties du territoire pour des fins de parc en les soustrayant en particulier au jalonnement minier. Puis, en septembre 1998, l'Administration régionale Kativik adoptait un Plan directeur de l'aménagement du territoire qui identifie toutes les aires que l'autorité régionale et les communautés locales souhaitent protéger à titre de « territoires d'intérêt ».

Le plan directeur établit à cette fin trois grandes catégories, les territoires « d'intérêt historique », les territoires « d'intérêt esthétique » et les territoires « d'intérêt écologique ». Il met en place un réseau important d'aires protégées qui, en plus des territoires réservés pour fins de parc, comprend d'autres territoires particulièrement importants pour les communautés, parce qu'ils illustrent leur histoire culturelle ou exigent une protection spéciale comme sites naturels exceptionnels ou représentatifs de la biodiversité (faune et flore) qui caractérise le milieu nordique. À cette fin, tout projet envisagé à l'intérieur de ces espaces protégés ne peut être entrepris sans la soumission d'une demande et l'autorisation de l'Administration régionale Kativik.

Les extraits du Plan directeur qui portent sur les sites d'intérêt et les dispositions qui leur sont applicables sont joints en annexe.

De plus, en juin 2002, le gouvernement du Québec signait une entente avec l'Administration régionale Kativik pour l'associer au développement des futurs parcs. Le 23 mars 2004, une autre entente attribuait à l'Administration régionale Kativik la gestion du parc des Pingualuit nouvellement créé. Enfin, en (*insérer date de l'entente...*) 2004, une entente globale sur le financement de l'Administration régionale Kativik prévoyait l'octroi de près de 2,5M\$ par année avec indexation pour la gestion du parc des Pingualuit, la prise en charge des travaux, recherches et activités liés à la création des parcs nationaux des Monts-Torngat-et-de-la-rivière-Koroc et des Lacs-Guillaume-Delisle-et-à-l'Eau-Claire, et la réalisation de certaines études reliées à l'acquisition de connaissances pour la création des parcs des Monts-de-Puvirnituk et du Cap-Wolstenholme.

C'est donc dire que le Nunavik possède à l'heure actuelle un important réseau d'aires protégées dont la gestion ou la conservation sont assurées en grande partie par l'Administration régionale Kativik. C'est pourquoi, le CCEK recommande, en premier lieu, que les modifications qu'on souhaite apporter à la Loi sur les parcs et à la Loi sur la conservation du patrimoine naturel prennent en compte tous ces acquis et contiennent assez de flexibilité pour permettre à l'Administration régionale Kativik de continuer à exercer son rôle de gestion ou de supervision des aires protégées.

Pour cette raison, il nous paraît essentiel que l'Administration régionale Kativik prenne une part active au choix du statut à accorder à l'une ou l'autre des aires protégées, soit en optant pour le statu quo (par exemple, celui accordé par les arrêtés ministériels), soit en acceptant celui de parc projeté, celui de réserve de biodiversité ou de réserve aquatique projetée ou encore celui qui relève de l'article 13 de la *Loi sur la conservation du patrimoine naturel* (« un milieu naturel qui se distingue par la rareté ou par l'intérêt exceptionnel que présente l'une de ses caractéristiques biophysiques »).

Plus particulièrement, nous recommandons que les terres réservées pour fins de parc conservent ce statut ou acquièrent celui de parc projeté avec la protection plus spécifique qui est prévue à l'article 5 des modifications à la *Loi sur les parcs*. Ces terres ne devraient pas toutefois être privées de la protection que leur accorde le Plan directeur. Aux termes de l'article 5.2, il y aurait lieu de s'assurer qu'il n'y a pas d'incompatibilité entre les pouvoirs

exercés en vertu de la *Loi sur les parcs* et les pouvoirs exercés en vertu de la *Loi sur les villages nordiques et l'administration régionale Kativik*.

Jusqu'à maintenant, la concertation entre le gouvernement et l'Administration régionale a été assurée par des ententes. Nous portons à votre attention que les articles 5.1, 6 et 8.1.1 ne prévoient que des contrats. Pour plus de clarté, nous suggérons qu'on emploie les mots « **contrat ou entente** ».

Enfin, les modifications proposées à l'article 5.6 et à l'article 7 ne font pas référence aux droits de chasse et de pêche des Inuits. Deux ajouts permettraient à notre avis, d'attirer l'attention sur ces droits.

5.6 Les interdictions prévues aux articles 5.4 et 5.5 ne s'appliquent toutefois pas :

.....

**5o aux activités effectuées conformément aux dispositions prévues dans la Loi sur les droits de chasse et de pêche dans les territoires de la Baie-James et du Nouveau-Québec (L.R.Q., c. D-13.1).**

- 6 Nonobstant toute disposition législative,  
a) toute forme de chasse ou de piégeage est interdite dans un parc...

**Le paragraphe a) du premier alinéa ne s'applique pas aux activités effectuées conformément aux dispositions prévues dans la Loi sur les droits de chasse et de pêche dans les territoires de la Baie-James et du Nouveau-Québec (L.R.Q., c D-13.1).**

Nous avons examiné également les modifications proposées à la *Loi sur la conservation du patrimoine naturel*, dans la mesure où cette dernière pourrait s'appliquer au Nunavik. Il y a, en effet, des territoires, autres que ceux qui sont déjà en réserve pour fins de parc, qui pourraient recevoir le statut de réserves de biodiversité, de réserves aquatiques ou de milieux naturels exceptionnels. Dans cette perspective, nous vous soumettons quelques observations.

À l'article 9, alinéa 2, ajouter « par contrat **ou entente** ». Le troisième alinéa peut faire problème, dans la mesure où une entente confierait l'administration de certains territoires à l'Administration régionale Kativik ou à un organisme régional ou local. Présentement, l'alinéa 3 dit : *Le ministre peut pareillement confier l'administration ou transférer l'autorité qu'il détient sur des terres à un autre ministre ou à un organisme gouvernemental*. Or, à l'article 1, la définition restrictive d'« organisme gouvernemental » paraît exclure cette possibilité.

À l'article 10 : « *Le gouvernement peut procéder au changement du statut de protection dont bénéficie une aire protégée pour lui conférer un des statuts de protection prévus par la présente loi* ». L'article ne dit pas si le ministre est tenu de consulter. À notre avis, un

tel changement, s'il se réalise au Nunavik, implique une consultation de l'Administration régionale Kativik et de la communauté locale qui utilise ce territoire.

À l'article 46, « à moins d'avoir été autorisées par le ministre et d'être réalisées conformément aux conditions qu'il fixe, ces activités (d'exploration minière, pétrolière ou gazière) sont également interdites dans les réserves projetées visées à l'article 45 ». Il serait important de vérifier si cet article exclut l'autorisation qui doit être demandée à l'Administration régionale Kativik conformément à son plan directeur. À notre avis, celle-ci devrait être consultée sur une demande d'autorisation adressée au ministre.

Cette même question se pose à propos de l'article 47.

À l'article 48, nous suggérons l'ajout d'un paragraphe :

**Les paragraphes précédents ne s'appliquent pas aux activités effectuées conformément aux dispositions prévues dans la Loi sur les droits de chasse et de pêche dans les territoires de la Baie-James et du Nouveau-Québec (L.R.Q., c. D-13.1).**

Un ajout similaire devrait aussi être fait à l'article 50 :

Les interdictions prévues à l'article 47 ne s'appliquent pas :

.....

**5o aux activités effectuées conformément aux dispositions prévues dans la Loi sur les droits de chasse et de pêche dans les territoires de la Baie-James et du Nouveau-Québec (L.R.Q. c. D-13.1).**

Nous espérons que ces commentaires et recommandations permettront d'apporter aux modifications proposées des éléments qui faciliteront leur application dans la région du Nunavik.

Je vous prie d'agréer, Monsieur le sous-ministre adjoint, l'expression de mes sentiments les meilleurs,

Gilles H. Tremblay  
Président

Mr. Assistant Deputy Minister,

I am pleased to be sending to you, in the name of the members of the Kativik Environmental Advisory Committee, our comments and recommendations on the suggested modifications to the Parks Act and the Natural Heritage Conservation Act.

Currently, In Nunavik there is no area reserved for the creation of biodiversity or aquatic reserves. On the other hand, several large spaces were chosen and reserved regarding the creation of future parks. A first park was created in 2004, that of Pingualuit, which preserves the crater of New Quebec and an important low setting surface for the Leaf River caribou herd.

Since the beginning of the 1990s, an important protection regime was established north of the 55<sup>th</sup> parallel. It is managed at the same time by the ministries responsible for natural resources, the environment, fauna and the parks and by the Kativik Regional Government. First of all, a broad public consultation in 1991 and 1992 led to two ministerial decrees that ensured the retention of twelve parts of the territory for the creation of parks by withdrawing them in particular from the mining market. Then, in September of 1998, the Kativik Regional Government adopted a Master Land Use Management Plan, which identifies all surfaces that the regional authority and the local communities wish to protect as "territories of interest".

The master Plan establishes for this purpose three main categories, the territories "of historical interest", the territories "of aesthetic interest" and the territories "of ecological interest". It sets up an important network of protected surfaces, which, in addition to the territories reserved for the creation of parks, includes other particularly important territories for the communities, since they illustrate their cultural history or require special protection like exceptional natural sites or those representative of the biodiversity (fauna and flora) which characterizes the Northern environment. For this purpose, any project under consideration inside these protected spaces cannot be undertaken without a request and the authorization of the Kativik Regional Government.

The portion of the Master Plan which relates to the sites of interest and the provisions which are applicable for them are available in the appendix.

Moreover, in June 2002, the government of Quebec signed an agreement with the Kativik Regional Government to associate with it the development of future parks. On March 23, 2004, another agreement allotted to the Kativik Regional Government, the management of the recently created Pingualuit park. Lastly, in 2004, a total agreement attributing to the financing of the Kativik Regional Government granted almost 2,5M\$ per year with indexing for the management of the Pingualuit Park, assuming the responsibility of work, research and activities linked to the creation of the **Monts-Torngat-et-de-la-rivière-Koroc** and of **Lacs-Guillaume-Delisle-et-à-l'Eau-Claire provincial parks**, and the

realization of certain studies connected to the acquisition of knowledge for the creation of the **des Monts-de-Puvirnituk and teh Cap-Wolstenholme parks**.

It is to say that Nunavik has, at the present time, an important network of protected surfaces with the management or the conservation mainly assured by the Kativik Regional Government. This is why, the CCEK recommends, initially, that the modifications you wish to make to the Parks Act and the Natural Heritage Conservation Act take into account all these assets and contain enough flexibility to make it possible for the Kativik Regional Government to continue to exert its role of the management and supervision of these protected areas.

For this reason, it appears essential to us that KRG takes an active share in the choice of statute to be granted to one or the other protected surfaces, either while choosing the status quo (for example, that which is granted by ministerial decrees), or by accepting that of projected park, that of projected biodiversity or aquatic reserve or that which concerns article 13 Natural heritage Conservation Act (“a natural environment which is characterized by the scarcity or the exceptional interest which presents one of its characteristics biophysics”).

More particularly, we recommend that the areas reserved for the creation of parks preserve this statute or acquire that of a projected park with the more specific protection that is provided in article 5 of the modifications to the Parks Act. These areas however, should not be privileged to the protection that the Master Plan grants them. Under article 5.2, it would be necessary to make sure that is no incompatibility between the capacities exerted under the terms of the Parks Act and the capacities exerted under the terms of the Kativik Act.

Until now, the dialogue between the government and the KRG was ensured by agreements. We wish to bring to your attention that articles 5.1, 6 and 8.1.1 make no provision for contracts. To be clearer, we suggest that one uses the words “contract or agreement”.

Lastly, the modifications suggested in article 5.6 and article 7 do not refer to the hunting and fishing rights of the Inuit. Two additions would allow, in our opinion, attention to be drawn to these rights.

5.6 The prohibitions envisaged in articles 5.4 and 5.5 do not apply however:

.....

5o with the activities carried out in accordance with the provisions envisaged in the Act respecting the hunting and fishing rights in the James Bay and New Quebec territories (L.R.Q., C.D-13.1).

6 Notwithstanding any legislative provision,

a) any form of hunting or of trapping is prohibited in a park...

The paragraph a) of the first subparagraph does not apply to the activities carried out in accordance with the provisions envisaged in the Act respecting the hunting and fishing rights in the James Bay and New Quebec territories (L.R.Q., C D 13.1).

We also examined the suggested modifications to the Natural Heritage Conservation Act insofar as the latter could apply to Nunavik. There are, indeed, some areas, and others that are already on hold for the creation of parks, which could receive the statute of biodiversity or aquatic reserve or of an exceptional natural environment. From this point of view, we offer some observations to you.

With article 9, subparagraph 2, add “by contract or agreement”. The third subparagraph could cause a problem, insofar as an agreement would entrust the administration of certain territories to the KRG or a regional or local organization. At present, this third subparagraph reads: *Similarly, the Minister may entrust the administration of land or transfer authority overland to another or to a government body.* However, with article 1, the restrictive definition of “government agency” is published to exclude this possibility.

With article 10: “The Government may change the current protection status of a protected area in order to assign a protection status provided for in this Act.

The article does not say if the minister is obliged consult. In our opinion, such a change, if it is carried out in Nunavik, implies a consultation with the KRG and the local community that uses this territory.

In article 46, “unless an authorization has been obtained from the Minister and the activities (mining, gas or petroleum exploration) are carried on in compliance with the conditions the Minister determines, those activities are also prohibited in the proposed reserves referred to in section 45...”. It would be important to check if this article excludes the authorization that must be requested from the KRG in accordance with its master plan. In our opinion, this one should be consulted on a request for authorization addressed to the minister.

This same question arises in connection with article 47.

In article 48, we suggest a paragraph be added:

The preceding paragraphs do not apply to the activities carried out in accordance with the provisions laid down in the Act respecting the hunting and fishing rights in the James Bay and New Quebec territories (L.R.Q., C.D-13.1).

A similar addition should also be made in article 50:

The prohibitions envisaged in article 47 do not apply:

.....

So with the activities carried out in accordance with the provisions envisaged in Act respecting the hunting and fishing rights in the James Bay and New Quebec territories

(L.R.Q C.D-13.1).

We hope that these comments and recommendations will make it possible to bring elements to the suggested modifications that will facilitate their application in the area of Nunavik.

Sincerely yours



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Comité Consultatif de l'environnement Kativik  
Kativik Environmental Advisory Committee

Le 1<sup>er</sup> août 2006

Monsieur Léopold Gaudreau  
Sous-ministre adjoint au développement durable  
Ministère du Développement durable,  
de l'Environnement et des Parcs  
Édifice Marie-Guyart, 30<sup>e</sup> étage  
675, boulevard René-Lévesque Est  
Québec (Québec) G1R 5V7

**Objet : Modifications aux plans de conservation des réserves de biodiversité et aquatiques projetées (propositions de mesures réglementaires)**

Monsieur le sous-ministre adjoint,

Il me fait plaisir de vous transmettre, au nom des membres du Comité consultatif de l'environnement Kativik, nos observations sur le projet de mesures réglementaires portant sur le régime des activités permises ou interdites dans une réserve de biodiversité ou une réserve aquatique projetée, telles que publiées à la Gazette officielle du Québec le 6 juillet 2005, et que vous nous avez transmis pour commentaires avec votre lettre du 16 février 2006. Le Comité a pu bénéficier des informations fournies par l'équipe du Service des aires protégées que nous avons rencontrée à Kuujjuaq le 30 mars dernier et de la réflexion que nous avons poursuivie sur ce sujet plus particulièrement à notre réunion du 4-7 juillet à Kangiqsualujjuaq.

Il existe sur le territoire du Nunavik plusieurs terres ou grands espaces mis en réserve pour la création de futurs parcs. Il n'y a, par contre, à l'heure actuelle, aucune terre mise en réserve pour la création de réserve de biodiversité ou de réserve aquatique. Les 49 réserves de biodiversité ou aquatiques projetées, qui figurent à l'annexe du projet de modifications, sont au sud du 55<sup>e</sup> parallèle. Il nous a paru cependant utile d'examiner les mesures réglementaires envisagées et la façon dont elles pourraient éventuellement s'appliquer au Nunavik, dans la mesure où l'on trouverait opportun d'y créer de telles réserves.

D'une manière générale, nous trouvons que les mesures réglementaires proposées sont d'une très grande complexité. Les unes proviennent de la *Loi sur la conservation du patrimoine naturel* (L.R.Q., c. 61.01), d'autres d'un régime général applicable à tous les plans de conservation, d'autres d'un régime spécifique à telle ou telle réserve et, enfin, un certain nombre d'entre elles prévoient que certaines activités autrement interdites peuvent être permises avec autorisation du ministre. À ces divers régimes, il faut également ajouter toutes les lois applicables, dans la mesure où celles-ci ne sont pas incompatibles ou ont préséance sur la *Loi sur la conservation du patrimoine naturel* et finalement tous les droits acquis, lesquels peuvent s'exercer à titre d'exemptions à l'autorisation habituellement requise.

Il nous paraît tout d'abord utile qu'un article soit ajouté aux mesures réglementaires pour parler nommément des droits autochtones qui peuvent être exercés dans les réserves de biodiversité et aquatiques projetées créées sur le territoire conventionné de la Baie-James, tels qu'établis par la *Loi sur les droits de chasse et de pêche dans les territoires de la Baie-James et du Nouveau-Québec* (L.R.Q., c. D-13.1).

De même, il serait sans doute utile qu'un article soit ajouté aux mesures réglementaires pour mentionner les droits acquis, puisque la reconnaissance de ces droits est déjà exprimée à plusieurs endroits dans le projet de règlement.

De même, on pourrait préciser dans un autre article, toutes les activités qui pourraient être permises avec l'autorisation du ministre.

Ainsi, la section 3 pourrait plutôt définir le **régime général** des activités interdites ou permises, sous réserve des restrictions, des exemptions ou des autorisations exprimées dans les autres sections. De cette manière, les plans de conservation et le régime de protection pourraient, à notre avis, être plus aisément compris du grand public.

D'une manière plus spécifique, voici quelques dispositions qui ont attiré notre attention :

Section 3.5 « Toute personne qui séjourne, pratique une activité ou circule sur le territoire de la réserve projetée est tenue de garder les lieux dans un état satisfaisant et, avant de les quitter, de les remettre autant que possible dans leur état naturel ». Dans le contexte, les mots « état satisfaisant » réfère-t-il à ce qui est prévu dans les mesures réglementaires (p.e. 3. 4 déchets; 3.12, 3o : démolition ou abandon d'un camp de piégeage ou d'un abri sommaire) ou vont-ils au-delà ? Cette question nous paraît importante pour les camps saisonniers et les abris sommaires qu'on abandonne souvent sans avoir fait aucun nettoyage approprié ou après un nettoyage très sommaire. Avec le temps, les vestiges de tels camps et abris se multiplient et finissent par créer un impact visuel et environnemental non-négligeables. Il peut en être de même pour les quantités de bois prélevées année après année dans le même secteur par un grand nombre d'usagers (3.11).

Section 3.14. 2o L'autorisation préalable non requise nous paraît problématique en particulier pour les réserves aquatiques projetées. Nous comprenons difficilement comment une réserve aquatique projetée pourrait conserver ce statut si l'on y effectue en

même temps toutes les activités requises pour un avant-projet de production, de transport ou de distribution d'électricité.

Section 3 : Activités régies par d'autres lois. Parmi les lois applicables, il y aurait lieu de mentionner ici la *Loi sur les droits de chasse et de pêche dans les territoires de la Baie-James et du Nouveau-Québec*. On pourrait aussi ajouter un mot sur les « sanctuaires fauniques », dont il est fait mention à l'article 22 de cette loi, et qui pourraient exister ou être créés à l'intérieur des réserves de biodiversité ou aquatiques.

Enfin, ils nous paraît que, dans l'introduction à la section 3 : Régime des activités, il y aurait lieu de mettre en évidence le principe de conservation qui doit faire l'essence de toute réserve de biodiversité ou de réserve aquatique et qui oriente ou limite les activités ou droits qui y sont permis.

Nous nous proposons de vous adresser sous peu une autre lettre pour vous faire part de nos commentaires sur les modifications proposées à la Loi sur la conservation du patrimoine naturel et à la Loi sur les Parcs.

Je vous prie d'agréer, Monsieur le sous-ministre adjoint, l'expression de mes sentiments les meilleurs,

Gilles H. Tremblay  
Président

Mister assistant deputy minister,

I am pleased to be sending to you, in the name of the members of the Kativik Environmental Advisory Committee, our observations on the legislative measurements relating to the regime of the activities allowed or prohibited in a projected biodiversity or aquatic reserve, as published in the official Gazette of Quebec on July 6, 2005, and that you transmitted to us for comments with your letter dating February 16, 2006. The Committee also profited from the information provided by the team from the protected areas department, who we met in Kuujuaq on March 30 and from our continued reflection on this subject during our meeting on the July 4 in Kangiqsualujuaq.

In the territory of Nunavik there exists several areas or great large to be considered for the creation of future parks. There is, on the other hand, at the present time, no areas considered for the creation of biodiversity or aquatic reserves. The 49 projected biodiversity or aquatic reserves, which appear in the appendix of the draft amendment, are south of the 55<sup>th</sup> parallel. Therefore, it has appeared useful for us to examine the legislative measurements considered and the way in which they could possibly apply to Nunavik, considering it may be convenient to create such reserves there.

Generally, we find that the legislative measures suggested are very complex. The changes involving the Natural Heritage Conservation Act (L.R.Q., C. 61.01), including a general regime applicable to all conservation plans, a regime specific to particular reserves and, finally, a number of changes providing that certain prohibited activities can be allowed with authorization from the Minister. For these various regimes, it is necessary to consider all the applicable laws, those that are compatible or have precedence within the Natural Heritage Conservation Act and finally all the rights acquired, which can be exerted as exemptions with the usual necessary authorization.

Firstly, it appears useful to us that an article be added to the legislative measures that name the rights of Inuit, which can be applied in the projected biodiversity and aquatic reserves created on the official James Bay territory, such as the establishment of the Act respecting the hunting and fishing rights in the James Bay and New Quebec territories (L.R.Q., C.D-13.1).

In the same way, it would undoubtedly be useful that an article be added to the legislative measures that mentions the acquired rights, since the recognition of these rights is already expressed in several places in the draft Regulation.

Also, one could specify in another article, all the activities which could be allowed with the authorization of the minister.

Therefore, section 3 could rather define the **general regime** of the prohibited or allowed activities, subject to the restrictions, the exemptions or the authorizations expressed in the other sections. In this manner, the conservation plans and the protection regime could, in our opinion, be more easily understood by the general public.

Specifically, here are some provisions that drew our attention:

Section 3.5 “Any person who remains, practicing an activity or circulating on the territory of the projected reserve is held responsible to keep the place in a satisfactory state and, before leaving, to keep them as much as possible in their natural state”. In this context, does the words “satisfactory state” refer to what is envisioned in the legislative measures (EP 3. 4 waste; 3.12, 3o: demolition or abandonment of a hunting camp or a temporary shelter) or go beyond? This question appears important to us since seasonal camps and temporary shelters are often abandoned without a suitable clean up or after a very temporary cleaning. With time, the number of such camps and shelters multiply and end up creating a significant visual and environmental impact. It can be similar for the quantities of wood taken year after year in the same sector by a great number of users (3.11).

Section 3.14. 2o The unnecessary preliminary authorization appears problematic to us in particular for the projected aquatic reserves. We are difficulty understanding how a projected aquatic reserve could preserve this statute if one carries out all the activities necessary for a preliminary draft of production, transportation or distribution of electricity.

Section 3: Activities controlled by other laws. Among the applicable laws, it would be necessary to mention here the Act respecting the hunting and fishing rights in the James Bay and New Quebec territories. One could also add a word on the “wildlife reserves”, which are mentioned in article 22 of this law, and which could exist or be created inside the biodiversity or aquatic reserves

Lastly, it appears to us that in the introduction to section 3: Activity regimes, it would be necessary to highlight the principle of conservation which must make the essence of any biodiversity or aquatic reserve and which directs or limits the activities or rights which are allowed there.

We propose to send another letter to you providing our comments on the modifications suggested within the Natural Heritage Conservation Act and the Parks Act.

Sincerely yours,

**Summary of the MDDEP Presentation made in Kuujjuaq, March 30, 2006  
concerning proposed amendments to the Parks Act and  
the Natural Heritage Conservation Act.**

**List of attending KEAC Members:**

- Kativik Regional Government appointees:  
Michael Barrett, President
- Government of Canada appointees:  
Claude Abel  
Gilles H. Tremblay  
Suzanne Larochelle
- Gouvernement du Québec appointees:  
Paule Halley  
Jean Couture
- Executive Secretary:  
Nancy Dea

**List of attending MDDEP guests:**

Wendy Giroux, Protected Areas Department  
Joanne Laberge, Head of Protected Areas Department  
Guy Paré, Protected Areas Department  
Françoise St-Martin, Judicial Affairs Department  
Daniel Berrouard, Aboriginal Affairs Coordinator,  
Alain Hébert, Ecological and Parks Directorate

**List of attending KRG guests:**

Sandy Gordon, Director of Renewable Resources  
Caroline Larrivée, Renewable Resources, Land-Use Planner  
Josée Brunelle, Renewable Resources, Parks Section  
Sammy Tukkiapik, Renewable Resources  
Catherine Fortier-Pesant, Legal Department  
Laina Grey, Renewable Resources, Administrative Technician

During the 107<sup>th</sup> KEAC meeting, held March 29-31, 2006, guests from the Ministry of Sustainable Development, the Environment and Parks, Ecological and Parks Directorate, presented several anticipated amendments to both the Parks Act and the Natural Heritage Conservation Act, impacting mostly biological and aquatic reserves, both proposed and permanent.

### **The Parks Act (R.S.Q., chapter P-9)**

The Parks Act, under the responsibility of the Minister of Sustainable Development, Environment and Parks since February 2005, contains no mechanism to set aside land for protected areas. The mechanism is provided for indirectly, with a lack of transparency, in the Natural Heritage Conservation Act, which leads to confusion for the stakeholders concerned. In addition, the current mechanism in the Natural Heritage Conservation Act (a proposed biodiversity reserve) does not take into account the specific characteristics of a park, especially with regard to the length of time for which land is temporarily set aside and the activities that are permitted and prohibited.

The amendments to be made to the Parks Act would be mainly intended:

- to introduce into the Parks Act a process for granting legal protection to some park projects, better adapted to that type of status and more transparent than the current mechanism (proposed biodiversity reserve);
- to make it possible to hold public hearings, organized not only by the Minister but also by any person or body designated by the Minister for that purpose. It could be requested that either the KRG or the KEQC be automatically designated for the territory north of the 55<sup>th</sup> latitude.

Proposed amendments to the Parks Act would mainly concern necessary amendments for granting legal protection to some park projects while remodelling the public hearing process to mirror that of the Natural Heritage Conservation Act. The amendments would also include adjusting certain measures for proposed park status such as the maximum time period and the activity regime with regards to the specificities of each territory.

### **The Natural Heritage Conservation Act (R.S.Q., chapter C-61.01)**

The Natural Heritage Conservation Act was passed in December 2002. It is a key tool for planning, coordinating and setting up a network of protected areas in Québec. It consolidates and complements the existing legal tools in the area of nature conservation and, in particular, provides for land to be set aside to create protected areas within a network representative of biodiversity throughout Québec. The Act is based on updated concepts and approaches to biodiversity conservation.

The Natural Heritage Conservation Act allows for a temporary legal status of protection as a "proposed" protected area and describes the legal and administrative process for its implementation. During the 4-8 year process of creating a permanent protected area, a conservation plan is developed to specify an activity regime within the area as well as a framework for these activities and rules of conduct for users. The MDDEP feels that amending the conservation plans has become necessary in order to provide a standard regulation for an activity regime in all protected areas. Once the proposed amendments are incorporated they will simplify the Act, lighten the legal and administrative process, thereby increasing its efficiency, and finally, it will provide an adequate framework for activities carried out on both proposed and permanent protected areas.

Below is a summary of the main points discussed during that presentation:

**1) Natural resources exploration possibilities in permanent and proposed (temporary) biodiversity and aquatic reserves**

- In a permanent biodiversity reserve or a permanent aquatic reserve, the current terms of the Natural Heritage Conservation Act state that it is prohibited to carry out mining, gas or petroleum developments or exploration activities for these resources. Forest management activities, as well as development of hydraulic resources and any production of energy on a commercial or industrial basis, are also prohibited. These activities are always prohibited in permanent biodiversity and aquatic reserves and no exceptions or exemptions are possible. Neither the government, through conservation plans, nor the Minister have the power to overlook these legislative prohibitions.
- Proposals for possible amendments to the Natural Heritage Conservation Act are consistent with the current approach, i.e. they renew the prohibitions in permanent reserves
- In a proposed biodiversity or aquatic reserve, the current provisions of the Natural Heritage Conservation Act state that it is prohibited to carry out mining, gas or petroleum developments. Furthermore, mining, gas or petroleum explorations are also prohibited unless the conservation plan of the proposed reserve expresses specifically that these activities can be carried out.
- Proposals for possible amendments to the Natural Heritage Conservation Act are consistent with this current approach, i.e. mining, gas or petroleum development or exploration are prohibited unless otherwise authorized by the Minister.

Therefore, mining exploration can be authorized in a proposed biodiversity or aquatic reserve, but this is often the exception and not the rule.

**2) Amendments to the conservation plans of proposed biodiversity or aquatic reserves in order to allow Hydro-Québec to carry out certain types of interventions (Section 3.14 of the regulation project)**

The exemption being considered is rather limitative, since it is not intended to exempt all activities carried out by Hydro-Québec. As previously stated, the development of hydraulic resources (i.e. construction of dams and reservoirs) is prohibited by the Act in both permanent and proposed reserves. No exceptions or exemptions allow for these activities.

In the regulation project amending the existing conservation plans, the proposed exemption is not meant to overrule or deny prohibition pertaining to the development of hydraulic resources provided for in the Act. Instead, it aims to prevent unnecessary overlapping with the authorization regime already provided for in the Environmental Quality Act (EQA). It mainly pertains to activities or interventions carried out to complete the construction of transportation or distribution lines already authorized by the EQA, as well as for preliminary studies, analysis or research works constructed in order to propose the course of a new energy transportation line, authorized by the EQA, and executed within the framework of an environmental assessment process.

Following such an environmental process, should it be concluded that an energy transportation line be authorized to run across a protected area, that strip of land would be excluded from the limits of the protected area because of its poor biodiversity-based interest.

Furthermore, proposed biodiversity and aquatic reserves often cover vast territories. Their location and expanse could, in certain cases, be problematic to the passage of lines necessary for the transportation of energy from dams located well beyond the proposed reserve, and intended to provide energy to urban centres or other communities.

In the land covered by the James Bay Agreement, the Natural Heritage Conservation Act and the conservation plans established under it, as well as the Parks Act, must be read in conjunction with the Act respecting hunting and fishing rights in the James Bay and New Québec territories (R.S.Q., c. D-13.1), which has precedence. Under that Act, and especially sections 2, 16, 18, 21 and 25, the Crees, Inuits and Naskapis can harvest wildlife in the land covered by the Agreement without any permit or other authorization. *This right includes the right to travel over the land and set up any camp needed to exercise the right.* Like the other measures included in these rules for hunting, fishing and trapping, the right must be exercised in keeping with the “principle of conservation” set out in section 2 of the Act. In addition, the Minister must take aboriginal and treaty rights into account when exercising ministerial powers.

It is noteworthy to specify that the proposed legislative amendments do not prohibit activities linked to tourism development and do not affect in any way Inuit rights to subsistence hunting, fishing and trapping activities in the protected areas. General guidelines will be proposed to specify how various infrastructure, such as docks, can be built in these areas so as to preserve the integrity of these protected areas. Each request will then be examined on a case by case basis.

## Projet de règlement sur les Réserves de biodiversité et les Réserves aquatiques

### Contexte et points de discussion

- Aux fins de la création d'aires protégées, le Québec est divisé en 13 provinces naturelles. Trois provinces sont entièrement au nord du 55e parallèle : Péninsule d'Ungava (J), Bassin de la Baie d'Ungava (K) et Monts Torngat (L). Deux le sont partiellement, pour environ le tiers : Basses collines de la Grande Rivière (H) et Plateau central du Nord-du-Québec (I).
- L'objectif de la Stratégie sur les aires protégées du Québec est d'en arriver à protéger 8% de chacune des provinces naturelles. Présentement, les terres réservées pour de futurs parcs au Nunavik représentent 5.6 % du territoire.
- 46 réserves de biodiversité sont projetées pour l'ensemble du Québec, dont 9 sur le territoire cri. Aucune ne l'est présentement sur le territoire du Nunavik.
- Le processus de désignation peut demander plusieurs années. Il faut d'abord une caractérisation des secteurs qui pourraient devenir des réserves de biodiversité. Par la suite, une consultation préliminaire se fait auprès du MRNF pour voir s'il y a des intérêts miniers, forestiers ou autres dans la réserve projetée. Puis, on <sup>entreprend</sup> une consultation publique. Dans les secteurs où les populations autochtones ont des droits ou des activités traditionnelles, on entreprend auprès de ces populations une consultation plus spécifique (lorsqu'elle n'est pas <sup>requise</sup> exigée par une convention comme la CBJNQ, elle peut l'être en application des jugements de la Cour suprême du Canada dans Haida et Taku). Puis, par décret, le gouvernement peut désigner comme réserve de biodiversité projetée le secteur retenu, sur lequel va s'appliquer la Loi sur la conservation du patrimoine naturel et le Règlement sur les réserves de biodiversité. Plus tard, la réserve de biodiversité projetée pourra être désignée comme réserve de biodiversité permanente.
- Le projet de règlement vise à préciser davantage les activités permises ou interdites dans les réserves de biodiversité projetées ou permanentes. Ce nouveau cadre légal vient de l'expérience acquise dans les zones similaires de conservation. Par exemple, le règlement permet l'accès au territoire et les activités qui n'altèrent pas les écosystèmes naturels de la réserve ou ont peu d'impacts sur ces écosystèmes, comme la chasse, la pêche, le trappage et les activités récréatives. Par ailleurs, sont interdites les coupes forestières commerciales, l'exploitation minière et la production hydroélectrique. L'exploration minière est aussi en principe interdite, sauf que, par décret, le gouvernement pourrait l'autoriser. À l'heure actuelle, il y a un seul décret de ce genre, soit pour la réserve aquatique projetée de la rivière Harricana. Le plan de conservation de la réserve de biodiversité pourra aussi interdire des activités qui pourraient mettre en péril la sauvegarde d'espèces menacées ou altérer un écosystème fragile. Par

contre, un pourvoyeur se voit attribuer l'autorisation de couper du bois pour des fins domestiques ou de construire certaines installations. Il en est de même pour ceux qui ont des abris sommaires ou des campements.

- Les autochtones qui ont des droits de chasse, de pêche ou de trappe dans les terres désignées comme réserves de biodiversité les conservent de manière intégrale, à moins qu'ils n'acceptent eux-mêmes pour des raisons de sauvegarde de certaines espèces ou de milieux fragiles de ne pas exercer l'une ou l'autre de ces activités.
- Tel que rédigé, le projet de règlement paraît tout à fait acceptable dans son contenu et pourrait s'appliquer sans difficulté sur le territoire du Nunavik, car il respecte les droits accordés aux populations inuit par la CBJNQ. De plus, si dans l'avenir un secteur était envisagé comme réserve de biodiversité projetée, la consultation publique et la consultation spécifique des communautés inuit pourra permettre au besoin d'apporter une modification au plan de conservation pour cette réserve ou toute autre mesure pour laquelle il y aurait un consensus. Le projet de règlement permet cette flexibilité.
- Dans la Loi actuelle sur les Parcs, il n'existe pas de statut légal pour les parcs projetés. Le projet de modification législative vise à établir un régime de protection pour les terres réservées à des fins de futur parc. Présentement, au Nunavik, la protection accordée à certaines terres mises en réserve pour fins de futurs parcs (réserves à l'État), l'est en vertu d'un décret gouvernemental adopté en vertu de la Loi sur les terres du domaine public. Éventuellement, pour obtenir un régime de protection plus complet, on pourrait recourir à la Loi sur les Parcs, lorsqu'elle sera modifiée, pour obtenir pour ces terres le statut de « parc projeté » ou encore à la Loi sur la conservation du patrimoine naturel pour leur attribuer le statut de « réserve de biodiversité projetée », qui pourrait être une étape vers la création d'une réserve de biodiversité permanente ou d'un futur parc.

25 juin 2006

Jean Couture

and in particular an area established to preserve a natural monument — a physical formation or group of formations — and an area established as a representative sample of the biological diversity of the various natural regions of Québec;

“ecological reserve”;

“ecological reserve” means an area established

1) to conserve the elements constituting biological diversity in their natural state, as integrally as possible and in a permanent manner, in particular by protecting ecosystems and the elements or processes on which their dynamics are based;

2) to set aside land for scientific study or educational purposes; or

3) to safeguard the habitats of threatened or vulnerable species of flora or fauna ;

“government body”;

“government body” means a body a majority of whose members are appointed by the Government or by a minister and whose personnel is, by law, appointed in accordance with the Public Service Act ( chapter F-3.1.1), or whose assets form part of the domain of the State;

“man-made landscape”;

“man-made landscape” means an area established to protect the biodiversity of an inhabited area of water or land whose landscape and natural features have been shaped over time by human activities in harmony with nature and present outstanding intrinsic qualities the conservation of which depends to a large extent on the continuation of the practices that originally shaped them;

“nature reserve”;

“nature reserve” means land under private ownership recognized as a nature reserve because it has significant biological, ecological, wildlife, floristic, geological, geomorphic or landscape features that warrant preservation;

“protected area”.

“protected area” means a geographically defined expanse of land or water established under a legal and administrative framework designed specifically to ensure the protection and maintenance of biological diversity and of related natural and cultural resources.

2002, c. 74, s. 2.

Act binding.

**3.** This Act is binding on the Government, government departments and bodies that are mandataries of the State.

2002, c. 74, s. 3.

Minister responsible.

**4.** The Minister of the Environment is responsible for the administration of this Act.

2002, c. 74, s. 4.

*The Minister of Sustainable Development, Environment and Parks exercises the functions of the Minister of the Environment provided for in this Act. Order in Council 173-2005 dated 9 March 2005, (2005) 137 G.O. 2 (French), 1043.*

## CHAPTER II

### POWERS OF THE MINISTER

#### Register of protected areas.

**5.** The Minister shall maintain a register of the various protected areas. The register shall contain information on the surface area, location, type or types of protection status of each area, the minister, government body or person responsible for the area and its classification according to the different categories recognized by the World Conservation Union (IUCN).

#### Nature reserve.

In addition, in the case of a nature reserve, the register shall contain the name and address of its owner, the name of the conservation organization, if any, with which an agreement has been entered into, and the term of the recognition or, where applicable, an indication of the fact that recognition is perpetual. The information is public information.

2002, c. 74, s. 5.

#### Prohibitions.

**6.** Land within a protected area that is entered in the register provided for in section 5 cannot be assigned to a new use, be sold or exchanged or be the subject of a transaction that affects its protection status, unless the Minister of the Environment has been consulted.

2002, c. 74, s. 6.

#### Assistance and information.

**7.** The government departments and bodies solicited by the Minister shall lend their assistance to the Minister for matters involving biodiversity protection in the fields within their competence. In particular, they must disclose to the Minister all the information required for the establishment of a network of protected areas representative of biodiversity or for the implementation of other protection measures provided for in this Act, including information on the ecological characteristics, state of preservation or degradation, and constraints affecting certain zones of the land.

2002, c. 74, s. 7.

#### Powers of the Minister.

**8.** In order to facilitate the administration of this Act, the Minister may, in particular,

- 1) conduct or commission research, studies and analyses on natural settings and biodiversity protection, and make grants for that purpose;
- 2) establish and implement programs of financial or technical assistance to foster the preservation of the natural heritage or the development or re-establishment of natural settings, including programs to support the creation, conservation, supervision and management of nature reserves on private land;
- 3) delegate the establishment or implementation of the programs under paragraph 2 to any person, and grant financial assistance for that purpose;
- 4) lease or acquire property or real rights in property by agreement or, where authorized by the Government and subject to the conditions it fixes, by expropriation

in accordance with the Expropriation Act ( chapter E-24); and

5) accept any movable or immovable property or any real right in property as a gift or legacy.

2002, c. 74, s. 8.

Authority.

**9.** Land in the domain of the State within an ecological reserve and land that has been set aside for that purpose shall be under the authority of the Minister.

Transfer of authority.

Land in the domain of the State within an aquatic reserve, biodiversity reserve or man-made landscape and land set aside for those purposes shall remain under the authority of the minister or of the government body holding them. That minister or a government body may, however, transfer authority over all or part of such land to the Minister, or may entrust the administration of the land to the Minister.

Administration of land.

Similarly, the Minister may entrust the administration of land or transfer authority over land to another minister or to a government body.

2002, c. 74, s. 9.

Protection status.

**10.** The Government may change the current protection status of a protected area in order to assign a protection status provided for in this Act.

Biodiversity reserve.

Unless the order effecting such a change provides for another type of status, the protected area shall become a biodiversity reserve and be governed by the provisions of this Act that apply to biodiversity reserves, with the necessary modifications, from the time and on the conditions specified in the order.

Conditions for revocation or termination of status.

Where conditions are provided for by law for the revocation or termination of a protected area's status, the conditions must be fulfilled before a change in status under this section may take place.

Authority.

Authority over land in the domain of the State is not affected by such a change of status, unless the Government provides otherwise.

2002, c. 74, s. 10.

Provisions applicable.

**11.** Legislative and regulatory provisions not incompatible with this Act, the regulations or the agreements and conservation plans provided for in the Act continue to apply within land that has been set aside or established as an aquatic reserve, biodiversity reserve, ecological reserve, nature reserve or man-made landscape.

Measures.

The activities permitted in those areas may, therefore, remain subject to the

measures provided for in other laws that govern the carrying on of the activities, including activities for which an authorization, lease, permit or licence must be obtained or certain fees must be paid.

2002, c. 74, s. 11.

Management powers.

**12.** The Minister may, on the conditions the Minister determines, entrust any natural person or legal person established in the public interest or for a private interest with all or any of the Minister's powers relating to the management of an aquatic reserve, biodiversity reserve, ecological reserve or man-made landscape.

Delegation of functions.

A delegation of functions in relation to a man-made landscape must be first offered to the local and regional municipal authorities in whose territory the protected area is situated.

2002, c. 74, s. 12.

## TITLE II

### SPECIAL PROTECTION MEASURES FOR CERTAIN NATURAL SETTINGS

#### CHAPTER I

##### AUTHORIZATIONS

##### DIVISION I

##### NATURAL SETTINGS DESIGNATED BY A PLAN

Rare or exceptional natural settings.

**13.** A natural setting that is remarkable because of the rarity or exceptional interest of one of its biophysical features may be designated by the Minister, who shall prepare a plan of it.

Authorization.

Any proposed human intervention in a designated natural setting, or if the human intervention has commenced, any furtherance or continuance of it, is subject to the authorization of the Minister.

Exemptions.

The Minister may, however, exempt any person or any category of human intervention determined by the Minister from the requirement to obtain authorization. Any human intervention already subject to an authorization of the Minister under the Environment Quality Act ( chapter Q-2) or any other provision for which the Minister is responsible is also exempted from that requirement.

Human intervention.

In this chapter, human intervention includes any type of undertaking, works, construction, industry or activity, including the production of goods or services.

2002, c. 74, s. 13.

Plan.

**14.** The Minister shall prepare a plan of the natural setting proposed to be designated under section 13, in collaboration with the Minister of Natural Resources, Wildlife and Parks.

2002, c. 74, s. 14; 2003, c. 8, s. 6; 2004, c. 11, s. 63.

Publication.

**15.** The Minister shall make public a proposal to designate a natural setting under section 13 by publishing a notice in the *Gazette officielle du Québec* and in a newspaper circulated in the region in which the natural setting is situated.

Content of notice.

The notice must include a summary plan of the zone proposed to be designated. The notice must state

- 1) the places where copies of the original plan kept by the Minister are accessible, and the procedure for obtaining a copy of the plan;
- 2) that no designation by the Minister may be made before 30 days have elapsed following publication of the notice in the *Gazette officielle du Québec*; and
- 3) that any interested person may, within the 30-day period, send comments to the person specified in the notice.

Copy.

Where the natural setting is situated on land under private ownership, the Minister shall also forward a copy of the notice to the owner of the land.

2002, c. 74, s. 15.

Publication of definitive plan.

**16.** The Minister shall publish the definitive plan of a natural setting designated under section 13 in the *Gazette officielle du Québec*. The Minister shall also give notice of any subsequent revocation of the designation.

Copy.

The Minister shall forward a copy of the plan

- 1) to every minister and government body that was consulted on the plan;
- 2) to the Minister of Natural Resources, Wildlife and Parks for entry on the land use plan prepared in accordance with section 21 of the Act respecting the lands in the domain of the State ( chapter T-8.1) and in the registers of rights kept by that minister;
- 3) to the regional and local municipal authorities whose territory is affected by the plan, so that the plan may be taken into account in the exercise of their powers; and
- 4) to the owner of any land under private ownership covered by the plan and to the registry office for entry in the land register.

2002, c. 74, s. 16; 2003, c. 8, s. 6.

Coming into force of designation.

**17.** The designation of a natural setting comes into force on the fifteenth day following the date of publication of the plan in the *Gazette officielle du Québec*.

2002, c. 74, s. 17.

Register.

**18.** The Minister shall maintain and make accessible a register of all natural settings designated under section 13.

2002, c. 74, s. 18.

## **DIVISION II**

### **OTHER SETTINGS DESIGNATED BY THE MINISTER**

Non-designated zone.

**19.** The Minister may also require, in a zone that is not designated under section 13, that proposed human intervention, or if the human intervention has commenced, any furtherance or continuance of it be submitted for authorization, if the Minister has serious cause for believing that the human intervention may severely degrade a natural setting that is remarkable because of the rarity or exceptional interest of one of its biophysical features.

2002, c. 74, s. 19.

Communication of decision.

**20.** The Minister's decision subjecting human intervention to authorization must be communicated by registered mail to the person concerned, informing the person of the right to appeal.

2002, c. 74, s. 20.

## **DIVISION III**

### **APPLICATIONS FOR AUTHORIZATIONS AND DECISIONS**

Information or documents.

**21.** The Minister may require an applicant to provide any information or document the Minister considers is necessary to examine an application or to make an authorization subject to appropriate conditions.

Directives.

The Minister may give directives as to the form and content of the applications for authorization that must be made to the Minister.

Fees.

The Minister may, by order, determine the fees payable for an application for authorization or an application to amend, renew or terminate an existing authorization. Every ministerial order made under this section shall be published in the *Gazette officielle du Québec* and shall come into force in accordance with the Regulations Act (chapter R-18.1).

2002, c. 74, s. 21.

Criteria.

**22.** When deciding an application for authorization, the Minister shall take into consideration

- 1) any constraints and damaging effects of the intervention on the natural setting;
- 2) the possibility of ensuring the conservation of the natural setting in another manner;
- 3) the consequences of an authorization on the maintenance of the biodiversity of Québec;
- 4) the availability of other locations in which the intervention may be carried on;
- 5) the possibility of modifying the methods and means considered, of revising the stages or other components of the intervention so that any degradation of the natural setting is reduced to a minimum or prevented;
- 6) the possibilities of using the land for purposes other than the intervention;
- 7) the consequences of a refusal for the applicant;
- 8) the presence of a marked disproportion between the anticipated benefits derived from preserving the natural setting and the injury that may result from limiting or prohibiting the intervention; and
- 9) the comments made by the Ministère des Ressources naturelles, de la Faune et des Parcs.

Conditions.

The Minister may subject an authorization to the conditions the Minister determines.

2002, c. 74, s. 22; 2003, c. 8, s. 6; 2004, c. 11, s. 64.

Communication of decisions.

**23.** The Minister's decisions on applications for authorization must be communicated by registered mail to the persons concerned and inform them of the right to appeal.

2002, c. 74, s. 23.

Contestation.

**24.** Every decision made by the Minister on an application for authorization and every decision to subject human intervention to an authorization under section 19 may be contested by the person concerned before the Administrative Tribunal of Québec.

Proceeding.

The proceeding in respect of such decisions must be brought within 30 days following the Minister's decision on the application for authorization.

2002, c. 74, s. 24; 2004, c. 24, s. 1.

**CHAPTER II**

**ORDERS**

### Threat of degradation.

**25.** Where the Minister is of the opinion that a natural setting that is remarkable because of the rarity or exceptional interest of one of its biophysical features is facing a real or apprehended threat of irreversible degradation, the Minister may make an order, effective for a period of not more than 30 days,

1) directing that the site be closed, or permitting access only to certain persons or on certain conditions, and providing for the posting of a notice to that effect in public view at or near the entrance to the site;

2) directing that an activity be terminated or that special security measures be taken if the activity is a source of threat to the natural setting;

3) directing that any thing, animal or introduced plant be destroyed in the manner indicated by the Minister, or that certain animals or plants be treated if they are a source of threat to the natural setting; and

4) directing that any other measure the Minister considers necessary be taken to prevent greater threat to the natural setting, or to mitigate the effects of or eliminate the threat.

### Notification.

Before making an order against a person, the Minister must notify the person in writing as prescribed by section 5 of the Act respecting administrative justice (chapter J-3) and allow the interested person at least 10 days to present observations. The Minister may, however, where urgent action is required or so as to prevent irreparable harm, make an order without being bound by such prior obligations. In such a case, the person may, within the time prescribed, present observations to the Minister for a review of the order.

### Reduction or cancellation.

A judge of the Superior Court may reduce the effective period of or cancel the order on application by an interested person.

### Powers of judge.

On application by the Minister, a judge of that Court may also, in addition to ordering the person to comply therewith, extend, renew or make permanent the order if the judge considers that the continued existence of the natural setting is seriously threatened and is of the opinion that the order made by the Minister is appropriate.

### Amendments.

The judge may also make any amendment to the order that appears to the judge to be reasonable in the circumstances.

2002, c. 74, s. 25.

### Rules.

**26.** Every application to a judge under this division must be made according to the rules applicable to ordinary procedure contained in the Code of Civil Procedure (chapter C-25).

### Service of applications.

Applications made by the Minister must be served on the person or persons they concern, but the judge may waive that requirement if the judge considers that the delay resulting from the service would unnecessarily imperil the natural setting.

Peace officer.

All orders issued must be personally served on the person concerned and may in particular be executed by a peace officer.

Suspension of execution of orders.

Applications are decided by preference and orders issued are executory notwithstanding an appeal. A judge of the Court of Appeal may, however, suspend the execution of an order if the judge considers the suspension is necessary in the interest of justice.

2002, c. 74, s. 26.

### **TITLE III**

#### **TEMPORARY PROTECTION OF LAND**

##### **CHAPTER I**

##### **LAND SET ASIDE AND TEMPORARY PROTECTION STATUS**

Conservation plan and temporary protection status.

**27.** For the purpose of protecting land to be established as a new protected area, such as a park, the Minister shall, with the approval of the Government, prepare the plan of that area, establish a conservation plan and assign temporary protection status to the area as a proposed aquatic reserve, biodiversity reserve, ecological reserve or man-made landscape.

Collaboration.

The selection of land, the choice of protection status, and the conservation plans for the areas shall be effected by the Minister in collaboration with the government departments and bodies concerned including the Minister of Natural Resources, Wildlife and Parks, the Minister of Agriculture, Fisheries and Food, the Minister of Culture and Communications, the Minister of Municipal Affairs and Regions and the Minister of Economic and Regional Development and Research.

Consultation of municipal authorities.

In the case of a proposed man-made landscape, the local and regional municipal authorities in whose territories the land set aside is situated must also be consulted.

Other consultations.

Such consultations shall not affect consultations required under other laws, such as consultation of the Coordinating Committee on hunting, fishing and trapping provided for in section 75 of the Act respecting hunting and fishing rights in the James Bay and New Québec territories ( chapter D-13.1).

2002, c. 74, s. 27; 2003, c. 8, s. 6; 2003, c. 19, s. 250; 2003, c. 29, s. 138; 2004, c. 11, s. 65; 2005, c. 28, s. 196.

Setting aside of land.

**28.** 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.

Renewals or extensions.

The renewals or extensions of that period may not, however, unless so authorized by the Government, be such that the term of the setting aside exceeds six years.

2002, c. 74, s. 28.

Publication of notice.

**29.** Notice of the setting aside of land by the Minister pursuant to section 27 shall be published in the *Gazette officielle du Québec* and in a newspaper circulated in the region concerned or, if there is no such newspaper, in the region closest to the proposed protected area. The notice shall contain a summary description of the location of the land set aside and state that a copy of the notice may be obtained on the payment of a fee.

Content.

The notice shall also specify

- 1) the type or types of permanent protection status proposed for the area and the Act under which the status may be conferred;
- 2) the date on which temporary protection of the land is to take effect, or if the area includes different protection zones according to its conservation plan, the dates on which protection takes effect in each zone and where applicable, the duration of the protection; and
- 3) the period of time for which the land has been set aside by the order.

Conservation plan.

The notice published in the *Gazette officielle du Québec* shall also include the conservation plan for the land set aside.

2002, c. 74, s. 29.

Copy.

**30.** A copy of the plan prepared for land set aside under section 27 shall be forwarded

- 1) to every minister or government body having participated in the preparation of the plan;
- 2) to the Minister of Natural Resources, Wildlife and Parks for entry on the land use plan prepared in accordance with section 21 of the Act respecting the lands in the domain of the State ( chapter T-8.1) and in the registers of rights kept by that minister;
- 3) to the regional and local municipal authorities whose territory is affected by the plan so that the plan may be taken into account in the exercise of their powers; and
- 4) in the case of a proposed man-made landscape on land that includes land under private ownership, to the registry office for entry in the land register.

2002, c. 74, s. 30; 2003, c. 8, s. 6.

Amendment, replacement or revocation.

**31.** The Minister may, on the same conditions, amend, replace or revoke the plan of land set aside under section 27 or the conservation plan established for that land.

Period unaffected.

No amendment to or replacement of a plan may affect the period of time for which the land has been set aside.

2002, c. 74, s. 31.

Termination.

**32.** Land ceases to be set aside when permanent protection status is assigned under this or another Act, when the term for which the land has been set aside expires, or 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.

2002, c. 74, s. 32.

## CHAPTER II

### CONSERVATION PLAN

Content.

**33.** A conservation plan established for a proposed aquatic reserve, biodiversity reserve, ecological reserve or man-made landscape must contain, in particular, the following information:

- 1) a description of the land and a summary plan of the protected area;
- 2) the type or types of permanent protection status proposed;
- 3) the conservation measures and zoning for the various types of protection proposed and, if different, those that are to apply while the land is set aside;
- 4) the activities that are permitted or prohibited while the land is set aside and following the assignment of permanent protection status by the Government, including the conditions on which permitted activities may be carried on; and
- 5) where applicable, the alternative dispute resolution mechanisms for disputes involving land occupancy or resource development that will apply in the area while the land is set aside or following the assignment of permanent protection status by the Government.

2002, c. 74, s. 33.

## CHAPTER III

### ACTIVITIES IN PROPOSED ECOLOGICAL RESERVES, AQUATIC RESERVES, BIODIVERSITY RESERVES AND MAN-MADE LANDSCAPES

Activities prohibited and permitted.

**34.** On land in the domain of the State covered by the plan of a proposed aquatic reserve, biodiversity reserve or ecological reserve,

- 1) the following activities are prohibited:
  - (a) mining, and gas or petroleum development;
  - (b) forest management within the meaning of section 3 of the Forest Act (chapter F-4.1);

- (c) the development of hydraulic resources and any production of energy on a commercial or industrial basis;
  - (d) any other activity prohibited by the conservation plan for the proposed area;
  - (e) any other activity which the Government may prohibit by regulation; and
  - (f) subject to measures in the conservation plan authorizing the activities and specifying the conditions on which they may be carried on:
    - (i) mining, gas and petroleum exploration, brine and underground reservoir exploration, prospecting, and digging or boring where those activities necessitate stripping, the digging of trenches, excavation or deforestation,
    - (ii) any new allocation of a right to occupy land for vacation resort purposes, and
    - (iii) earthwork or construction work;
- 2) all other activities are permitted, subject to the conditions contained in the conservation plan governing the carrying on of the activities. Notwithstanding subparagraph *b* of subparagraph 1, activities carried out to meet domestic needs or for the purpose of maintaining biodiversity are permitted, subject to the conditions contained in the conservation plan governing the carrying on of the activities.

#### Prohibitions and restrictions.

The prohibitions and restrictions on the carrying on of activities under subparagraphs 1 and 2 of the first paragraph also apply, in addition to the prohibitions set out in section 69 of the Expropriation Act ( chapter E-24), on all private land subject to a reserve for public purposes established by the Minister pursuant to Title III of that Act.

2002, c. 74, s. 34.

#### Activities permitted and prohibited.

**35.** The activities permitted and prohibited on land in a proposed man-made landscape are the activities provided for in the conservation plan for the area.

2002, c. 74, s. 35.

#### Conditions.

**36.** The conditions that may be imposed for the carrying on of an activity in a proposed aquatic reserve, biodiversity reserve or man-made landscape may include a requirement to pay fees or to provide security or any other form of financial guarantee.

#### Authorization.

The conditions may also include a requirement to obtain the authorization of the Minister or of another government authority. An authorization may be suspended or revoked

- 1) if the holder of the authorization does not comply with the conditions fixed by the Minister or with the regulatory standards prescribed under this Act;
- 2) if the authorization was granted on the basis of erroneous or false information; or
- 3) if the measure has become necessary to ensure the protection of the area concerned.

Notification.

The Minister or the authority shall, before suspending or revoking an authorization, notify the holder in writing as prescribed by section 5 of the Act respecting administrative justice (chapter J-3) and allow the holder at least 10 days to present observations.

Urgent action.

The Minister or the authority may, however, where urgent action is required or in order to prevent irreparable damage, make a decision without being bound by those prior obligations. In such a case, the holder may within the time specified present observations for a review of the decision.

2002, c. 74, s. 36.

**TITLE IV**

PERMANENT PROTECTION OF LAND

**CHAPTER I**

AQUATIC RESERVES, BIODIVERSITY RESERVES, ECOLOGICAL RESERVES AND MAN-MADE LANDSCAPES

**DIVISION I**

PUBLIC CONSULTATION

Public consultation.

**37.** A public consultation shall be held by the Minister in accordance with the following provisions following the setting aside of land under section 27.

2002, c. 74, s. 37.

§ 1. — *Ecological reserves*

Content of notice.

**38.** Before proposing to the Government that land be established as an ecological reserve, the Minister shall solicit comments from the public. For that purpose and in addition to the other information required by section 29, the notice of the setting aside of land published in the *Gazette officielle du Québec* must specify

1) that no permanent protection status may be ordered by the Government before 60 days have elapsed following publication of the notice in the *Gazette officielle du Québec*; and

2) that any interested person may, within the 60-day period, send comments to the person specified in the notice.

2002, c. 74, s. 38.

§ 2. — *Aquatic reserves, biodiversity reserves and man-made landscapes*

Public consultation.

**39.** Before a proposal is made to the Government on permanent protection status for land set aside as a proposed aquatic reserve, biodiversity reserve or man-made landscape, the Minister shall entrust the Bureau d'audiences publiques sur l'environnement or one or more persons the Minister designates as commissioners with the mandate to hold a public consultation.

Exemptions.

The Government may, however, exempt any proposal it designates from the consultation process. An exemption may be made in particular where the Government considers that other means may be used to clarify the various issues raised by the proposal, such as the environmental and social impact assessment and review procedure provided for in Chapter II of the Environment Quality Act (chapter Q-2).

Publication of notice.

In every such case of exemption, the Minister shall publish in the *Gazette officielle du Québec* a notice containing the particulars required under paragraphs 1 and 2 of section 38, with the necessary modifications. The notice shall also be published in a newspaper circulated in the region concerned or, if there is no such newspaper, in the region closest to the proposed protected area. The decision of the Government shall be published in the *Gazette officielle du Québec* with the Minister's notice, and shall briefly state the reasons justifying the exemption.

2002, c. 74, s. 39.

Provisions applicable.

**40.** The provisions of sections 6.3 to 6.6 of the Environment Quality Act (chapter Q-2), with the necessary modifications, apply to consultations held by the Bureau d'audiences publiques sur l'environnement.

2002, c. 74, s. 40.

Approval of rules.

**41.** Where one or more persons are designated by the Minister as commissioners under section 39, they must submit their rules for the proper conduct of the consultation to the Minister for approval.

Termination of mandate.

The mandate of those persons terminates when they submit their report to the Minister. The commissioners are entitled, to carry out their mandate, to the remuneration, allowances and indemnities determined by the Government.

2002, c. 74, s. 41.

Beginning of consultation.

**42.** The public consultation provided for in the first paragraph of section 39 shall begin where possible not more than 12 months following publication in the *Gazette officielle du Québec* of the notice referred to in section 29.

Report.

The report of the Bureau or, where applicable, of the commissioners, must be submitted to the Minister not more than six months after the consultation ends. It shall be made available to the public on the date and subject to the conditions determined by the Minister.

2002, c. 74, s. 42.

## DIVISION II

### PERMANENT PROTECTION STATUS

Protection status.

**43.** The Minister may recommend to the Government that all or part of land set aside under section 27 of this Act be assigned one of the following types of protection status: aquatic reserve, biodiversity reserve, ecological reserve, or man-made landscape.

Approval.

The Minister shall at the same time submit to the Government for its approval the conservation plan for the land or, in the case of a man-made landscape under the management of a municipal authority, the proposed protection agreement.

2002, c. 74, s. 43.

Order of Government.

**44.** In addition to the public consultation provided for in Division I, the establishment of an aquatic reserve, a biodiversity reserve, an ecological reserve or a man-made landscape, a change in their limits, or their abolishment, is effected by order of the Government, on a proposal by the Minister, subject to

1) compliance with the prescriptions of Chapter VI of Title I of the Act respecting land use planning and development ( chapter A-19.1) where they apply within the area;

2) the opinion of the Commission de protection du territoire agricole du Québec if all or part of the land is situated in a reserved area or in an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities ( chapter P-41.1); and

3) publication of a notice of the decision of the Government in the *Gazette officielle du Québec* with the plan of the area and the applicable conservation plan or protection agreement in the case of a man-made landscape.

2002, c. 74, s. 44.

Effective date.

**45.** Permanent protection status for land, conservation plans and applicable agreements, and amendments or revocations take effect on the date of publication of the order in the *Gazette officielle du Québec* or on any later date specified in the order.

2002, c. 74, s. 45.

## DIVISION III

### ACTIVITIES

§ 1. — *Aquatic reserves, biodiversity reserves and ecological reserves*

Activities prohibited and permitted.

**46.** In an aquatic reserve and a biodiversity reserve

1) the following activities are prohibited:

(a) forest management within the meaning of section 3 of the Forest Act ( chapter F-4.1);

(b) mining, and gas or petroleum development;

(c) mining, gas and petroleum exploration, brine and underground reservoir exploration, prospecting, and digging or boring;

(d) the development of hydraulic resources and any production of energy on a commercial or industrial basis;

(e) any other activity prohibited by the approved conservation plan;

(f) any other activity which the Government may prohibit by regulation; and

(g) subject to measures in the conservation plan authorizing the activities and specifying the conditions on which they may be carried on:

(i) any allocation of a right to occupy land for vacation resort purposes,

(ii) earthwork, backfilling or construction work; and

(iii) commercial activities;

2) all other activities are permitted, subject to the conditions contained in the approved conservation plan governing the carrying on of such activities.

Notwithstanding subparagraph a of subparagraph 1, activities carried out to meet domestic needs or for the purpose of maintaining biodiversity are permitted, subject to the conditions contained in the conservation plan governing the carrying on of such activities.

2002, c. 74, s. 46.

Activities prohibited.

**47.** In an aquatic reserve, the following activities are also prohibited:

1) any type of activity likely to degrade the bed, banks or shores or to otherwise affect the integrity of the body of water or watercourse; and

2) any operation of a motorized vessel in contravention of the conditions contained in the conservation plan approved by the Government.

2002, c. 74, s. 47.

Ecological reserve.

**48.** In an ecological reserve, the activities described in subparagraphs a to f of paragraph 1 of section 46 are prohibited.

Activities prohibited.

The following activities are also prohibited: hunting, trapping, fishing, earthwork and construction activities, agricultural, industrial or commercial activities and, generally, any activity likely to alter the state or nature of ecosystems.

Access prohibited.

No person may be in an ecological reserve, except for an inspection or for the carrying on of an activity authorized under law.

Authorization of the Minister.

However, the Minister may authorize, in writing and on the conditions the Minister determines, any activity consistent with the purposes of an ecological reserve or with the management thereof.

Criteria.

The Minister shall, before issuing an authorization, take into account, in particular, the nature and objectives of the proposed activity, its impact on living organisms and ecosystems and, where applicable, any protection measures required. The holder of an application for authorization granted for the purposes of scientific research shall submit to the Minister a final activity report and, where the activities extend over a period of more than one year, an annual report.

2002, c. 74, s. 48.

Conditions.

**49.** The conditions that may be imposed for the carrying on of an activity in an aquatic reserve, biodiversity reserve or ecological reserve may include the requirement to pay fees or to provide security or any other form of financial guarantee.

Authorization.

The conditions may also include a requirement to obtain the authorization of the Minister or of another government authority. An authorization may be suspended or revoked

- 1) if the holder of the authorization does not comply with the conditions fixed by the Minister or with the regulatory standards prescribed under this Act;
- 2) if the authorization was granted on the basis of erroneous or false information; or
- 3) if the measure has become necessary to ensure the protection of the area concerned.

Notification.

The Minister or the authority shall, before suspending or revoking an authorization, notify the holder in writing as prescribed by section 5 of the Act respecting administrative justice ( chapter J-3) and allow the holder at least 10 days to present observations.

Urgent action.

The Minister or the authority may, however, where urgent action is required or in order to prevent irreparable damage, make a decision without being bound by those prior obligations. In such a case, the holder may within the time specified present observations for a review of the decision.

2002, c. 74, s. 49.

Periodic review.

**50.** For the purposes of the periodic review of the conservation plan of an area, the Minister shall, during the seventh year following the year of its initial approval by the Government and thereafter at least every 10 years, assess the implementation of

the conservation plan and assess the advisability of amending it.

2002, c. 74, s. 50.

§ 2. — *Man-made landscapes*

Protection agreement.

**51.** Where a man-made landscape is under the management of a municipal authority, the activities permitted or prohibited in the man-made landscape are determined in a protection agreement for the man-made landscape entered into by the municipal authority and the Minister.

Terms.

The terms of the agreement provided for in the first paragraph shall be established in collaboration with the government departments and bodies concerned.

2002, c. 74, s. 51.

Content.

**52.** A protection agreement for a man-made landscape must contain, in particular,

- 1) a description of the land and the natural setting;
- 2) the protection and development objectives for the natural setting;
- 3) the means retained to achieve the objectives, including a description of the administrative or regulatory measures that will be applied by the municipality;
- 4) the respective obligations of the municipal authorities and government departments concerned; and
- 5) the term of the agreement, which may not be less than 25 years, and the conditions on which it may be renewed or terminated.

2002, c. 74, s. 52.

Absence of protection agreement.

**53.** Where a man-made landscape is not, or is no longer, under a protection agreement with a municipal authority, the permitted and prohibited activities are the activities provided for in the conservation plan established by the Minister in collaboration with the government departments and bodies concerned and approved by the Government. The provisions of sections 49 and 50 apply, with the necessary modifications, to the agreement.

2002, c. 74, s. 53.

**CHAPTER II**

**NATURE RESERVES**

**DIVISION I**

**RECOGNITION**

Private property.

**54.** Any private property having significant biological, ecological, wildlife, floristic, geological, geomorphic or landscape features that warrant preservation may be recognized as a nature reserve on the application of the owner as provided in this Act.

Term.

The recognition may be perpetual or for a term of not less than 25 years.

2002, c. 74, s. 54.

## **DIVISION II**

### **APPLICATION**

Application for recognition.

**55.** An application for recognition, which may be made jointly with a non-profit conservation organization, shall be submitted in writing to the Minister. The application must contain

- 1) the name and address of the owner;
- 2) a description of the property that is the subject of the application and a summary site plan;
- 3) the significant features of the property that warrant preservation;
- 4) an indication that the application is for perpetual recognition, or the term of recognition applied for;
- 5) a description of the conservation measures the owner intends to implement;
- 6) a description of the activities the owner wishes to allow and of those the owner wishes to prohibit on the property;
- 7) the management arrangements for the property, including, where applicable, an indication that management will be assumed by a non-profit conservation organization;
- 8) a copy of the deed conferring ownership of the property on the owner;
- 9) where applicable, a copy of any permit or authorization required under an Act or regulation for the carrying on of an activity on the property; and
- 10) any other information or document determined by regulation by the Government.

Report.

The application may be submitted together with the report of a qualified person demonstrating why the recognition of the property as a nature reserve is warranted.

2002, c. 74, s. 55.

Information and documents.

**56.** The Minister may require of the owner any information or document the Minister considers necessary for the examination of the application.

2002, c. 74, s. 56.

### DIVISION III

#### AGREEMENT AND PUBLICATION OF RECOGNITION

##### Agreement.

**57.** Before recognizing a property as a nature reserve, the Minister shall enter into an agreement with the owner or, as the case may be, approve an agreement entered into between the owner and a non-profit conservation organization. In either case, the agreement shall contain, among other provisions,

- 1) a description of the property;
- 2) the perpetual nature of the recognition or the applicable term;
- 3) the significant features of the property that warrant preservation;
- 4) the management arrangements for the property, including, where applicable, the identity of the non-profit conservation organization that is to manage the property;
- 5) the conservation measures to be applied;
- 6) the permitted and prohibited activities; and
- 7) any other provision determined by regulation by the Government.

2002, c. 74, s. 57.

##### Publication of notice.

**58.** The Minister shall publish a notice stating that the property is recognized as a nature reserve in the *Gazette officielle du Québec* and in a newspaper circulated in the region concerned or, if there is no such newspaper, in the region closest to the recognized property.

##### Effect.

The recognition takes effect on the date of the publication of the notice in the *Gazette officielle du Québec*.

2002, c. 74, s. 58.

##### Registration of agreement.

**59.** The Minister shall require the registration of the agreement in the land register and shall transmit a certified statement of registration to the owner, to the conservation organization, where applicable, and to the local and regional municipal authorities having authority in whose territory the property is situated.

##### Subsequent acquirers bound.

The agreement, once registered, is binding on all subsequent acquirers of the property.

##### Copy of deed of transfer.

To enable the updating of the register maintained by the Minister under section 5, every acquirer of property recognized as a nature reserve must, within 30 days of acquiring the property, send a copy of the deed of transfer to the Minister.

2002, c. 74, s. 59.

Certificate.

**60.** The Minister shall issue to the owner a certificate attesting that the property has been recognized as a nature reserve.

“recognized nature reserve”.

The designation “recognized nature reserve” may only be used in respect of a property for which a valid certificate is held.

2002, c. 74, s. 60.

**DIVISION IV**

**AMENDMENTS TO THE AGREEMENT AND TERMINATION OF RECOGNITION**

Amendments.

**61.** The agreement may be amended at any time with the consent of the parties, provided the amendments are not contrary to the purpose for which the property has been recognized as a nature reserve. Where amendments are made to an agreement between an owner and a conservation organization, the amendments require the approval of the Minister.

2002, c. 74, s. 61.

Registration.

**62.** If the agreement is amended, the Minister shall require registration of the amendments in the land register and shall transmit a certified statement of registration to the persons mentioned in the first paragraph of section 59.

Third persons.

Amendments have no effect against third persons until their registration in the land register.

2002, c. 74, s. 62.

Termination of recognition.

**63.** The recognition of a property as a nature reserve shall terminate at the expiry of its term or upon the Minister's decision to withdraw the recognition because

- 1) the property was recognized on the basis of inaccurate or incomplete information or documents;
- 2) the provisions of the agreement are not being complied with;
- 3) the features of the property no longer warrant preservation; or
- 4) it would be more detrimental to the community to maintain the recognition than to withdraw it.

2002, c. 74, s. 63.

Contestation.

**64.** A decision of the Minister to withdraw recognition may be contested before the Administrative Tribunal of Québec within 30 days of notification of the decision to the owner and, where applicable, to the conservation organization that is a party to

the agreement or that is managing the property.

2002, c. 74, s. 64.

Publication of notice.

**65.** Upon termination of the recognition of a property as a nature reserve, the Minister shall publish, in the *Gazette officielle du Québec* and in a newspaper circulated in the territory of the local and regional municipal authorities where the property is situated, a notice stating that the recognition terminated on the date specified therein.

Notice of cancellation.

As well, the Minister shall require the land registrar to cancel the registrations made under this Act and shall transmit a notice of the cancellation to the persons mentioned in the first paragraph of section 59.

2002, c. 74, s. 65.

## TITLE V

### ADMINISTRATIVE MEASURES AND PENAL PROVISIONS

#### CHAPTER I

##### POWERS OF INSPECTION

Inspector.

**66.** For the purposes of this Act, the Minister may authorize a person to act as an inspector.

Powers.

The person may, as an inspector,

- 1) have access at any reasonable time to a place, other than a dwelling-house, where activities are carried on on land that is temporarily or permanently protected under this Act, and any premises specified in an order or a ministerial order made under Title II or in an authorization issued pursuant to the provisions of that title, for the purposes of an inspection;
- 2) take photographs of the premises and the property located there, take samples, and conduct analyses;
- 3) enter on and pass over private land; and
- 4) require any information or document pertaining to the application of this Act.

Certificate.

Where so requested, the person must show a certificate signed by the Minister authorizing the person to act as an inspector.

2002, c. 74, s. 66.

Immunity.

**67.** No person may be prosecuted for an act performed in good faith while acting as an inspector.

2002, c. 74, s. 67.

Authorization.

**68.** Every person carrying on an activity in a place that is temporarily or permanently protected under this Act, or in a place in respect of which an order or a ministerial order has been issued under Title II or in respect of which an authorization has been issued pursuant to the provisions of that title must, at the request of an inspector, show any authorization required to be held under this Act for the activity.

2002, c. 74, s. 68.

Seizure.

**69.** An inspector may, in exercising inspection functions, seize any thing

- 1) that may be used to prove an offence against this Act or the regulations;
- 2) the possession of which constitutes an offence against this Act or the regulations; or
- 3) that was obtained, directly or indirectly, through the perpetration of an offence against this Act or the regulations.

Provisions applicable.

The provisions of the Code of Penal Procedure ( chapter C-25.1) relating to the seizure of things during a search apply to seizures made under this section.

2002, c. 74, s. 69.

## CHAPTER II

### OFFENCES AND PENALTIES

#### Damage or destruction of property.

**70.** Every person who, contrary to the conditions for the carrying on of a permitted activity set out in this Act for a place that is temporarily or permanently protected, or contrary to the conditions for carrying on an activity set out in a conservation plan applicable to such a place, damages the place or destroys property forming part of it is guilty of an offence and is liable to a fine of not less than \$500 nor more than \$100,000 in the case of a natural person, and to a fine of not less than \$1,000 nor more than \$200,000 in the case of a legal person.

#### Offences.

Every person is guilty of an offence and liable to the same penalty who

- 1) engages in an activity or intervention prohibited under this Act;
- 2) engages in an activity or intervention without an authorization required by this Act;
- 3) engages in an activity or intervention contrary to a condition imposed or an obligation prescribed by this Act; or
- 4) engages in an activity or intervention contrary to an order of the Minister made under this Act, or otherwise contravenes such an order.

2002, c. 74, s. 70.

Unauthorized entry.

**71.** Every person who enters an ecological reserve without authorization is liable to a fine of not less than \$100 nor more than \$1,000.

2002, c. 74, s. 71.

Hindrance prohibited.

**72.** Every person who hinders the work of a person authorized to exercise powers under this Act, makes a false or misleading statement to such a person or refuses to provide information or a document that the person is entitled to obtain under this Act is guilty of an offence and is liable to a fine of not less than \$250 nor more than \$2,000.

2002, c. 74, s. 72.

Party to an offence.

**73.** Every person who assists another person in committing an offence under this Act or who encourages, advises, allows, authorizes or orders another person to commit an offence under this Act is guilty of an offence.

Same penalty.

A person convicted under this section is liable to the same penalty as is prescribed for the offence committed by the other person.

2002, c. 74, s. 73.

Subsequent offence.

**74.** For a second or subsequent offence, the fines prescribed in sections 70, 71 and 72 shall be doubled.

2002, c. 74, s. 74.

Restoration of premises.

**75.** On convicting a person of an offence under this Act, the court may, in addition to imposing any other penalty and provided the application for the order is made in the person's presence or the person was given prior notice by the prosecutor, order the person to take every measure, at his or her expense and within the time fixed, necessary to restore the premises to the state they were in before the commission of the offence.

Restoration or additional fine.

If the place cannot be restored to its previous state, the court may, on application by the prosecutor, impose an additional fine based on the degree of degradation.

2002, c. 74, s. 75.

Failure to comply.

**76.** If an offender fails to comply with a court order, the Minister may restore a place to its previous state at the offender's expense.

Costs.

The Minister may claim the direct and indirect restoration costs from the offender in the same manner as any debt due to the Government.

2002, c. 74, s. 76.

Penal proceedings.

**77.** Penal proceedings for an offence against this Act are prescribed two years after the date on which the offence is committed.

2002, c. 74, s. 77.

## TITLE VI

### AMENDING PROVISIONS

**78.** *(Amendment integrated into c. A-19.1, s. 149).*

2002, c. 74, s. 78.

**79.** *(Amendment integrated into c. C-61.1, s. 5).*

2002, c. 74, s. 79.

**80.** *(Amendment integrated into c. D-13.1, s. 21).*

2002, c. 74, s. 80.

**81.** *(Amendment integrated into c. J-3, Schedule III).*

2002, c. 74, s. 81.

**82.** *(Amendment integrated into c. M-15.2.1, s. 11).*

2002, c. 74, s. 82.

**83.** *(Amendment integrated into c. M-15.2.1, s. 13.1).*

2002, c. 74, s. 83.

**84.** *(Omitted).*

2002, c. 74, s. 84.

**85.** *(Amendment integrated into c. V-1.2, s. 8).*

2002, c. 74, s. 85.

## TITLE VII

### TRANSITIONAL AND FINAL PROVISIONS

**86.** *(Omitted).*

2002, c. 74, s. 86.

**87.** *(Omitted).*

2002, c. 74, s. 87.

Reserves maintained.

**88.** The ecological reserves established and the nature reserves recognized before 19 December 2002 are maintained. The same applies to proposed ecological reserves in whose respect a notice was published in the *Gazette officielle du Québec* before that date. Those reserves are governed, as of that date, by the provisions of this Act subject to the following paragraph.

Approval.

The Minister is not required to propose to the Government for approval a conservation plan for the ecological reserves already established. The Minister has one year from 19 December 2002 to have the Government approve a conservation plan for proposed ecological reserves. The proposed ecological reserves are deemed to have been set aside, in accordance with Title III, for a period of four years beginning on 19 December 2002. Any public consultation on the proposals being held on that date shall continue in accordance with the provisions of this Act.

2002, c. 74, s. 88.

Reference.

**89.** Unless otherwise indicated by the context, in any text or document, of whatever nature and regardless of its storage medium, a reference to the Ecological Reserves Act ( chapter R-26.1) or the Act respecting nature reserves on private land ( chapter R-26.2) or to any provision of those Acts is a reference to this Act and to the relevant provision of this Act.

2002, c. 74, s. 89.

Presumption.

**90.** The proposed protected areas listed in the schedule, announced before 19 December 2002 are deemed to have been set aside by the Minister as biodiversity reserves in accordance with Title III, for a period of four years beginning six months after that date.

Presumption.

Any consultation on the proposals in progress on that date is deemed to be the consultation required under this Act.

2002, c. 74, s. 90.

Publication of conservation plan.

**91.** Subject to any extension authorized by the Government, the Minister shall cause a conservation plan for the area to be published in the *Gazette officielle du Québec* within six months from the date on which the land is set aside.

2002, c. 74, s. 91.

Activities permitted or prohibited.

**92.** During the period where land is set aside prior to the publication of the plan, the permitted or prohibited activities in an area referred to in section 90 are as follows:

- 1) the following activities are prohibited:

- (a) forest management within the meaning of section 3 of the Forest Act ( chapter F-4.1);
  - (b) mining, and gas or petroleum development;
  - (c) the development of hydraulic resources and any production of energy on a commercial or industrial basis;
  - (d) any other activity which the Government may prohibit by regulation;
  - (e) subject to the authorization of the Minister and to compliance with the conditions on which they may be carried on:
    - (i) activities relating to mining, gas or petroleum exploration and development, brine and underground reservoir exploration activities, prospecting, digging or boring, if those activities are not already authorized by the Minister of Natural Resources, Wildlife and Parks on 19 December 2002, where such activities necessitate stripping, the digging of trenches, excavation or deforestation,
    - (ii) any new allocation of a right to occupy land for vacation resort purposes, and
    - (iii) earthwork or construction work;
- 2) all other activities are permitted.

Activities permitted.

Notwithstanding subparagraph a of subparagraph 1 of the first paragraph, activities carried out to meet domestic needs or for the purpose of maintaining biodiversity are also permitted.

2002, c. 74, s. 92; 2003, c. 8, s. 6.

**93.** *(Omitted).*

2002, c. 74, s. 93.

**SCHEDULE**

**PROPOSED PROTECTED AREAS**

( section 90)

Central Laurentian natural province:

- 1) Île René-Levasseur;
- 2) Monts Groulx;
- 3) Lac Gensart;

Lower North Shore Plateau natural province:

- 4) Lac Bright Sand;
- 5) Massif des lacs Belmont et Magpie;
- 6) Buttes du Lac aux Sauterelles;
- 7) Natashquan river valley;
- 8) Harrington Harbour shore;

9) Lac Guernesé hills;

10) Brador hills.

2002, c. 74, Schedule.

**REPEAL SCHEDULE**

In accordance with section 9 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), chapter 74 of the statutes of 2002, in force on 1 April 2003, is repealed, except section 93, effective from the coming into force of chapter C-61.01 of the Revised Statutes.

**Amendments to the conservation plans for the proposed biodiversity and aquatic reserves**

Natural Heritage Conservation Act  
(R.S.Q., c. C-61.01, ss. 31, 33, 34 and 36)

1. Subject to the special measures provided for in sections 2 to 4, Division 3 of the conservation plans for the proposed biodiversity and aquatic reserves listed in the Schedule<sup>1</sup> is replaced by the following:

**"3. Activities within the reserve**

*§1. Introduction*

The activities carried on within the proposed reserve are governed for the most part by the provisions of the Natural Heritage Conservation Act.

This Division prohibits activities in addition to those prohibited under the Act and provides a framework for the carrying on of certain permitted activities so as to better ensure the protection of the natural environment. Accordingly, certain activities require the prior authorization of the Minister and compliance with the conditions determined by the Minister.

As provided in the Natural Heritage Conservation Act, the main activities prohibited in an area to which status as a proposed biodiversity or aquatic reserve has been assigned are

- mining, and gas or petroleum development;
- forest management within the meaning of section 3 of the Forest Act (R.S.Q., c. F-4.1); and

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<sup>1</sup> The conservation plans for the proposed biodiversity reserves listed in paragraphs 1 to 10 of the Schedule, approved by Order in Council 1269-2003 dated 3 December 2003, were published with the Order in Council on 17 December 2003 (2003, G.O. 2, 3495) and have not been amended since.

- The conservation plans for the proposed biodiversity and aquatic reserves listed in paragraphs 11 to 20 of the Schedule, approved by Orders in Council 109-2003 and 110-2003 dated 6 February 2003 (2003, G.O. 2, 951 and 1049), were published on 7 May 2003 with the notice of the establishment of the reserves (2003, G.O. 2, 1553) and have not been amended since, except the plans of the proposed reserves in paragraphs 14, 17 and 18, the text of which was revised by Order in Council 637-2005 dated 23 June 2005 (2005, G.O. 2, 2615) to reflect modifications to the boundaries of the proposed reserves.

- The conservation plans for the proposed biodiversity and aquatic reserves listed in paragraphs 21 to 28 of the Schedule, approved by Order in Council 484-2004 dated 19 May 2004 (2004, G.O. 2, 1745), were published on 4 August 2004 with the notice of the establishment of the reserves (erratum) (2004, G.O. 2, 2417) and have not been amended since, except the plans of the proposed reserves in paragraphs 24 and 25, the text of which was revised by Orders in Council 1069-2004 dated 16 November 2004 (2004, G.O. 2, 3257) and 637-2005 dated 23 June 2005 (2005, G.O. 2, 2615) to reflect modifications to the boundaries of the proposed reserves.

- The conservation plans for the proposed biodiversity and aquatic reserves listed in paragraphs 29 to 46 of the Schedule, approved by Order in Council 636-2005 dated 23 June 2005 (2005, G.O. 2, 2503), amended by Order in Council 1051-2005 dated 9 November 2005 (2005, G.O. 2, 4931), were published on 7 September 2005 with the notice of establishment of the proposed reserves (2005, G.O. 2, 3799) and have not been amended since.

- the development of hydraulic resources and any production of energy on a commercial or industrial basis.

§2. *Prohibitions, prior authorizations and conditions on which certain activities may be carried on in the proposed reserve*

§2.1. *Protection of resources and the natural environment*

**3.1.** Unless the person has been authorized by the Minister and carries on the activity in compliance with the conditions the Minister determines, no person may introduce non-native species of flora or fauna into the proposed reserve.

**3.2.** No person may stock a watercourse or body of water

- (1) for aquaculture, sports or commercial fishing or any other commercial purpose; or
- (2) for any other purpose, if the fish stocked are not from a genetic strain originating from the proposed reserve.

**3.3.** No person may bury, abandon or dispose of waste, snow or other residual materials other than in waste disposal containers, facilities or sites determined by the Minister or elsewhere, with the authorization of the Minister and in compliance with the conditions the Minister determines.

Despite the first paragraph, no authorization need be obtained by an outfitting operation to use a disposal facility or site in compliance with the Environment Quality Act and its regulations if the outfitting operation was already using the facility or site on the date on which the protection status as a proposed reserve takes effect.

**3.4.** No person may, unless the person has been authorized by the Minister and carries on the activity in compliance with the conditions the Minister determines,

- (1) intervene in a wetland area;
- (2) dig, fill, obstruct or divert a watercourse or body of water; or
- (3) carry on another activity likely to degrade their bed, banks or shores or to otherwise directly and substantially alter their bio-chemical characteristics or the quality of the watercourse, body of water or wetland area, including by discharging or dumping waste or other pollutant into the watercourse, body of water or wetland area.

§2.2. *Rules of conduct for users*

**3.5.** Every person staying, carrying on an activity or travelling about within the proposed reserve is required to maintain the premises in a satisfactory state and before leaving, return the premises to their natural state to the extent possible.

**3.6.** Every person who makes a campfire must

- (1) clear an area around the fire site sufficient to prevent the fire from spreading, namely by removing all branches, scrub, dry leaves and other combustible materials;
- (2) see that there is always a person on the premises to attend the fire; and
- (3) ensure that the fire is completely extinguished before leaving the premises.

**3.7.** In the proposed reserve, no person may

- (1) cause any excessive noise; or
- (2) behave in a manner that unduly disturbs other persons in the reserve or interferes with their enjoyment of the reserve.

**3.8.** No person may destroy, remove, move or damage any poster, sign, notice or other type of signage posted by the Minister within the proposed reserve.

**3.9.** No person may enter, carry on an activity in or operate a vehicle in a given sector of the proposed reserve unless the person has been authorized by the Minister and complies with the conditions determined, if the signage erected by the Minister restricts access, traffic or the carrying on of certain activities so as to protect the public from a danger or to avoid placing the fauna, flora or other components of the natural environment at risk.

*§2.3. Activities requiring an authorization*

**3.10.** No person may, unless the person has been authorized by the Minister and complies with the conditions the Minister determines, stay or reside on or otherwise occupy the same site within the proposed reserve for a period of more than three months in the same year. No authorization need be obtained by a person who,

- (1) on the date on which the protection status as a proposed reserve takes effect, was a party to a lease or had another right or authorization allowing the person to legally occupy the land under the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) or, if applicable, the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), and whose right to occupy the land is renewed or extended;
- (2) in accordance with the applicable provisions of law, has entitlement under a sublease, an assignment of a lease or a transfer of a right or authorization, as referred to in paragraph 1, and whose right to occupy the land is renewed or extended; or
- (3) takes advantage of the possibility of acquiring the land the person legally occupies on the date on which the protection status as a proposed reserve takes effect, pursuant to the Act respecting the lands in the domain of the State.

**3.11.** (1) 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 and carries on the activities in compliance with the conditions the Minister determines.

The conditions of that authorization may pertain, among other things, to species of trees or shrubs, the size of the stems that may be cut, the quantities authorized and the places where the activities may be carried on.

(2) Despite subsection 1, the authorization of the Minister under this plan need not be obtained by a person staying or residing in the proposed reserve who collects wood to make a campfire.

No such authorization need be obtained by a person to collect wood to meet domestic needs if

(a) the wood is collected to supply a trapping camp or a rough shelter permitted on the territory of the proposed reserve, provided that

i. the wood is collected by a person in accordance with the conditions set out in the permit for the harvest of firewood for domestic purposes issued by the Minister of Natural Resources and Wildlife under the Forest Act, and

ii. the quantity of wood collected does not exceed 7 apparent cubic metres per year; and

(b) in all other cases if

i. the wood is collected within a sector reserved by the Minister of Natural Resources and Wildlife as a sector for which a permit for the harvest of firewood for domestic purposes under the Forest Act may be issued and which has already been reserved as such by the Minister on the date on which the protection status as a proposed reserve takes effect,

ii. the wood is collected by a person who, on the date on which the protection status as a proposed reserve takes effect or in any of the three preceding years, held a permit for the harvest of firewood for domestic purposes allowing the person to harvest firewood within the proposed reserve, or

iii. the wood is collected by a person in accordance with the conditions set out in the permit for the harvest of firewood for domestic purposes issued by the Minister of Natural Resources and Wildlife under the Forest Act.

(3) Despite subsection 1, no authorization need be obtained by a person authorized by lease to occupy land within the proposed reserve, pursuant to this plan, to carry on a forest management activity for the purpose of

(a) clearing permitted harvested areas, maintaining them or creating visual openings, and any other similar removal purposes permitted under the regulation that

applies to the sale, lease and granting of immovable rights made under the Act respecting the lands in the domain of the State;

- (b) creating and maintaining access roads, stairways or other trails permitted under that regulation; or
- (c) clearing the necessary area for the installation, connection, maintenance and repair of power, water, sewer or telecommunication lines, facilities and mains.

When the work referred to in subparagraph *c* of subsection 3 is carried out 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 provided for in sections 3.13 and 3.14.

(4) Despite subsection 1, no authorization need be obtained by a person to carry on a forest management activity to maintain a sugar bush and harvest maple products for domestic purposes if

- (a) the activity is carried on by a person who, on the date on which the protection status as a proposed reserve takes effect or in any of the three preceding years, held a sugar bush management permit issued by the Minister of Natural Resources and Wildlife under the Forest Act allowing the person to carry on the activities of a sugar bush operator within the proposed reserve;
- (b) the activity is carried on within a zone for which the permit obtained allowed the carrying on of sugar bush operations on the date on which the protection status as a proposed reserve takes effect or in any of the three preceding years; or
- (c) the activity is carried on by a person in compliance with the conditions set out in the sugar bush management permit issued by the Minister of Natural Resources and Wildlife under the Forest Act.

**3.12.** No person may, unless the person has been authorized by the Minister and carries on the activity in compliance with the conditions the Minister determines,

- (1) carry out soil development work, including any fill, burial, earthwork, removal or displacement of surface materials or vegetation cover, for any purpose including recreational and tourism purposes such as the development of trails;
- (2) install or construct a new structure, infrastructure or works;
- (3) reconstruct or demolish an existing structure, infrastructure or works, although no authorization is required in the case of a trapping camp, a rough shelter or a building used for vacation purposes;
- (4) use a pesticide, although no authorization is required for the use of insect repellent for personal purposes;

- (5) carry on an activity that is likely to severely degrade the soil or a geological formation or damage the vegetation cover, such as stripping, the digging of trenches or excavation work; or
- (6) carry on educational or research-related activities if the activities are likely to significantly damage or disturb the natural environment, in particular by reason of the nature or size of the samples taken or by reason of the invasive character of the method or process used.

The conditions determined by the Minister for authorization of the work may pertain to the location of the authorized activity, the methods used, the areas that may be cleared or deforested, the types of material that may be used including the material taken from the site, and the presence of ancillary works or facilities. The conditions may also include a requirement to ensure periodic follow-up or to report to the Minister, in particular as regards the results obtained from the research to which subparagraph 6 of the first paragraph refers.

Subject to the conditions determined in the authorization, work to repair or maintain trails authorized by the Minister or trails existing on the date on which the protection status as a proposed reserve takes effect may be carried on without an authorization under subparagraph 1 of the first paragraph.

Work to repair or maintain forest roads or roads authorized under the Act respecting the lands in the domain of the State carried on in accordance with the Forest Act and its regulations that concern standards of forest management may be carried on without an authorization under subparagraph 1 of the first paragraph.

#### § 2.4. *Authorization exemptions*

**3.13.** Despite the preceding provisions, no authorization need be obtained by a person to carry on an activity or for any other form of intervention within the proposed reserve if urgent action is required to prevent endangering the health or safety of persons, or to repair or prevent damage caused by a real or apprehended catastrophe. The person concerned must, however, immediately inform the Minister of the activity or intervention that has taken place.

**3.14.** Despite the preceding provisions, the following activities and interventions involving the production, transmission and distribution of electricity 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 plan:

- (1) any activity or intervention required within the proposed reserve to complete a project which was previously expressly authorized by the Government and the Minister, or only by the latter, in accordance with the requirements of the Environment Quality Act (R.S.Q., c. 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 it is carried out in accordance with the request; and
- (4) any activity or intervention by the Société, if the conditions for the carrying out of the activity or intervention have been determined in an agreement between the Minister and the Société and the activity or intervention is carried out in compliance with those conditions.

For the purposes of this section, the activities and interventions of the Société include pre-project studies, analysis work or field research, work required to study and monitor the impact of 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 purpose of access, construction or equipment movement necessary for the carrying on of such work.

#### *§2.5. General provisions*

**3.15.** Every person who applies to the Minister for an individual authorization or for an authorization for a group or for a number of persons must provide any information or document requested by the Minister for the examination of the application.

**3.16.** The Minister's authorization, which is general and can be used by more than one person, may be communicated to the persons concerned by any appropriate means including by a posted notice or appropriate signage at the reception centre or any other location within the proposed reserve that is readily accessible to the public. The Minister is to provide a copy to any person concerned.

#### *§3. Activities governed by other statutes*

Certain activities likely to be carried on within the proposed reserve are also governed by other applicable legislative and regulatory provisions, including those that require the issue of a permit or authorization or the payment of fees. The carrying on of certain activities may also be prohibited or limited by other Acts or regulations applicable within the boundaries of the proposed reserve.

A special legal framework may govern permitted and prohibited activities within the proposed reserve in connection with the following matters:

- Environmental protection: measures set out in particular in the Environment Quality Act (R.S.Q., c. Q-2);
- Archaeological research: measures set out in particular in the Cultural Property Act (R.S.Q., c. B-4);

- Development of wildlife resources: measures set out in particular in the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), including the provisions pertaining to outfitting operations and beaver reserves and the measures contained in applicable federal legislation, including the fishery regulations;
  - Removal of species of fauna or flora that are threatened or vulnerable or are likely to be designated as such: measures prohibiting the removal of the species under the Act respecting threatened or vulnerable species (R.S.Q., c. E-12.01);
  - Access and land rights: measures set out in particular in the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1);
  - Operation of vehicles: measures set out in particular in the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) and in the regulation on motor vehicle traffic in certain fragile environments made under the Environment Quality Act (R.S.Q., c. Q-2)."
2. The conservation plan for the proposed Upper Harricana aquatic reserve, amended pursuant to section 1, is also amended by inserting the following after section 3.12:

"3.12.1. Mining exploration, including prospecting, digging and boring, if those activities necessitate stripping, the digging of trenches, excavation or deforestation, is permitted within the proposed reserve on land reserved to the State under section 304 of the Mining Act (R.S.Q., c. M-13.1), provided that all the following conditions are met:

- (1) the activities are not carried on in the Harricana river, on the islands in the river, or on a 50-metre wide strip on either bank of the river. The width of the strip of land is calculated horizontally from the shoreline appearing on the maps in Québec's Topographic Database (BDTQ, scale 1:20 000);
- (2) the activities are carried on in the zone between 50 and 200 metres from either bank of the Harricana river; the activities are also permitted in the bedrock provided the overlying layer of rock is at least 50 metres thick;
- (3) the activities are carried on by or on behalf of a person who is authorized to carry on mining exploration, prospecting, digging or boring within the proposed reserve in accordance with the measures set out in the Mining Act;
- (4) the activities, when they necessitate deforestation, are carried on by or on behalf of a person who is authorized to carry on such activities as provided in sections 20 and 21 of the Forest Act;
- (5) the activities are carried on in conformity with the applicable legislative and regulatory standards and in compliance with the following requirements:

(a) the person authorized to carry on the exploration work must

- i. recover all drilling muds,
- ii. ensure that no petroleum products are spilled into the environment,
- iii. install a lining to protect against the spill of toxic materials into the environment, and
- iv. ensure that residual materials other than sediments, sludge and cuttings from the work are stored, processed or disposed of outside the proposed reserve;

(b) the person authorized to carry on the activities may draw water from the Harricana river to meet pumping requirements if the distance between the drilling site and the water intake is greater than 200 metres, on the following conditions:

- i. the person must have written authorization from the Minister of Sustainable Development, Environment and Parks, and
- ii. the person must install a protective lining under the pump to protect against spills of petroleum products into the environment; and

(c) the person must comply with any conditions of authorization determined by the Minister of Sustainable Development, Environment and Parks with a view to minimizing the impacts on the environment."

3. Despite section 1, sections 3.3, 3.6, 3.10, 3.11 and 3.12 of Division 3 of the conservation plan of the proposed Bonaventure river estuary aquatic reserve are to be read as follows:

**3.3.** No person may bury, abandon or dispose of waste, snow or other residual materials other than in waste disposal containers, facilities or sites determined by the Minister or elsewhere, with the authorization of the Minister and in compliance with the conditions the Minister determines.

**3.6.** No person may make a fire in the proposed reserve, including a campfire and a beach fire.

**3.10.** No person may establish a campsite, a shelter or otherwise stay in the proposed reserve, or occupy a site by installing or leaving property in the proposed reserve, unless the person has been authorized by the Minister and complies with the conditions determined by the Minister.

**3.11.** 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 and complies with the conditions the Minister determines.

The conditions of that authorization may pertain, among other things, to species of trees or shrubs, the size of the stems that may be cut, the authorized amounts and where the activities may be carried on.

**3.12.** No person may, unless the person has been authorized by the Minister and carries on the activity in compliance with the conditions the Minister determines,

- (1) carry out soil development work, including any fill, burial, earthwork, removal or displacement of surface materials or vegetation cover, for any purpose including recreational and tourism purposes such as the development of trails;
- (2) install or construct a new structure, infrastructure or works;
- (3) reconstruct or demolish an existing structure, infrastructure or works, although no authorization is required in the case of a trapping camp, a rough shelter or a building used for vacation purposes;
- (4) use a pesticide, although no authorization is required for the use of insect repellent for personal purposes;
- (5) carry on an activity that is likely to severely degrade the soil or a geological formation or damage the vegetation cover, such as stripping, the digging of trenches or excavation work;
- (6) carry on educational or research-related activities if the activities are likely to significantly damage or disturb the natural environment, in particular by reason of the nature or size of the samples taken or by reason of the invasive character of the method or process used; or
- (7) remove the following species of flora or fauna:
  - Anticosti aster (*Symphotrichum anticostense*);
  - Macoun's fringed gentian (*Gentianopsis procera* subsp. *macounii* var. *macounii*);
  - mat muhly (*Muhlenbergia richardsonis*);
  - Gaspé peninsula arrow-grass (*Triglochin gaspensis*);
  - harlequin duck (*Historionicus historionicus*);
  - Barrow's goldeneye (*Bucephala islandica*);
  - red-headed woodpecker (*Melanerpes erythrocephalus*);
  - bald eagle (*Haliaeetus leucocephalus*).

The conditions determined by the Minister for authorization of the work may pertain to the location of the authorized activity, the methods used, the areas that may be cleared or deforested, the types of material that may be used including the material taken from the site, and the presence of ancillary works or facilities. The conditions may also include a requirement to ensure periodic follow-up or to report to the Minister, in particular as regards the results obtained from the research to which subparagraph 6 of the first paragraph refers.

Subject to the conditions determined in the authorization, work to repair or maintain trails authorized by the Minister or trails existing on the date on which the protection status as a proposed reserve takes effect may be carried on without an authorization under subparagraph 1 of the first paragraph."

4. Despite section 1, section 3.10 of Division 3 of the conservation plan of the proposed Saint-Elzéar karst biodiversity reserve is to be read as follows:

"3.10. No person may establish a campsite, a shelter or otherwise stay in the proposed reserve, or occupy a site by installing or leaving property in the proposed reserve, unless the person has been authorized by the Minister and complies with the conditions determined by the Minister. No authorization need be obtained by a person who,

- (1) on the date on which the protection status as a proposed reserve takes effect, was a party to a lease or had another right or authorization allowing the person to legally occupy the land under the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) or, if applicable, the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), and whose right to occupy the land is renewed or extended;
- (2) in accordance with the applicable provisions of law, has entitlement under a sublease, an assignment of a lease or a transfer of a right or authorization, as referred to in paragraph 1, and whose right to occupy the land is renewed or extended; or
- (3) takes advantage of the possibility of acquiring the land the person legally occupies on the date on which the protection status as a proposed reserve takes effect, pursuant to the Act respecting the lands in the domain of the State."

5. These Amendments come into force on the fifteenth day following the date of their publication in the *Gazette officielle du Québec*.

PRELIMINARY VERSION

## **SCHEDULE**

(s. 1)

### **LIST OF PROPOSED BIODIVERSITY AND AQUATIC RESERVES**

- (1) Proposed René-Levasseur island biodiversity reserve (s. 90, Natural Heritage Conservation Act);
- (2) Proposed Monts Groulx biodiversity reserve (s. 90, Natural Heritage Conservation Act);
- (3) Proposed Gensart lake biodiversity reserve (s. 90, Natural Heritage Conservation Act);
- (4) Proposed Bright Sand lake biodiversity reserve (s. 90, Natural Heritage Conservation Act);
- (5) Proposed Belmont and Magpie lakes massif biodiversity reserve (s. 90, Natural Heritage Conservation Act);
- (6) Proposed Lac aux Sauterelles knolls biodiversity reserve (s. 90, Natural Heritage Conservation Act);
- (7) Proposed Natashquan river valley biodiversity reserve (s. 90, Natural Heritage Conservation Act);
- (8) Proposed Harrington Harbour shore biodiversity reserve (s. 90, Natural Heritage Conservation Act);
- (9) Proposed Guernesé lake foothills biodiversity reserve (s. 90, Natural Heritage Conservation Act);
- (10) Proposed Brador hills biodiversity reserve (s. 90, Natural Heritage Conservation Act);
- (11) Proposed Ashuapmushuan river aquatic reserve (M.O. dated 18 March 2003, 2003, G.O. 2, 1404);
- (12) Proposed Moisie river aquatic reserve (M.O. dated 18 March 2003, 2003, G.O. 2, 1404);
- (13) Proposed North Harricana river aquatic reserve (M.O. dated 18 March 2003, 2003, G.O. 2, 1404);
- (14) Proposed Pasteur lake biodiversity reserve (M.O. dated 18 March 2003, 2003, G.O. 2, 1404);

- (15) Proposed Boatswain bay biodiversity reserve (M.O. dated 18 March 2003, 2003, G.O. 2, 1404);
- (16) Proposed Ministikawatin peninsula biodiversity reserve (M.O. dated 18 March 2003, 2003, G.O. 2, 1404);
- (17) Proposed Missisicabi plain biodiversity reserve (M.O. dated 18 March 2003, 2003, G.O. 2, 1404);
- (18) Proposed Muskuuchii hills biodiversity reserve (M.O. dated 18 March 2003, 2003, G.O. 2, 1404);
- (19) Proposed Vaudray and Joannès lakes biodiversity reserve (M.O. dated 18 March 2003, 2003, G.O. 2, 1404);
- (20) Proposed Sabourin lake biodiversity reserve (M.O. dated 18 March 2003, 2003, G.O. 2, 1404);
- (21) Proposed Upper Harricana aquatic reserve (M.O. dated 17 June 2004, 2004, G.O. 2, 2301);
- (22) Proposed Taibi lake biodiversity reserve (M.O. dated 17 June 2004, 2004, G.O. 2, 2301);
- (23) Proposed Decelles reservoir biodiversity reserve (M.O. dated 17 June 2004, 2004, G.O. 2, 2301);
- (24) Proposed Parent lake marshlands biodiversity reserve (M.O. dated 17 June 2004, 2004, G.O. 2, 2301);
- (25) Proposed Waskaganish biodiversity reserve (M.O. dated 17 June 2004, 2004, G.O. 2, 2301);
- (26) Proposed Piché-Lemoine forest biodiversity reserve (M.O. dated 17 June 2004, 2004, G.O. 2, 2301);
- (27) Proposed Opasatica lake biodiversity reserve (M.O. dated 17 June 2004, 2004, G.O. 2, 2301);
- (28) Proposed Des Quinze lake biodiversity reserve (M.O. dated 17 June 2004, 2004, G.O. 2, 2301);
- (29) Proposed Lac au Foin aquatic reserve (M.O. dated 27 July 2005, 2005, G.O. 2, 4072);

- (30) Proposed Sainte-Marguerite river valley aquatic reserve (M.O. dated 27 July 2005, 2005, G.O. 2, 4072);
- (31) Proposed Bonaventure river estuary aquatic reserve (M.O. dated 27 July 2005, 2005, G.O. 2, 4072);
- (32) Proposed Niquet stream biodiversity reserve (M.O. dated 27 July 2005, 2005, G.O. 2, 4072);
- (33) Proposed Saint-Cyr lake biodiversity reserve (M.O. dated 27 July 2005, 2005, G.O. 2, 4072);
- (34) Proposed Wetetnagami lake biodiversity reserve (M.O. dated 27 July 2005, 2005, G.O. 2, 4072);
- (35) Proposed Plétipi lake biodiversity reserve (M.O. dated 27 July 2005, 2005, G.O. 2, 4072);
- (36) Proposed Onistagane lake biodiversity reserve (M.O. dated 27 July 2005, 2005, G.O. 2, 4072);
- (37) Proposed Berté lake biodiversity reserve (M.O. dated 27 July 2005, 2005, G.O. 2, 4072);
- (38) Proposed Paul-Provencher biodiversity reserve (M.O. dated 27 July 2005, 2005, G.O. 2, 4072);
- (39) Proposed Godbout river valley biodiversity reserve (M.O. dated 27 July 2005, 2005, G.O. 2, 4072);
- (40) Proposed Frégate lake burn area biodiversity reserve (M.O. dated 27 July 2005, 2005, G.O. 2, 4072);
- (41) Proposed Pipmuacan east islands biodiversity reserve (M.O. dated 7 July 2005, 2005, G.O. 2, 4072);
- (42) Proposed Akumunan biodiversity reserve (M.O. dated 27 July 2005, 2005, G.O. 2, 4072);
- (43) Proposed Ménistouc lake biodiversity reserve (M.O. dated 27 July 2005, 2005, G.O. 2, 4072);
- (44) Proposed Racine de Bouleau river biodiversity reserve (M.O. dated 27 July 2005, 2005, G.O. 2, 4072);

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<p>the administration of this Act.</p>	
<p>5 The Minister shall establish and maintain a register of the various protected areas. The register shall contain information on the surface area and location of each area, the minister, government body or person responsible for it, the legal framework for the protection, such as protection status defined by law or the existence of a servitude, and its classification according to the different categories recognized by the World Conservation Union (UICN).</p> <p>In addition, in the case of a nature reserve, the register shall contain the name and address of its owner, the name of the conservation organization, if any, with which an agreement has been entered into, and the term of the recognition or, where applicable, an indication of the fact that recognition is perpetual. The information is public information.</p>	<p>5 The Minister shall maintain a register of the various protected areas. The register shall contain information on the surface area, location, of each area, the minister, government body or person responsible for and its classification according to the different categories recognized by the World Conservation Union (UICN).</p> <p>Unchanged</p>
<p>6 The land within a protected area that is entered in the register provided for in section 5 cannot be assigned to a new use or vocation, be sold or exchanged or be the subject of a transaction that affects its protection status or level of protection, unless the Minister of Sustainable Development, Environment and Parks has been consulted.</p>	<p>6 Land within a protected area that is entered in the register provided for in section 5 cannot be assigned to a new use, be sold or exchanged or be the subject of a transaction that affects its protection status, unless the Minister of the Environment has been consulted.</p>
<p>7 The government departments and bodies solicited by the Minister shall lend their assistance to the Minister for matters involving biodiversity protection in the fields within their competence. In particular, they must disclose to the Minister all the information required for the establishment of a network of protected areas representative of biodiversity or for the implementation of other protection measures provided for in this Act, including information on the ecological characteristics, state of preservation or degradation, and constraints affecting certain zones of the land, and by the disclosure of information on development or occupancy rights that may be exercised on land, including the nature of the rights concerned, their holders, the term of rights granted and any other conditions governing their exercise.</p>	<p>7. The government departments and bodies solicited by the Minister shall lend their assistance to the Minister for matters involving biodiversity protection in the fields within their competence. In particular, they must disclose to the Minister all the information required for the establishment of a network of protected areas representative of biodiversity or for the implementation of other protection measures provided for in this Act, including information on the ecological characteristics, state of preservation or degradation, and constraints affecting certain zones of the land.</p>
<p>8 In order to facilitate the administration of this Act, the Minister may, in particular,</p>	<p>8 Unchanged</p>

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<p>(1) conduct or commission research, studies and analyses on natural settings and biodiversity protection, and make grants for that purpose;</p> <p>(2) establish and implement programs of financial or technical assistance to foster the preservation of the natural heritage or the management, development or re-establishment of natural settings, including programs to support the creation, conservation, supervision and management of nature reserves on private land;</p> <p>(3) delegate the establishment or implementation of the programs under paragraph 2 to any person, and grant financial assistance for that purpose;</p> <p>(4) lease or acquire property or real rights in property, including through a transfer, by agreement, or, where authorized by the Government and subject to the conditions it fixes, by expropriation in accordance with the Expropriation Act (chapter E-24); and</p> <p>(5) accept any movable or immovable property or any real right in property as a gift or legacy.</p>	<p>Unchanged</p> <p>(2) establish and implement programs of financial or technical assistance to foster the preservation of the natural heritage or the development or re-establishment of natural settings, including programs to support the creation, conservation, supervision and management of nature reserves on private land;</p> <p>3) Unchanged</p> <p>4) lease or acquire property or real rights in property by agreement or, where authorized by the Government and subject to the conditions it fixes, by expropriation in accordance with the Expropriation Act (chapter E-24); and</p> <p>5) Unchanged</p>
<p>¶ Land in the domain of the State within an ecological reserve and land that has been set aside for that purpose shall be under the authority of the Minister.</p> <p>Land in the domain of the State within an aquatic reserve, biodiversity reserve or man-made landscape and land set aside for those purposes shall remain under the authority of the minister or of the government body holding it. The Government may, however, transfer authority over all or part of such land to the Minister, or may entrust the administration of the land to the Minister. However, even where there is no transfer of authority or administration, if the Minister considers it appropriate and determines the conditions for doing so, the Minister may, without having regard to the provisions of the Act respecting the lands in the domain of the State (chapter T-8.1), make any improvement or construction on the land or authorize the interested person, association or body to do so on the conditions the Minister determines in a contract. The Minister may</p>	<p>¶ Unchanged</p> <p>Land in the domain of the State within an aquatic reserve, biodiversity reserve or man-made landscape and land set aside for those purposes shall remain under the authority of the minister or of the government body holding them. That minister or a government may, however, transfer authority over all or part of such land to the Minister, or may entrust the administration of the land to the Minister.</p> <p>Similarly, the Minister may entrust the administration of land or transfer authority over land to another minister or to a government body.</p>

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<p>also transfer the ownership of improvements or constructions to them on the conditions the Minister determines.</p> <p>Similarly, the Minister may entrust the administration of land or transfer authority over land to another minister or to a government body.</p>	
<p>10 The Government may change the current protection status of a protected area in order to assign a protection status provided for in this Act.</p> <p>Where conditions are provided for by law for the revocation or termination of a protected area's status, the conditions must be fulfilled before a change in status under this section may take place.</p> <p>Authority over land in the domain of the State is not affected by such a change of status unless the Government provides otherwise.</p>	<p>10 The Government may change the current protection status of a protected area in order to assign a protection status provided for in this Act. Unless the order effecting such a change provides for another type of status, the protected area shall become a biodiversity reserve and be governed by the provisions of this Act that apply to biodiversity reserves, with the necessary modifications, from the time and on the conditions specified in the order.</p> <p>Unchanged</p> <p>Unchanged</p>
<p>11 Legislative and regulatory provisions not incompatible with this Act and its regulations continue to apply within land that has been set aside or established as an aquatic reserve, biodiversity reserve, ecological reserve, nature reserve or man-made landscape.</p> <p>The activities permitted in those areas may, therefore, remain subject to the measures provided for in other laws that govern the carrying on of the activities, including activities for which an authorization, lease, permit or licence must be obtained or certain fees must be paid.</p>	<p>11 Legislative and regulatory provisions not incompatible with this Act, the regulations or the agreements and conservation plans provided for in the Act continue to apply within land that has been set aside or established as an aquatic reserve, biodiversity reserve, ecological reserve, nature reserve or man-made landscape.</p> <p>Unchanged</p>
<p>12 The Minister may, on the conditions the Minister determines, entrust any natural</p>	<p>12 The Minister may, on the conditions the Minister determines, entrust any natural</p>

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<p>person or legal person established in the public interest or for a private interest with all or any of the Minister's powers relating to the management of an aquatic reserve, biodiversity reserve, ecological reserve or man-made landscape.</p>	<p>person or legal person established in the public interest or for a private interest with all or any of the Minister's powers relating to the management of an aquatic reserve, biodiversity reserve, ecological reserve or man-made landscape. A delegation of functions in relation to a man-made landscape must be first offered to the local and regional municipal authorities in whose territory the protected area is situated.</p>
<p>13 A natural setting that is remarkable because of the rarity or exceptional interest of one of its biophysical features may be designated by the Minister, who shall prepare a plan of it.</p> <p>Any proposed human intervention in a designated natural setting, or if the human intervention has commenced, any furtherance or continuance of it, is subject to the authorization of the Minister.</p> <p>The Minister may, however, exempt any person or any category of human intervention determined by the Minister from the requirement to obtain authorization. Any human intervention already subject to an authorization of the Minister under the Environment Quality Act (chapter Q-2) or any other provision for which the Minister is responsible is also exempted from that requirement.</p> <p>In this chapter, human intervention includes any type of undertaking, works, construction, industry or activity, including the production of goods or services.</p>	<p>13 Unchanged</p>
<p>14 The Minister shall prepare a plan of the natural setting proposed to be designated under section 13, in collaboration with the Minister of Natural Resources and Wildlife.</p>	<p>14 Unchanged</p>
<p>15 The Minister shall make public a proposal to designate a natural setting under section 13 by publishing a notice in Part 2 of the Gazette officielle du Québec and in a newspaper circulated in the region in which the natural setting is situated.</p> <p>The notice must include a summary plan or summary description of the zone proposed to be designated. The notice must state</p>	<p>15 The Minister shall make public a proposal to designate a natural setting under section 13 by publishing a notice in the Gazette officielle du Québec and in a newspaper circulated in the region in which the natural setting is situated.</p> <p>The notice must include a summary plan of the zone proposed to be designated. The notice must state</p>

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<p>(1) the places where copies of the original plan kept by the Minister are accessible, and the procedure for obtaining a copy of the plan;</p> <p>(2) that no designation by the Minister may be made before 30 days have elapsed following publication of the notice in the Gazette officielle du Québec;</p> <p>(2.1) where applicable and in light of the characteristics of the land, if the Minister has determined circumstances warranting an exemption to the authorization requirement in the third paragraph of section 13, the situations or persons to which or to whom the exemption applies; and</p> <p>(3) that any interested person may, within the 30-day period, send comments to the person specified in the notice.</p> <p>Where the natural setting is situated on land under private ownership, the Minister shall also forward a copy of the notice to the owner of the land.</p>	<p>1) Unchanged</p> <p>2) that no designation by the Minister may be made before 30 days have elapsed following publication of the notice in the Gazette officielle du Québec; and</p> <p>3) Unchanged</p> <p>Unchanged</p>
<p>16 The Minister shall publish the definitive plan of a natural setting designated under section 13 in Part 2 of the Gazette officielle du Québec. The Minister shall also give notice of any subsequent revocation of the designation.</p> <p>The Minister shall forward a copy of the plan</p> <ol style="list-style-type: none"> <li>1) to every minister and government body that was consulted on the plan;</li> <li>2) to the Minister of Natural Resources and Wildlife for entry on the land use plan prepared in accordance with section 21 of the Act respecting the lands in the domain of the State (chapter T-8.1) and in the registers of rights kept by that minister;</li> <li>3) to the regional and local municipal authorities whose territory is affected by the plan, so that the plan may be taken into account in the exercise of their powers; and</li> <li>4) to the owner of any land under private ownership covered by the plan and to the registry office for entry in the land register.</li> </ol>	<p>16 The Minister shall publish the definitive plan of a natural setting designated under section 13 in the Gazette officielle du Québec. The Minister shall also give notice of any subsequent revocation of the designation.</p> <p>The Minister shall forward a copy of the plan</p> <ol style="list-style-type: none"> <li>1) to every minister and government body that was consulted on the plan;</li> <li>2) to the Minister of Natural Resources, Wildlife and Parks for entry on the land use plan prepared in accordance with section 21 of the Act respecting the lands in the domain of the State (chapter T-8.1) and in the registers of rights kept by that minister;</li> <li>3) to the regional and local municipal authorities whose territory is affected by the plan, so that the plan may be taken into account in the exercise of their powers; and</li> <li>4) to the owner of any land under private ownership covered by the plan and to the registry office for entry in the land register.</li> </ol>

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<p>17 The designation of a natural setting comes into force on the fifteenth day following the date of publication of the plan in the Gazette officielle du Québec.</p>	<p>17 Unchanged</p>
<p>18 The Minister shall maintain and make accessible a register of all natural settings designated under section 13 and section 19, as well as all exemptions granted under section 13.</p>	<p>18 The Minister shall maintain and make accessible a register of all natural settings designated under section 13.</p>
<p>19 The Minister may decide to require an area that is not designated under section 13 to be the subject of a declaration under this division if the Minister is of the opinion that, because of the rarity or exceptional interest of the natural setting or one of its features, or because of the indications the Minister has to that effect, the area may be protected under that section.</p> <p>After the making of such a decision, any intervention in the area that is likely to severely degrade the natural setting or one of its features must be declared to the Minister prior to the intervention.</p> <p>The following interventions are deemed likely to severely degrade the natural setting or one of its features and to require a declaration under the second paragraph: the installation or erection of any new structure, infrastructure or works, deforestation, the destruction of the habitat of a species of fauna or flora, the removal or displacement of surface materials or vegetation cover, backfilling, excavating, drilling or other excavations, modification of the natural drainage or water regime, and the creation or development of a watercourse or body of water.</p>	<p>19 The Minister may also require, in a zone that is not designated under section 13, that proposed human intervention, or if the human intervention has commenced, any furtherance or continuance of it be submitted for authorization, if the Minister has serious cause for believing that the human intervention may severely degrade a natural setting that is remarkable because of the rarity or exceptional interest of one of its biophysical features.</p>
<p>19.1 The Minister's decision requiring an area to be the subject of a declaration under this division must be sent by registered mail to its owner. It must set out the main elements or indications that led to the declaration requirement provided for in this division. It must also inform the person of the right to contest the decision before the Administrative Tribunal of Québec under section 24.</p>	<p>20 The Minister's decision subjecting human intervention to authorization must be communicated by registered mail to the person concerned, informing the person of the right to appeal.</p>

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<p>A decision to subject an area to a mandatory declaration cannot be effective for more than three years. It lapses on its expiry date and is not renewable.</p> <p>A notice designating the area and a summary plan of it must be published in Part 2 of the Gazette officielle du Québec and in a newspaper published in the region in which the natural setting is located.</p> <p>19.2 Before deciding that an area is to be subject to a mandatory declaration under this division, the Minister shall notify the owner in writing as prescribed by section 5 of the Act respecting administrative justice (chapter J-3) and allow the owner at least 10 days to present observations.</p> <p>The Minister may, however, where urgent action is required or so as to prevent irreparable harm, make an order without being bound by such prior obligations. In such a case, the person may, within the time prescribed, present observations to the Minister for a review of the order.</p>	<p>NEW</p>
<p>19.3 The Minister may at any time send a copy of the decision to any person the Minister believes may engage in an intervention in the area for which a declaration is required, regardless of whether the person may act as a lessee or otherwise.</p> <p>The Minister may also require registration in the land register of a reference to the existence of a designated natural setting on the land. The request is made by means of a notice filed at the registry office; such notice is, for any person who becomes the owner of the land after the registration, in lieu of a notice of the existence of an area subject to a declaration in respect of. The lapsing of the decision is deemed to operate to cancel the registration.</p> <p>19.4 The persons who have been informed by the Minister that an area has been designated under this division are required to so inform every person entrusted with carrying out work or who has custody of the land and every person to whom they grant</p>	<p>NEW</p> <p>NEW</p>

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<p>rights of use or development or transfer rights over the land.</p> <p>19.5 The declaration disclosing an intervention must be received by the Minister at least 15 days before it is to be carried out or, if the intervention has commenced, before it may be continued or pursued.</p> <p>Despite the foregoing, the Minister may, on the conditions the Minister specifies, waive all or part of the time period within which notice is to be given to the Minister.</p> <p>19.6 The declaration must be sent in writing and state the nature and duration of the planned intervention, the date on which it is to commence, or recommence as the case may be, and the conditions on which it will be carried out in the area. It must indicate any special measures that will be taken to preserve the natural setting or its features.</p> <p>The Minister may require any information or document the Minister considers necessary to more fully assess the nature and impacts of the intervention disclosed in a declaration made under this division.</p> <p>The Minister must be informed of any change that renders inaccurate or incomplete any information or documents previously received by the Minister.</p>	<p>NEW</p> <p>NEW</p>
<p>20 The Minister at any time before or during the intervention may transmit to the person any conditions or directions the Minister recommends the person apply to better protect the natural setting or any of its features.</p>	<p>NEW</p>
<p>21 The Minister may require every person making an authorization application under section 13 to provide any information or document the Minister considers is necessary to examine an application or to make an authorization subject to appropriate conditions.</p> <p>The Minister may give directives as to the form and content of the applications for authorization that must be made to the Minister.</p>	<p>21 The Minister may require an applicant to provide any information or document the Minister considers is necessary to examine an application or to make an authorization subject to appropriate conditions.</p> <p>Unchanged</p>

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<p>The Minister may, by regulation, determine the fees payable for an application for authorization or an application to amend, renew or terminate an existing authorization.</p>	<p>The Minister may, by order, determine the fees payable for an application for authorization or an application to amend, renew or terminate an existing authorization. Every ministerial order made under this section shall be published in the Gazette officielle du Québec and shall come into force in accordance with the Regulations Act (chapter R-18.1).</p>
<p>22 When deciding an application for authorization, the Minister shall take into consideration</p> <ol style="list-style-type: none"> <li>1) any constraints and damaging effects of the intervention on the natural setting;</li> <li>2) the possibility of ensuring the conservation of the natural setting in another manner;</li> <li>3) the consequences of an authorization on the maintenance of the biodiversity of Québec;</li> <li>4) the availability of other locations in which the intervention may be carried on;</li> <li>5) the possibility of modifying the methods and means considered, of revising the stages or other components of the intervention so that any degradation of the natural setting is reduced to a minimum or prevented;</li> <li>6) the possibilities of using the land for purposes other than the intervention;</li> <li>7) the consequences of a refusal for the applicant;</li> <li>8) the presence of a marked disproportion between the anticipated benefits derived from preserving the natural setting and the injury that may result from limiting or prohibiting the intervention; and</li> <li>9) the comments made by the Ministère des Ressources naturelles, de la Faune et des Parcs. The Minister may subject an authorization to the conditions the Minister determines.</li> </ol>	<p>22 Unchanged</p>
<p>23 The Minister's decisions on applications for authorization must be communicated by registered mail to the persons concerned and inform them of the right to appeal.</p>	<p>23 Unchanged</p>
<p>24 Every decision made by the Minister on an application for authorization may be</p>	<p>24 Every decision made by the Minister on an application for authorization and every</p>

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<p>contested by the person concerned before the Administrative Tribunal of Québec.</p> <p>Every decision of the Minister to subject an area to a mandatory declaration under section 19 may be contested by the owner concerned before that Tribunal.</p> <p>Every proceeding under this section must be brought within 30 days following the Minister's decision.</p>	<p>decision to subject human intervention to an authorization under section 19 may be contested by the person concerned before the Administrative Tribunal of Québec.</p> <p>The proceeding in respect of such decisions must be brought within 30 days following the Minister's decision on the application for authorization.</p>
<p>25 Where the Minister is of the opinion that a natural setting that is remarkable because of the rarity or exceptional interest of one of its biophysical features is facing a real or apprehended threat of irreversible degradation, the Minister may make an order, effective for a period of not more than 30 days,</p> <p>1) directing that the site be closed, or permitting access only to certain persons or on certain conditions, and providing for the posting of a notice to that effect in public view at or near the entrance to the site;</p> <p>2) directing that an activity be terminated or that special security measures be taken if the activity is a source of threat to the natural setting;</p> <p>3) directing that any thing, animal or introduced plant be destroyed in the manner indicated by the Minister, or that certain animals or plants be treated if they are a source of threat to the natural setting; and</p> <p>4) directing that any other measure the Minister considers necessary be taken to prevent greater threat to the natural setting, or to mitigate the effects of or eliminate the threat, including subjecting any intervention in the natural setting to an authorization or compliance with the conditions the Minister determines. In the case of an authorization, the provisions of sections 21 to 24 apply, with the necessary modifications.</p> <p>Before making an order against a person, the Minister must notify the person in writing as prescribed by section 5 of the Act respecting administrative justice (chapter J-3) and allow the interested person at least 10 days to present observations. The Minister may, however, where urgent action is required or so as to prevent irreparable harm, make an</p>	<p>25 Unchanged</p> <p>1) Unchanged</p> <p>2) Unchanged</p> <p>3) Unchanged</p> <p>4) directing that any other measure the Minister considers necessary be taken to prevent greater threat to the natural setting, or to mitigate the effects of or eliminate the threat.</p> <p>Unchanged</p>

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<p>order without being bound by such prior obligations. In such a case, the person may, within the time prescribed, present observations to the Minister for a review of the order.</p> <p>A judge of the Superior Court may reduce the effective period of or cancel the order on application by an interested person.</p> <p>On application by the Minister, a judge of that Court may also, in addition to ordering the person to comply therewith, extend, renew or make permanent the order if the judge considers that the continued existence of the natural setting is seriously threatened and is of the opinion that the order made by the Minister is appropriate.</p> <p>The judge may also make any amendment to the order that appears to the judge to be reasonable in the circumstances.</p>	<p>Unchanged</p> <p>Unchanged</p> <p>Unchanged</p>
<p><sup>26</sup> Every application to a judge under this division must be made according to the rules applicable to ordinary procedure contained in the Code of Civil Procedure (chapter C-25).</p> <p>Applications made by the Minister must be served on the person or persons they concern, but the judge may waive that requirement if the judge considers that the delay resulting from the service would unnecessarily imperil the natural setting.</p> <p>All orders issued must be personally served on the person concerned and may in particular be executed by a peace officer.</p> <p>Applications are decided by preference and orders issued are executory notwithstanding an appeal. A judge of the Court of Appeal may, however, suspend the execution of an order if the judge considers the suspension is necessary in the interest of justice.</p>	<p><sup>26</sup> Unchanged</p>
<p><sup>27</sup> The Government may, on the recommendation of the Minister and in compliance with the measures provided for in this chapter, assign permanent protection status to land in</p>	<p><sup>43</sup> The Minister may recommend to the Government that all or part of land set aside under section 27 of this Act be assigned one of the following types of protection status:</p>

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<p>the domain of the State as an aquatic reserve, biodiversity reserve or ecological reserve and change the boundaries of the reserve or revoke its protection status.</p>	<p>aquatic reserve, biodiversity reserve, ecological reserve, or man-made landscape.</p> <p>The Minister shall at the same time submit to the Government for its approval the conservation plan for the land or, in the case of a man-made landscape under the management of a municipal authority, the proposed protection agreement.</p>
<p>28 For the purpose of protecting land to be established as a protected area, the Government may, on the recommendation of the Minister and in compliance with the measures provided for in this chapter, set aside land or assign temporary protection status to it as a proposed aquatic reserve, biodiversity reserve or ecological reserve and change the boundaries of a proposed reserve or revoke its protection status.</p>	<p>27 For the purpose of protecting land to be established as a new protected area, such as a park, the Minister shall, with the approval of the Government, prepare the plan of that area, establish a conservation plan and assign temporary protection status to the area as a proposed aquatic reserve, biodiversity reserve, ecological reserve or man-made landscape.</p> <p>The selection of land, the choice of protection status, and the conservation plans for the areas shall be effected by the Minister in collaboration with the government departments and bodies concerned including the Minister of Natural Resources, Wildlife and Parks, the Minister of Agriculture, Fisheries and Food, the Minister of Culture and Communications, the Minister of Municipal Affairs and Regions and the Minister of Economic and Regional Development and Research</p> <p>In the case of a proposed man-made landscape, the local and regional municipal authorities in whose territories the land set aside is situated must also be consulted.</p> <p>Such consultations shall not affect consultations required under other laws, such as consultation of the Coordinating Committee on hunting, fishing and trapping provided for in section 75 of the Act respecting hunting and fishing rights in the James Bay and New Québec territories (chapter D-13.1).</p> <p>31 The Minister may, on the same conditions, amend, replace or revoke the plan of land set aside under section 27 or the conservation plan established for that land. No amendment to or replacement of a plan may affect the period of time for which the land has been set aside.</p>

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<p>29 Every decision under section 27 or 28 takes effect on the date of publication of the order of the Government in the Gazette officielle du Québec or on any later date determined by the Government.</p>	<p>29 Notice of the setting aside of land by the Minister pursuant to section 27 shall be published in the Gazette officielle du Québec and in a newspaper circulated in the region concerned or, if there is no such newspaper, in the region closest to the proposed protected area. The notice shall contain a summary description of the location of the land set aside and state that a copy of the notice may be obtained on the payment of a fee.</p> <p>The notice shall also specify</p> <ol style="list-style-type: none"> <li>1) the type or types of permanent protection status proposed for the area and the Act under which the status may be conferred;</li> <li>2) the date on which temporary protection of the land is to take effect, or if the area includes different protection zones according to its conservation plan, the dates on which protection takes effect in each zone and where applicable, the duration of the protection; and</li> <li>3) the period of time for which the land has been set aside by the order.</li> </ol> <p>The notice published in the Gazette officielle du Québec shall also include the conservation plan for the land set aside.</p> <p>45 Permanent protection status for land, conservation plans and applicable agreements, and amendments or revocations take effect on the date of publication of the order in the Gazette officielle du Québec or on any later date specified in the order.</p>
<p>30 Unless the Government sets a longer period, the assigning of temporary protection status under section 28 is for an initial period of not more than 4 years.</p> <p>The term of the protection may be extended or renewed. However, unless the Government decides otherwise, the renewals or extension may not be such that the term of the temporary protection status assigned to land exceeds 6 years.</p>	<p>28 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.</p> <p>The renewals or extensions of that period may not, however, unless so authorized by the Government, be such that the term of the setting aside exceeds six years.</p>

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<p>A change to the boundaries of a proposed reserve under section 28 has no incidence on the period already elapsed for which the land has been set aside.</p>	<p>31 The Minister may, on the same conditions, amend, replace or revoke the plan of land set aside under section 27 or the conservation plan established for that land.</p> <p>No amendment to or replacement of a plan may affect the period of time for which the land has been set aside.</p>
<p>31 Temporary protection status of land terminates when the set period expires, when permanent protection status is assigned under this or another Act, or on publication of a notice in Part 2 of the Gazette officielle du Québec stating that the temporary protection status has been revoked by the Government.</p>	<p>32 Land ceases to be set aside when permanent protection status is assigned under this or another Act, when the term for which the land has been set aside expires, or 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.</p>
<p>32 A copy of the plan of land in respect of which a decision has been made under section 27 or 28 shall be forwarded</p> <p>1) to every minister or government body having participated in the preparation of the plan;</p> <p>2) to the Minister of Natural Resources and Wildlife for entry on the land use plan established by the Act respecting the lands in the domain of the State (chapter T-8.1) and in the Register of the domain of the State; and</p> <p>3) to the regional and local municipal authorities whose territory is affected by the plan so that the plan may be taken into account in the exercise of their powers.</p> <p>In addition to the publication in the Gazette officielle du Québec and the maintaining of the register provided for in section 5, the Minister may use any other means the Minister considers appropriate to publicize the decisions made under sections 27 and 28, or the termination of protection status under section 31, including the use of a website or publication of a notice in a newspaper circulated in the region concerned or, if there is no</p>	<p>30 A copy of the plan prepared for land set aside under section 27 shall be forwarded</p> <p>1) Unchanged</p> <p>2) to the Minister of Natural Resources, Wildlife and Parks for entry on the land use plan prepared in accordance with section 21 of the Act respecting the lands in the domain of the State (chapter T-8.1) and in the registers of rights kept by that minister;</p> <p>3) Unchanged</p> <p>4) in the case of a proposed man-made landscape on land that includes land under private ownership, to the registry office for entry in the land register.</p>

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<p>such newspaper, in the region closest to the protection area.</p>	
<p>33 The establishment of an aquatic reserve, a biodiversity reserve or an ecological reserve, a change in their boundaries or the revocation of their permanent protection status is effected by order of the Government, on the recommendation of the Minister, subject to</p> <p>1) compliance with the provisions relating to public consultation set out in Division II;</p> <p>2) compliance with the prescriptions of Chapter VI of Title I of the Act respecting land use planning and development (chapter A-19.1) where they apply within the reserve; and</p> <p>3) the opinion of the Commission de protection du territoire agricole du Québec if all or part of the land is situated in a reserved area or in an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1 )</p>	<p>44 In addition to the public consultation provided for in Division I, the establishment of an aquatic reserve, a biodiversity reserve, an ecological reserve or a man-made landscape, a change in their limits, or their abolishment, is effected by order of the Government, on a proposal by the Minister, subject to</p> <p>1) compliance with the prescriptions of Chapter VI of Title I of the Act respecting land use planning and development (chapter A-19.1) where they apply within the area;</p> <p>2) the opinion of the Commission de protection du territoire agricole du Québec if all or part of the land is situated in a reserved area or in an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1); and</p> <p>3) publication of a notice of the decision of the Government in the Gazette officielle du Québec with the plan of the area and the applicable conservation plan or protection agreement in the case of a man-made landscape.</p>
<p>34 The selection of land that may be protected under this chapter and the choice of protection status is effected by the Minister in collaboration with the government departments and bodies concerned.</p>	<p>27 For the purpose of protecting land to be established as a new protected area, such as a park, the Minister shall, with the approval of the Government, prepare the plan of that area, establish a conservation plan and assign temporary protection status to the area as a proposed aquatic reserve, biodiversity reserve, ecological reserve or man-made landscape.</p> <p>The selection of land, the choice of protection status, and the conservation plans for the areas shall be effected by the Minister in collaboration with the government departments and bodies concerned including the Minister of Natural Resources, Wildlife and Parks, the Minister of Agriculture, Fisheries and Food, the Minister of Culture and</p>

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<p>The consultations shall not affect consultations required under other laws, such as consultation of the Coordinating Committee on hunting, fishing and trapping provided for in section 75 of the Act respecting hunting and fishing rights in the James Bay and New Québec territories (chapter D-13.1).</p>	<p>Communications, the Minister of Municipal Affairs and Regions and the Minister of Economic and Regional Development and Research.</p> <p>In the case of a proposed man-made landscape, the local and regional municipal authorities in whose territories the land set aside is situated must also be consulted</p> <p>Such consultations shall not affect consultations required under other laws, such as consultation of the Coordinating Committee on hunting, fishing and trapping provided for in section 75 of the Act respecting hunting and fishing rights in the James Bay and New Québec territories (chapter D-13.1).</p>
<p>35 A public consultation shall be held by the Minister in accordance with the following provisions, before the assigning of permanent protection status as an ecological reserve, aquatic reserve or biodiversity reserve. The provisions also apply, with the necessary modifications, for the revocation of that status or before the boundaries of a reserve having that status may be changed by the Government.</p>	<p>37 A public consultation shall be held by the Minister in accordance with the following provisions following the setting aside of land under section 27.</p> <p>38 .....</p> <p>39 .....</p> <p>44 .....</p>
<p>36 To allow the public to make comments on the establishment of an ecological reserve, the Minister shall publish a notice in Part 2 of the Gazette officielle du Québec and in a newspaper circulated in the region concerned or, if there is no such newspaper, in the region closest to the area concerned. The notice must contain</p> <ol style="list-style-type: none"> <li>1) a summary description of the area's location, stating that a copy of the plan prepared by the Minister may be obtained on payment of a fee;</li> <li>2) mention that permanent protection status as an ecological reserve may be assigned by an order of the Government on the expiry of 60 days after publication of the notice in the Gazette officielle du Québec; and</li> <li>3) mention that any interested person may, within the 60-day period, send comments to the person specified in the notice.</li> </ol>	<p>38 Before proposing to the Government that land be established as an ecological reserve, the Minister shall solicit comments from the public. For that purpose and in addition to the other information required by section 29, the notice of the setting aside of land published in the Gazette officielle du Québec must specify</p> <ol style="list-style-type: none"> <li>1) that no permanent protection status may be ordered by the Government before 60 days have elapsed following publication of the notice in the Gazette officielle du Québec; and</li> <li>2) that any interested person may, within the 60-day period, send comments to the person specified in the notice.</li> </ol>

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<p>37 Before a proposal is made to the Government on permanent protection status for land set aside as a proposed aquatic reserve or biodiversity reserve, the Minister shall entrust the Bureau d'audiences publiques sur l'environnement or one or more persons the Minister designates as commissioners with the mandate to hold a public consultation.</p> <p>The Government may, however, exempt any proposal it designates from the consultation process. An exemption may be made in particular where the Government considers that other means may be used to clarify the various issues raised by the proposal, such as when the holding of public hearings is otherwise provided for as is the case for the environmental and social impact assessment and review procedure under Chapter II of the Environment Quality Act (chapter Q-2).</p> <p>In every such case of exemption, the Minister shall publish in Part 2 of the Gazette officielle du Québec a notice containing the information required by section 36, with the necessary modifications. The decision of the Government shall be published in the Gazette officielle du Québec with the Minister's notice, and shall briefly state the reasons justifying the exemption.</p>	<p>39 Before a proposal is made to the Government on permanent protection status for land set aside as a proposed aquatic reserve, biodiversity reserve or man-made landscape, the Minister shall entrust the Bureau d'audiences publiques sur l'environnement or one or more persons the Minister designates as commissioners with the mandate to hold a public consultation.</p> <p>The Government may, however, exempt any proposal it designates from the consultation process. An exemption may be made in particular where the Government considers that other means may be used to clarify the various issues raised by the proposal, such as the environmental and social impact assessment and review procedure provided for in Chapter II of the Environment Quality Act (chapter Q-2).</p> <p>In every such case of exemption, the Minister shall publish in the Gazette officielle du Québec a notice containing the particulars required under paragraphs 1 and 2 of section 38, with the necessary modifications. The notice shall also be published in a newspaper circulated in the region concerned or, if there is no such newspaper, in the region closest to the proposed protected area. The decision of the Government shall be published in the Gazette officielle du Québec with the Minister's notice, and shall briefly state the reasons justifying the exemption.</p>
<p>38 The public consultation provided for in the first paragraph of section 37 is to begin where possible not more than 12 months following publication in the Gazette officielle du Québec of the order of the Government assigning temporary protection status.</p> <p>The report of the Bureau or, where applicable, of the body or the person or persons designated as commissioners, must be submitted to the Minister not more than six months after the consultation ends. It shall be made available to the public on the date and subject to the conditions determined by the Minister.</p>	<p>42 The public consultation provided for in the first paragraph of section 39 shall begin where possible not more than 12 months following publication in the Gazette officielle du Québec of the notice referred to in section 29.</p> <p>The report of the Bureau or, where applicable, of the commissioners, must be submitted to the Minister not more than six months after the consultation ends. It shall be made available to the public on the date and subject to the conditions determined by the Minister.</p>

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<p>39 The provisions of sections 6.3 to 6.6 of the Environment Quality Act (chapter Q-2), with the necessary modifications, apply to consultations held by the Bureau d'audiences publiques sur l'environnement.</p>	<p>40 Unchanged</p>
<p>40 Every body or person entrusted with holding consultations under section 37 must submit the rules established for the proper conduct of the mandate given to them to the Minister for approval.</p> <p>The body or persons designated are entitled, to carry out their mandate, to the remuneration, allowances and indemnities determined by the Government. Their mandate terminates when they submit their report to the Minister.</p>	<p>41 Where one or more persons are designated by the Minister as commissioners under section 39, they must submit their rules for the proper conduct of the consultation to the Minister for approval.</p> <p>The mandate of those persons terminates when they submit their report to the Minister. The commissioners are entitled, to carry out their mandate, to the remuneration, allowances and indemnities determined by the Government.</p>
<p>41 The Minister shall prepare a conservation plan to better make known the preservation, protection, restoration or sustainable development objectives pursued in an aquatic reserve, biodiversity reserve or ecological reserve, or for a group of such reserves, and if applicable, to specify the guidelines, principles or criteria that are to orient the management of the reserves.</p> <p>A conservation plan may also, among other things, describe the qualities leading to the establishment of the protected area, including the characteristics and importance of the ecosystems or resident species of fauna and flora, and may describe the occupancies or uses of the land, those which may be considered or that are to be preferred in certain areas. The plan may also specify the means proposed by the Minister to assess or monitor the state of the land concerned.</p>	<p>33 A conservation plan established for a proposed aquatic reserve, biodiversity reserve, ecological reserve or man-made landscape must contain, in particular, the following information:</p> <ol style="list-style-type: none"> <li>1) a description of the land and a summary plan of the protected area;</li> <li>2) the type or types of permanent protection status proposed;</li> <li>3) the conservation measures and zoning for the various types of protection proposed and, if different, those that are to apply while the land is set aside;</li> <li>4) the activities that are permitted or prohibited while the land is set aside and following the assignment of permanent protection status by the Government, including the conditions on which permitted activities may be carried on; and</li> <li>5) where applicable, the alternative dispute resolution mechanisms for disputes involving land occupancy or resource development that will apply in the area while the land is set aside or following the assignment of permanent protection status by the Government.</li> </ol>
<p>41.1 The Minister shall take the appropriate means to make a preliminary version of the conservation plan accessible before the public consultation period preceding the assigning by the Government of permanent protection status for the land concerned.</p>	<p>27 For the purpose of protecting land to be established as a new protected area, such as a park, the Minister shall, with the approval of the Government, prepare the plan of that area, establish a conservation plan and assign temporary protection status to the area as a proposed aquatic reserve, biodiversity reserve, ecological reserve or man-made</p>

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	<p>landscape.</p> <p>The selection of land, the choice of protection status, and the conservation plans for the areas shall be effected by the Minister in collaboration with the government departments and bodies concerned including the Minister of Natural Resources, Wildlife and Parks, the Minister of Agriculture, Fisheries and Food, the Minister of Culture and Communications, the Minister of Municipal Affairs and Regions and the Minister of Economic and Regional Development and Research.</p> <p>In the case of a proposed man-made landscape, the local and regional municipal authorities in whose territories the land set aside is situated must also be consulted.</p> <p>Such consultations shall not affect consultations required under other laws, such as consultation of the Coordinating Committee on hunting, fishing and trapping provided for in section 75 of the Act respecting hunting and fishing rights in the James Bay and New Québec territories (chapter D-13.1).</p>
<p>41.2 The conservation plans shall be prepared, and their content revised, in collaboration with the government departments and bodies concerned. The Minister shall also take such measures as are considered necessary to consult all other persons, groups or organizations the Minister considers appropriate to consult, including the Native communities concerned.</p>	<p>27 For the purpose of protecting land to be established as a new protected area, such as a park, the Minister shall, with the approval of the Government, prepare the plan of that area, establish a conservation plan and assign temporary protection status to the area as a proposed aquatic reserve, biodiversity reserve, ecological reserve or man-made landscape.</p> <p>The selection of land, the choice of protection status, and the conservation plans for the areas shall be effected by the Minister in collaboration with the government departments and bodies concerned including the Minister of Natural Resources, Wildlife and Parks, the Minister of Agriculture, Fisheries and Food, the Minister of Culture and Communications, the Minister of Municipal Affairs and Regions and the Minister of Economic and Regional Development and Research.</p> <p>In the case of a proposed man-made landscape, the local and regional municipal</p>

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	<p>authorities in whose territories the land set aside is situated must also be consulted. Such consultations shall not affect consultations required under other laws, such as consultation of the Coordinating Committee on hunting, fishing and trapping provided for in section 75 of the Act respecting hunting and fishing rights in the James Bay and New Québec territories (chapter D-13.1).</p>
<p>41.3 The Minister shall, during the seventh year following the year of its establishment, and thereafter at least every 10 years, assess the implementation of the conservation plan and assess the advisability of amending it.</p>	<p>50 For the purposes of the periodic review of the conservation plan of an area, the Minister shall, during the seventh year following the year of its initial approval by the Government and thereafter at least every 10 years, assess the implementation of the conservation plan and assess the advisability of amending it.</p>
<p>42 In an ecological reserve, the following activities are prohibited.</p> <ul style="list-style-type: none"> <li>a) forest management within the meaning of section 3 of the Forest Act (chapter F-4.1);</li> <li>b) mining, and gas or petroleum development;</li> <li>c) mining, gas or petroleum exploration, including brine and underground reservoir exploration, prospecting, digging or boring;</li> <li>d) the commercial or industrial production of any form of energy, including by the operation of a dam or other type of works; and</li> <li>e) any other activity prohibited by the Government by regulation.</li> </ul> <p>The following activities are also prohibited: hunting, trapping, fishing, site development, earthwork and construction activities, agricultural, industrial or commercial activities and, generally, any activity likely to alter the state or nature of ecosystems.</p> <p>No person may be in an ecological reserve, except for an inspection or for the carrying on of an activity authorized under law.</p> <p>The Minister may, however, authorize in writing and on the conditions the Minister determines, the carrying on of any activity for educational or scientific purposes or relating to the management thereof.</p>	<p>48 In an ecological reserve, the activities described in subparagraphs a to f of paragraph 1 of section 46 are prohibited.</p> <p>The following activities are also prohibited: hunting, trapping, fishing, earthwork and construction activities, agricultural, industrial or commercial activities and, generally, any activity likely to alter the state or nature of ecosystems.</p> <p>Unchanged</p> <p>However, the Minister may authorize, in writing and on the conditions the Minister determines, any activity consistent with the purposes of an ecological reserve or with the management thereof.</p>

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<p>The Minister shall, before issuing an authorization, take into account, in particular, the nature and objectives of the proposed activity, its impact on living organisms and ecosystems and, where applicable, any protection measures required. The holder of an authorization granted for the purposes of scientific research shall submit to the Minister a final activity report and, where the activities extend over a period of more than one year, an annual report.</p>	<p>The Minister shall, before issuing an authorization, take into account, in particular, the nature and objectives of the proposed activity, its impact on living organisms and ecosystems and, where applicable, any protection measures required. The holder of an application for authorization granted for the purposes of scientific research shall submit to the Minister a final activity report and, where the activities extend over a period of more than one year, an annual report.</p>
<p>43 The conditions that may be imposed by the Minister or the Government for the carrying on of an activity in an aquatic reserve, biodiversity reserve or ecological reserve may include the requirement to pay fees or to provide security or any other form of financial guarantee.</p> <p>The conditions imposed by regulation for the carrying on of an activity may also include a requirement to obtain an authorization from the Minister or another government authority.</p>	<p>40) The conditions that may be imposed for the carrying on of an activity in an aquatic reserve, biodiversity reserve or ecological reserve may include the requirement to pay fees or to provide security or any other form of financial guarantee.</p> <p>The conditions may also include a requirement to obtain the authorization of the Minister or of another government authority. An authorization may be suspended or revoked</p> <ol style="list-style-type: none"> <li>1) if the holder of the authorization does not comply with the conditions fixed by the Minister or with the regulatory standards prescribed under this Act;</li> <li>2) if the authorization was granted on the basis of erroneous or false information; or</li> <li>3) if the measure has become necessary to ensure the protection of the area concerned.</li> </ol> <p>The Minister or the authority shall, before suspending or revoking an authorization, notify the holder in writing as prescribed by section 5 of the Act respecting administrative justice (chapter J-3) and allow the holder at least 10 days to present observations.</p> <p>The Minister or the authority may, however, where urgent action is required or in order to prevent irreparable damage, make a decision without being bound by those prior obligations. In such a case, the holder may within the time specified present observations for a review of the decision.</p>

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<p>44 An authorization given by the Minister under this division may be suspended or revoked</p> <p>1) if the holder of the authorization does not comply with the conditions fixed by the Minister or with the regulatory standards prescribed under this Act;</p> <p>2) if the authorization was granted on the basis of erroneous or false information; or</p> <p>3) if the measure has become necessary to ensure the protection of features of the reserve concerned.</p> <p>The Minister shall, before suspending or revoking an authorization, notify the holder in writing as prescribed by section 5 of the Act respecting administrative justice (chapter J-3) and allow the holder at least 10 days to present observations.</p> <p>The Minister may, however, where urgent action is required or in order to prevent irreparable damage, make a decision without being bound by those prior obligations. In such a case, the holder may within the time specified present observations for a review of the decision.</p>	<p>49 The conditions that may be imposed for the carrying on of an activity in an aquatic reserve, biodiversity reserve or ecological reserve may include the requirement to pay fees or to provide security or any other form of financial guarantee.</p> <p>The conditions may also include a requirement to obtain the authorization of the Minister or of another government authority. An authorization may be suspended or revoked</p> <p>1) Unchanged</p> <p>2) Unchanged</p> <p>3) if the measure has become necessary to ensure the protection of the area concerned.</p> <p>The Minister or the authority shall, before suspending or revoking an authorization, notify the holder in writing as prescribed by section 5 of the Act respecting administrative justice (chapter J-3) and allow the holder at least 10 days to present observations.</p> <p>The Minister or the authority may, however, where urgent action is required or in order to prevent irreparable damage, make a decision without being bound by those prior obligations. In such a case, the holder may within the time specified present observations for a review of the decision.</p>
<p>45 The following interventions are prohibited on land in the domain of the State within an area that has temporary protection status as a proposed aquatic reserve, biodiversity reserve or ecological reserve, and in areas that have permanent protection status as an aquatic reserve or biodiversity reserve:</p>	<p>34 On land in the domain of the State covered by the plan of a proposed aquatic reserve, biodiversity reserve or ecological reserve.</p> <p>1) the following activities are prohibited:</p>

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<p>1) mining, and gas or petroleum development;</p> <p>2) the commercial or industrial production of any form of energy, including by the operation of a dam or other type of works;</p> <p>3) forest management activities within the meaning of section 3 of the Forest Act (chapter F-4.1) other than the activities permitted or that may be authorized under this division;</p> <p>4) the removal for commercial or industrial purposes of small fruits or terrestrial species of flora, and any harvesting or removal of such fruits or species by mechanical means; and</p> <p>5) any other activity prohibited by the Government by regulation.</p>	<p>(a) mining, and gas or petroleum development;</p> <p>(b) forest management within the meaning of section 3 of the Forest Act (chapter F-4.1);</p> <p>(c) the development of hydraulic resources and any production of energy on a commercial or industrial basis;</p> <p>(d) any other activity prohibited by the conservation plan for the proposed area;</p> <p>(e) any other activity which the Government may prohibit by regulation; and</p> <p>(f) subject to measures in the conservation plan authorizing the activities and specifying the conditions on which they may be carried on:</p> <p>(i) mining, gas and petroleum exploration, brine and underground reservoir exploration, prospecting, and digging or boring where those activities necessitate stripping, the digging of trenches, excavation or deforestation.</p> <p>(ii) any new allocation of a right to occupy land for vacation resort purposes, and</p> <p>(iii) earthwork or construction work;</p> <p>2) all other activities are permitted, subject to the conditions contained in the conservation plan governing the carrying on of the activities. Notwithstanding subparagraph b of subparagraph 1, activities carried out to meet domestic needs or for the purpose of maintaining biodiversity are permitted, subject to the conditions contained in the conservation plan governing the carrying on of the activities.</p> <p>The prohibitions and restrictions on the carrying on of activities under subparagraphs 1 and 2 of the first paragraph also apply, in addition to the prohibitions set out in section 69 of the Expropriation Act (chapter E-24), on all private land subject to a reserve for public purposes established by the Minister pursuant to Title III of that Act.</p> <p>46 In an aquatic reserve and a biodiversity reserve</p> <p>1) the following activities are prohibited:</p> <p>(a) forest management within the meaning of section 3 of the Forest Act (chapter F-4.1);</p> <p>(b) mining, and gas or petroleum development;</p>
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	<p>(c) mining, gas and petroleum exploration, brine and underground reservoir exploration, prospecting, and digging or boring;</p> <p>(d) the development of hydraulic resources and any production of energy on a commercial or industrial basis;</p> <p>(e) any other activity prohibited by the approved conservation plan;</p> <p>(f) any other activity which the Government may prohibit by regulation; and</p> <p>(g) subject to measures in the conservation plan authorizing the activities and specifying the conditions on which they may be carried on:</p> <p>(i) any allocation of a right to occupy land for vacation resort purposes,</p> <p>(ii) earthwork, backfilling or construction work; and</p> <p>(iii) commercial activities;</p> <p>2) all other activities are permitted, subject to the conditions contained in the approved conservation plan governing the carrying on of such activities. Notwithstanding subparagraph a of subparagraph 1, activities carried out to meet domestic needs or for the purpose of maintaining biodiversity are permitted, subject to the conditions contained in the conservation plan governing the carrying on of such activities.</p> <p>47 In an aquatic reserve, the following activities are also prohibited:</p> <p>1) any type of activity likely to degrade the bed, banks or shores or to otherwise affect the integrity of the body of water or watercourse; and</p> <p>2) any operation of a motorized vessel in contravention of the conditions contained in the conservation plan approved by the Government.</p>
<p>46 Mining, gas or petroleum exploration, including brine and underground reservoir exploration, prospecting, digging or boring, are prohibited on land having permanent protection status as an aquatic reserve or biodiversity reserve.</p> <p>Unless an authorization has been obtained from the Minister and the activities are carried on in compliance with the conditions the Minister determines, those activities are also prohibited in the proposed reserves referred to in section 45, if they necessitate stripping,</p>	<p>34 On land in the domain of the State covered by the plan of a proposed aquatic reserve, biodiversity reserve or ecological reserve,</p> <p>1) the following activities are prohibited:</p> <p>(a) mining, and gas or petroleum development;</p> <p>(b) forest management within the meaning of section 3 of the Forest Act (chapter F-4.1);</p>

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the digging of trenches, excavation or deforestation, or are otherwise likely to significantly damage or disturb the natural environment, in particular owing to the nature or size of the samples taken or the invasive character of the method or process used.

(c) the development of hydraulic resources and any production of energy on a commercial or industrial basis;  
(d) any other activity prohibited by the conservation plan for the proposed area;  
(e) any other activity which the Government may prohibit by regulation; and  
(f) subject to measures in the conservation plan authorizing the activities and specifying the conditions on which they may be carried on:  
(i) mining, gas and petroleum exploration, brine and underground reservoir exploration, prospecting, and digging or boring where those activities necessitate stripping, the digging of trenches, excavation or deforestation,  
(ii) any new allocation of a right to occupy land for vacation resort purposes, and  
(iii) earthwork or construction work;

2) all other activities are permitted, subject to the conditions contained in the conservation plan governing the carrying on of the activities. Notwithstanding subparagraph b of subparagraph 1, activities carried out to meet domestic needs or for the purpose of maintaining biodiversity are permitted, subject to the conditions contained in the conservation plan governing the carrying on of the activities.

The prohibitions and restrictions on the carrying on of activities under subparagraphs 1 and 2 of the first paragraph also apply, in addition to the prohibitions set out in section 69 of the Expropriation Act (chapter E-24), on all private land subject to a reserve for public purposes established by the Minister pursuant to Title III of that Act.

4) In an aquatic reserve and a biodiversity reserve

1) the following activities are prohibited:

- (a) forest management within the meaning of section 3 of the Forest Act (chapter F-4.1);
- (b) mining, and gas or petroleum development;
- (c) mining, gas and petroleum exploration, brine and underground reservoir exploration, prospecting, and digging or boring;

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	<p>(d) the development of hydraulic resources and any production of energy on a commercial or industrial basis;</p> <p>(e) any other activity prohibited by the approved conservation plan;</p> <p>(f) any other activity which the Government may prohibit by regulation; and</p> <p>(g) subject to measures in the conservation plan authorizing the activities and specifying the conditions on which they may be carried on:</p> <p>(i) any allocation of a right to occupy land for vacation resort purposes,</p> <p>(ii) earthwork, backfilling or construction work; and</p> <p>(iii) commercial activities;</p> <p>2) all other activities are permitted, subject to the conditions contained in the approved conservation plan governing the carrying on of such activities. Notwithstanding subparagraph a of subparagraph 1, activities carried out to meet domestic needs or for the purpose of maintaining biodiversity are permitted, subject to the conditions contained in the conservation plan governing the carrying on of such activities.</p>
<p>47 Unless an authorization has been obtained from the Minister and the intervention is carried on in compliance with the conditions the Minister determines, the following interventions are prohibited on land referred to in section 45:</p> <p>1) the introduction of non-native species of flora or fauna into the protected area;</p> <p>2) the stocking of a watercourse or body of water, elsewhere than in a marine aquatic ecosystem</p> <p>a) for the purposes of aquaculture, sports fishing, commercial fishing or other commercial purpose; or</p> <p>b) for any other purpose, if the fish stocked are not from a genetic strain originating from the protected area;</p> <p>3) any new occupancy of the territory for vacation purposes, for a period of more than three months, in an area where such occupancy is not legally authorized on the date on which the protection status is assigned;</p> <p>4) soil development work, including any backfilling, excavation, burial, earthwork,</p>	<p>34 On land in the domain of the State covered by the plan of a proposed aquatic reserve, biodiversity reserve or ecological reserve,</p> <p>1) the following activities are prohibited:</p> <p>(a) mining, and gas or petroleum development;</p> <p>(b) forest management within the meaning of section 3 of the Forest Act (chapter F-4.1);</p> <p>(c) the development of hydraulic resources and any production of energy on a commercial or industrial basis;</p> <p>(d) any other activity prohibited by the conservation plan for the proposed area;</p> <p>(e) any other activity which the Government may prohibit by regulation; and</p> <p>(f) subject to measures in the conservation plan authorizing the activities and specifying the conditions on which they may be carried on:</p> <p>(i) mining, gas and petroleum exploration, brine and underground reservoir exploration, prospecting, and digging or boring where those activities necessitate stripping, the</p>

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<p>removal or displacement of surface materials or vegetation cover, modification of the natural drainage or water regime or the creation or development of a watercourse or body of water, for any purpose including recreational and tourism purposes such as the development of trails;</p> <p>5) the installation or erection of any new structure, infrastructure or works;</p> <p>6) the reconstruction or demolition of a structure, infrastructure or works existing on the date on which protection status is assigned, although no authorization is required in the case of a rough shelter, a trapping camp or a building used for vacation purposes;</p> <p>7) educational or research-related activities if the activities are likely to significantly damage or disturb the natural environment, in particular by reason of the nature or size of the samples taken or by reason of the invasive character of the method or process used;</p> <p>8) forest management activities</p> <p>a) carried on to meet domestic needs;</p> <p>b) carried on to reestablish a threatened or vulnerable species or its habitat, or carried on for the purpose of maintaining biodiversity equivalent to the biodiversity to be protected through the constitution of the protected area; or</p> <p>c) carried on as incidental to other interventions or occupancies permitted or authorized in a proposed reserve under this Act or its regulations, such as deforestation incidental to the installation of a structure or works or work necessary to clear or maintain a trail; and</p> <p>9) any other activity the Government may determine by regulation.</p>	<p>digging of trenches, excavation or deforestation,</p> <p>(ii) any new allocation of a right to occupy land for vacation resort purposes, and</p> <p>(iii) earthwork or construction work;</p> <p>2) all other activities are permitted, subject to the conditions contained in the conservation plan governing the carrying on of the activities. Notwithstanding subparagraph b of subparagraph 1, activities carried out to meet domestic needs or for the purpose of maintaining biodiversity are permitted, subject to the conditions contained in the conservation plan governing the carrying on of the activities.</p> <p>The prohibitions and restrictions on the carrying on of activities under subparagraphs 1 and 2 of the first paragraph also apply, in addition to the prohibitions set out in section 69 of the Expropriation Act (chapter E-24), on all private land subject to a reserve for public purposes established by the Minister pursuant to Title III of that Act.</p> <p>46 In an aquatic reserve and a biodiversity reserve</p> <p>1) the following activities are prohibited:</p> <p>(a) forest management within the meaning of section 3 of the Forest Act (chapter F-4.1);</p> <p>(b) mining, and gas or petroleum development;</p> <p>(c) mining, gas and petroleum exploration, brine and underground reservoir exploration, prospecting, and digging or boring;</p> <p>(d) the development of hydraulic resources and any production of energy on a commercial or industrial basis;</p> <p>(e) any other activity prohibited by the approved conservation plan;</p> <p>(f) any other activity which the Government may prohibit by regulation; and</p> <p>(g) subject to measures in the conservation plan authorizing the activities and specifying the conditions on which they may be carried on:</p> <p>(i) any allocation of a right to occupy land for vacation resort purposes,</p> <p>(ii) earthwork, backfilling or construction work; and</p>
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	<p>(iii) commercial activities;</p> <p>2) all other activities are permitted, subject to the conditions contained in the approved conservation plan governing the carrying on of such activities. Notwithstanding subparagraph a of subparagraph 1, activities carried out to meet domestic needs or for the purpose of maintaining biodiversity are permitted, subject to the conditions contained in the conservation plan governing the carrying on of such activities.</p> <p>47 In an aquatic reserve, the following activities are also prohibited:</p> <p>1) any type of activity likely to degrade the bed, banks or shores or to otherwise affect the integrity of the body of water or watercourse; and</p> <p>2) any operation of a motorized vessel in contravention of the conditions contained in the conservation plan approved by the Government.</p>
<p>48 No person may enter or carry on an activity or operate a vehicle in a sector of an area referred to in section 45 unless the person has been authorized by the Minister and complies with the conditions determined, if the signage erected by the Minister restricts access, traffic or the carrying on of certain activities in the sector so as to protect the public from a danger or to avoid placing the fauna, flora or other components of the natural environment at risk.</p> <p>In addition to any other applicable penalty or measure, the Minister may also restrict any person's access to one of those areas or sectors in an area for a period of not more than twelve months and for that purpose take measures to expulse the person, if the Minister is of the opinion that the person's conduct shows serious or repeated disrespect for the natural environment or protection measures provided for in this division or in the regulation.</p>	<p>NEW</p>
<p>49 Without restricting the Minister's powers to manage the areas, the Government may, in addition, determine by regulation any measure relevant to monitor the activities in those areas referred to in section 45 or to govern the use of the resources and facilities in</p>	<p>34 On land in the domain of the State covered by the plan of a proposed aquatic reserve, biodiversity reserve or ecological reserve,</p>

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the areas.

Among other things, the Government may determine the activities — in particular as regards businesses, trades, services, sports or recreation — the carrying on of which in aquatic and biodiversity reserves requires prior authorization from the Minister or a contract entered into with the Minister.

- 1) the following activities are prohibited:
- (a) mining, and gas or petroleum development;
  - (b) forest management within the meaning of section 3 of the Forest Act (chapter F-4.1);
  - (c) the development of hydraulic resources and any production of energy on a commercial or industrial basis;
  - (d) any other activity prohibited by the conservation plan for the proposed area;
  - (e) any other activity which the Government may prohibit by regulation; and
  - (f) subject to measures in the conservation plan authorizing the activities and specifying the conditions on which they may be carried on:
    - (i) mining, gas and petroleum exploration, brine and underground reservoir exploration, prospecting, and digging or boring where those activities necessitate stripping, the digging of trenches, excavation or deforestation,
    - (ii) any new allocation of a right to occupy land for vacation resort purposes, and
    - (iii) earthwork or construction work;

2) all other activities are permitted, subject to the conditions contained in the conservation plan governing the carrying on of the activities. Notwithstanding subparagraph b of subparagraph 1, activities carried out to meet domestic needs or for the purpose of maintaining biodiversity are permitted, subject to the conditions contained in the conservation plan governing the carrying on of the activities.

The prohibitions and restrictions on the carrying on of activities under subparagraphs 1 and 2 of the first paragraph also apply, in addition to the prohibitions set out in section 69 of the Expropriation Act (chapter E-24), on all private land subject to a reserve for public purposes established by the Minister pursuant to Title III of that Act.

46 In an aquatic reserve and a biodiversity reserve

- 1) the following activities are prohibited:
- (a) forest management within the meaning of section 3 of the Forest Act (chapter F-

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	<p>4.1):</p> <ul style="list-style-type: none"> <li>(b) mining, and gas or petroleum development;</li> <li>(c) mining, gas and petroleum exploration, brine and underground reservoir exploration, prospecting, and digging or boring;</li> <li>(d) the development of hydraulic resources and any production of energy on a commercial or industrial basis;</li> <li>(e) any other activity prohibited by the approved conservation plan;</li> <li>(f) any other activity which the Government may prohibit by regulation; and</li> <li>(g) subject to measures in the conservation plan authorizing the activities and specifying the conditions on which they may be carried on:             <ul style="list-style-type: none"> <li>(i) any allocation of a right to occupy land for vacation resort purposes,</li> <li>(ii) earthwork, backfilling or construction work; and</li> <li>(iii) commercial activities;</li> </ul> </li> </ul> <p>2) all other activities are permitted, subject to the conditions contained in the approved conservation plan governing the carrying on of such activities. Notwithstanding subparagraph a of subparagraph 1, activities carried out to meet domestic needs or for the purpose of maintaining biodiversity are permitted, subject to the conditions contained in the conservation plan governing the carrying on of such activities.</p>
<p>50 The prohibitions in section 47 do not apply to</p> <ul style="list-style-type: none"> <li>1) activities excluded or persons determined by the Government by regulation;</li> <li>2) activities carried on in compliance with the rules or conditions determined by the Government by regulation;</li> <li>3) urgent action required to prevent endangering the health or safety of persons, or to repair or prevent damage caused by a real or apprehended catastrophe, the person taking the action being required to immediately inform the Minister of the action taken; or</li> <li>4) activities to manage the proposed park, carried on in compliance with the conditions determined by the Minister.</li> </ul>	<p>NEW</p>
	<p><sup>34</sup> On land in the domain of the State covered by the plan of a proposed aquatic reserve.</p>

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<p>51 The prohibitions and restrictions in this division on the carrying on of activities on lands in the domain of the State in a proposed reserve referred to in section 45 are also applicable, in addition to the prohibitions set out in section 69 of the Expropriation Act (chapter E-24), on all private land, within a proposed reserve, set aside as a reserve for public purposes established by the Minister pursuant to Title III of that Act.</p>	<p>biodiversity reserve or ecological reserve.</p> <p>1) the following activities are prohibited:</p> <p>(a) mining, and gas or petroleum development;</p> <p>(b) forest management within the meaning of section 3 of the Forest Act (chapter F-4.1);</p> <p>(c) the development of hydraulic resources and any production of energy on a commercial or industrial basis;</p> <p>(d) any other activity prohibited by the conservation plan for the proposed area;</p> <p>(e) any other activity which the Government may prohibit by regulation; and</p> <p>(f) subject to measures in the conservation plan authorizing the activities and specifying the conditions on which they may be carried on:</p> <p>(i) mining, gas and petroleum exploration, brine and underground reservoir exploration, prospecting, and digging or boring where those activities necessitate stripping, the digging of trenches, excavation or deforestation,</p> <p>(ii) any new allocation of a right to occupy land for vacation resort purposes, and</p> <p>(iii) earthwork or construction work;</p> <p>2) all other activities are permitted, subject to the conditions contained in the conservation plan governing the carrying on of the activities. Notwithstanding subparagraph b of subparagraph 1, activities carried out to meet domestic needs or for the purpose of maintaining biodiversity are permitted, subject to the conditions contained in the conservation plan governing the carrying on of the activities.</p> <p>The prohibitions and restrictions on the carrying on of activities under subparagraphs 1 and 2 of the first paragraph also apply, in addition to the prohibitions set out in section 69 of the Expropriation Act (chapter E-24), on all private land subject to a reserve for public purposes established by the Minister pursuant to Title III of that Act.</p>
<p>52 The rules and conditions for the carrying on of an activity that are determined by</p>	<p>36 The conditions that may be imposed for the carrying on of an activity in a proposed</p>

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<p>regulation or by the Minister may relate in particular to the location where the authorized activity may be carried on, the methods used, the areas that may be cleared or deforested, the types of materials that may be used, including those taken on the land, and the presence of works or ancillary facilities.</p>	<p>aquatic reserve, biodiversity reserve or man-made landscape may include a requirement to pay fees or to provide security or any other form of financial guarantee.</p>
<p>The exemptions and prohibitions as well as the rules and conditions for the carrying on of activities that may be determined by the Government by regulation may vary according to the type of protected area, its location, the area in which the activity is to be carried on, the objectives pursued or the persons concerned.</p>	<p>The conditions may also include a requirement to obtain the authorization of the Minister or of another government authority. An authorization may be suspended or revoked</p> <ol style="list-style-type: none"> <li>1) if the holder of the authorization does not comply with the conditions fixed by the Minister or with the regulatory standards prescribed under this Act;</li> <li>2) if the authorization was granted on the basis of erroneous or false information; or</li> <li>3) if the measure has become necessary to ensure the protection of the area concerned.</li> </ol> <p>The Minister or the authority shall, before suspending or revoking an authorization, notify the holder in writing as prescribed by section 5 of the Act respecting administrative justice (chapter J-3) and allow the holder at least 10 days to present observations.</p>
<p>The conditions that may be imposed for the carrying on of an activity may include the requirement to pay fees or to provide security or any other form of financial guarantee.</p>	<p>The Minister or the authority may, however, where urgent action is required or in order to prevent irreparable damage, make a decision without being bound by those prior obligations. In such a case, the holder may within the time specified present observations for a review of the decision.</p> <p>49 The conditions that may be imposed for the carrying on of an activity in an aquatic reserve, biodiversity reserve or ecological reserve may include the requirement to pay fees or to provide security or any other form of financial guarantee.</p>
<p>They may also include a requirement to obtain the authorization of the Minister or of another government authority, periodic monitoring to be conducted or a report to be filed with the Minister, in particular for results obtained in connection with research activities under paragraph 7 of section 47.</p>	<p>The conditions may also include a requirement to obtain the authorization of the Minister or of another government authority. An authorization may be suspended or revoked</p> <ol style="list-style-type: none"> <li>1) if the holder of the authorization does not comply with the conditions fixed by the Minister or with the regulatory standards prescribed under this Act;</li> </ol>

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	<p>2) if the authorization was granted on the basis of erroneous or false information; or 3) if the measure has become necessary to ensure the protection of the area concerned.</p> <p>The Minister or the authority shall, before suspending or revoking an authorization, notify the holder in writing as prescribed by section 5 of the Act respecting administrative justice (chapter J-3) and allow the holder at least 10 days to present observations.</p> <p>The Minister or the authority may, however, where urgent action is required or in order to prevent irreparable damage, make a decision without being bound by those prior obligations. In such a case, the holder may within the time specified present observations for a review of the decision.</p>
<p>53 The Minister may require an applicant to provide any information or document the Minister considers is necessary to examine an application or to make an authorization for subject to appropriate conditions.</p> <p>The Minister's authorizations may be communicated to the person or persons concerned by any appropriate means including, when they are intended for an indeterminate number of persons, by a posted notice or appropriate signage at the reception centre or any other readily accessible location in the area concerned.</p>	<p>NEW</p>
<p>53.1 An authorization given by the Minister under this division may be suspended or revoked</p> <p>1) if the holder of the authorization does not comply with the conditions fixed by the Minister or with the regulatory standards prescribed under this Act;</p>	<p>36 The conditions that may be imposed for the carrying on of an activity in a proposed aquatic reserve, biodiversity reserve or man-made landscape may include a requirement to pay fees or to provide security or any other form of financial guarantee.</p> <p>The conditions may also include a requirement to obtain the authorization of the Minister or of another government authority. An authorization may be suspended or revoked</p> <p>1) Unchanged</p>

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<p>2) if the authorization was granted on the basis of erroneous or false information; or 3) if the measure has become necessary to ensure the protection of a feature of the area concerned.</p> <p>The Minister shall, before suspending or revoking an authorization, notify the holder in writing as prescribed by section 5 of the Act respecting administrative justice (chapter J-3) and allow the holder at least 10 days to present observations.</p> <p>The Minister may, however, where urgent action is required or in order to prevent irreparable damage, make a decision without being bound by those prior obligations. In such a case, the holder may within the time specified present observations for a review of the decision.</p>	<p>2) Unchanged 3) if the measure has become necessary to ensure the protection of the area concerned.</p> <p>The Minister or the authority shall, before suspending or revoking an authorization, notify the holder in writing as prescribed by section 5 of the Act respecting administrative justice (chapter J-3) and allow the holder at least 10 days to present observations.</p> <p>The Minister or the authority may, however, where urgent action is required or in order to prevent irreparable damage, make a decision without being bound by those prior obligations. In such a case, the holder may within the time specified present observations for a review of the decision.</p> <p><sup>49</sup> The conditions that may be imposed for the carrying on of an activity in an aquatic reserve, biodiversity reserve or ecological reserve may include the requirement to pay fees or to provide security or any other form of financial guarantee.</p> <p>The conditions may also include a requirement to obtain the authorization of the Minister or of another government authority. An authorization may be suspended or revoked</p> <p>1) if the holder of the authorization does not comply with the conditions fixed by the Minister or with the regulatory standards prescribed under this Act; 2) if the authorization was granted on the basis of erroneous or false information; or 3) if the measure has become necessary to ensure the protection of the area concerned.</p> <p>The Minister or the authority shall, before suspending or revoking an authorization, notify the holder in writing as prescribed by section 5 of the Act respecting administrative justice (chapter J-3) and allow the holder at least 10 days to present observations.</p>
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	<p>The Minister or the authority may, however, where urgent action is required or in order to prevent irreparable damage, make a decision without being bound by those prior obligations. In such a case, the holder may within the time specified present observations for a review of the decision.</p>
<p>53.2 The Government may, on the recommendation of the Minister, at the request of one or more local municipal authorities and after having consulted the regional municipal authority concerned, recognize all or part of municipal territory as a man-made landscape or assign temporary protection to it as a proposed man-made landscape. The Government may also change the boundaries or revoke the protection status.</p>	<p>27 For the purpose of protecting land to be established as a new protected area, such as a park, the Minister shall, with the approval of the Government, prepare the plan of that area, establish a conservation plan and assign temporary protection status to the area as a proposed aquatic reserve, biodiversity reserve, ecological reserve or man-made landscape.</p> <p>The selection of land, the choice of protection status, and the conservation plans for the areas shall be effected by the Minister in collaboration with the government departments and bodies concerned including the Minister of Natural Resources, Wildlife and Parks, the Minister of Agriculture, Fisheries and Food, the Minister of Culture and Communications, the Minister of Municipal Affairs and Regions and the Minister of Economic and Regional Development and Research.</p> <p>In the case of a proposed man-made landscape, the local and regional municipal authorities in whose territories the land set aside is situated must also be consulted.</p> <p>Such consultations shall not affect consultations required under other laws, such as consultation of the Coordinating Committee on hunting, fishing and trapping provided for in section 75 of the Act respecting hunting and fishing rights in the James Bay and New Québec territories (chapter D-13.1).</p> <p>31 The Minister may, on the same conditions, amend, replace or revoke the plan of land set aside under section 27 or the conservation plan established for that land. No amendment to or replacement of a plan may affect the period of time for which the land has been set aside.</p> <p>43 The Minister may recommend to the Government that all or part of land set aside</p>

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	<p>under section 27 of this Act be assigned one of the following types of protection status: aquatic reserve, biodiversity reserve, ecological reserve, or man-made landscape.</p> <p>The Minister shall at the same time submit to the Government for its approval the conservation plan for the land or, in the case of a man-made landscape under the management of a municipal authority, the proposed protection agreement.</p> <p>44 In addition to the public consultation provided for in Division I, the establishment of an aquatic reserve, a biodiversity reserve, an ecological reserve or a man-made landscape, a change in their limits, or their abolishment, is effected by order of the Government, on a proposal by the Minister, subject to</p> <ol style="list-style-type: none"> <li>1) compliance with the prescriptions of Chapter VI of Title I of the Act respecting land use planning and development (chapter A-19.1) where they apply within the area;</li> <li>2) the opinion of the Commission de protection du territoire agricole du Québec if all or part of the land is situated in a reserved area or in an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1); and</li> <li>3) publication of a notice of the decision of the Government in the Gazette officielle du Québec with the plan of the area and the applicable conservation plan or protection agreement in the case of a man-made landscape.</li> </ol>
<p>53.3 A man-made landscape or proposed man-made landscape project must be prepared by one or more municipal authorities in collaboration with the various government departments and bodies concerned.</p>	<p>27 For the purpose of protecting land to be established as a new protected area, such as a park, the Minister shall, with the approval of the Government, prepare the plan of that area, establish a conservation plan and assign temporary protection status to the area as a proposed aquatic reserve, biodiversity reserve, ecological reserve or man-made landscape.</p> <p>The selection of land, the choice of protection status, and the conservation plans for the areas shall be effected by the Minister in collaboration with the government departments and bodies concerned including the Minister of Natural Resources, Wildlife and Parks,</p>

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	<p>the Minister of Agriculture, Fisheries and Food, the Minister of Culture and Communications, the Minister of Municipal Affairs and Regions and the Minister of Economic and Regional Development and Research.</p> <p>In the case of a proposed man-made landscape, the local and regional municipal authorities in whose territories the land set aside is situated must also be consulted.</p> <p>Such consultations shall not affect consultations required under other laws, such as consultation of the Coordinating Committee on hunting, fishing and trapping provided for in section 75 of the Act respecting hunting and fishing rights in the James Bay and New Québec territories (chapter D-13.1).</p>
<p>53.4 An application for recognition must describe the various features warranting the assigning of man-made landscape status, and contain the following:</p> <ol style="list-style-type: none"> <li>1) the boundaries of the territory covered by the project;</li> <li>2) a description of the setting including the indigenous features that have been preserved and the man-made features;</li> <li>3) the conservation objectives and long-term development objectives for the man-made landscape and the interest in having it protected;</li> <li>4) the social and economic context of the territory and the advantages and disadvantages of the project;</li> <li>5) the opinion or comments obtained from the regional municipal authority concerned;</li> <li>6) the nature of other consultations held and the outcome; and</li> <li>7) the terms and conditions on which the municipality or municipalities concerned may terminate or withdraw from the project.</li> </ol>	<p>NEW</p>
<p>53.5 An application to have a man-made landscape recognized must also contain the proposed conservation plan for the territory. The plan must be prepared in collaboration with the government departments and bodies concerned. The provisions of sections 41 and 41.2 apply to the plan, with the necessary modifications.</p>	<p>43 The Minister may recommend to the Government that all or part of land set aside under section 27 of this Act be assigned one of the following types of protection status: aquatic reserve, biodiversity reserve, ecological reserve, or man-made landscape.</p> <p>The Minister shall at the same time submit to the Government for its approval the</p>

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<p>Every plan must be approved by the Government, as is the case for any revision of or amendment to the plan.</p>	<p>conservation plan for the land or, in the case of a man-made landscape under the management of a municipal authority, the proposed protection agreement.</p>
<p>53.6 An application to have a man-made landscape recognized must also specify the commitments made by the municipal authorities and the government departments or bodies concerned to achieve the conservation objectives described and the means chosen to achieve them.</p> <p>Any agreement or protocol entered into for that purpose must accompany the application.</p> <p>The commitments and means may include any administrative, financial, legislative or regulatory measures that will enable the man-made landscape to be protected, restored, developed and managed.</p> <p>The elements presented must also describe the respective functions or duties of the municipal authorities, government departments, organizations and communities involved in the management and development of the man-made landscape.</p>	<p>NEW</p>
<p>53.7 An application to have a proposed man-made landscape recognized must contain the particulars required by section 53.4, with the necessary modifications. The proposed term of the temporary protection must also be specified.</p> <p>The application must also indicate the status of the work, the stages to be undertaken and the timetable proposed to complete the consultations and other procedures in sections 53.5 and 53.6.</p> <p>If applicable, the application must also indicate any commitments made and means already undertaken or set in place so as to ensure the protection of the proposed man-made landscape.</p>	<p>NEW</p>
<p>53.8 Sections 29, 30, 32, 33, 35 and 37 to 40 apply, with the necessary modifications.</p>	<p>28 Unless the Government authorizes a longer period, the setting aside of land under</p>

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section 27 is valid for a period of not more than four years, which may be renewed or extended.

The renewals or extensions of that period may not, however, unless so authorized by the Government, be such that the term of the setting aside exceeds six years.

29 Notice of the setting aside of land by the Minister pursuant to section 27 shall be published in the Gazette officielle du Québec and in a newspaper circulated in the region concerned or, if there is no such newspaper, in the region closest to the proposed protected area. The notice shall contain a summary description of the location of the land set aside and state that a copy of the notice may be obtained on the payment of a fee.

The notice shall also specify

- 1) the type or types of permanent protection status proposed for the area and the Act under which the status may be conferred;
- 2) the date on which temporary protection of the land is to take effect, or if the area includes different protection zones according to its conservation plan, the dates on which protection takes effect in each zone and where applicable, the duration of the protection; and
- 3) the period of time for which the land has been set aside by the order.

The notice published in the Gazette officielle du Québec shall also include the conservation plan for the land set aside.

30 A copy of the plan prepared for land set aside under section 27 shall be forwarded

- 1) to every minister or government body having participated in the preparation of the plan;
- 2) to the Minister of Natural Resources, Wildlife and Parks for entry on the land use plan prepared in accordance with section 21 of the Act respecting the lands in the domain of the State (chapter T-8.1) and in the registers of rights kept by that minister;

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	<p>3) to the regional and local municipal authorities whose territory is affected by the plan so that the plan may be taken into account in the exercise of their powers; and</p> <p>4) in the case of a proposed man-made landscape on land that includes land under private ownership, to the registry office for entry in the land register.</p> <p>31 The Minister may, on the same conditions, amend, replace or revoke the plan of land set aside under section 27 or the conservation plan established for that land. No amendment to or replacement of a plan may affect the period of time for which the land has been set aside.</p> <p>37 A public consultation shall be held by the Minister in accordance with the following provisions following the setting aside of land under section 27.</p> <p>38 Before proposing to the Government that land be established as an ecological reserve, the Minister shall solicit comments from the public. For that purpose and in addition to the other information required by section 29, the notice of the setting aside of land published in the Gazette officielle du Québec must specify</p> <ol style="list-style-type: none"><li>1) that no permanent protection status may be ordered by the Government before 60 days have elapsed following publication of the notice in the Gazette officielle du Québec; and</li><li>2) that any interested person may, within the 60-day period, send comments to the person specified in the notice.</li></ol> <p>39 Before a proposal is made to the Government on permanent protection status for land set aside as a proposed aquatic reserve, biodiversity reserve or man-made landscape, the Minister shall entrust the Bureau d'audiences publiques sur l'environnement or one or more persons the Minister designates as commissioners with the mandate to hold a public consultation.</p> <p>The Government may, however, exempt any proposal it designates from the</p>
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	<p>consultation process. An exemption may be made in particular where the Government considers that other means may be used to clarify the various issues raised by the proposal, such as the environmental and social impact assessment and review procedure provided for in Chapter II of the Environment Quality Act (chapter Q-2).</p> <p>In every such case of exemption, the Minister shall publish in the Gazette officielle du Québec a notice containing the particulars required under paragraphs 1 and 2 of section 38, with the necessary modifications. The notice shall also be published in a newspaper circulated in the region concerned or, if there is no such newspaper, in the region closest to the proposed protected area. The decision of the Government shall be published in the Gazette officielle du Québec with the Minister's notice, and shall briefly state the reasons justifying the exemption.</p> <p>40 The provisions of sections 6.3 to 6.6 of the Environment Quality Act (chapter Q-2), with the necessary modifications, apply to consultations held by the Bureau d'audiences publiques sur l'environnement.</p> <p>41 Where one or more persons are designated by the Minister as commissioners under section 39, they must submit their rules for the proper conduct of the consultation to the Minister for approval.</p> <p>The mandate of those persons terminates when they submit their report to the Minister. The commissioners are entitled, to carry out their mandate, to the remuneration, allowances and indemnities determined by the Government.</p> <p>42 The public consultation provided for in the first paragraph of section 39 shall begin where possible not more than 12 months following publication in the Gazette officielle du Québec of the notice referred to in section 29.</p> <p>The report of the Bureau or, where applicable, of the commissioners, must be submitted to the Minister not more than six months after the consultation ends. It shall be made</p>
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	<p>available to the public on the date and subject to the conditions determined by the Minister.</p> <p>44 In addition to the public consultation provided for in Division I, the establishment of an aquatic reserve, a biodiversity reserve, an ecological reserve or a man-made landscape, a change in their limits, or their abolishment, is effected by order of the Government, on a proposal by the Minister, subject to</p> <ol style="list-style-type: none"> <li>1) compliance with the prescriptions of Chapter VI of Title I of the Act respecting land use planning and development (chapter A-19.1) where they apply within the area;</li> <li>2) the opinion of the Commission de protection du territoire agricole du Québec if all or part of the land is situated in a reserved area or in an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1); and</li> <li>3) publication of a notice of the decision of the Government in the Gazette officielle du Québec with the plan of the area and the applicable conservation plan or protection agreement in the case of a man-made landscape.</li> </ol> <p>45 Permanent protection status for land, conservation plans and applicable agreements, and amendments or revocations take effect on the date of publication of the order in the Gazette officielle du Québec or on any later date specified in the order.</p>
<p>53.9 As of the effective date of permanent man-made landscape status assigned by the Government, and until such status is revoked, despite any legislative provision to the contrary, no local or regional municipality, as the case may be, may</p> <ol style="list-style-type: none"> <li>1) commence public works, improvement work or the erection of structures or other works that are inconsistent with the recognized status or the conservation plan approved by the Government;</li> <li>2) adopt a by-law for a purpose that is inconsistent with the recognized status or conservation plan or that contains provisions that are inconsistent with the status or plan;</li> </ol>	<p>NEW</p>

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<p>3) make changes to a land use planning and development plan, a planning program or any other planning instrument that are inconsistent with the recognized status or conservation plan; or 4) issue a permit or other form of authorization that is incompatible with the protection measures afforded by the recognized status or conservation plan.</p> <p>The provisions of this section apply subject to the precedence of provisions that allow measures to be taken in the event of a catastrophe, disaster or similar situation requiring immediate action, such as the measures provided for in sections 158 to 165 of the Act respecting land use planning and development (chapter A-19.1).</p>	
<p>53.10 The activities permitted and prohibited in a proposed or permanently established man-made landscape area are those set out in</p> <p>1) the legislative and regulatory provisions that ordinarily apply in that area which contribute to ensuring its protection and development; 2) any special regulatory land use planning and protection measures that a local or municipal authority may adopt under the applicable legislative provisions to give effect to and implement the conditions for recognition or the conservation plan approved by the Government; and 3) any complementary regulatory measures the Government may determine by regulation to supplement the applicable legal framework and ensure the protection of the environment concerned; the Government may make regulations for that purpose to determine the prohibitions, restrictions or conditions that apply to the carrying on of activities in the territory, the obligations of the persons who reside in or access the territory, and any other provision relevant to its management, in conformity with the approved conservation plan. Among other things, the regulations may provide for their enforcement by the municipalities concerned, set out the powers of prosecution available to the municipal authorities, the offences or other penalties that apply and how the fines or other amounts collected in relation to the regulations are to be used</p>	<p>35 The activities permitted and prohibited on land in a proposed man-made landscape are the activities provided for in the conservation plan for the area.</p>

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<p>53.11 Revocation by the Government of the recognition of a man-made landscape operates to cancel the previously approved conservation plan and to revoke, on the same date, any regulation made by the Government under this Act to give effect to the plan. This section applies despite the Regulations Act (chapter R-18.1)</p>	<p>NEW</p>
<p>54 Every portion of land not within the domain of the State that has significant biological, ecological, wildlife, floristic, geological, geomorphic or landscape features that warrant preservation may be recognized as a nature reserve on the application of the owner as provided in this Act.</p> <p>The recognition may be perpetual or for a term of not less than 25 years.</p>	<p>54 Any private property having significant biological, ecological, wildlife, floristic, geological, geomorphic or landscape features that warrant preservation may be recognized as a nature reserve on the application of the owner as provided in this Act.</p> <p>Unchanged</p>
<p>55 An application for recognition, which may be made jointly with a non-profit conservation organization, shall be submitted in writing to the Minister. The application must contain</p> <ol style="list-style-type: none"> <li>1) the name and address of the owner;             <ol style="list-style-type: none"> <li>1.1) in the case of a municipal authority, the resolution authorizing the making of an application for recognition as a nature reserve in respect of land belonging to it and described in the application;</li> </ol> </li> <li>2) a description of the property that is the subject of the application and a summary site plan;</li> <li>3) the significant features of the property that warrant preservation;</li> <li>4) an indication that the application is for perpetual recognition, or the term of recognition applied for;</li> <li>5) a description of the conservation measures the owner intends to implement;</li> <li>6) a description of the activities the owner wishes to allow and of those the owner wishes to prohibit on the property;</li> <li>7) the management arrangements for the property, including, where applicable, an indication that management will be assumed by a non-profit conservation organization;</li> <li>8) a copy of the deed conferring ownership of the property on the owner;</li> </ol>	<p>55 Unchanged</p> <ol style="list-style-type: none"> <li>1) the name and address of the owner;</li> <li>2) Unchanged</li> <li>3) Unchanged</li> <li>4) Unchanged</li> <li>5) Unchanged</li> <li>6) Unchanged</li> <li>7) Unchanged</li> <li>8) Unchanged</li> </ol>

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<p>9) where applicable, a copy of any permit or authorization required under an Act or regulation for the carrying on of an activity on the property; and 10) any other information or document determined by regulation by the Government.</p> <p>The application may be submitted together with the report of a qualified person demonstrating why the recognition of the property as a nature reserve is warranted.</p>	<p>9) Unchanged 10) Unchanged Unchanged</p>
<p>56 The Minister may require of the owner any information or document the Minister considers necessary for the examination of the application.</p>	<p>56 Unchanged</p>
<p>57 The Minister may recognize property referred to in section 54 as a nature reserve if the following has been demonstrated to the Minister's satisfaction:</p> <ol style="list-style-type: none"> <li>1) conservation of the natural setting presents an interest;</li> <li>2) the undertakings and the capacity of the applicant or the conservation organization mandated by the applicant to ensure long-term protection of the natural setting are serious; and</li> <li>3) the nature and efficiency of the means proposed for that purpose are appropriate.</li> </ol> <p>Recognition of a nature reserve is effected on the conditions determined by the Minister; they are stated on the certificate or are set out in an agreement or appear as an appendix to the certificate and are deemed to be part thereof.</p> <p>In appropriate circumstances, the Minister may attach conditions to the recognition that refer to the written undertakings given by the applicant and to the other documents and information transmitted.</p> <p>The Minister may also recognize a nature reserve after entering into a conservation agreement with the owner or the non-profit conservation organization mandated by the owner. The agreement must contain, among other provisions,</p>	<p>57 Before recognizing a property as a nature reserve, the Minister shall enter into an agreement with the owner or, as the case may be, approve an agreement entered into between the owner and a non-profit conservation organization. In either case, the agreement shall contain, among other provisions,</p>

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<p>1) a description of the property; 2) the perpetual nature of the recognition or the applicable term; 3) the significant features of the property that warrant preservation; 4) the management arrangements for the property, including, where applicable, the identity of the non-profit conservation organization that is to manage the property; 5) the conservation measures to be applied; 6) the permitted and prohibited activities;</p>	<p>1) Unchanged 2) Unchanged 3) Unchanged 4) Unchanged  5) Unchanged 6) the permitted and prohibited activities; and 7) any other provision determined by regulation by the Government.</p>
<p>57.1 The Minister may specify the criteria or guidelines forming the basis on which decisions on the recognition of nature reserves are made or relevant conditions are imposed.</p> <p>The Government may also make regulations to determine the minimum rules and conditions to be met before recognition may be issued by the Minister, or those that are mandatorily deemed to be attached to recognition issued by the Minister.</p>	<p>NEW</p>
<p>57.2 Every owner of a portion of land recognized as a nature reserve must see that a poster, sign or other form of signage that identifies the land as such is posted at or near the site.</p>	<p>NEW</p>
<p>57.3 Every owner of a portion of land recognized as a nature reserve must take all reasonable means available to prevent the carrying on of activities or interventions by the person or other persons that are likely to degrade the recognized natural setting or diminish, directly or indirectly, the features causing the land to be recognized as a nature reserve.</p> <p>That obligation applies, with the necessary modifications, to every conservation organization having a mandate to manage such land.</p>	<p>NEW</p>
<p>57.4 Without restricting other remedies available to the Minister, if a nature reserve or</p>	<p>NEW</p>

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<p>any of its features is or is threatened to be modified or destroyed in contravention of this Act, the Minister may, after giving formal notice to the owner or, if applicable, the conservation organization, take any measure necessary to prevent damage or aggravation of damage or to restore the degraded setting to its former condition, and claim the costs incurred to do so from the owner or organization.</p> <p>If the setting has been irreparable degraded or cannot easily be restored, the Minister may also claim damages from the person responsible for the loss or degradation of the natural setting protected by the reserve, or from any owner or conservation organization failing to comply with the obligation under the first paragraph, to compensate for physical and moral harm, as well as punitive damages.</p>	<p>PRELIMINARY VERSION</p>
<p>58 The Minister shall publish a notice stating that the property is recognized as a nature reserve in the Gazette officielle du Québec and in a newspaper circulated in the region concerned or, if there is no such newspaper, in the region closest to the recognized property.</p>	<p>58 The Minister shall publish a notice stating that the property is recognized as a nature reserve in the Gazette officielle du Québec and in a newspaper circulated in the region concerned or, if there is no such newspaper, in the region closest to the recognized property.</p> <p>The recognition takes effect on the date of the publication of the notice in the Gazette officielle du Québec.</p>
<p>59 The Minister shall require the registration of the certificate issued or the agreement in the land register and shall transmit a certified statement of registration to the owner, to the conservation organization, if applicable, and to the local and regional municipal authorities having authority in whose territory the property is situated.</p> <p>Recognition takes effect as of the registration in the land register.</p> <p>The agreement or the certificate, as applicable, once registered, is binding on all subsequent acquirers of the property.</p> <p>To enable the updating of the register maintained by the Minister under section 5, every</p>	<p>59 The Minister shall require the registration of the agreement in the land register and shall transmit a certified statement of registration to the owner, to the conservation organization, where applicable, and to the local and regional municipal authorities having authority in whose territory the property is situated.</p> <p>The agreement, once registered, is binding on all subsequent acquirers of the property.</p> <p>Unchanged</p>

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<p>acquirer of property recognized as a nature reserve must, within 30 days of acquiring the property, send a copy of the deed of transfer to the Minister.</p>	
<p>60 The Minister shall issue to the owner a certificate attesting that the property has been recognized as a nature reserve.</p> <p>The designation "recognized nature reserve" may only be used in respect of a property for which a valid certificate is held.</p>	<p>60 Unchanged.</p>
<p>61 The content of any certificate or agreement may be amended or revised with the consent of the Minister and the owner, provided the amendments are not contrary to the purpose for which the property has been recognized as a nature reserve. Where amendments are made to an agreement between an owner and a conservation organization, the amendments require the approval of the Minister.</p> <p>If the recognition is for a set term, it is renewed for the same term and on the same conditions, unless notice to the contrary is given by the Minister or the owner concerned at least six months before the expiry of the term.</p>	<p>61 The agreement may be amended at any time with the consent of the parties, provided the amendments are not contrary to the purpose for which the property has been recognized as a nature reserve. Where amendments are made to an agreement between an owner and a conservation organization, the amendments require the approval of the Minister.</p>
<p>62 If the agreement or certificate is amended, the Minister shall require registration of the amendments in the land register and shall transmit a certified statement of registration to the persons mentioned in the first paragraph of section 59.</p> <p>Amendments have no effect against third persons until their registration in the land register.</p>	<p>62 If the agreement is amended, the Minister shall require registration of the amendments in the land register and shall transmit a certified statement of registration to the persons mentioned in the first paragraph of section 59.</p> <p>Unchanged</p>
<p>63 The recognition of a property as a nature reserve shall terminate at the expiry of its term or upon the Minister's decision to withdraw the recognition because</p> <p>1) the property was recognized on the basis of inaccurate or incomplete information or documents;</p>	<p>63 The recognition of a property as a nature reserve shall terminate at the expiry of its term or upon the Minister's decision to withdraw the recognition because</p> <p>1) the property was recognized on the basis of inaccurate or incomplete information or documents;</p>

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<p>2) the provisions of the agreement or the conditions set out in the certificate are not being complied with;</p> <p>3) the features of the property no longer warrant preservation; or</p> <p>4) it would be more detrimental to the community to maintain the recognition than to withdraw it.</p> <p>In appropriate circumstances and after assessing all the relevant facts, the Minister may also, for the reason appearing in subparagraph 2, instead of or in addition to revoking the recognition, impose on the owner or if applicable, the conservation organization, one or more of the following measures:</p> <p>a) a warning;</p> <p>b) a reprimand;</p> <p>c) an administrative fine of not more than \$5,000;</p> <p>d) payment of a sum in an amount that may not exceed the equivalent of twice what the owner was granted as a municipal property tax exemption or other tax benefit because of the status as a recognized nature reserve assigned by the Minister;</p> <p>e) payment of a sum in an amount that may not exceed the equivalent of twice what the owner and the owner's predecessors were granted as subsidies or other form of financial assistance from the Minister in relation to the nature reserve;</p> <p>f) a suspension, not to exceed 2 years, of tax benefits and property tax exemptions related to the recognized status, and a requirement to comply with the conditions determined by the Minister to be entitled to recover the benefits or exemptions;</p> <p>g) a temporary suspension of the status of recognized nature reserve and a requirement to comply with the conditions determined by the Minister to be entitled to recover the status, those conditions being to return the premises to their natural state or to restore them to their previous state;</p> <p>h) a requirement to carry out work to restore the premises to their previous state, or to implement other measures specified by the Minister; the work must be carried out, with proof furnished to the Minister, within a period of one year failing which the recognition is automatically revoked.</p>	<p>2) the provisions of the agreement or the conditions set out in the certificate are not being complied with;</p> <p>3) the features of the property no longer warrant preservation; or</p> <p>4) it would be more detrimental to the community to maintain the recognition than to withdraw it.</p>
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<p>The sums ordered to be paid pursuant to subparagraph c, d or e are payable to the Minister and shall be paid into the Green Fund.</p> <p>Subparagraphs d to f apply despite any legislative or regulatory provision to the contrary.</p> <p>The Minister shall send a copy of a decision made in relation to subparagraphs e and f to the municipality concerned.</p>	
<p>64 Every decision made under section 63 may be contested before the Administrative Tribunal of Québec within 30 days of notification of the decision to the owner and, where applicable, to the conservation organization that is a party to the agreement or that is managing the property.</p>	<p>64 A decision of the Minister to withdraw recognition may be contested before the Administrative Tribunal of Québec within 30 days of notification of the decision to the owner and, where applicable, to the conservation organization that is a party to the agreement or that is managing the property.</p>
<p>65 Upon termination of the recognition of a property as a nature reserve, the Minister shall publish, in the Gazette officielle du Québec and in a newspaper circulated in the territory of the local and regional municipal authorities where the property is situated, a notice stating that the recognition terminated on the date specified therein.</p> <p>As well, the Minister shall require the land registrar to cancel the registrations made under this Act and shall transmit a notice of the cancellation to the persons mentioned in the first paragraph of section 59.</p>	<p>65 Unchanged</p>
<p>66 For the purposes of this Act, the Minister may authorize a person to act as an inspector.</p> <p>The person may, as an inspector,</p> <p>1) have access at any reasonable time to a place, other than a dwelling-house, where activities are carried on on land that is temporarily or permanently protected under this Act, and any premises specified in an order or a ministerial order made under Title II or</p>	<p>66 Unchanged</p>

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<p>in an authorization issued pursuant to the provisions of that title, for the purposes of an inspection:</p> <ol style="list-style-type: none"> <li>2) take photographs of the premises and the property located there, take samples, and conduct analyses;</li> <li>3) enter on and pass over private land; and</li> <li>4) require any information or document pertaining to the application of this Act.</li> </ol> <p>Where so requested, the person must show a certificate signed by the Minister authorizing the person to act as an inspector.</p>	
<p>67 No person may be prosecuted for an act performed in good faith while acting as an inspector.</p>	67 Unchanged
<p>68 Every person carrying on an activity in a place that is temporarily or permanently protected under this Act, or in a place in respect of which an order or a ministerial order has been issued under Title II or in respect of which an authorization has been issued pursuant to the provisions of that title must, at the request of an inspector, show any authorization required to be held under this Act for the activity.</p>	68 Unchanged
<p>69 An inspector may, in exercising inspection functions, seize any thing</p> <ol style="list-style-type: none"> <li>1) that may be used to prove an offence against this Act or the regulations;</li> <li>2) the possession of which constitutes an offence against this Act or the regulations; or</li> <li>3) that was obtained, directly or indirectly, through the perpetration of an offence against this Act or the regulations.</li> </ol> <p>The provisions of the Code of Penal Procedure (chapter C-25.1) relating to the seizure of things during a search apply to seizures made under this section.</p>	69 Unchanged
<p>70 Every person who, contrary to the conditions for the carrying on of an activity under this Act or the applicable regulation, damages premises or destroys property that is part of a recognized nature reserve or land that has temporary protection status under this Act,</p>	70 Every person who, contrary to the conditions for the carrying on of a permitted activity set out in this Act for a place that is temporarily or permanently protected, or contrary to the conditions for carrying on an activity set out in a conservation plan

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<p>is guilty of an offence and is liable to a fine of not less than \$500 nor more than \$100,000 in the case of a natural person, and to a fine of not less than \$1,000 nor more than \$200,000 in the case of a legal person.</p> <p>Every person is guilty of an offence and liable to the same penalty who</p> <ol style="list-style-type: none"> <li>1) engages in an activity or intervention prohibited under this Act;</li> <li>2) engages in an activity or intervention without an authorization required by this Act;</li> <li>3) engages in an activity or intervention contrary to a condition imposed or an obligation prescribed by this Act;</li> <li>4) engages in an activity or intervention contrary to an order of the Minister made under this Act, or otherwise contravenes such an order; or</li> <li>5) destroys, removes, displaces or damages posters, signs, notices or other forms of signage posted by the Minister on land under the Minister's management or those posted in a nature reserve to identify it.</li> </ol>	<p>applicable to such a place, damages the place or destroys property forming part of it is guilty of an offence and is liable to a fine of not less than \$500 nor more than \$100,000 in the case of a natural person, and to a fine of not less than \$1,000 nor more than \$200,000 in the case of a legal person.</p> <p>Unchanged</p> <ol style="list-style-type: none"> <li>1) Unchanged</li> <li>2) Unchanged</li> <li>3) Unchanged</li> <li>4) Unchanged</li> </ol>
<p>71 Every person who enters an ecological reserve without authorization is liable to a fine of not less than \$100 nor more than \$1,000.</p>	<p>71 Unchanged</p>
<p>72 Every person who hinders the work of a person authorized to exercise powers under this Act, makes a false or misleading statement to such a person or refuses to provide information or a document that the person is entitled to obtain under this Act is guilty of an offence and is liable to a fine of not less than \$250 nor more than \$2,000.</p>	<p>72 Unchanged</p>
<p>73 Every person who assists another person in committing an offence under this Act or who encourages, advises, allows, authorizes or orders another person to commit an offence under this Act is guilty of an offence.</p> <p>A person convicted under this section is liable to the same penalty as is prescribed for the offence committed by the other person.</p>	<p>73 Unchanged</p>

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74 For a second or subsequent offence, the fines prescribed in sections 70, 71 and 72 shall be doubled.	74 Unchanged
75 On convicting a person of an offence under this Act, the court may, in addition to imposing any other penalty and provided the application for the order is made in the person's presence or the person was given prior notice by the prosecutor, order the person to take every measure, at his or her expense and within the time fixed, necessary to restore the premises to the state they were in before the commission of the offence. If the place cannot be restored to its previous state, the court may, on application by the prosecutor, impose an additional fine based on the degree of degradation.	75 Unchanged
76 If an offender fails to comply with a court order, the Minister may restore a place to its previous state at the offender's expense.	76 Unchanged
77 Penal proceedings for an offence against this Act are prescribed two years after the date on which the offence is committed.	77 Unchanged
78. (Amendment integrated into c. A-19.1, s. 149).	78 Unchanged
79 (Amendment integrated into c. C-61.1, s. 5).	79 Unchanged
80 (Amendment integrated into c. D-13.1, s. 21).	80 Unchanged
81 (Amendment integrated into c. J-3, Schedule III).	81 Unchanged
82 (Amendment integrated into c. M-15.2.1, s. 11).	82 Unchanged
83 (Amendment integrated into c. M-15.2.1, s. 13.1).	83 Unchanged
84 (Omitted).	84 Unchanged
85 (Amendment integrated into c. V-1.2, s. 8).	85 Unchanged
86 (Omitted).	86 Unchanged
87 (Omitted).	87 Unchanged
88 The ecological reserves established and the nature reserves recognized before 19 December 2002 are maintained. The same applies to proposed ecological reserves in whose respect a notice was published in the Gazette officielle du Québec before that	88 Unchanged

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<p>date. Those reserves are governed, as of that date, by the provisions of this Act subject to the following paragraph.</p> <p>The Minister is not required to propose to the Government for approval a conservation plan for the ecological reserves already established. The Minister has one year from 19 December 2002 to have the Government approve a conservation plan for proposed ecological reserves. The proposed ecological reserves are deemed to have been set aside, in accordance with Title III, for a period of four years beginning on 19 December 2002. Any public consultation on the proposals being held on that date shall continue in accordance with the provisions of this Act.</p>	
<p><sup>89</sup> Unless otherwise indicated by the context, in any text or document, of whatever nature and regardless of its storage medium, a reference to the Ecological Reserves Act (chapter R-26.1) or the Act respecting nature reserves on private land (chapter R-26.2) or to any provision of those Acts is a reference to this Act and to the relevant provision of this Act.</p>	<p><sup>89</sup> Unchanged</p>
<p><sup>90</sup> The proposed protected areas listed in the schedule, announced before 19 December 2002 are deemed to have been set aside by the Minister as biodiversity reserves in accordance with Title III, for a period of four years beginning six months after that date. Any consultation on the proposals in progress on that date is deemed to be the consultation required under this Act.</p>	<p><sup>90</sup> Unchanged</p>
<p><sup>91</sup> Subject to any extension authorized by the Government, the Minister shall cause a conservation plan for the area to be published in the Gazette officielle du Québec within six months from the date on which the land is set aside.</p>	<p><sup>91</sup> Unchanged</p>
<p><sup>92</sup> During the period where land is set aside prior to the publication of the plan, the permitted or prohibited activities in an area referred to in section 90 are as follows: 1) the following activities are prohibited: (a) forest management within the meaning of section 3 of the Forest Act (chapter F-4.1); (b) mining, and gas or petroleum development;</p>	<p><sup>92</sup> Unchanged</p>

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<p>(c) the development of hydraulic resources and any production of energy on a commercial or industrial basis;</p> <p>(d) any other activity which the Government may prohibit by regulation;</p> <p>(e) subject to the authorization of the Minister and to compliance with the conditions on which they may be carried on:</p> <p>(i) activities relating to mining, gas or petroleum exploration and development, brine and underground reservoir exploration activities, prospecting, digging or boring, if those activities are not already authorized by the Minister of Natural Resources and Wildlife on 19 December 2002, where such activities necessitate stripping, the digging of trenches, excavation or deforestation,</p> <p>(ii) any new allocation of a right to occupy land for vacation resort purposes, and</p> <p>(iii) earthwork or construction work;</p> <p>2) all other activities are permitted.</p> <p>Notwithstanding subparagraph a of subparagraph 1 of the first paragraph, activities carried out to meet domestic needs or for the purpose of maintaining biodiversity are also permitted.</p>	<p>PRELIMINARY VERSION</p>
<p>93 (Omitted).</p>	<p>93 Unchanged</p>



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**Updated to 1 December 2005**

R.S.Q., chapter P-9

## **Parks Act**

### **DIVISION I**

#### **INTERPRETATION**

Definitions:

**1.** In this Act, unless the context indicates a different meaning,

“Minister”;

(a) “Minister” means the Minister of Natural Resources, Wildlife and Parks;

“park”;

(b) “park” means a national park whose primary purpose is to ensure the conservation and permanent protection of areas representative of the natural regions of Québec and of natural sites with outstanding features, in particular because of their biological diversity, while providing the public with access to those areas or sites for educational or cross-country recreation purposes;

(c) *(paragraph repealed)* ;

(d) *(paragraph repealed)* ;

“cross-country recreation”;

(e) “cross-country recreation” means a type of recreation characterized by the use of little frequented territory and the use of relatively simple equipment;

(f) *(paragraph repealed)* .

1977, c. 56, s. 1; 1979, c. 77, s. 34; 1985, c. 30, s. 58; 1986, c. 109, s. 43; 1994, c. 17, s. 76; 1999, c. 36, s. 141; 2001, c. 63, s. 1; 2004, c. 11, s. 46.

Société.

**1.1.** In this Act, “Société” means the Société des établissements de plein air du Québec, established under section 1 of the Act respecting the Société des établissements de plein air du Québec (chapter S-13.01).

1999, c. 36, s. 142; 2004, c. 11, s. 47.

### **DIVISION II**

#### **ESTABLISHMENT OF PARKS**

Establishment.

**2.** The Government, by regulation, may establish a park on any part of the lands in the domain of the State it indicates.

1977, c. 56, s. 2; 1987, c. 23, s. 76; 1999, c. 40, s. 208; 2001, c. 63, s. 2.

Acquisition of property.

**2.1.** The Minister may acquire by agreement or expropriation any property the Minister considers necessary for the establishment of a park or for making changes in its boundaries.

Leasing of buildings.

For the same purposes, the Minister may also lease any building situated within or outside the boundaries of a park.

1985, c. 30, s. 59; 2001, c. 63, s. 3; 2004, c. 11, s. 48.

**3.** (*Repealed*).

1977, c. 56, s. 3; 1985, c. 30, s. 60; 1986, c. 109, s. 44; 2001, c. 63, s. 4.

Conditions of establishment or abolishment.

**4.** The Government may establish, abolish or change the boundaries of a park, if the Minister has previously:

(a) given notice of his intention to establish, abolish or change the boundaries of the park in the *Gazette officielle du Québec* and in one or two newspapers published in the region concerned, or, if no newspaper is published in that region, in one or two newspapers published in the closest neighbouring region;

(b) granted 60 days from the publication of such notice to enable interested persons to submit their objections to him in writing;

(c) received in a public hearing the persons contemplated in paragraph *b*.

Public hearing.

The public hearing provided for in paragraph *c* may be held by a person designated by the Minister.

1977, c. 56, s. 4; 1985, c. 30, s. 61; 1999, c. 40, s. 208; 2001, c. 63, s. 5.

**DIVISION III**

ADMINISTRATION

No sale or exchange.

**5.** No part of the lands forming a park may be sold or exchanged.

1977, c. 56, s. 5.

Authority.

**5.1.** The Minister has authority over the whole territory of a park and is responsible for its management.

#### Operation of parks.

The Société shall operate all parks situated south of the territories covered by the Act respecting hunting and fishing rights in the James Bay and New Québec territories (chapter D-13.1); for that purpose, the Société shall exercise the powers and duties conferred on it by this Act, subject to the rights and authorizations granted to a third party by the Minister.

2004, c. 11, s. 49.

#### Maintenance and development.

**6.** The Minister may authorize or carry out any work of maintenance, development or construction in a park that may serve to maintain or improve the quality of the park. The Minister may also, subject to the applicable legislative provisions, authorize or carry out such work outside the boundaries of a park insofar as the work is necessary to the operations of the park.

#### Delegation.

In addition, the Minister may delegate, by contract, to the Kativik Regional Government or a municipality constituted under the Act respecting Northern villages and the Kativik Regional Government (chapter V-6.1) or under the Cree Villages and the Naskapi Village Act (chapter V-5.1), or to the Cree Regional Authority constituted under the Act respecting the Cree Regional Authority (chapter A-6.1) or a Native community represented by its band council, the power to carry out the work referred to in the first paragraph both within and outside the boundaries of a park and in the latter case, subject to the applicable legislative provisions.

#### Power of the Société.

The Société may also carry out the work referred to in the first paragraph.

#### No immunity.

Every provision of law or of a regulation not inconsistent with this Act and the regulations applies in a park.

1977, c. 56, s. 6; 1999, c. 36, s. 143; 2001, c. 63, s. 6; 2004, c. 11, s. 50.

#### Authorization.

**6.1.** Every person who enters a park or stays, travels or engages in an activity in a park must, in the cases determined by regulation, hold an authorization issued for that purpose by the Minister or the Société or a person designated by the Minister or the Société. The authorization shall be issued on payment of the fees fixed in the regulation.

1995, c. 40, s. 1; 1999, c. 36, s. 144; 2004, c. 11, s. 51.

#### Prohibitions.

**7.** Notwithstanding any provision of law,

(a) hunting or trapping of every kind is prohibited in a park;

(b) all forms of prospecting, and any utilization, harvesting or harnessing of resources related to logging, mining or the production of energy, and the laying of oil or gas pipelines or power lines, are prohibited within the confines of a park.

#### Exceptions for park operation.

Notwithstanding subparagraph *b*, the electric power transmission equipment, electric power control and transformer stations and the telecommunications equipment required for the operation of a park may, at the request of the Minister or the Société, be constructed, operated and maintained in a park.

Existing electrical installations exempt.

Subparagraph *b* of the first paragraph does not apply to rights relating to electric power generating works or equipment, electric power or communications transmission equipment or to control and transformer stations already in existence, or to changes made to them with the authorization of the Minister.

1977, c. 56, s. 7; 1986, c. 109, s. 45; 1999, c. 36, s. 145; 2004, c. 11, s. 52.

Authorization from Minister.

**8.** No person may do other maintenance, development or construction work in or make changes to the grounds of a park without prior authorization from the Minister pursuant to the first paragraph of section 6.

1977, c. 56, s. 8; 1985, c. 30, s. 62; 1999, c. 36, s. 146; 2004, c. 11, s. 53.

Contract.

**8.1.** No person except the Société may operate a business, provide a service or organize an activity in a park without priorly making a contract to that effect with the Minister or obtaining the Minister's authorization.

Fees.

The contract may provide that all or part of the fees paid to enter a park or to stay, travel or engage in an activity in a park devolve on the other contracting party; in the case of the Société, the fees devolve on the Société.

1985, c. 30, s. 62; 1988, c. 39, s. 43; 1995, c. 40, s. 2; 1999, c. 36, s. 147; 2001, c. 63, s. 7; 2004, c. 11, s. 54.

Delegation.

**8.1.1.** The Minister may delegate, by contract, to the Kativik Regional Government or a municipality constituted under the Act respecting Northern villages and the Kativik Regional Government (chapter V-6.1) or under the Cree Villages and the Naskapi Village Act (chapter V-5.1), or to the Cree Regional Authority constituted under the Act respecting the Cree Regional Authority (chapter A-6.1) or a Native community represented by its band council, the power to operate a business, provide a service or organize an activity necessary to the operations of a park, both within and outside the boundaries of the park and in the latter case, subject to the applicable legislative provisions.

Devolution of fees.

The contract may provide that all or part of the fees paid to enter a park or to stay, travel or engage in an activity in a park devolve on the other contracting party.

2001, c. 63, s. 8; 2004, c. 11, s. 55.

Conservation of environment.

**8.2.** The Minister may authorize a project contemplated in sections 8 and 8.1 to proceed, provided its execution is compatible with continued conservation of the natural environment or preservation of the recreational potential of the park.

## **DIVISION IV**

### **REGULATIONS**

#### Regulations.

**9.** The Government may make regulations, in respect of a park, to

(a) ensure the protection and conservation of the natural environment, or any specific element thereof;

(b) divide it into different zones;

(c) determine to what extent and for what purposes the public may be admitted;

(d) fix the conditions governing any person staying, travelling or engaging in an activity in a park;

(e) prohibit or regulate the possession and transport of arms, hunting gear or fishing tackle;

(f) prohibit or regulate the use of boats, aircraft or any type of vehicle, motorized or not;

(g) absolutely or partially prohibit fishing and determine the conditions on which fishing may be allowed;

(h) regulate the transportation and possession of animals or fish;

(i) prohibit or regulate the posting of bills;

(j) ensure that the park is kept clean and orderly and the persons enjoy peace and quiet;

(k) prohibit certain outdoor activities;

(l) fix the conditions for participation in outdoor activities;

(m) determine the cases where a person may be refused admittance or ejected;

(n) entrust the employees of the Société or the employees of the other party to a contract made under section 8.1 or 8.1.1 with any power or duty connected with admissions or activities;

(o) prescribe the rules of procedure to be followed at public hearings;

(p) determine which of the prescriptions of regulations made under this section entail penalties under section 11.3 for their contravention.

1977, c. 56, s. 9; 1985, c. 30, s. 63; 1995, c. 40, s. 3; 2001, c. 63, s. 10.

#### Regulations.

**9.1.** The Government may also, by regulation,

(a) determine the cases in which an authorization is required to enter a park or to stay, travel or engage in activities in a park and the fees payable to obtain such authorization;

(b) exempt, in the cases it determines, any person or class or group of persons it

identifies from all or part of the obligations imposed by section 6.1 or those prescribed in the regulation, on the basis, in particular, of a person's age;

(c) confer on the employees of the Minister or the Société or the other party to a contract made under section 8.1 or 8.1.1 any power or duty relating to the carrying out of section 6.1 and of the regulations made under this section;

(d) determine the obligations of persons who enter a park or stay, travel or engage in an activity in a park;

(e) determine which of the provisions of a regulation made under this section entail penalties under section 11.3 for their contravention.

Fees.

The fees prescribed in subparagraph a of the first paragraph may vary according to the persons or classes or groups of persons which the Government may determine, in particular, on the basis of a person's age.

Fees.

The fees may also vary according to the times of the year or of the day determined by the Government at which persons enter the park, or stay, travel or engage in an activity in the park and, in the case of fishing, according to whether they hold a fishing licence for resident or for non-resident and according to the species to be fished.

Fees.

Finally, the fees may vary according to the places frequented or the means used to enter or travel in such places, namely, on foot, in a vehicle or by boat or aircraft and, in the latter three cases, according to the type of vehicle, boat or aircraft or according to whether they are motorized or not.

1995, c. 40, s. 4; 1999, c. 36, s. 149; 2001, c. 63, s. 11; 2004, c. 11, s. 57.

**10.** *(Repealed).*

1977, c. 56, s. 10; 1995, c. 40, s. 5.

**DIVISION V**

**PENAL PROVISIONS**

Fine.

**11.** Every person who infringes subparagraph a of the first paragraph of section 7 in respect of big game within the meaning of the Act respecting the conservation and development of wildlife (chapter C-61.1) is liable to a fine of \$1 825 to \$5 475 for the first offence and to a fine of \$5 475 to \$16 400 for any subsequent offence within 3 years of conviction for an offence under the said provision in respect of big game, and the judge may, in addition, sentence the offender to imprisonment for a term of not over one year, notwithstanding article 231 of the Code of Penal Procedure (chapter C-25.1).

1977, c. 56, s. 11; 1985, c. 30, s. 64; 1986, c. 58, s. 68; 1986, c. 109, s. 53; 1986, c. 109, s. 46; 1990, c. 4, s. 622; 1991, c. 33, s. 89.

Fine.

**11.1.** Every person who infringes subparagraph a of the first paragraph of section

7 in respect of animals other than big game within the meaning of the Act respecting the conservation and development of wildlife (chapter C-61.1) is liable to a fine of \$500 to \$1 475 for the first offence and to a fine of \$1 475 to \$4 375 for any subsequent offence within 3 years of conviction for an offence under the said provision in respect of animals other than big game and the judge may, in addition, sentence the offender to imprisonment for a term of not over 3 months, notwithstanding article 231 of the Code of Penal Procedure (chapter C-25.1).

1985, c. 30, s. 64; 1986, c. 109, s. 47; 1990, c. 4, s. 623; 1991, c. 33, s. 90.

Offences, penalties.

**11.2.** Every person who infringes subparagraph *b* of the first paragraph of section 7 or section 8 or 8.1 is liable to a fine of \$325 to \$7 000.

1985, c. 30, s. 64; 1986, c. 109, s. 48; 1990, c. 4, s. 624; 1991, c. 33, s. 91.

Offences, penalties.

**11.3.** Every person who infringes section 6.1 or any regulation the contravention of which is an offence under paragraph *p* of section 9 or under subparagraph *e* of the first paragraph of section 9.1 is liable to a fine of \$50 to \$1 400.

1985, c. 30, s. 64; 1986, c. 109, s. 49; 1990, c. 4, s. 624; 1991, c. 33, s. 92; 1995, c. 40, s. 6.

Confiscation.

**11.4.** Any conviction for an offence under a provision of subparagraph *a* of the first paragraph of section 7 entails the confiscation of the thing seized.

Confiscation.

Upon pronouncing a conviction for an offence under a provision of subparagraph *b* of the first paragraph of section 7, section 8 or 8.1 or a provision of any regulation the contravention of which constitutes an offence under paragraph *p* of section 9, a judge may, on the application of the prosecutor, order the confiscation of the thing seized. However, where fish is seized, the conviction entails the confiscation thereof.

Prior notice.

Prior notice of the application for confiscation shall be given by the prosecutor to the person from whom the thing was seized or to the offender, except where they are in the presence of the judge.

1985, c. 30, s. 64; 1992, c. 61, s. 428.

Assistance in committing offence.

**11.5.** Every person who, by act or omission, aids another person to commit an offence is guilty of the offence as if he had committed it himself, if he knew or should have known that his act or omission would probably lead to aiding the commission of the offence.

Encouragement to commit offence.

Every person who, by encouragement, advice or order, induces another person to commit an offence is guilty of the offence and of any other offence committed by the other person as a result of the encouragement, advice or order, if he knew or should have known that they would probably lead to the commission of the offence.

1985, c. 30, s. 64.

Conviction.

**11.6.** Any conviction for an offence committed in contravention of subparagraph a of the first paragraph of section 7 may entail, as the judge decides, the suspension of every certificate or hunting or trapping licence held by the offender or, as the case may be, a prohibition against applying therefor for a period of not more than 24 months from the date of conviction.

Prior notice.

Prior notice of the application for suspension shall be given to the offender by the prosecutor, except where the parties are in the presence of the judge.

Conviction.

In the case of big game, any conviction for an offence committed in contravention of subparagraph a of the first paragraph of section 7 entails of right the cancellation of every certificate or hunting or trapping licence held by the offender or, as the case may be, a prohibition against applying therefor for a period of 24 months from the date of conviction.

Subsequent offence.

In the case of a subsequent offence in respect of the same class of animals, either big game or animals other than big game, within 3 years of the previous conviction, the period of suspension, cancellation or prohibition shall be twice the period provided in this section.

Third offence.

In the case of a third offence in respect of the same class of animals within 3 years of the first conviction, the period of suspension, cancellation or prohibition shall be three times the period provided in this section.

1985, c. 30, s. 64; 1986, c. 109, s. 50; 1992, c. 61, s. 429.

Additional suspension or cancellation.

**11.7.** The hunting or trapping licence or, as the case may be, the hunting or trapping certificate of a person convicted for an offence committed in contravention of subparagraph a of the first paragraph of section 7 while his permit or, as the case may be, his certificate is already cancelled or suspended shall be, as the case may be, cancelled of right or, notwithstanding the first paragraph of section 11.6, suspended of right for an additional period of 24 months subsequent to the first cancellation or suspension.

Application for certificate prohibited.

Every person prohibited from holding a certificate or a hunting or trapping licence who is convicted of an offence under subparagraph a of the first paragraph of section 7 while the prohibition is in effect shall be prohibited from applying for such a certificate or licence for an additional period of 24 months subsequent to the first period of prohibition.

1985, c. 30, s. 64; 1986, c. 109, s. 51.

Applicable provisions.

**11.8.** Sections 175 and 176 of the Act respecting the conservation and development of wildlife (chapter C-61.1) apply in the case of a cancellation or suspension of permit or certificate effected under this Act.

1985, c. 30, s. 64.

**12.** *(Repealed).*

1977, c. 56, s. 12; 1990, c. 4, s. 625.

**DIVISION VI**

**TRANSITIONAL AND FINAL PROVISIONS**

**13.** *(Repealed).*

1977, c. 56, s. 13; 1979, c. 59, s. 1; 2001, c. 63, s. 12.

**14.** *(Repealed).*

1977, c. 56, s. 14; 1979, c. 59, s. 1; 2001, c. 63, s. 12.

**Enforcement.**

**15.** The protection officer within the meaning of the Act respecting the conservation and development of wildlife (chapter C-61.1) is empowered to see to the enforcement of this Act and the regulations thereunder and he shall have, for the purposes of this Act, the powers of a peace officer.

1977, c. 56, s. 16; 1983, c. 39, s. 195; 2000, c. 48, s. 36.

**15.1.** *(Repealed).*

1999, c. 36, s. 150; 2000, c. 8, s. 242; 2004, c. 11, s. 58.

**Minister responsible.**

**16.** The Minister of Natural Resources, Wildlife and Parks is entrusted with the application of this Act.

1977, c. 56, s. 17; 2004, c. 11, s. 59.

*The Minister of Sustainable Development, Environment and Parks exercises the functions of the Minister of Natural Resources, Wildlife and Parks provided for in this Act. Order in Council 173-2005 dated 9 March 2005, (2005) 137 G.O. 2 (French), 1043.*

**17.** *(This section ceased to have effect on 17 April 1987).*

1982, c. 21, s. 1; U. K., 1982, c. 11, Sch. B, Part I, s. 33.

**REPEAL SCHEDULE**

In accordance with section 17 of the Act respecting the consolidation of the statutes (chapter R-3), chapter 56 of the statutes of 1977, in force on 31 December 1977, is repealed, except section 18, effective from the coming into force of chapter P-9 of the Revised Statutes.

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Parks Act

Courtesy Translation

Proposals	Parks Act (P-9) Current text (corresponding sections)
<p>1 In this Act, unless the context indicates a different meaning,</p> <p>(a) "Minister" means the Minister of Natural Resources, Wildlife and Parks;</p> <p>(b) "park" means a national park whose primary purpose is to ensure the conservation and permanent protection of areas representative of the natural regions of Québec and of natural sites with outstanding features, in particular because of their biological diversity, while providing the public with access to those areas or sites for educational or cross-country recreation purposes;</p> <p>(c) (paragraph repealed);</p> <p>(d) (paragraph repealed);</p> <p>(e) "cross-country recreation" means a type of recreation characterized by the use of little frequented territory and the use of relatively simple equipment;</p> <p>(f) (paragraph repealed).</p>	<p>1 Unchanged</p>
<p>1.1 In this Act, "Société" means the Société des établissements de plein air du Québec established under section 1 of the Act respecting the Société des établissements de plein air du Québec (chapter S-13.01).</p>	<p>1.1 Unchanged</p>
<p>2 The Government, by regulation, may establish a park on any part of the lands in the domain of the State it indicates.</p>	<p>2 Unchanged</p>
<p>2.1 The Minister may acquire by agreement or expropriation any property the Minister considers necessary for the establishment of a park or a proposed park, or for making changes in its boundaries.</p> <p>For the same purposes, the Minister may also lease any building situated within or outside the boundaries of a park or a proposed park.</p>	<p>2.1 The Minister may acquire by agreement or expropriation any property the Minister considers necessary for the establishment of a park or for making changes in its boundaries.</p> <p>For the same purposes, the Minister may also lease any building situated within or outside the boundaries of a park.</p>

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3 (Repealed).	3 Unchanged
<p>4 The Government may establish, abolish or change the boundaries of a park, if the Minister has previously:</p> <p>(a) given notice of his intention to establish, abolish or change the boundaries of the park in the Gazette officielle du Québec and in one or two newspapers published in the region concerned, or, if no newspaper is published in that region, in one or two newspapers published in the closest neighbouring region;</p> <p>(b) granted 60 days from the publication of such notice to enable interested persons to submit their objections to him in writing;</p> <p>(c) held a public consultation personally or given a mandate to do so to a body or to one or more persons the Minister designates for that purpose as commissioners. For the purposes of subparagraph c, the Minister may entrust the bodies empowered to hold public hearings in connection with an environmental and social impact assessment and review procedure under Chapter II of the Environment Quality Act (chapter Q-2) or, in southern Québec, the Bureau des audiences publiques sur l'environnement, with the mandate to hold the public consultation.</p>	<p>4 Unchanged</p> <p>(a) Unchanged</p> <p>(b) Unchanged</p> <p>(c) received in a public hearing the persons contemplated in paragraph b. The public hearing provided for in paragraph c may be held by a person designated by the Minister.</p>
<p>Sections 38, 39 and 40 of the Natural Heritage Conservation Act (chapter C-61.01) apply, with the necessary modifications, to the holding of public consultations by a body or by one or more persons designated by the Minister.</p>	<p>9 The Government may make regulations, in respect of a park, to</p> <p>(a) ensure the protection and conservation of the natural environment, or any specific element thereof;</p> <p>(b) divide it into different zones;</p> <p>(c) determine to what extent and for what purposes the public may be admitted;</p> <p>(d) fix the conditions governing any person staying, travelling or engaging in an activity in a park;</p> <p>(e) prohibit or regulate the possession and transport of arms, hunting gear or fishing tackle;</p> <p>(f) prohibit or regulate the use of boats, aircraft or any type of vehicle, motorized or not;</p> <p>(g) absolutely or partially prohibit fishing and determine the conditions on which fishing may be allowed;</p> <p>(h) regulate the transportation and possession of animals or fish;</p> <p>(i) prohibit or regulate the posting of bills;</p>

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	<ul style="list-style-type: none"> <li>(j) ensure that the park is kept clean and orderly and the persons enjoy peace and quiet;</li> <li>(k) prohibit certain outdoor activities;</li> <li>(l) fix the conditions for participation in outdoor activities;</li> <li>(m) determine the cases where a person may be refused admittance or ejected;</li> <li>(n) entrust the employees of the Société or the employees of the other party to a contract made under section 8.1 or 8.1.1 with any power or duty connected with admissions or activities;</li> <li>(o) prescribe the rules of procedure to be followed at public hearings;</li> <li>(p) determine which of the prescriptions of regulations made under this section entail penalties under section 11.3 for their contravention.</li> </ul>
<p>4.1 With a view to protecting land to be established as a park, the Government may set aside land and assign temporary protection status as a proposed park. It may also change the boundaries of a proposed park or revoke its protection status. A decision made under the first paragraph becomes effective on the date of publication of a Government order in the Gazette officielle du Québec, or on any later date determined by the Government.</p>	<p>NEW</p>
<p>4.2 Temporary protection status as a proposed park is assigned for a maximum initial period of 8 years, unless a longer period is set by the Government. The protection period may be extended although, unless the Government decides otherwise, the extensions may not cause the temporary protection period to exceed 10 years. A change to the boundaries of a proposed park under section 4.1 has no incidence on the period already elapsed for which the land has been set aside.</p>	<p>NEW</p>
<p>4.3 Temporary protection status as a proposed park terminates once the set period has expired, on the assignment of park status under this Act or on the publication of a notice in Part 2 of the Gazette officielle du Québec stating that proposed park status has been revoked by the Government.</p>	<p>NEW</p>

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<p>4.4 In addition to the publication of the order and plan for the proposed park in the Gazette officielle du Québec, the Minister may use any other means the Minister considers appropriate to publicize the assignment or termination of proposed park status, including the use of a website or publication of a notice in a newspaper circulated in the region concerned or, if there is no such newspaper, in the region closest to the proposed park.</p> <p>A copy of the plan of a proposed park must be sent</p> <p>(1) to every minister and government body having participated in its preparation;</p> <p>(2) to the Minister of Natural Resources and Wildlife so that that minister may register it on the land use plan drawn up under the Act respecting the lands in the domain of the State (chapter T-8.1) and in the Register of the domain of the State; and</p> <p>(3) to the regional and local municipal authorities whose territory is affected by the plan, so that they may take the plan into account when exercising their powers.</p>	<p>NEW</p>
<p>5 No part of the lands forming a park or a proposed park may be sold or exchanged. This section does not operate to prevent the Government from revoking the status, in accordance with law, or from changing the boundaries of a park or a proposed park.</p>	<p>5 No part of the lands forming a park may be sold or exchanged.</p>
<p>5.1 The Minister is responsible for the management of parks and proposed parks.</p> <p>The Minister has authority over all the lands in the domain of the State within a park. If the Minister considers it appropriate and determines the conditions for doing so, the Minister may, without having regard to the provisions of the Act respecting the lands in the domain of the State (chapter T-8.1), make any improvement or construction on the lands or authorize the interested person, association or body to do so on the conditions the Minister determines in a contract. The Minister may also transfer the ownership of improvements or constructions to them on the conditions the Minister determines.</p> <p>The Société shall operate all parks situated south of the territories covered by the Act respecting hunting and fishing rights in the James Bay and New Québec territories (chapter D-13.1); for that purpose, the Société shall exercise the powers and duties</p>	<p>5.1 The Minister has authority over the whole territory of a park and is responsible for its management.</p> <p>Unchanged</p>

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<p>conferred on it by this Act, subject to the rights and authorizations granted to a third party by the Minister.</p>	
<p>5.2 Every provision of law or of a regulation not inconsistent with this Act and the regulations applies in a park or a proposed park.</p>	<p>6. The Minister may authorize or carry out any work of maintenance, development or construction in a park that may serve to maintain or improve the quality of the park. The Minister may also, subject to the applicable legislative provisions, authorize or carry out such work outside the boundaries of a park insofar as the work is necessary to the operations of the park.</p> <p>In addition, the Minister may delegate, by contract, to the Kativik Regional Government or a municipality constituted under the Act respecting Northern villages and the Kativik Regional Government (chapter V-6.1) or under the Cree Villages and the Naskapi Village Act (chapter V-5.1), or to the Cree Regional Authority constituted under the Act respecting the Cree Regional Authority (chapter A-6.1) or a Native community represented by its band council, the power to carry out the work referred to in the first paragraph both within and outside the boundaries of a park and in the latter case, subject to the applicable legislative provisions.</p> <p>The Société may also carry out the work referred to in the first paragraph.</p> <p>Every provision of law or of a regulation not inconsistent with this Act and the regulations applies in a park.</p>
<p>5.3 The following activities are prohibited on the lands in the domain of the State within a proposed park:</p> <p>(1) mining, gas or petroleum development and exploration, including brine and underground reservoir exploration, prospecting, digging and boring;</p> <p>(2) the commercial or industrial production of any form of energy, including by the operation of a dam or other type of works;</p> <p>(3) forest management activities within the meaning of section 3 of the Forest Act (chapter F-4.1), other than the activities permitted or that may be authorized under this</p>	<p>NEW</p>

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<p>division and other than those carried on to meet domestic needs; and (4) the removal for commercial or industrial purposes of terrestrial species of flora, other than small fruits; and (5) any other activity prohibited by the Government by regulation.</p>	
<p>5.4 Unless an authorization has been obtained from the Minister and the intervention is carried on in compliance with the conditions the Minister determines, the following is also prohibited on the lands in the domain of the State within a proposed park: (1) the introduction of non-native species of flora or fauna into the proposed park; (2) the installation of oil pipelines, gas pipelines and energy transmission lines or communications transmission equipment; (3) research activities if they are likely to significantly damage or disturb the natural environment, in particular owing to the nature or size of the samples taken or the invasive character of the method or process used; (4) forest management activities (a) determined by the Government by regulation, carried on to meet domestic needs; (b) carried on to reestablish a threatened or vulnerable species or its habitat, or carried on for the purpose of maintaining biodiversity equivalent to the biodiversity to be protected through the constitution of the protected area; or (c) carried on as incidental to other interventions or occupancies permitted or authorized in a proposed park under this Act or its regulations; (5) any new occupancy of the territory for vacation or outfitting purposes in an area where such occupancy is not legally authorized on the date on which proposed park status is assigned; and (6) any other activity the Government may determine by regulation.</p>	<p>NEW</p>
<p>5.5 No person may enter or carry on an activity or operate a vehicle in a sector of a proposed park unless the person has been authorized by the Minister and complies with the conditions determined, if the signage erected by the Minister restricts access, traffic or the carrying on of certain activities in the sector so as to protect the public from a danger or to avoid placing the fauna, flora or other components of the natural environment at</p>	<p>NEW</p>

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risk.	
<p>5.6 The prohibitions in sections 5.4 and 5.5 do not apply to</p> <ul style="list-style-type: none"> <li>(1) activities excluded by regulation of the Government;</li> <li>(2) activities carried on in compliance with the rules or conditions determined by the Government by regulation;</li> <li>(3) urgent action required to prevent endangering the health or safety of persons, or to repair or prevent damage caused by a real or apprehended catastrophe, the person taking the action being required to immediately inform the Minister of the action taken; or</li> <li>(4) activities to manage the proposed park, carried on in compliance with the conditions determined by the Minister.</li> </ul>	NEW
<p>5.7 The prohibitions and restrictions on the carrying on of activities described in this division on the lands in the domain of the State in a proposed park are also applicable, in addition to the prohibitions in section 69 of the Expropriation Act (chapter E-24), on the perimeter of a proposed park on private land set aside as a reserve for public purposes established by the Minister pursuant to Title III of that Act.</p>	NEW
<p>5.8 The rules and conditions for the carrying on of an activity that are determined by regulation or by the Minister may apply in particular to the location where the authorized activity may be carried on, the methods used, the areas that may be cleared or logged, the types of materials that may be used, including those taken on the land, and the presence of works or ancillary facilities.</p> <p>The exemptions and prohibitions as well as the rules and conditions for the carrying on of activities that may be determined by the Government by regulation may vary according to the location of the proposed park, the land on which the activity is to be carried on, the objectives pursued or the persons concerned.</p> <p>The conditions that may be imposed for the carrying on of an activity may include the charging of fees or the providing of security or other form of financial guarantee. They may also require an authorization from the Minister or other government authority, periodic monitoring to be conducted or a report to be filed with the Minister, in particular</p>	NEW

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<p>for results obtained in connection with research activities.</p>	
<p>6 The Minister may authorize or carry out any work of maintenance, development or construction in a park that may serve to maintain or improve the quality of the park. The Minister may also, subject to the applicable legislative provisions, authorize or carry out such work outside the boundaries of a park insofar as the work is necessary to the operations of the park.</p> <p>In addition, the Minister may delegate, by contract, to the Kativik Regional Government or a municipality constituted under the Act respecting Northern villages and the Kativik Regional Government (chapter V-6.1) or under the Cree Villages and the Naskapi Village Act (chapter V-5.1), or to the Cree Regional Authority constituted under the Act respecting the Cree Regional Authority (chapter A-6.1) or a Native community represented by its band council, the power to carry out the work referred to in the first paragraph both within and outside the boundaries of a park and in the latter case, subject to the applicable legislative provisions.</p> <p>The Société may also carry out the work referred to in the first paragraph.</p>	<p>6 Unchanged</p> <p>Unchanged</p> <p>Unchanged</p> <p>Every provision of law or of a regulation not inconsistent with this Act and the regulations applies in a park.</p>
<p>6.1 Every person who enters a park or stays, travels or engages in an activity in a park must, in the cases determined by regulation, hold an authorization issued for that purpose by the Minister or the Société or a person designated by the Minister or the Société. The authorization shall be issued on payment of the fees fixed in the regulation.</p>	<p>6.1 Unchanged</p>
<p>7 Notwithstanding any provision of law, (a) hunting or trapping of every kind is prohibited in a park; (b) all forms of prospecting, and any utilization, harvesting or harnessing of resources related to logging, mining or the production of energy, and the laying of oil or gas pipelines or power lines,</p>	<p>7 Unchanged</p>

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<p>are prohibited within the confines of a park. Notwithstanding subparagraph b, the electric power transmission equipment, electric power control and transformer stations and the telecommunications equipment required for the operation of a park may, at the request of the Minister or the Société, be constructed, operated and maintained in a park. Subparagraph b of the first paragraph does not apply to rights relating to electric power generating works or equipment, electric power or communications transmission equipment or to control and transformer stations already in existence, or to changes made to them with the authorization of the Minister.</p>	
<p>8 No person may do other maintenance, development or construction work in or make changes to the grounds of a park without prior authorization from the Minister pursuant to the first paragraph of section 6.</p>	8 Unchanged
<p>8.1 No person except the Société may operate a business, provide a service or organize an activity in a park without priorly making a contract to that effect with the Minister or obtaining the Minister's authorization. The contract may provide that all or part of the fees paid to enter a park or to stay, travel or engage in an activity in a park devolve on the other contracting party; in the case of the Société, the fees devolve on the Société.</p>	8.1 Unchanged
<p>8.1.1 The Minister may delegate, by contract, to the Kativik Regional Government or a municipality constituted under the Act respecting Northern villages and the Kativik Regional Government (chapter V-6.1) or under the Cree Villages and the Naskapi Village Act (chapter V-5.1), or to the Cree Regional Authority constituted under the Act respecting the Cree Regional Authority (chapter A-6.1) or a Native community represented by its band council, the power to operate a business, provide a service or organize an activity necessary to the operations of a park, both within and outside the boundaries of the park and in the latter case, subject to the applicable legislative provisions. The contract may provide that all or part of the fees paid to enter a park or to stay, travel</p>	8.1.1 Unchanged

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<p>or engage in an activity in a park devolve on the other contracting party.</p>	
<p>8.2 The Minister may authorize a project contemplated in sections 8 and 8.1 to proceed, provided its execution is compatible with continued conservation of the natural environment or preservation of the recreational potential of the park.</p>	<p>8.2 Unchanged</p>
<p>9 The Government may make regulations, in respect of a park, to</p> <ul style="list-style-type: none"> <li>(a) ensure the protection and conservation of the natural environment, or any specific element thereof;</li> <li>(b) divide it into different zones;</li> <li>(c) determine to what extent and for what purposes the public may be admitted;</li> <li>(d) fix the conditions governing any person staying, travelling or engaging in an activity in a park;</li> <li>(e) prohibit or regulate the possession and transport of arms, hunting gear or fishing tackle;</li> <li>(f) prohibit or regulate the use of boats, aircraft or any type of vehicle, motorized or not;</li> <li>(g) absolutely or partially prohibit fishing and determine the conditions on which fishing may be allowed;</li> <li>(h) regulate the transportation and possession of animals or fish;</li> <li>(i) prohibit or regulate the posting of bills;</li> <li>(j) ensure that the park is kept clean and orderly and the persons enjoy peace and quiet;</li> <li>(k) prohibit certain outdoor activities;</li> <li>(l) fix the conditions for participation in outdoor activities;</li> <li>(m) determine the cases where a person may be refused admittance or ejected;</li> <li>(n) entrust the employees of the Société or the employees of the other party to a contract made under section 8.1 or 8.1.1 with any power or duty connected with admissions or activities;</li> <li>(o) (paragraph repealed)</li> <li>(p) determine which of the prescriptions of regulations made under this section entail penalties under section 11.3 for their contravention.</li> </ul>	<p>9 Unchanged</p> <ul style="list-style-type: none"> <li>(a) ...</li> <li>(o) prescribe the rules of procedure to be followed at public hearings;</li> <li>(p) Unchanged</li> </ul>

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<p>9.1 The Government may also, by regulation,</p> <p>(a) determine the cases in which an authorization is required to enter a park or to stay, travel or engage in activities in a park and the fees payable to obtain such authorization;</p> <p>(b) exempt, in the cases it determines, any person or class or group of persons it identifies from all or part of the obligations imposed by section 6.1 or those prescribed in the regulation, on the basis, in particular, of a person's age;</p> <p>(c) confer on the employees of the Minister or the Société or the other party to a contract made under section 8.1 or 8.1.1 any power or duty relating to the carrying out of section 6.1 and of the regulations made under this section;</p> <p>(d) determine the obligations of persons who enter a park or stay, travel or engage in an activity in a park;</p> <p>(e) determine which of the provisions of a regulation made under this section entail penalties under section 11.3 for their contravention.</p> <p>The fees prescribed in subparagraph a of the first paragraph may vary according to the persons or classes or groups of persons which the Government may determine, in particular, on the basis of a person's age.</p> <p>The fees may also vary according to the times of the year or of the day determined by the Government at which persons enter the park, or stay, travel or engage in an activity in the park and, in the case of fishing, according to whether they hold a fishing licence for resident or for non-resident and according to the species to be fished.</p> <p>Finally, the fees may vary according to the places frequented or the means used to enter or travel in such places, namely, on foot, in a vehicle or by boat or aircraft and, in the latter three cases, according to the type of vehicle, boat or aircraft or according to whether they are motorized or not.</p>	<p>9.1 Unchanged</p>
<p>10 (Repealed).</p>	<p>10 Unchanged</p>
<p>10.1 The following persons are guilty of an offence and are liable to a fine of not less than \$500 nor more than \$100,000 in the case of a natural person, and to a fine of not less than \$1,000 nor more than \$200,000 in the case of a legal person:</p>	<p>NEW</p>

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<p>(1) every person who engages in an activity or intervention prohibited in a proposed park under this Act or a regulation; (2) every person who engages in an activity or intervention in a proposed park without an authorization required by this Act or a regulation; and (3) every person who engages in an activity or intervention in a proposed park contrary to a condition imposed or an obligation prescribed by this Act or a regulation.</p>	
<p>10.2 In the case of a second or subsequent offence, the fines under section 10.1 are doubled.</p>	NEW
<p>10.3 On convicting a person of an offence committed in a proposed park, the court may, in addition to imposing any other penalty and provided the application for the order is made in the person's presence or the person was given prior notice by the prosecutor, order the person to take every measure, at his or her expense and within the time set necessary to restore the premises to the state they were in before the commission of the offence. If the premises cannot be restored to their previous state, the court may, on application by the prosecutor, impose an additional fine based on the degree of degradation.</p>	NEW
<p>10.4 If an offender fails to comply with a court order, the Minister may restore the premises to their previous state at the offender's expense. The Minister may claim the direct and indirect restoration costs from the offender in the same manner as any debt due to the Government.</p>	NEW
<p>11 Every person who infringes subparagraph a of the first paragraph of section 7 in respect of big game within the meaning of the Act respecting the conservation and development of wildlife (chapter C-61.1) is liable to a fine of \$1 825 to \$5 475 for the first offence and to a fine of \$5 475 to \$16 400 for any subsequent offence within 3 years of conviction for an offence under the said provision in respect of big game, and the judge may, in addition, sentence the offender to imprisonment for a term of not over one year, notwithstanding article 231 of the Code of Penal Procedure (chapter C-25.1).</p>	11 Unchanged

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<p>11.1 Every person who infringes subparagraph a of the first paragraph of section 7 in respect of animals other than big game within the meaning of the Act respecting the conservation and development of wildlife (chapter C-61.1) is liable to a fine of \$500 to \$1 475 for the first offence and to a fine of \$1 475 to \$4 375 for any subsequent offence within 3 years of conviction for an offence under the said provision in respect of animals other than big game and the judge may, in addition, sentence the offender to imprisonment for a term of not over 3 months, notwithstanding article 231 of the Code of Penal Procedure (chapter C-25.1).</p>	<p>11.1 Unchanged</p>
<p>11.2 Every person who infringes subparagraph b of the first paragraph of section 7 or section 8 or 8.1 is liable to a fine of \$325 to \$7 000.</p>	<p>11.2 Unchanged</p>
<p>11.3 Every person who infringes section 6.1 or any regulation the contravention of which is an offence under paragraph p of section 9 or under subparagraph e of the first paragraph of section 9.1 is liable to a fine of \$50 to \$1 400.</p>	<p>11.3 Unchanged</p>
<p>11.4 Any conviction for an offence under a provision of subparagraph a of the first paragraph of section 7 entails the confiscation of the thing seized. Upon pronouncing a conviction for an offence under a provision of subparagraph b of the first paragraph of section 7, section 8 or 8.1 or a provision of any regulation the contravention of which constitutes an offence under paragraph p of section 9, a judge may, on the application of the prosecutor, order the confiscation of the thing seized. However, where fish is seized, the conviction entails the confiscation thereof. Prior notice of the application for confiscation shall be given by the prosecutor to the person from whom the thing was seized or to the offender, except where they are in the presence of the judge.</p>	<p>11.4 Unchanged</p>
<p>11.5 Every person who, by act or omission, aids another person to commit an offence is guilty of the offence as if he had committed it himself, if he knew or should have known that his act or omission would probably lead to aiding the commission of the offence. Every person who, by encouragement, advice or order, induces another person to commit an offence is guilty of the offence and of any other offence committed by the</p>	<p>11.5 Unchanged</p>

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<p>other person as a result of the encouragement, advice or order, if he knew or should have known that they would probably lead to the commission of the offence.</p>	
<p>11.6 Any conviction for an offence committed in contravention of subparagraph a of the first paragraph of section 7 may entail, as the judge decides, the suspension of every certificate or hunting or trapping licence held by the offender or, as the case may be, a prohibition against applying therefor for a period of not more than 24 months from the date of conviction.</p> <p>Prior notice of the application for suspension shall be given to the offender by the prosecutor, except where the parties are in the presence of the judge.</p> <p>In the case of big game, any conviction for an offence committed in contravention of subparagraph a of the first paragraph of section 7 entails of right the cancellation of every certificate or hunting or trapping licence held by the offender or, as the case may be, a prohibition against applying therefor for a period of 24 months from the date of conviction.</p> <p>In the case of a subsequent offence in respect of the same class of animals, either big game or animals other than big game, within 3 years of the previous conviction, the period of suspension, cancellation or prohibition shall be twice the period provided in this section.</p> <p>In the case of a third offence in respect of the same class of animals within 3 years of the first conviction, the period of suspension, cancellation or prohibition shall be three times the period provided in this section.</p>	<p>11.6 Unchanged</p>
<p>11.7 The hunting or trapping licence or, as the case may be, the hunting or trapping certificate of a person convicted for an offence committed in contravention of subparagraph a of the first paragraph of section 7 while his permit or, as the case may be, his certificate is already cancelled or suspended shall be, as the case may be, cancelled of right or, notwithstanding the first paragraph of section 11.6, suspended of right for an additional period of 24 months subsequent to the first cancellation or suspension.</p> <p>Every person prohibited from holding a certificate or a hunting or trapping licence who</p>	<p>11.7 Unchanged</p>

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is convicted of an offence under subparagraph a of the first paragraph of section 7 while the prohibition is in effect shall be prohibited from applying for such a certificate or licence for an additional period of 24 months subsequent to the first period of prohibition.	
11.8 Sections 175 and 176 of the Act respecting the conservation and development of wildlife (chapter C-61.1) apply in the case of a cancellation or suspension of permit or certificate effected under this Act.	11.8 Unchanged
11.9 Penal proceedings for an offence are prescribed two years after the date on which the offence is committed.	NEW
12 (Repealed).	12 Unchanged
13 (Repealed).	13 Unchanged
14 (Repealed).	14 Unchanged
15 The protection officer within the meaning of the Act respecting the conservation and development of wildlife (chapter C-61.1) is empowered to see to the enforcement of this Act and the regulations thereunder and he shall have, for the purposes of this Act, the powers of a peace officer.	15 Unchanged
15.1 (Repealed).	15.1 Unchanged
15.2 For the purposes of this Act, the Minister may authorize a person to act as an inspector. The person may, as an inspector, (1) have access at any reasonable time to a place, other than a dwelling-house, where activities are carried on in a park or proposed park under this Act, for the purposes of an inspection;	NEW

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<p>(2) take photographs of the premises and the property located there, take samples, and conduct analyses; (3) enter on and pass over private land; and (4) require any information or document relating to the application of this Act. Where so requested, the person must show a certificate signed by the Minister authorizing the person to act as an inspector.</p>	
<p>15.3 No person may be prosecuted for an act performed in good faith while acting as an inspector.</p>	NEW
<p>15.4 Every person carrying on an activity in a proposed park must, at the request of an inspector, show any authorization required to be held under this Act for the activity.</p>	NEW
<p>15.5 An inspector may, in exercising inspection functions, seize any thing (1) that may be used to prove an offence against this Act or the regulations; (2) the possession of which constitutes an offence against this Act or the regulations; or (3) that was obtained, directly or indirectly, through the perpetration of an offence against this Act or the regulations. The provisions of the Code of Penal Procedure (chapter C-25.1) relating to the seizure of things during a search apply to seizures made under this section.</p>	NEW
<p>16 The Minister of Natural Resources, Wildlife and Parks is entrusted with the application of this Act.</p>	16 Unchanged
<p>17 (This section ceased to have effect on 17 April 1987).</p>	17 Unchanged

**NOTICE:** This orientation document produced in 2002 is taken from the ministère du Développement durable, de l'Environnement et des Parcs web site at the following address : [http://www.mddep.gouv.qc.ca/biodiversite/aires\\_protegees/orientation-en/index.htm](http://www.mddep.gouv.qc.ca/biodiversite/aires_protegees/orientation-en/index.htm)

Changes have occurred since the production of this document :

The objective set by Québec for 2005 to designate somewhere near 8% of its land in the form of protected area was revised and postponed to 2008.

The Loi sur la Société de la Faune et des Parcs was repealed. Responsibilities concerning the parks sector are now under the authority of the ministre du Développement durable, de l'Environnement et des Parcs (formerly the ministère de l'Environnement) and those concerning the wildlife sector are now under the authority of the ministre des Ressources naturelles et de la Faune.

## **Protected areas in Québec : a pledge for the future**

### **Government guidelines with a view to adopting a Québec strategy**

- [A Word from the Ministers](#)
- [Protected Areas in Québec](#)
- [The Advantages and Challenges of a Strategy targeting Protected Areas](#)
  - [The Benefits Proffered by Protected Areas](#)
  - [The Challenges of Adopting a Strategy for Protected Areas](#)
    - [\*First Approach : Building upon past achievements and focusing on the network\*](#)
    - [\*Second Approach : Boosting the number, the percentage of land and the representativeness of protected areas\*](#)
    - [\*Third Approach : Promoting solidarity with regard to protected areas\*](#)
- [Strategic Government Guidelines](#)
- Appendix
  - [Figure 1 - Protected areas in Québec, according to IUCN categories](#)
  - [Figure 2 - Distribution of protected areas in Québec according to number and designation](#)
  - [Figure 3 - Distribution of protected areas in Québec according to number and biogeographic entity](#)
  - [Figure 4 - Distribution of protected areas in Québec according to land area percentage and biogeographic entity](#)
  - [Figure 5 - Variation in percentage of land area covered by protected areas in Québec and worldwide](#)
  - [Figure 6 - Distribution of protected areas in Québec according to land area group](#)
  - [Table - Protected areas in Québec: distribution highlights](#)

## A Word from the Ministers



Throughout the years, Québec has adopted lofty objectives in terms of the conservation of its biological diversity. It has passed several pieces of legislation and implemented a series of financial and administrative mechanisms to ensure that its ecosystems, its species and, in a general fashion, nature itself may be preserved, all the while permitting the development of a number of economic activities.

Nevertheless, as we see happening elsewhere, we are witness to increasingly large-scale developments in a faster mode and which have significant impact on the natural environment. Despite improved techniques and approaches, and regardless of the practices of sustainable development that have been embraced, the more development that takes place on a given territory and the more its resources are utilized, the more we must intensify measures to maintain viable ecosystems and ensure an acceptable range of biodiversity.

It is clear that Québec, as a society, must maintain its effort and investment to fulfill its international commitments and attain the high international standards. This action shall constitute the cornerstone to ensure the preservation of our environment, our biodiversity, our economy and our quality of life.

The following guidelines outline the challenges related to protected areas as well as government commitments made with respect to these areas. They are intended to guide us in our effort to adopt a Québec strategy on protected areas. This strategy will be developed over the coming year in close cooperation with concerned stakeholders and organizations under the supervision of the Minister of the Environment, who is responsible for the application in Québec of the Convention on Biological Diversity and will be acting in collaboration with the Minister of Natural Resources responsible for the management of forests and the Minister responsible for Wildlife and Parks. We are appealing to all Quebecers to wholeheartedly take up the challenge we face in implementing a strategy for protected areas.

**PAUL BÉGIN**  
Minister of the  
Environment

**GUY CHEVRETTE**  
Minister responsible for the  
Société de la faune et des parcs

**JACQUES BRASSARD**  
Minister responsible for  
Minister of Natural Resources



## **Protected Areas in Québec**

There are some 1,100 natural sites in Québec that meet the definition of "protected area", as follows: "areas of land and/or sea especially dedicated to the protection and maintenance of biological diversity, and of natural and associated cultural resources, and managed through legal or other effective means".

All these natural sites are regulated and administered according to the 17 different judicial or administrative designations. Among such designations, we might mention wildlife habitats, national parks, Québec parks, ecological reserves, salmon rivers, and the list goes on. The status of protected area corresponds to one of the six major international categories of protected areas as defined in 1994 by the World Conservation Union (IUCN).

By adhering to these standards, Québec has designated 2.8% of its land in the form of protected areas.



## **The Advantages and Challenges of a Strategy targeting Protected Areas**

### **The Benefits Proffered by Protected Areas**

Protected areas are primarily designed to preserve species and their genetic variability as well as maintaining the natural processes and ecosystems that sustain life in its various expressions.

Protected areas are not the only mechanism for maintaining biodiversity, but they certainly constitute the cornerstone on which every government must rely to attain the objectives of the preservation and the sustainable use of biodiversity, as well as respecting the commitments made pursuant to the Convention on Biological Diversity.

Protected areas have the utmost to offer in terms of the ecology, such as the production of oxygen, the creation and protection of soil, the absorption and reduction of pollutants, the improvement in local and regional weather conditions, the conservation of groundwater aquifers, and the flow control and purification of watercourses. It is the surest and cheapest way to protect species and natural settings.

Protected areas are laboratories in nature. At any given time, they can provide us with unique data on how ecosystems function and on the species that live there. They are also a prized setting for people's recreational and outdoor activities that contribute to our physical and mental well-being.

In terms of economic benefits, protected areas are a boon for the diversification of local and regional economies. They help preserve a biological potential that constitutes a renewable natural resource on which certain activities depend, such as is the case with hunting, fishing and trapping. They contribute to the tourist industry in a very significant way, particularly ecotourism, which is gaining rapidly in popularity.

These days, protected areas represent one of the major components for the sustainable management of forests.



### **The Challenges of Adopting a Strategy for Protected Areas**

Québec must adopt a new approach to this issue that is integrated, unified, cohesive and likely to be embraced by all:

- to considerably increase Quebec's contribution to the international effort to promote protected areas, an effort that resulted in 8.8% of our land designated as protected areas in 1996;
- to see to it that the Québec network of protected areas has a fair and sufficient representation of samples of Québec's biodiversity;
- to foster an integrated and concerted viewpoint of Québec's network of protected areas;
- to share the same ecological reference framework that will allow for the assessment of Québec's biodiversity according to different levels of appreciation, in order to ascertain the contribution of each protected area in the conservation of biological diversity and to plan future interventions;
- to have the notion of protected areas mesh with existing mechanisms of regional land planning and development and sustainable resource use.

Such an approach should allow for:

- the affirmation of the importance and status of protected areas as one of the means to preserve biodiversity and support local and regional development, specifically with regard to new economic activities such as local tourism and ecotourism and the maintenance of the current financial benefits arising from the use of biodiversity resources;
- the determination of choices and priority actions concerning the creation of protected areas that pursue the achievement of the conservation and sustainable development objectives outlined in the Québec Strategy for Biological Diversity;
- the targetting of government action in terms of protected areas, harmonization of Québec's actions, and facilitating the contribution of private partners in accomplishing the objectives to increase the number, the percentage and the quality of the land involved as protected areas;
- a boosting of Québec's efforts on the world stage toward the preservation of biodiversity through its protected areas.

To attain these lofty objectives, **Québec must accomplish these interventions through three major approaches.**



## **First Approach**

### **Building upon past achievements and focusing on the network**

Québec already has in place a series of legislative and administrative mechanisms suitable for the creation of newly protected areas. Indeed, it now has better knowledge of its biodiversity and has culled information on certain natural settings that merit protection. In addition to having already set up several protected areas, Québec took the appropriate steps to put certain other areas aside for such purpose.

Beyond such achievements, what is now needed is a unified viewpoint, or a more harmonized intervention framework for enhancing our protected areas. The time has come to update the concept of an "integrated network" according to which each stakeholder, while remaining independent, will allow for the reaching of common objectives to protect a representative sampling of Québec's biodiversity, the sharing of common data bases, and the development of actions focused on a more complementary intervention of actions and the sharing of responsibilities.

## **Second Approach**

### **Boosting the number, the percentage of land and the representativeness of protected areas**

The objective set by Québec for 2005 is to designate somewhere near 8% of its land in the form of protected area.

A step to carry out is the compilation of representative samples of Québec's entire biological diversity. The network must therefore concentrate on protecting samples representative of its biological diversity.

## **Third Approach**

### **Promoting solidarity with regard to protected areas**

Promoting solidarity among citizens and authorities – both public and private – responsible for developing and managing resources and land, with regard to protected areas is needed. It is the best way to guarantee a broader network of protected areas that is integrated, of good quality and that meets everyone's aspirations. Solidarity means that Québec's protected areas will become a challenge for Québec society as a whole whose accomplishment will represent a feat of which all citizens will be proud.



## **Strategic Government Guidelines**

Acknowledging the need to improve the situation of protected areas in Québec, the government has set out a series of global principles and strategic guidelines; its commitments on this topic can be summarized as follows:

**The government mandates the Minister of the Environment to coordinate the work of an interdepartmental committee charged with the preparation of a draft Québec Strategy for Protected Areas. The draft report must be submitted jointly with the Minister responsible for Wildlife and Parks and the Minister of Natural Resources for government adoption within one year's time.**

- *In 1998, the Ministère de l'Environnement et de la Faune (today the Ministère de l'Environnement), kicked off, in cooperation with interdepartmental task forces, a study on protected areas. It has already published a directory and cartographical reference on Québec's protected areas, made observations and established approaches, as well as identifying current intervention programs with regard to protected areas.*
- *Developing a strategy for protected areas requires close collaboration with all concerned departments and agencies. An interdepartmental committee coordinated by the Ministère de l'Environnement will be formed to this end. In addition to this department, the committee will also include representatives from the Société de la faune et des parcs and the Ministère des Ressources naturelles, among other stakeholders.*

In order to direct the drafting of the Québec Strategy for Protected Areas, the government has adopted the global principles and strategic orientations, as follows:

**Officially recognize the importance, on the ecological, economic and social levels, of protected areas and their benefits for all of Québec.**

- *It is a sort of group insurance policy on nature that Québec is taking out to fulfill its objectives and commitments with regard to the preservation of biological diversity and sustainable development.*
- *The adoption of a strategy for protected areas is a cornerstone in maintaining an open and unrestricted access to foreign markets for its biological resources.*

**Adopt objectives and strategies with a view to expanding the present-day network of protected areas:**

- by the year 2005, increase the tracts of land designated as protected areas to close to 8% of Québec's territory;
- finalize current plans and carry out prior commitments taken when putting aside certain tracts in view of creating protected areas;
- see to it that the choice of protected areas target the protection of representative samples of our biodiversity as defined by an ecological reference framework. In this way, the government will ensure that the network of protected areas is aimed at satisfactorily preserving Québec's representative biological diversity;
  - *The network of protected areas in Québec will focus on the preservation of representative sampling of our biodiversity, both on land and water, and in lakes and rivers alike.*
  - *The network shall also attempt to preserve sensitive areas or exceptional settings as well as the habitats of threatened or vulnerable species.*

**Integrate protected areas into all processes governing the use of land, the allocation of resources, as well as the rights and privileges linked to public land and resources**

- *The government pledges that all plans for the use of land in the public domain, development schemes, regional strategies, the allocation of resources and the granting of rights shall take into consideration the need to establish a network of protected areas in Québec.*

**Encourage the participation of the major stakeholders and concerned organizations in the drafting of a strategy on protected areas. Native communities will also be called upon to contribute to this project. Before submitting the draft report to the government, public consultations will be held.**

**Step up efforts to facilitate the conservation of protected areas on privately owned land by individuals, non-government conservation organizations and the private sector in general.**

- *Oversee the passage of legislation to support private sector efforts.*

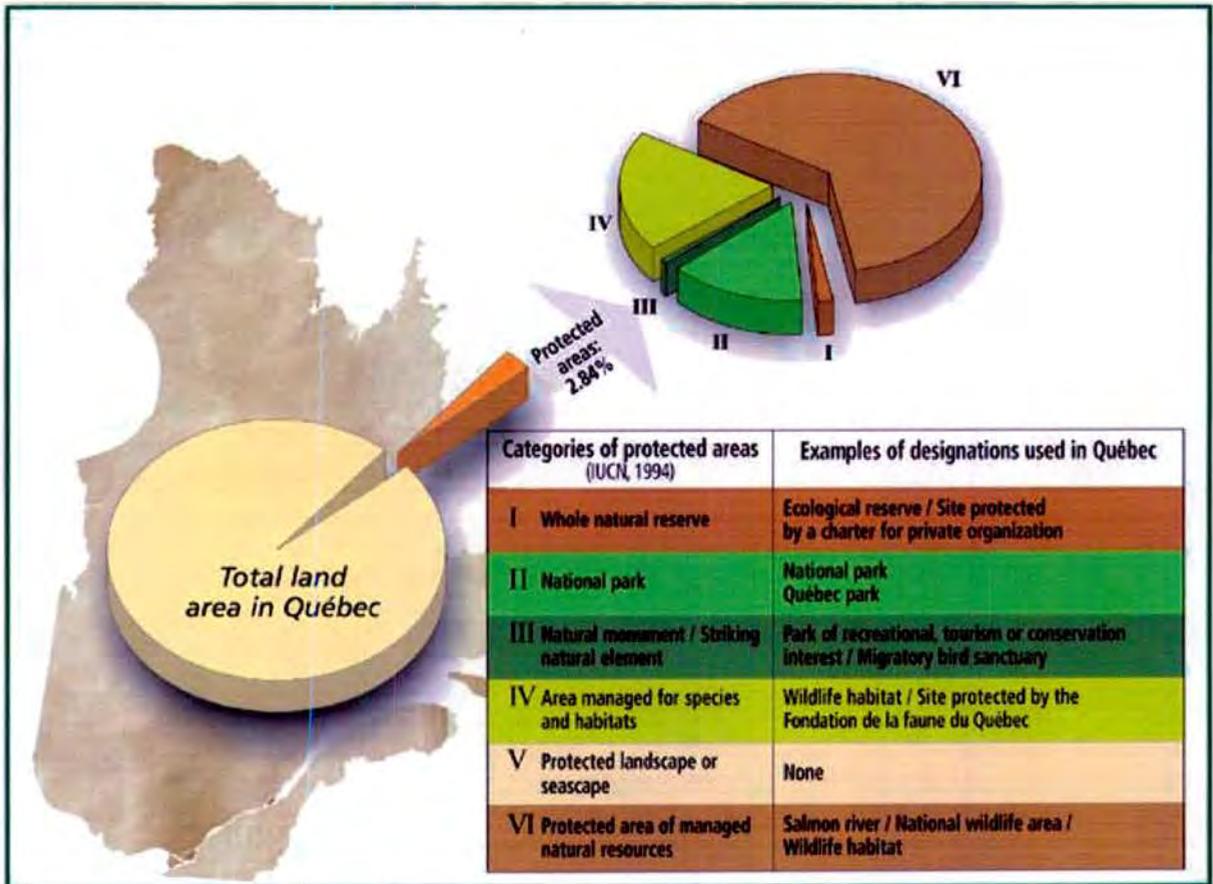
**Ascertain the means with which to implement the strategy as well as the financial and economic fallout associated therewith.**

The adoption of a strategy for protected areas constitutes a substantial investment that Québec intends to make to reap far-reaching benefits, even though some may appear intangible at first glance. Such investments could be made primarily as follows:

- *Updating our ecological expertise needed to validate the current choice of sites to be protected and determining new priorities.*
- *Consulting and cooperating with the general public and interest groups.*
- *Setting aside certain tracts of public land for the express creation of protected areas.*
- *Speeding up the process to designate protected areas already chosen or set aside for such purpose.*
- *Adopting measures to promote participation from the public in protecting natural sites on private land.*

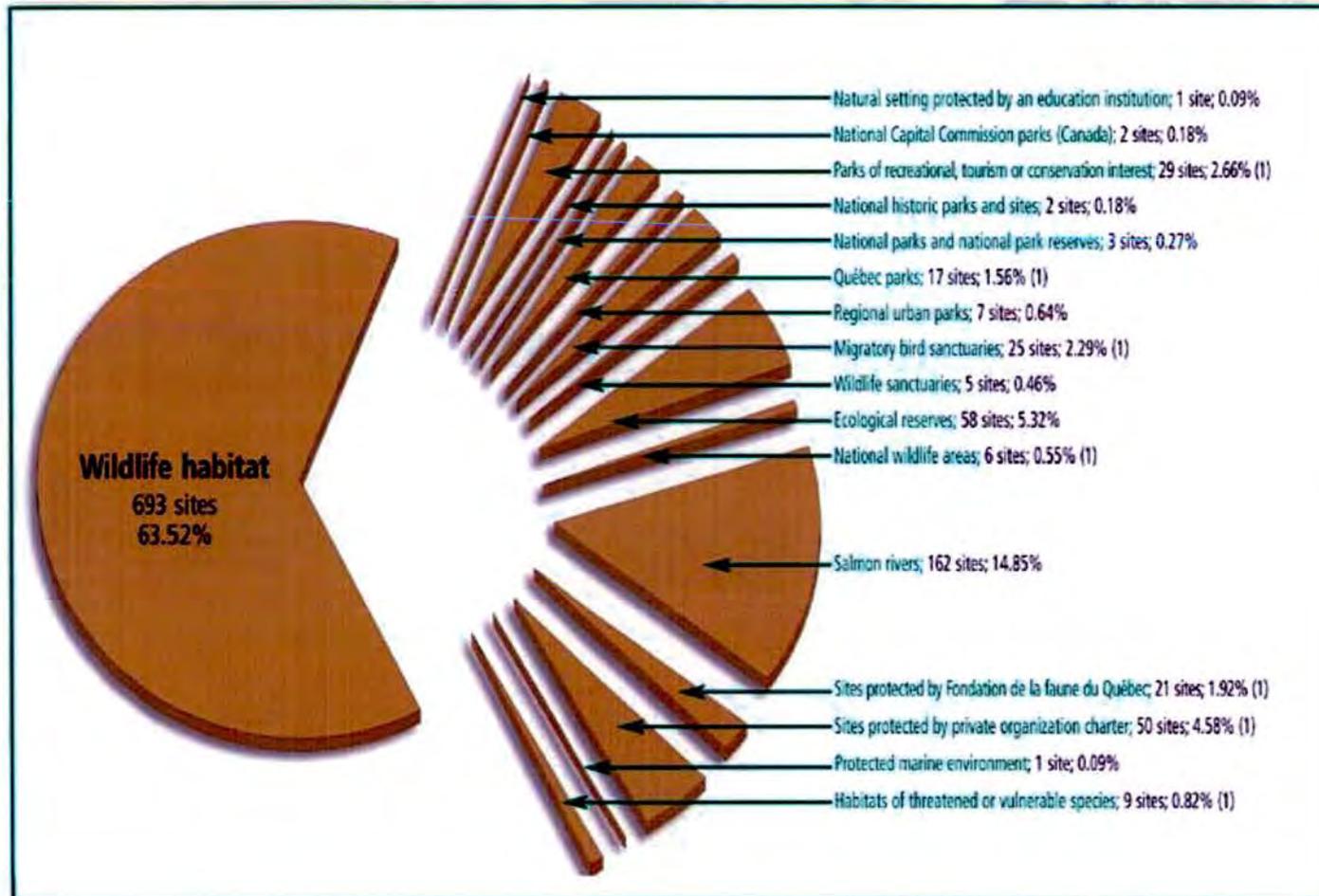


**Figure 1 - Protected areas in Québec, according to IUCN categories**



Sources : Centre de données sur le patrimoine naturel du Québec, 1999.  
IUCN, 1994.

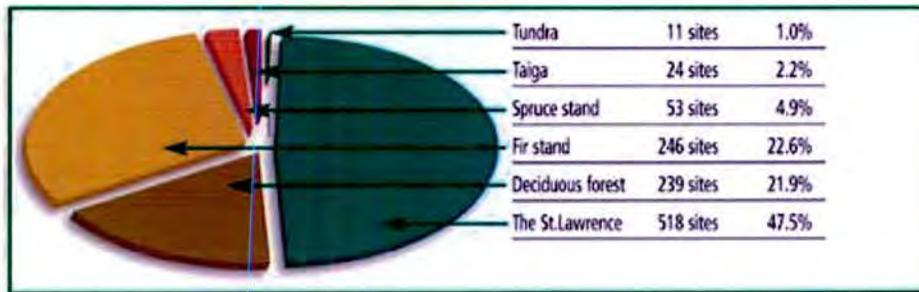
**Figure 2 - Distribution of protected areas in Québec according to number and designation**



1. One or more sites of this designation are included within the territory of another site of a different designation; they were not recorded so as to avoid any duplication.

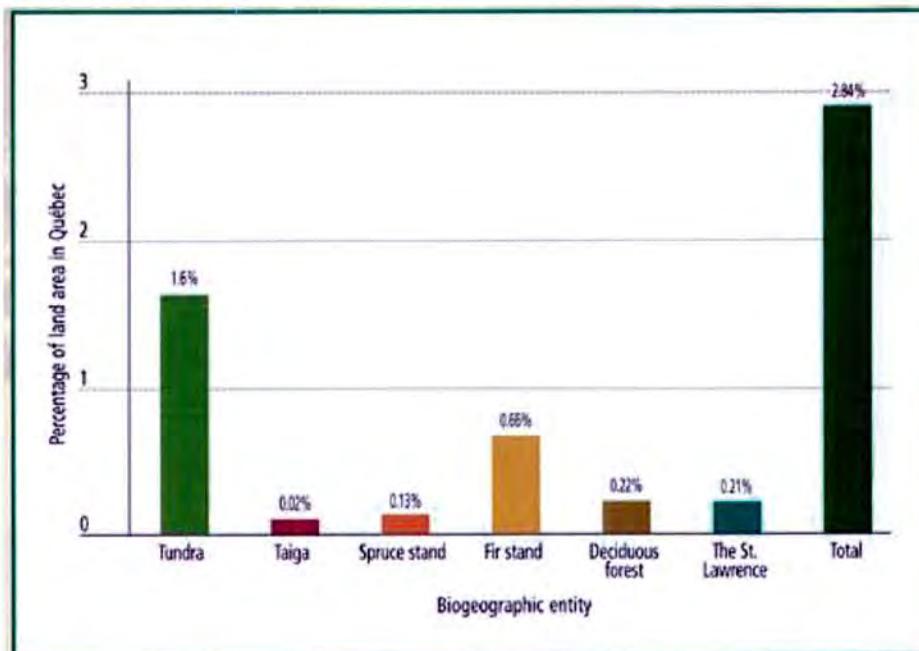
Sources : Centre de données sur le patrimoine naturel du Québec, 1999. Système d'information sur les habitats fauniques, 1998.

**Figure 3 - Distribution of protected areas in Québec according to number and biogeographic entity**



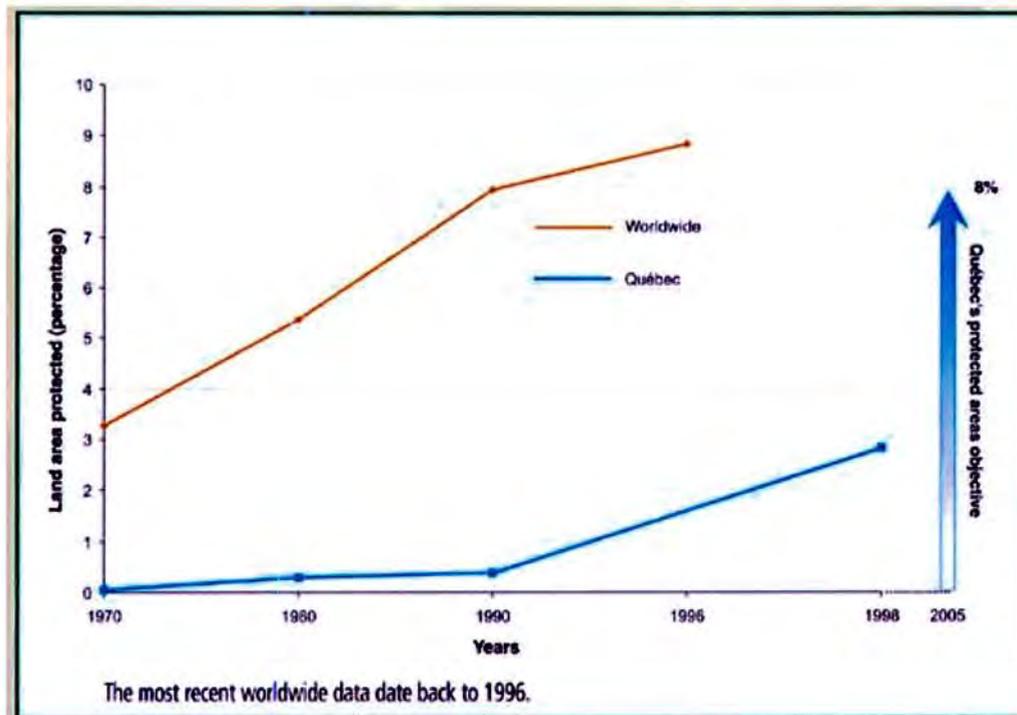
Source : Centre de données sur le patrimoine naturel du Québec, 1999.

**Figure 4 - Distribution of protected areas in Québec according to land area percentage and biogeographic entity**



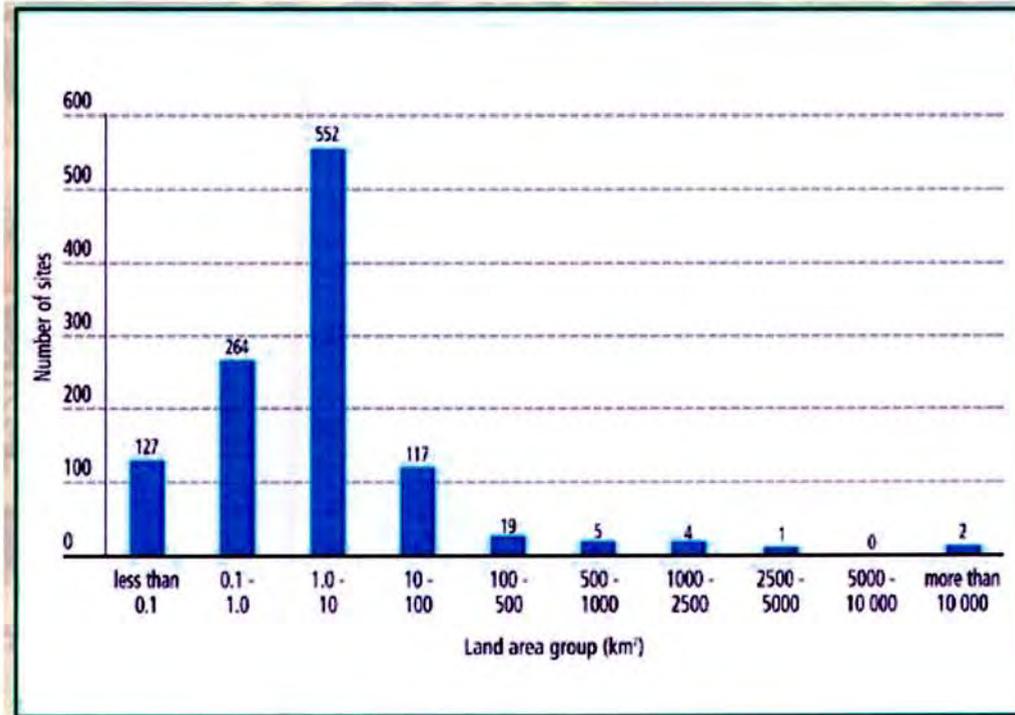
Source : Centre de données sur le patrimoine naturel du Québec, 1999.

**Figure 5 - Variation in percentage of land area covered by protected areas in Québec and worldwide**



Sources : adapté de Green, M.J.B. and Paine J., 1997, Centre de données sur le patrimoine naturel du Québec, 1999.

**Figure 6 - Distribution of protected areas in Québec according to land area group**



Source : Centre de données sur le patrimoine naturel du Québec, 1999.

**Table - Protected areas in Québec: distribution highlights**

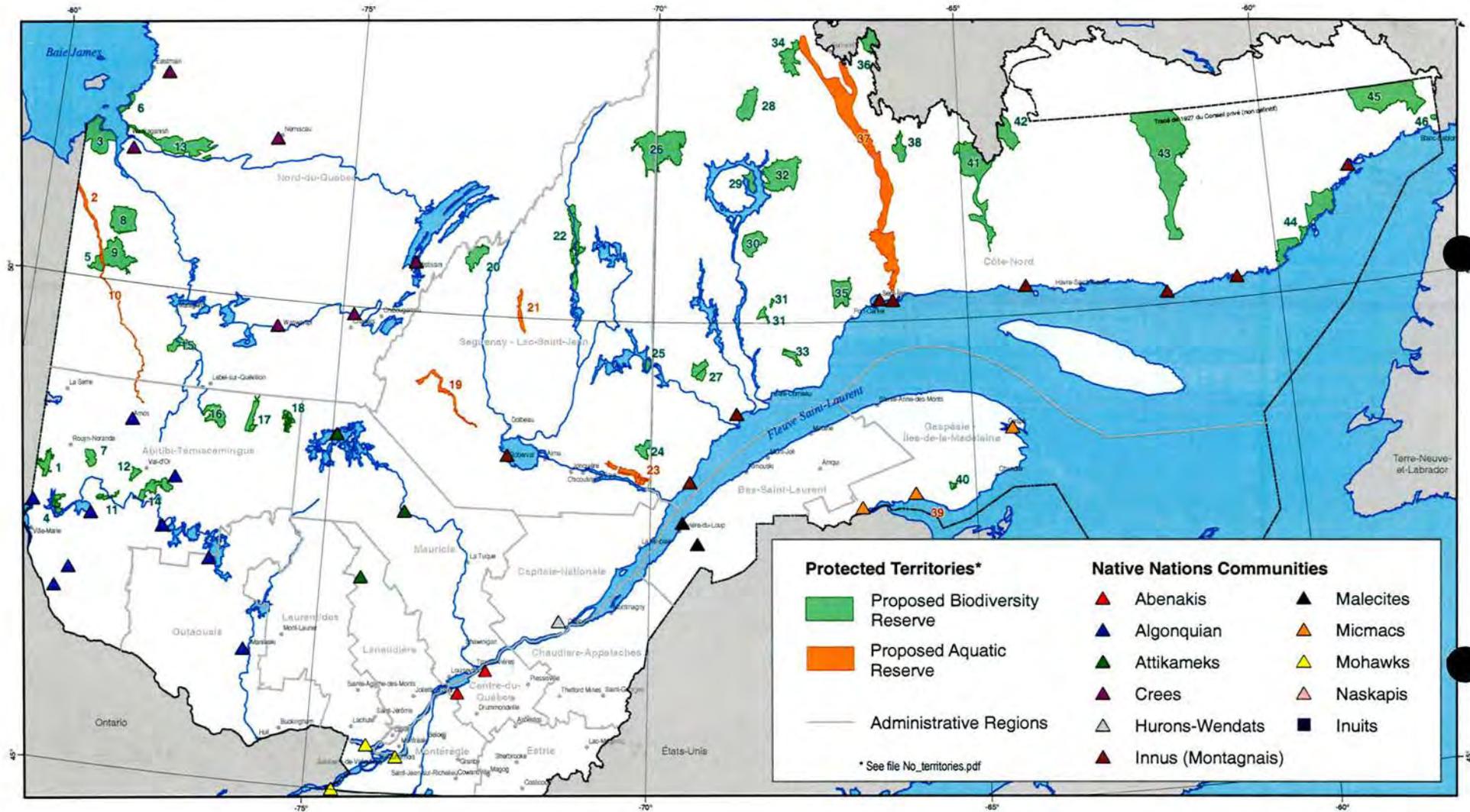
<b>Protected areas in Québec: distribution highlights</b>				
<b>UICN Cat. (1994)</b>	<b>Designations used in Québec</b>	<b>Land area (km<sup>2</sup>)</b>	<b>Total land area by UICN category (km<sup>2</sup>)</b>	<b>Percentage of Québec territory protected (%)</b>
<b>Ia</b>	Habitats for threatened or vulnerable species	0.06	<b>824.62</b>	<b>0.05%</b>
	<b>Wildlife habitats</b>	1.40		
	<b>Natural setting protected by educational institution</b>	5.00		
	<b>Migratory bird sanctuaries</b>	107.97		
	<b>Ecological reserves</b>	702.81		
	<b>National wildlife areas</b>	0.80		
	<b>Site protected by private organization charter</b>	6.58		
<b>II</b>	Protected marine environment	1,138.00	<b>6,822.74</b>	<b>0.41%</b>
	<b>National Capital Commission parks (Canada)</b>	356.50		
	<b>National parks and national park reserves</b>	930.90		
	<b>Québec parks</b>	4,397.34		
<b>III</b>	Natural setting protected by educational institution	6.00	<b>422.03</b>	<b>0.03%</b>
	<b>National Capital Commission parks (Canada)</b>	2.50		

	<b>Parks of recreational, tourism and conservation interest</b>	116.18		
	<b>National historic parks and sites</b>	1.91		
	<b>Québec parks</b>	0.62		
	<b>Regional urban parks</b>	11.26		
	<b>Migratory bird sanctuaries</b>	277.17		
	<b>Wildlife sanctuaries</b>	0.11		
	<b>National wildlife areas</b>	0.23		
	<b>Site protected by <i>Fondation de la faune du Québec</i></b>	1.96		
	<b>Site protected by private organization charter</b>	4.09		
<b>IV</b>	Wildlife habitats	9,293.18	<b>9,324.29</b>	<b>0.56%</b>
	<b>Parks of recreational, tourism and conservation interest</b>	4.30		
	<b>Wildlife sanctuaries</b>	2.24		
	<b>Site protected by <i>Fondation de la faune du Québec</i></b>	10.09		
	<b>Site protected by private organization charter</b>	14.48		
<b>VI</b>	Habitats for threatened or vulnerable species	0.79	<b>29,962.30</b>	<b>1.79%</b>
	<b>Wildlife habitats</b>	28,368.00		

	<b>Parks of recreational, tourism and conservation interest</b>	8.09		
	<b>Migratory bird sanctuaries</b>	108.25		
	<b>Wildlife sanctuaries</b>	14.61		
	<b>National wildlife areas</b>	43.94		
	<b>Salmon rivers (bank strip)</b>	1,390.35		
	<b>Site protected by Fondation de la faune du Québec</b>	6.29		
	<b>Site protected by private organization charter</b>	21.98		
	<b>Total</b>	<b>47,355.98</b>		<b>2.84%</b>

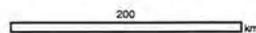
1 - A number of protected areas are found under more than one Québec designation. To avoid counting their surface area twice, it was attributed in whole or in part to one or the other designation.





**Native Nations Communities / Protected territories**

Scale 1 : 4 000 000

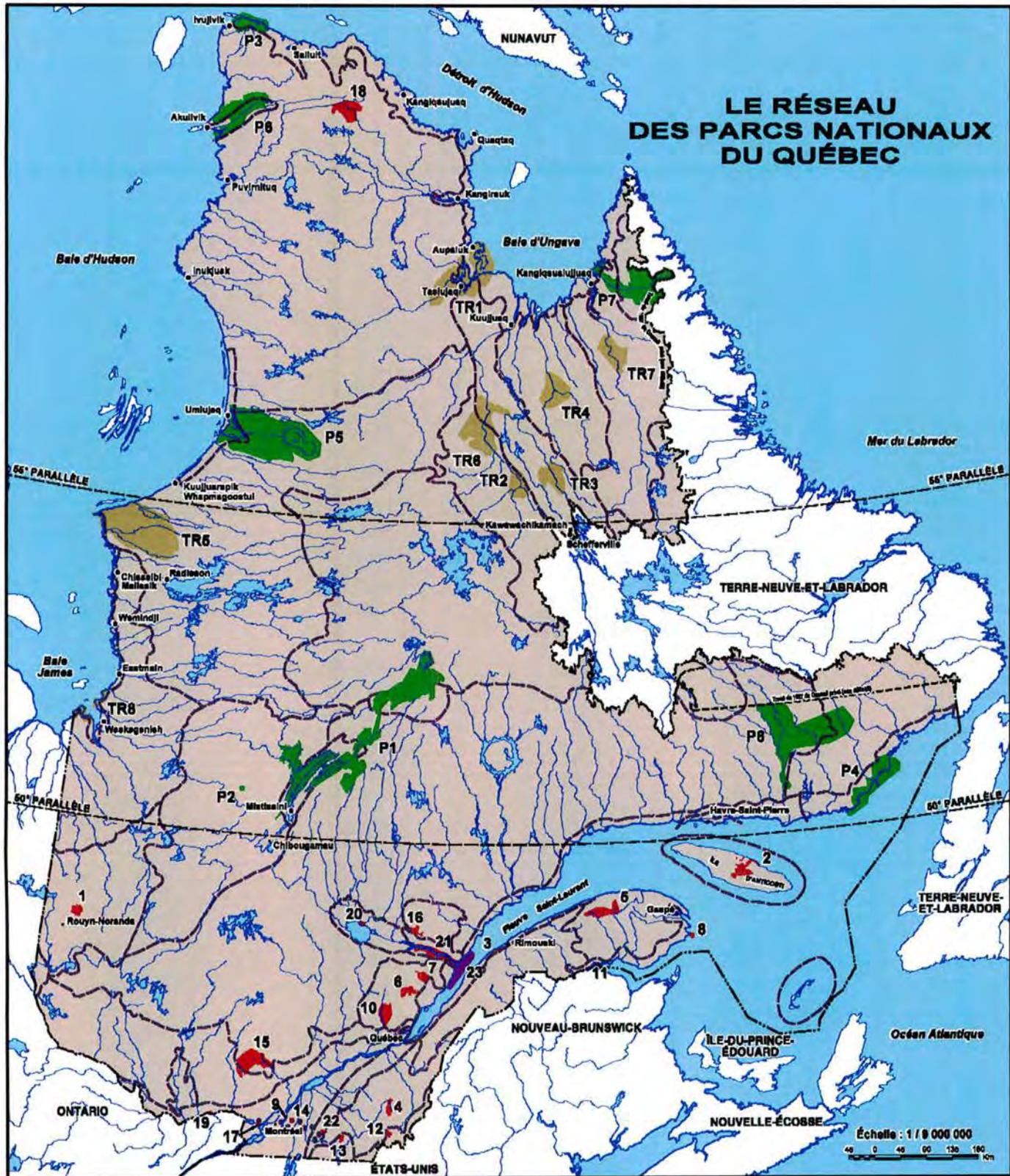


Direction du Développement durable,  
de l'Environnement et des Parcs.  
Service des aires protégées.  
Février 2006

## Proposed Biodiversity and Aquatic Reserves

Territories :	Status <sup>1</sup>	Administrative Region
1. Lac Opasatica (du)	RBP	02
2. Rivière Harricana Nord (de la)	RAP	10
3. Péninsule de Ministikawatin (de la)	RBP	10
4. Lac des Quinze (du)	RBP	08
5. Ruisseau Niquet (du)	RBP	10
6. Baie de Boatswain (de la)	RBP	10
7. Lacs Vaudray et Joannès (des)	RBP	08
8. Plaine de la Missisicabi (de la)	RBP	10
9. Collines de Muskuchii (des)	RBP	10
10. Haute Harricana (de la)	RAP	08, 10
11. Réservoir Decelles (du)	RBP	08
12. Forêt Piché-Lemoine (de la)	RBP	08
13. Waskaganish (de)	RBP	10
14. Lac Sabourin (du)	RBP	08
15. Lac Taibi (du)	RBP	10
16. Marais du lac Parent (des)	RBP	08
17. Lac Wetetnagami (du)	RBP	08
18. Lac Saint-Cyr (du)	RBP	08
19. Rivière Ashuapmushuan (de la)	RAP	02
20. Drumlins du lac Clérac (des)	RBP	02
21. Lac au Foin (du)	RAP	02
22. Lac Onistagane (du)	RBP	02
23. Vallée de la rivière Sainte-Marguerite (de la)	RAP	02
24. Akumunan	RBP	02, 09
25. Îles de l'est du Pipmuacan (des)	RBP	02, 09
26. Lac Plétipi (du)	RBP	02, 09
27. Brûlis du lac Frégate (du)	RBP	09
28. Rivière de la Racine de Bouleau (de la)	RBP	09
29. Île René-Levasseur (de l')	RBP	09
30. Lac Berté (du)	RBP	09
31. Paul-Provencher	RBP	09
32. Monts Groulx (des)	RBP	09
33. Vallée de la rivière Godbout (de la)	RBP	09
34. Lac Gensart (du)	RBP	09
35. Lac Pasteur (du)	RBP	09
36. Lac Ménistouc (du)	RBP	09
37. Rivière Moisie (de la)	RAP	09
38. Lac Bright Sand (du)	RBP	09
39. Estuaire de la rivière Bonaventure (de l')	RAP	11
40. Karst de Saint-Elzéar (les)	RBP	11
41. Massif des lacs Belmont et Magpie (du)	RBP	09
42. Buttes du lac aux Sauterelles (des)	RBP	09
43. Vallée de la rivière Natashquan (de la)	RBP	09
44. Côte d'Harrington Harbour (de la)	RBP	09
45. Basses collines du lac Guernesé (des)	RBP	09
46. Collines de Brador (des)	RBP	09

<sup>1</sup> RAP : Proposed Aquatic Reserve, RBP : Proposed Biodiversity Reserve



# LE RÉSEAU DES PARCS NATIONAUX DU QUÉBEC

- |  |  |   |  |
|--|--|---|--|
| <p><b>Parcs nationaux existants</b></p> <ul style="list-style-type: none"> <li>1 Aiguebelle, d'</li> <li>2 Anticosti, d'</li> <li>3 Bic, du</li> <li>4 Frontenac, de</li> <li>5 Gaspésie, de la</li> <li>6 Grands-Jardins, des</li> <li>7 Hautes-Gorges-de-la-Rivière-Malbaie, des</li> <li>8 Île-Bonaventure-et-du-Rocher-Percé, de l'</li> <li>9 Îles-de-Boucherville, des</li> <li>10 Jacques-Cartier, de la</li> <li>11 Migouche, de</li> <li>12 Mont-Mégantic, du</li> <li>13 Mont-Orford, du</li> <li>14 Mont-Saint-Bruno, du</li> <li>15 Mont-Tranblant, du</li> <li>16 Monts-Valin, des</li> <li>17 Oka, d'</li> <li>18 Pinguicuit, des</li> <li>19 Plaisance, de</li> <li>20 Pointe-Taillon, de la</li> <li>21 Saguenay, du</li> <li>22 Yémessé, de la</li> </ul> | <p><b>Parc marin</b></p> <ul style="list-style-type: none"> <li>23 Saguenay-Saint-Laurent, du</li> </ul> | <p><b>Parcs nationaux projetés</b></p> <ul style="list-style-type: none"> <li>P1 Alabon-Témiscamie-Ottah</li> <li>P2 Assinica (territoire non délimité)</li> <li>P3 Cap-Wolstenholme, du</li> <li>P4 Harrington-Harbour</li> <li>P5 Lac-Guillaume-Dellaie-et-à-l'Eau-Claire, des</li> <li>P6 Monts-de-Puvirnituq, des</li> <li>P7 Monts-Tomgat-et-de-la-Rivière-Koroq, des</li> <li>P8 Natashquan-Aguanus-Kenamu</li> </ul> | <p><b>Territoires réservés pour fins de parc</b></p> <ul style="list-style-type: none"> <li>TR1 Baie-aux-Feuilles</li> <li>TR2 Canyon-Eaton</li> <li>TR3 Collines-Ondulées</li> <li>TR4 Confluence-des-Rivières-à-la-Baleine-et-Whaeier</li> <li>TR5 Leo-Burton-Rivière-Roggen-et-le-Pointe-Louis-XIV</li> <li>TR6 Lao-Cambrien</li> <li>TR7 Monts-Pyramides</li> <li>TR8 Péninsule-Ministiquetin</li> </ul> |
|--|--|---|--|
- Limite des régions naturelles**

Proposals for regulatory measures to specify the  
regime of activities in proposed biodiversity and aquatic reserves

(existing and future reserves)

*Explanatory note*

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In December 2002, the National Assembly passed the Natural Heritage Conservation Act (R.S.Q., c. C-61.01), creating a key tool to be used in planning, coordinating and setting up a network of protected areas to represent the range of biodiversity in Québec.

The Natural Heritage Conservation Act allows for new protection status to be assigned to areas as "biodiversity reserves", "aquatic reserves" or "man-made landscapes". The Act also allows for temporary protection status to be first assigned to areas suitable for protection as "proposed biodiversity reserves", "proposed aquatic reserves" and "proposed man-made landscapes".

Since the Act was passed, 46 areas have been given status as proposed biodiversity reserves (39) or proposed aquatic reserves (7).

Under section 34 of the Act, large-scale industrial activities such as mining, gas and petroleum development, the development of hydraulic resources, the production of energy on a commercial or industrial basis and forest management (with exceptions) are prohibited at all times on lands with temporary protection status. Besides those absolute restrictions, it is each conservation plan prepared for each protected area that presently determines the activities that are permitted or prohibited, as well as the framework under which these activities may take place. Moreover, in the absence of measures specified in the conservation plan authorizing them and providing a governing framework, the following activities are also prohibited:

- mining, gas or petroleum exploration, ...(see section 34 of the Act);
- any new allocation of a right to occupy land for vacation purposes;
- earthwork and construction work.

All other activities or uses are permitted if not restricted in the conservation plan.

The draft "Amendments to the conservation plans for the proposed biodiversity and aquatic reserves", because of its regulatory nature, was published in the *Gazette officielle du Québec* of 6 July 2005 for consultation purposes (see Document 8). Minor adjustments have since been made to reflect the comments received since publication (see Document 10).

The end goal is to define a general regime of activities in the various proposed biodiversity and aquatic reserves that can be applied to both existing and future reserves.

It seeks to provide better framing for the activities that may be carried on. The conservation plans for the first proposed reserves contain no additional prohibitions or specific framework under which permitted activities may take place, and so what is allowed or prohibited essentially mirrors the provisions of section 34 of the Act.

The experience acquired since the first proposed biodiversity and aquatic reserves were given protection status has enabled the Ministère du Développement durable, de l'Environnement et des Parcs (MDDEP) to better understand, not only in terms of the concerns and needs of the persons who may occupy or use the areas, but also as regards the measures necessary to better protect the biodiversity and ecosystems within the reserves.

Consequently, in the first areas assigned temporary protection status, the proposed regulation will

- ensure better protection of the areas
  - by prohibiting activities that are inconsistent with conservation goals (such as stocking a watercourse or body of water for commercial purposes);
  - by requiring, as a way of exercising an adequate governing framework, that authorization be obtained from the Minister for any activities likely to have a negative impact on biodiversity conservation (such as introducing non-native species of fauna or flora or granting new vacation rights);
  - by creating certain rules of conduct for users (in particular as regards to safety measures when making campfires);
- enable authorization of earthwork and construction work when necessary (such as the construction of trails or new structures essential to the protection and management of the protected area) and determine the conditions on which the work will be authorized;
- prevent unnecessary overlapping with previously granted authorizations, in particular by exempting Hydro-Québec from the requirement to seek authorization for preliminary work and studies for hydro-electric projects if an authorization is already required under the Environment Quality Act;
- explicitly provide for the maintenance of certain rights recognized before the areas were established (including rights relating to the cutting of firewood for domestic purposes or to camps and structures previously permitted).

As for the significance of the proposed amendments on the regulatory portion of the conservation plans of existing proposed biodiversity and aquatic reserves, that deals with the harvesting of wildlife, the following activities continue to be permitted in the

proposed reserves without any prior authorization from the MDDEP and without other conditions or fees:

- the right to hunt
- the right to fish;
- the right to trap;
- the right to carry, transport and travel with hunting, fishing or trapping implements or material and with harvested wildlife;
- the right to remove small fruits or species of flora;
- the right to enter the reserves to carry on those activities;
- the right to be in and stay in the reserve for those purposes, taking care to not damage the surroundings;
- the right to maintain any existing trail (including clearing it and removing obstacles for that purpose);
- the right to travel on watercourses and bodies of water, including using motorized craft;
- using a snowmobile or all-terrain vehicle;
- making campfires, taking care to avoid uncontrolled fires (putting the fire out properly, watching over it, etc.);
- cutting firewood for that purpose;
- clearing and cutting wood around a shelter or cottage or on an access trail, in compliance with the regulation under the Act respecting the lands in the domain of the State.

Under those measures, all the following activities are also permitted in the proposed reserves, subject to specific rules and conditions, namely

- the right to erect new structures or install facilities including building a rough shelter or installing a water access ramp, with the Minister's authorization. An authorization is required only if the structures or equipments installed are intended to remain in the same place for more than three months in the same year (N.B.: the proposed "Amendments" will permit new structures and occupancies which, if not included in the conservation plan, would otherwise be prohibited under section 34 of the Act);
- cutting wood to meet domestic needs or to maintain biodiversity, with the Minister's authorization (note that persons holding permits for the harvest of firewood for domestic purposes at the time the temporary status of protection was assigned have a vested right and need no further authorization from the Ministère du Développement durable, de l'Environnement et des Parcs);
- creating new trails (ground clearing, earthwork and erecting structures) with the Minister's authorization (if the work is not included in the conservation plan, it would otherwise also be prohibited under section 34 of the Act).

Lastly, under the measures proposed in the "Amendments", travel in and access to some zones in a proposed biodiversity or aquatic reserve for specific purposes or with certain types of vehicles *may eventually* be prohibited

- if the Minister makes such a decision for land already set aside and has signage erected to that effect in that area;
- if the measure is necessary "so as to protect the public from a danger or to avoid placing the fauna, flora or other components of the natural environment at risk".

It must be emphasized that in land subject to the James Bay Agreement, the Natural Heritage Conservation Act and the conservation plans prepared under the Act must be read in the context of the Act Respecting Hunting and Fishing Rights in the James Bay and New Québec Territories (R.S.Q., c. D-13.1), keeping in mind the *precedence enjoyed by the latter Act*. Under sections 2, 16, 18, 21 and 25 in particular of that Act, the Cree, Inuit and Naskapi may exercise their right to harvest wildlife in the territory without a permit or authorization. *That right includes, among others, the right to travel and establish camps as are necessary to exercise that right*. As is the case for the other measures in that hunting, fishing and trapping regime, that right is to be exercised in keeping with the "principle of conservation" of the land described in section 2 of the Act.

The Minister must take into account aboriginal and treaty rights in exercising his or her powers.

**Amendments to the conservation plans for the proposed biodiversity and aquatic reserves**

Natural Heritage Conservation Act  
(R.S.Q., c. C-61.01, ss. 31, 33, 34 and 36)

1. Subject to the special measures provided for in sections 2 to 4, Division 3 of the conservation plans for the proposed biodiversity and aquatic reserves listed in the Schedule<sup>1</sup> is replaced by the following:

**"3. Activities within the reserve**

**§1. Introduction**

The activities carried on within the proposed reserve are governed for the most part by the provisions of the Natural Heritage Conservation Act.

This Division prohibits activities in addition to those prohibited under the Act and provides a framework for the carrying on of certain permitted activities so as to better ensure the protection of the natural environment. Accordingly, certain activities require the prior authorization of the Minister and compliance with the conditions determined by the Minister.

As provided in the Natural Heritage Conservation Act, the main activities prohibited in an area to which status as a proposed biodiversity or aquatic reserve has been assigned are

- mining, and gas or petroleum development;
- forest management within the meaning of section 3 of the Forest Act (R.S.Q., c. F-4.1); and

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<sup>1</sup> The conservation plans for the proposed biodiversity reserves listed in paragraphs 1 to 10 of the Schedule, approved by Order in Council 1269-2003 dated 3 December 2003, were published with the Order in Council on 17 December 2003 (2003, G.O. 2, 3495) and have not been amended since.

- The conservation plans for the proposed biodiversity and aquatic reserves listed in paragraphs 11 to 20 of the Schedule, approved by Orders in Council 109-2003 and 110-2003 dated 6 February 2003 (2003, G.O. 2, 951 and 1049), were published on 7 May 2003 with the notice of the establishment of the reserves (2003, G.O. 2, 1553) and have not been amended since, except the plans of the proposed reserves in paragraphs 14, 17 and 18, the text of which was revised by Order in Council 637-2005 dated 23 June 2005 (2005, G.O. 2, 2615) to reflect modifications to the boundaries of the proposed reserves.

- The conservation plans for the proposed biodiversity and aquatic reserves listed in paragraphs 21 to 28 of the Schedule, approved by Order in Council 484-2004 dated 19 May 2004 (2004, G.O. 2, 1745), were published on 4 August 2004 with the notice of the establishment of the reserves (erratum) (2004, G.O. 2, 2417) and have not been amended since, except the plans of the proposed reserves in paragraphs 24 and 25, the text of which was revised by Orders in Council 1069-2004 dated 16 November 2004 (2004, G.O. 2, 3257) and 637-2005 dated 23 June 2005 (2005, G.O. 2, 2615) to reflect modifications to the boundaries of the proposed reserves.

- The conservation plans for the proposed biodiversity and aquatic reserves listed in paragraphs 29 to 46 of the Schedule, approved by Order in Council 636-2005 dated 23 June 2005 (2005, G.O. 2, 2503), amended by Order in Council 1051-2005 dated 9 November 2005 (2005, G.O. 2, 4931), were published on 7 September 2005 with the notice of establishment of the proposed reserves (2005, G.O. 2, 3799) and have not been amended since.

- the development of hydraulic resources and any production of energy on a commercial or industrial basis.

§2. *Prohibitions, prior authorizations and conditions on which certain activities may be carried on in the proposed reserve*

§2.1. *Protection of resources and the natural environment*

3.1. Unless the person has been authorized by the Minister and carries on the activity in compliance with the conditions the Minister determines, no person may introduce non-native species of flora or fauna into the proposed reserve.

3.2. No person may stock a watercourse or body of water

- (1) for aquaculture, sports or commercial fishing or any other commercial purpose; or
- (2) for any other purpose, if the fish stocked are not from a genetic strain originating from the proposed reserve.

3.3. No person may bury, abandon or dispose of waste, snow or other residual materials other than in waste disposal containers, facilities or sites determined by the Minister or elsewhere, with the authorization of the Minister and in compliance with the conditions the Minister determines.

Despite the first paragraph, no authorization need be obtained by an outfitting operation to use a disposal facility or site in compliance with the Environment Quality Act and its regulations if the outfitting operation was already using the facility or site on the date on which the protection status as a proposed reserve takes effect.

3.4. No person may, unless the person has been authorized by the Minister and carries on the activity in compliance with the conditions the Minister determines,

- (1) intervene in a wetland area;
- (2) dig, fill, obstruct or divert a watercourse or body of water; or
- (3) carry on another activity likely to degrade their bed, banks or shores or to otherwise directly and substantially alter their bio-chemical characteristics or the quality of the watercourse, body of water or wetland area, including by discharging or dumping waste or other pollutant into the watercourse, body of water or wetland area.

§2.2. *Rules of conduct for users*

3.5. Every person staying, carrying on an activity or travelling about within the proposed reserve is required to maintain the premises in a satisfactory state and before leaving, return the premises to their natural state to the extent possible.

3.6. Every person who makes a campfire must

- (1) clear an area around the fire site sufficient to prevent the fire from spreading, namely by removing all branches, scrub, dry leaves and other combustible materials;
- (2) see that there is always a person on the premises to attend the fire; and
- (3) ensure that the fire is completely extinguished before leaving the premises.

3.7. In the proposed reserve, no person may

- (1) cause any excessive noise; or
- (2) behave in a manner that unduly disturbs other persons in the reserve or interferes with their enjoyment of the reserve.

3.8. No person may destroy, remove, move or damage any poster, sign, notice or other type of signage posted by the Minister within the proposed reserve.

3.9. No person may enter, carry on an activity in or operate a vehicle in a given sector of the proposed reserve unless the person has been authorized by the Minister and complies with the conditions determined, if the signage erected by the Minister restricts access, traffic or the carrying on of certain activities so as to protect the public from a danger or to avoid placing the fauna, flora or other components of the natural environment at risk.

#### §2.3. *Activities requiring an authorization*

3.10. No person may, unless the person has been authorized by the Minister and complies with the conditions the Minister determines, stay or reside on or otherwise occupy the same site within the proposed reserve for a period of more than three months in the same year. No authorization need be obtained by a person who,

- (1) on the date on which the protection status as a proposed reserve takes effect, was a party to a lease or had another right or authorization allowing the person to legally occupy the land under the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) or, if applicable, the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), and whose right to occupy the land is renewed or extended;
- (2) in accordance with the applicable provisions of law, has entitlement under a sublease, an assignment of a lease or a transfer of a right or authorization, as referred to in paragraph 1, and whose right to occupy the land is renewed or extended; or
- (3) takes advantage of the possibility of acquiring the land the person legally occupies on the date on which the protection status as a proposed reserve takes effect, pursuant to the Act respecting the lands in the domain of the State.

3.11. (1) 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 and carries on the activities in compliance with the conditions the Minister determines.

The conditions of that authorization may pertain, among other things, to species of trees or shrubs, the size of the stems that may be cut, the quantities authorized and the places where the activities may be carried on.

(2) Despite subsection 1, the authorization of the Minister under this plan need not be obtained by a person staying or residing in the proposed reserve who collects wood to make a campfire.

No such authorization need be obtained by a person to collect wood to meet domestic needs if

(a) the wood is collected to supply a trapping camp or a rough shelter permitted on the territory of the proposed reserve, provided that

i. the wood is collected by a person in accordance with the conditions set out in the permit for the harvest of firewood for domestic purposes issued by the Minister of Natural Resources and Wildlife under the Forest Act, and

ii. the quantity of wood collected does not exceed 7 apparent cubic metres per year; and

(b) in all other cases if

i. the wood is collected within a sector reserved by the Minister of Natural Resources and Wildlife as a sector for which a permit for the harvest of firewood for domestic purposes under the Forest Act may be issued and which has already been reserved as such by the Minister on the date on which the protection status as a proposed reserve takes effect,

ii. the wood is collected by a person who, on the date on which the protection status as a proposed reserve takes effect or in any of the three preceding years, held a permit for the harvest of firewood for domestic purposes allowing the person to harvest firewood within the proposed reserve, or

iii. the wood is collected by a person in accordance with the conditions set out in the permit for the harvest of firewood for domestic purposes issued by the Minister of Natural Resources and Wildlife under the Forest Act.

(3) Despite subsection 1, no authorization need be obtained by a person authorized by lease to occupy land within the proposed reserve, pursuant to this plan, to carry on a forest management activity for the purpose of

(a) clearing permitted harvested areas, maintaining them or creating visual openings, and any other similar removal purposes permitted under the regulation that

applies to the sale, lease and granting of immovable rights made under the Act respecting the lands in the domain of the State;

- (b) creating and maintaining access roads, stairways or other trails permitted under that regulation; or
- (c) clearing the necessary area for the installation, connection, maintenance and repair of power, water, sewer or telecommunication lines, facilities and mains.

When the work referred to in subparagraph *c* of subsection 3 is carried out 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 provided for in sections 3.13 and 3.14.

(4) Despite subsection 1, no authorization need be obtained by a person to carry on a forest management activity to maintain a sugar bush and harvest maple products for domestic purposes if

- (a) the activity is carried on by a person who, on the date on which the protection status as a proposed reserve takes effect or in any of the three preceding years, held a sugar bush management permit issued by the Minister of Natural Resources and Wildlife under the Forest Act allowing the person to carry on the activities of a sugar bush operator within the proposed reserve;
- (b) the activity is carried on within a zone for which the permit obtained allowed the carrying on of sugar bush operations on the date on which the protection status as a proposed reserve takes effect or in any of the three preceding years; or
- (c) the activity is carried on by a person in compliance with the conditions set out in the sugar bush management permit issued by the Minister of Natural Resources and Wildlife under the Forest Act.

**3.12.** No person may, unless the person has been authorized by the Minister and carries on the activity in compliance with the conditions the Minister determines,

- (1) carry out soil development work, including any fill, burial, earthwork, removal or displacement of surface materials or vegetation cover, for any purpose including recreational and tourism purposes such as the development of trails;
- (2) install or construct a new structure, infrastructure or works;
- (3) reconstruct or demolish an existing structure, infrastructure or works, although no authorization is required in the case of a trapping camp, a rough shelter or a building used for vacation purposes;
- (4) use a pesticide, although no authorization is required for the use of insect repellent for personal purposes;

- (5) carry on an activity that is likely to severely degrade the soil or a geological formation or damage the vegetation cover, such as stripping, the digging of trenches or excavation work; or
- (6) carry on educational or research-related activities if the activities are likely to significantly damage or disturb the natural environment, in particular by reason of the nature or size of the samples taken or by reason of the invasive character of the method or process used.

The conditions determined by the Minister for authorization of the work may pertain to the location of the authorized activity, the methods used, the areas that may be cleared or deforested, the types of material that may be used including the material taken from the site, and the presence of ancillary works or facilities. The conditions may also include a requirement to ensure periodic follow-up or to report to the Minister, in particular as regards the results obtained from the research to which subparagraph 6 of the first paragraph refers.

Subject to the conditions determined in the authorization, work to repair or maintain trails authorized by the Minister or trails existing on the date on which the protection status as a proposed reserve takes effect may be carried on without an authorization under subparagraph 1 of the first paragraph.

Work to repair or maintain forest roads or roads authorized under the Act respecting the lands in the domain of the State carried on in accordance with the Forest Act and its regulations that concern standards of forest management may be carried on without an authorization under subparagraph 1 of the first paragraph.

#### § 2.4. *Authorization exemptions*

**3.13.** Despite the preceding provisions, no authorization need be obtained by a person to carry on an activity or for any other form of intervention within the proposed reserve if urgent action is required to prevent endangering the health or safety of persons, or to repair or prevent damage caused by a real or apprehended catastrophe. The person concerned must, however, immediately inform the Minister of the activity or intervention that has taken place.

**3.14.** Despite the preceding provisions, the following activities and interventions involving the production, transmission and distribution of electricity 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 plan:

- (1) any activity or intervention required within the proposed reserve to complete a project which was previously expressly authorized by the Government and the Minister, or only by the latter, in accordance with the requirements of the Environment Quality Act (R.S.Q., c. 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 it is carried out in accordance with the request; and
- (4) any activity or intervention by the Société, if the conditions for the carrying out of the activity or intervention have been determined in an agreement between the Minister and the Société and the activity or intervention is carried out in compliance with those conditions.

For the purposes of this section, the activities and interventions of the Société include pre-project studies, analysis work or field research, work required to study and monitor the impact of 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 purpose of access, construction or equipment movement necessary for the carrying on of such work.

#### §2.5. *General provisions*

3.15. Every person who applies to the Minister for an individual authorization or for an authorization for a group or for a number of persons must provide any information or document requested by the Minister for the examination of the application.

3.16. The Minister's authorization, which is general and can be used by more than one person, may be communicated to the persons concerned by any appropriate means including by a posted notice or appropriate signage at the reception centre or any other location within the proposed reserve that is readily accessible to the public. The Minister is to provide a copy to any person concerned.

#### §3. *Activities governed by other statutes*

Certain activities likely to be carried on within the proposed reserve are also governed by other applicable legislative and regulatory provisions, including those that require the issue of a permit or authorization or the payment of fees. The carrying on of certain activities may also be prohibited or limited by other Acts or regulations applicable within the boundaries of the proposed reserve.

A special legal framework may govern permitted and prohibited activities within the proposed reserve in connection with the following matters:

- Environmental protection: measures set out in particular in the Environment Quality Act (R.S.Q., c. Q-2);
- Archaeological research: measures set out in particular in the Cultural Property Act (R.S.Q., c. B-4);

- Development of wildlife resources: measures set out in particular in the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), including the provisions pertaining to outfitting operations and beaver reserves and the measures contained in applicable federal legislation, including the fishery regulations;
- Removal of species of fauna or flora that are threatened or vulnerable or are likely to be designated as such: measures prohibiting the removal of the species under the Act respecting threatened or vulnerable species (R.S.Q., c. E-12.01);
- Access and land rights: measures set out in particular in the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1);
- Operation of vehicles: measures set out in particular in the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) and in the regulation on motor vehicle traffic in certain fragile environments made under the Environment Quality Act (R.S.Q., c. Q-2)."

2. The conservation plan for the proposed Upper Harricana aquatic reserve, amended pursuant to section 1, is also amended by inserting the following after section 3.12:

"3.12.1. Mining exploration, including prospecting, digging and boring, if those activities necessitate stripping, the digging of trenches, excavation or deforestation, is permitted within the proposed reserve on land reserved to the State under section 304 of the Mining Act (R.S.Q., c. M-13.1), provided that all the following conditions are met:

- (1) the activities are not carried on in the Harricana river, on the islands in the river, or on a 50-metre wide strip on either bank of the river. The width of the strip of land is calculated horizontally from the shoreline appearing on the maps in Québec's Topographic Database (BDTQ, scale 1:20 000);
- (2) the activities are carried on in the zone between 50 and 200 metres from either bank of the Harricana river; the activities are also permitted in the bedrock provided the overlying layer of rock is at least 50 metres thick;
- (3) the activities are carried on by or on behalf of a person who is authorized to carry on mining exploration, prospecting, digging or boring within the proposed reserve in accordance with the measures set out in the Mining Act;
- (4) the activities, when they necessitate deforestation, are carried on by or on behalf of a person who is authorized to carry on such activities as provided in sections 20 and 21 of the Forest Act;
- (5) the activities are carried on in conformity with the applicable legislative and regulatory standards and in compliance with the following requirements:

(a) the person authorized to carry on the exploration work must

- i. recover all drilling muds,
- ii. ensure that no petroleum products are spilled into the environment,
- iii. install a lining to protect against the spill of toxic materials into the environment, and
- iv. ensure that residual materials other than sediments, sludge and cuttings from the work are stored, processed or disposed of outside the proposed reserve;

(b) the person authorized to carry on the activities may draw water from the Harricana river to meet pumping requirements if the distance between the drilling site and the water intake is greater than 200 metres, on the following conditions:

- i. the person must have written authorization from the Minister of Sustainable Development, Environment and Parks, and
- ii. the person must install a protective lining under the pump to protect against spills of petroleum products into the environment; and

(c) the person must comply with any conditions of authorization determined by the Minister of Sustainable Development, Environment and Parks with a view to minimizing the impacts on the environment."

3. Despite section 1, sections 3.3, 3.6, 3.10, 3.11 and 3.12 of Division 3 of the conservation plan of the proposed Bonaventure river estuary aquatic reserve are to be read as follows:

"3.3. No person may bury, abandon or dispose of waste, snow or other residual materials other than in waste disposal containers, facilities or sites determined by the Minister or elsewhere, with the authorization of the Minister and in compliance with the conditions the Minister determines.

3.6. No person may make a fire in the proposed reserve, including a campfire and a beach fire.

3.10. No person may establish a campsite, a shelter or otherwise stay in the proposed reserve, or occupy a site by installing or leaving property in the proposed reserve, unless the person has been authorized by the Minister and complies with the conditions determined by the Minister.

3.11. 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 and complies with the conditions the Minister determines.

The conditions of that authorization may pertain, among other things, to species of trees or shrubs, the size of the stems that may be cut, the authorized amounts and where the activities may be carried on.

3.12. No person may, unless the person has been authorized by the Minister and carries on the activity in compliance with the conditions the Minister determines,

- (1) carry out soil development work, including any fill, burial, earthwork, removal or displacement of surface materials or vegetation cover, for any purpose including recreational and tourism purposes such as the development of trails;
- (2) install or construct a new structure, infrastructure or works;
- (3) reconstruct or demolish an existing structure, infrastructure or works, although no authorization is required in the case of a trapping camp, a rough shelter or a building used for vacation purposes;
- (4) use a pesticide, although no authorization is required for the use of insect repellent for personal purposes;
- (5) carry on an activity that is likely to severely degrade the soil or a geological formation or damage the vegetation cover, such as stripping, the digging of trenches or excavation work;
- (6) carry on educational or research-related activities if the activities are likely to significantly damage or disturb the natural environment, in particular by reason of the nature or size of the samples taken or by reason of the invasive character of the method or process used; or
- (7) remove the following species of flora or fauna:
  - Anticosti aster (*Symphyotrichum anticostense*);
  - Macoun's fringed gentian (*Gentianopsis procera* subsp. *macounii* var. *macounii*);
  - mat muhly (*Muhlenbergia richardsonis*);
  - Gaspé peninsula arrow-grass (*Triglochin gaspensis*);
  - harlequin duck (*Historionicus historionicus*);
  - Barrow's goldeneye (*Bucephala islandica*);
  - red-headed woodpecker (*Melanerpes erythrocephalus*);
  - bald eagle (*Haliaeetus leucocephalus*).

The conditions determined by the Minister for authorization of the work may pertain to the location of the authorized activity, the methods used, the areas that may be cleared or deforested, the types of material that may be used including the material taken from the site, and the presence of ancillary works or facilities. The conditions may also include a requirement to ensure periodic follow-up or to report to the Minister, in particular as regards the results obtained from the research to which subparagraph 6 of the first paragraph refers.

Subject to the conditions determined in the authorization, work to repair or maintain trails authorized by the Minister or trails existing on the date on which the protection status as a proposed reserve takes effect may be carried on without an authorization under subparagraph 1 of the first paragraph."

4. Despite section 1, section 3.10 of Division 3 of the conservation plan of the proposed Saint-Elzéar karst biodiversity reserve is to be read as follows:

"3.10. No person may establish a campsite, a shelter or otherwise stay in the proposed reserve, or occupy a site by installing or leaving property in the proposed reserve, unless the person has been authorized by the Minister and complies with the conditions determined by the Minister. No authorization need be obtained by a person who,

- (1) on the date on which the protection status as a proposed reserve takes effect, was a party to a lease or had another right or authorization allowing the person to legally occupy the land under the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) or, if applicable, the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), and whose right to occupy the land is renewed or extended;
- (2) in accordance with the applicable provisions of law, has entitlement under a sublease, an assignment of a lease or a transfer of a right or authorization, as referred to in paragraph 1, and whose right to occupy the land is renewed or extended; or
- (3) takes advantage of the possibility of acquiring the land the person legally occupies on the date on which the protection status as a proposed reserve takes effect, pursuant to the Act respecting the lands in the domain of the State."

5. These Amendments come into force on the fifteenth day following the date of their publication in the *Gazette officielle du Québec*.

PRELIMINARY VERSION

## SCHEDULE

(s. 1)

### LIST OF PROPOSED BIODIVERSITY AND AQUATIC RESERVES

- (1) Proposed René-Levasseur island biodiversity reserve (s. 90, Natural Heritage Conservation Act);
- (2) Proposed Monts Groulx biodiversity reserve (s. 90, Natural Heritage Conservation Act);
- (3) Proposed Gensart lake biodiversity reserve (s. 90, Natural Heritage Conservation Act);
- (4) Proposed Bright Sand lake biodiversity reserve (s. 90, Natural Heritage Conservation Act);
- (5) Proposed Belmont and Magpie lakes massif biodiversity reserve (s. 90, Natural Heritage Conservation Act);
- (6) Proposed Lac aux Sauterelles knolls biodiversity reserve (s. 90, Natural Heritage Conservation Act);
- (7) Proposed Natashquan river valley biodiversity reserve (s. 90, Natural Heritage Conservation Act);
- (8) Proposed Harrington Harbour shore biodiversity reserve (s. 90, Natural Heritage Conservation Act);
- (9) Proposed Guernesé lake foothills biodiversity reserve (s. 90, Natural Heritage Conservation Act);
- (10) Proposed Brador hills biodiversity reserve (s. 90, Natural Heritage Conservation Act);
- (11) Proposed Ashuapmushuan river aquatic reserve (M.O. dated 18 March 2003, 2003, G.O. 2, 1404);
- (12) Proposed Moisie river aquatic reserve (M.O. dated 18 March 2003, 2003, G.O. 2, 1404);
- (13) Proposed North Harricana river aquatic reserve (M.O. dated 18 March 2003, 2003, G.O. 2, 1404);
- (14) Proposed Pasteur lake biodiversity reserve (M.O. dated 18 March 2003, 2003, G.O. 2, 1404);

- (15) Proposed Boatswain bay biodiversity reserve (M.O. dated 18 March 2003, 2003, G.O. 2, 1404);
- (16) Proposed Ministikawatin peninsula biodiversity reserve (M.O. dated 18 March 2003, 2003, G.O. 2, 1404);
- (17) Proposed Missisicabi plain biodiversity reserve (M.O. dated 18 March 2003, 2003, G.O. 2, 1404);
- (18) Proposed Muskuuchii hills biodiversity reserve (M.O. dated 18 March 2003, 2003, G.O. 2, 1404);
- (19) Proposed Vaudray and Joannès lakes biodiversity reserve (M.O. dated 18 March 2003, 2003, G.O. 2, 1404);
- (20) Proposed Sabourin lake biodiversity reserve (M.O. dated 18 March 2003, 2003, G.O. 2, 1404);
- (21) Proposed Upper Harricana aquatic reserve (M.O. dated 17 June 2004, 2004, G.O. 2, 2301);
- (22) Proposed Taibi lake biodiversity reserve (M.O. dated 17 June 2004, 2004, G.O. 2, 2301);
- (23) Proposed Decelles reservoir biodiversity reserve (M.O. dated 17 June 2004, 2004, G.O. 2, 2301);
- (24) Proposed Parent lake marshlands biodiversity reserve (M.O. dated 17 June 2004, 2004, G.O. 2, 2301);
- (25) Proposed Waskaganish biodiversity reserve (M.O. dated 17 June 2004, 2004, G.O. 2, 2301);
- (26) Proposed Piché-Lemoine forest biodiversity reserve (M.O. dated 17 June 2004, 2004, G.O. 2, 2301);
- (27) Proposed Opatatica lake biodiversity reserve (M.O. dated 17 June 2004, 2004, G.O. 2, 2301);
- (28) Proposed Des Quinze lake biodiversity reserve (M.O. dated 17 June 2004, 2004, G.O. 2, 2301);
- (29) Proposed Lac au Foin aquatic reserve (M.O. dated 27 July 2005, 2005, G.O. 2, 4072);

- (30) Proposed Sainte-Marguerite river valley aquatic reserve (M.O. dated 27 July 2005, 2005, G.O. 2, 4072);
- (31) Proposed Bonaventure river estuary aquatic reserve (M.O. dated 27 July 2005, 2005, G.O. 2, 4072);
- (32) Proposed Niquet stream biodiversity reserve (M.O. dated 27 July 2005, 2005, G.O. 2, 4072);
- (33) Proposed Saint-Cyr lake biodiversity reserve (M.O. dated 27 July 2005, 2005, G.O. 2, 4072);
- (34) Proposed Wetetnagami lake biodiversity reserve (M.O. dated 27 July 2005, 2005, G.O. 2, 4072);
- (35) Proposed Plétipi lake biodiversity reserve (M.O. dated 27 July 2005, 2005, G.O. 2, 4072);
- (36) Proposed Onistagane lake biodiversity reserve (M.O. dated 27 July 2005, 2005, G.O. 2, 4072);
- (37) Proposed Berté lake biodiversity reserve (M.O. dated 27 July 2005, 2005, G.O. 2, 4072);
- (38) Proposed Paul-Provencher biodiversity reserve (M.O. dated 27 July 2005, 2005, G.O. 2, 4072);
- (39) Proposed Godbout river valley biodiversity reserve (M.O. dated 27 July 2005, 2005, G.O. 2, 4072);
- (40) Proposed Frégate lake burn area biodiversity reserve (M.O. dated 27 July 2005, 2005, G.O. 2, 4072);
- (41) Proposed Pipmuacan east islands biodiversity reserve (M.O. dated 7 July 2005, 2005, G.O. 2, 4072);
- (42) Proposed Akumunan biodiversity reserve (M.O. dated 27 July 2005, 2005, G.O. 2, 4072);
- (43) Proposed Ménistouc lake biodiversity reserve (M.O. dated 27 July 2005, 2005, G.O. 2, 4072);
- (44) Proposed Racine de Bouleau river biodiversity reserve (M.O. dated 27 July 2005, 2005, G.O. 2, 4072);

(45) Proposed Clérac lake drumlins biodiversity reserve (M.O. dated 27 July 2005, 2005, G.O. 2, 4072);

(46) Proposed Saint-Elzéar karst biodiversity reserve (M.O. dated 27 July 2005, 2005, G.O. 2, 4072).

PRELIMINARY VERSION

## Draft Regulations

### Draft Regulation

Natural Heritage Conservation Act  
(R.S.Q., c. C-61.01)

#### Activities in the conservation plans for the proposed biodiversity and aquatic reserves — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Amendments to the conservation plans for the proposed biodiversity and aquatic reserves, the text of which appears below, may be made by the Minister of Sustainable Development, Environment and Parks, with the approval of the Government, on the expiry of 45 days following this publication.

The amendments concern the conservation plans for the various protected areas that have been assigned status as a biodiversity reserve under section 90 of the Natural Heritage Conservation Act as well as the biodiversity and aquatic reserves that have been created since the coming into force of that Act. All future proposed biodiversity and aquatic reserves will similarly be established with reference to this new framework.

Sections 34 and 36 of the Act provide the framework for the activities that may or may not be allowed in protected areas and in particular prohibit various activities having a greater likelihood of disturbing the natural environment. Those sections allow for the conservation plans for the proposed biodiversity and aquatic reserves to add other prohibited activities to that list, and provide that the plans may also create a special framework or determine conditions under which certain activities or interventions may take place, such as the requirement to obtain prior authorization from the Minister.

The proposed amendments to the conservation plans clarify the extent of the permitted or prohibited activities within the proposed reserves and remedy certain problems that have arisen since the creation of the reserves. The two-year period that has elapsed since the enactment of the Natural Heritage Conservation Act and the assigning of the first proposed biodiversity reserve protection status has enabled a more comprehensive perspective to emerge not only in terms of the concerns and needs of the persons who may occupy or use the areas (vacation resort users, holders of permits for the harvest

of firewood for domestic purposes, public service or utilities providers, environmental and recreation and tourist associations), but also as regards the measures necessary to better protect the biodiversity and ecosystems within the reserves.

The new measures proposed are grouped into four divisions.

The first division dealing with "Protection of resources and the natural environment" contains a set of rules intended to prevent disturbances to the natural environment. Among other things, the rules prohibit introducing new non-native species of flora or fauna, restrict intervention in the aquatic environment and govern the disposal of waste, snow and other types of residual materials.

The second division on "Rules of conduct for users" provides for various measures to ensure that users while staying and moving about the reserves behave in a manner that is safe for and respectful of the surrounding nature and the other users.

Two other divisions, one on "Activities requiring an authorization" and the other on "Authorization exemptions", complete the preceding measures by determining the other activities which require an authorization before they may be carried on in the proposed reserves, such as the right to stay in a reserve for more than three months, carrying on forest management activities to meet domestic needs or maintain biodiversity, carrying on development work (including creating trails), building new structures or works, using pesticides and engaging in various activities likely to degrade the soil or seriously damage or disturb the natural environment when, for example, conducting research work. The proposed measures also allow certain practices or rights to be continued by exempting persons already occupying the territory or holding vacation resort leases from the requirement to obtain an authorization.

A certain number of provisions specify the conditions on which Hydro-Québec is exempted from the authorization requirements to avoid unnecessary duplication when authorizations have already been issued by the Government and the Minister of Sustainable Development, Environment and Parks under the Environment Quality Act or are to be issued under that Act, in particular after completion of the impact assessment and examination procedures required by the Act.

The amendments are proposed to address the specific situations of persons already permitted to use the land within the reserves and it is not anticipated they will have an unfavourable economic impact on enterprises. In particular, the proposed amendments will not affect the possibility of carrying on various mining exploration activities within the Upper Harricana aquatic reserve because the amendments specifically extend the relevant provisions already contained in the existing conservation plan. Lastly, the authorizations and other measures provided for in the Environment Quality Act (R.S.Q., c. Q-2) governing the operations of Hydro-Québec have been taken into account in the proposed amendments to prevent overlapping requirements.

For information concerning the text of the Amendments to the conservation plans for the biodiversity and aquatic reserves, contact Léopold Gaudreau, Director, Direction du développement durable, du patrimoine écologique et des parcs, Ministère du Développement durable, de l'Environnement et des Parcs, 675, boulevard René-Lévesque Est, 4<sup>e</sup> étage, boîte 21, Québec (Québec) G1R 5V7; telephone (418) 521-3907, extension 4783; fax (418) 646-6169; or e-mail at leopold.gaudreau@mddep.gouv.qc.ca

THOMAS J. MULCAIR,  
Minister of Sustainable Development,  
Environment and Parks

## Amendments to the conservation plans for the proposed biodiversity and aquatic reserves

Natural Heritage Conservation Act  
(R.S.Q., c. C-61.01, ss. 31, 33, 34 and 36)

**1.** Section 3 of the conservation plans for the proposed biodiversity and aquatic reserves listed in the Schedule<sup>1</sup> is replaced by the following:

“3. Activities within the reserve

### *§1. Introduction*

The activities carried on within the proposed reserve are governed for the most part by the provisions of the Natural Heritage Conservation Act.

This Division prohibits activities in addition to those prohibited under the Act and provides a framework for the carrying on of certain permitted activities so as to better ensure the protection of the natural environment. Accordingly, certain activities require the prior authorization of the Minister and compliance with the conditions determined by the Minister.

As provided in the Natural Heritage Conservation Act, the main activities prohibited in an area to which status as a proposed biodiversity or aquatic reserve has been assigned are

<sup>1</sup> The conservation plans for the proposed biodiversity reserves listed in paragraphs 1 to 10 of the Schedule, approved by Order in Council 1269-2003 dated 3 December 2003, were published with the Order in Council on 17 December 2003 (2003, *G.O.* 2, 3495) and have not been amended since.

— The conservation plans for the proposed biodiversity and aquatic reserves listed in paragraphs 11 to 20 of the Schedule, approved by Orders in Council 109-2003 and 110-2003 dated 6 February 2003 (2003, *G.O.* 2, 951 and 1049), were published on 7 May 2003 with the notice of the establishment of the reserves (2003, *G.O.* 2, 1553) and they have not been amended since, except the plans in paragraphs 14, 17 and 18, the text of which was revised to reflect modifications to the boundaries of the proposed reserves (2005, *G.O.* 2, XXXX).

— The conservation plans for the proposed biodiversity and aquatic reserves listed in paragraphs 21 to 28 of the Schedule, approved by Order in Council 484-2004 dated 19 May 2004 (2004, *G.O.* 2, 1745), were published on 4 August 2004 with the notice of the establishment of the reserves (erratum) (2004, *G.O.* 2, 2417) and they have not been amended since, except the plans in paragraphs 24 and 25, the text of which was revised to reflect modifications to the boundaries of the proposed reserves (2004, *G.O.* 2, 3257 and 2005, *G.O.* 2, XXXX respectively).

— mining, and gas or petroleum development;

— forest management within the meaning of section 3 of the Forest Act (R.S.Q., c. F-4.1);

— the development of hydraulic resources and any production of energy on a commercial or industrial basis.

*§2. Prohibitions, prior authorizations and conditions on which certain activities may be carried on in the proposed reserve*

*§2.1. Protection of resources and the natural environment*

3.1. No person may introduce non-native species of flora or fauna into the proposed reserve.

3.2. No person may stock a watercourse or body of water

(1) for aquaculture, sports or commercial fishing or any other commercial purpose;

(2) for any other purpose, if the fish stocked are not from a genetic strain originating from the proposed reserve.

3.3. No person may bury, abandon or dispose of waste, snow or other residual materials other than in waste disposal containers, facilities or sites determined by the Minister or elsewhere, with the authorization of the Minister and in compliance with the conditions the Minister determines.

Despite the first paragraph, no authorization need be obtained by an outfitting operation to use a disposal facility or site in compliance with the Environment Quality Act and its regulations if the outfitting operation was already using the facility or site on the date on which the protection status as a proposed reserve takes effect.

3.4. No person may, unless the person has been authorized by the Minister and carries on the activity in compliance with the conditions the Minister determines,

(1) carry on any activity likely to severely degrade the banks or shores or to otherwise seriously affect the integrity of a watercourse, body of water or other wetland area, in particular by discharging or dumping waste or other pollutant into the watercourse, body of water or wetland area; or

(2) dig, fill, obstruct or divert a watercourse or body of water.

*§2.2. Rules of conduct for users*

3.5. Every person staying, carrying on an activity or travelling about within the proposed reserve is required to maintain the premises in a satisfactory state and before leaving, return the premises to their natural state to the extent possible.

3.6. Every person who makes a campfire must

(1) clear an area around the fire site sufficient to prevent the fire from spreading by removing all branches, scrub, dry leaves and other combustible materials;

(2) see that there is always a person on the premises to attend the fire; and

(3) ensure that the fire is completely extinguished before leaving the premises.

3.7. In the proposed reserve, no person may

(1) cause any excessive noise; or

(2) behave in a manner that unduly disturbs other persons in the reserve or interferes with their enjoyment of the reserve.

3.8. No person may destroy, remove, move or damage any poster, sign, notice or other type of signage posted by the Minister within the proposed reserve.

3.9. No person may enter, carry on an activity in or operate a vehicle in a given sector of the proposed reserve unless the person has been authorized by the Minister and complies with the conditions determined, 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.

*§2.3. Activities requiring an authorization*

3.10. No person may, unless the person has been authorized by the Minister and complies with the conditions the Minister determines, stay or reside on or otherwise occupy the same site within the proposed reserve for a period of more than three months in the same year. No authorization need be obtained by a person who,

(1) on the date on which the protection status as a proposed reserve takes effect, was a party to a lease or had already obtained another form of permit or authorization allowing the person to occupy the land under the Act respecting the lands in the domain of the State

(R.S.Q., c. T-8.1) or, if applicable, the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), and whose right to occupy the land is renewed or extended:

(2) in accordance with the applicable provisions of law, has entitlement under a sublease, an assignment of a lease or a transfer of an authorization, as referred to in paragraph 1, and whose right to occupy the land is renewed or extended;

(3) avails himself or herself of the possibility of acquiring the land the person legally occupies on the date on which the protection status as a proposed reserve takes effect, pursuant to the Act respecting the lands in the domain of the State.

3.11. (1) 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 and carries on the activities in compliance with the conditions the Minister determines.

The conditions of that authorization may pertain, among other things, to species of trees or shrubs, the size of the stems that may be cut, the quantities authorized and the places where the activities may be carried on.

(2) Despite subsection 1, the authorization of the Minister under this plan need not be obtained by a person staying or residing in the proposed reserve who collects wood to make a campfire.

No such authorization need be obtained by a person to collect wood to meet domestic needs

(a) if the wood is collected within a sector reserved by the Minister of Natural Resources and Wildlife as a sector for which a permit for the harvest of firewood for domestic purposes under the Forest Act (R.S.Q., c. F-4.1) may be issued and which has already been reserved as such by the Minister on the date on which the protection status as a proposed reserve takes effect;

(b) if the wood is collected by a person who, on the date on which the protection status as a proposed reserve takes effect or in any of the three preceding years, held a permit for the harvest of firewood for domestic purposes allowing the person to harvest firewood within the proposed reserve; or

(c) if the wood is collected by a person in accordance with the conditions set out in the permit for the harvest of firewood for domestic purposes issued by the Minister of Natural Resources and Wildlife under the Forest Act.

(3) Despite subsection 1, no authorization need be obtained by a person authorized by lease to occupy land within the proposed reserve, pursuant to this plan, to carry on a forest management activity for the purpose of

(a) clearing permitted harvested areas, maintaining them or creating visual openings, and any other similar removal purposes permitted under the regulation that applies to the sale, lease and granting of immovable rights made under the Act respecting the lands in the domain of the State;

(b) creating and maintaining access roads, stairways or other trails permitted under that regulation; or

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

When the work referred to in subparagraph *c* of subsection 3 is carried out 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 provided for in sections 3.13 and 3.14.

(4) Despite subsection 1, no authorization need be obtained by a person to carry on a forest management activity to maintain a sugar bush and harvest maple products for domestic purposes

(a) if the activity is carried on by a person who, on the date on which the protection status as a proposed reserve takes effect or in any of the three preceding years, held a sugar bush management permit issued by the Minister of Natural Resources and Wildlife under the Forest Act allowing the person to carry on the activities of a sugar bush operator within the proposed reserve;

(b) if the activity is carried on within a zone for which the permit obtained allowed the carrying on of sugar bush operations on the date on which the protection status as a proposed reserve takes effect or in any of the three preceding years; or

(c) if the activity is carried on by a person in compliance with the conditions set out in the sugar bush management permit issued by the Minister of Natural Resources and Wildlife under the Forest Act.

3.12. No person may, unless the person has been authorized by the Minister and carries on the activity in compliance with the conditions the Minister determines,

(1) carry out soil development work, including any fill, burial, earthwork, removal or displacement of surface materials or vegetation cover, for any purpose including recreational and tourism purposes such as the development of trails;

(2) install or construct a new structure, infrastructure or works;

(3) reconstruct or demolish an existing structure, infrastructure or works;

(4) use a pesticide, although no authorization is required for the use of insect repellent for personal purposes;

(5) carry on an activity that is likely to severely degrade the soil or a geological formation or damage the vegetation cover, such as stripping, the digging of trenches or excavation work; or

(6) carry on educational or research-related activities if the activities are likely to significantly damage or disturb the natural environment, in particular by the extent of the moving or removal of natural resources or by the use of explosives.

The conditions of the Minister's authorization for the work may pertain to the location of the authorized activity, the methods used, the areas that may be cleared or deforested, the types of material that may be used including the material taken from the site, and the presence of ancillary works or facilities. The conditions may also include a requirement to ensure periodic follow-up or to report to the Minister, in particular as regards the results obtained from the research to which subparagraph 6 of the first paragraph refers.

Subject to the conditions determined in the authorization, work to repair or maintain trails authorized by the Minister or trails existing on the date on which the protection status as a proposed reserve takes effect may be carried on without an authorization under subparagraph 1 of the first paragraph.

Work to repair or maintain forest roads or roads authorized under the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) carried on in accordance with the Forest Act and its regulations that concern standards of forest management may be carried on without an authorization under subparagraph 1 of the first paragraph.

#### §2.4. Authorization exemptions

3.13. Despite the preceding provisions, no authorization need be obtained by a person to carry on an activity or for any other form of intervention within the proposed reserve if urgent action is required to prevent harm to the health or safety of persons, or to repair or prevent damage caused by a real or apprehended catastrophe. The person concerned must, however, immediately inform the Minister of the activity or intervention that has taken place.

3.14. Despite the preceding provisions, the following activities and interventions involving the production, transmission and distribution of electricity 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 plan:

(1) any activity or intervention required within the proposed reserve to complete a project which was previously expressly authorized by the Government and the Minister, or only by the latter, in accordance with the requirements of the Environment Quality Act (R.S.Q., c. 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 it is carried out in accordance with the request;

(4) any activity or intervention by the Société, if the conditions for the carrying out of the activity or intervention have been determined in an agreement between the Minister and the Société and the activity or intervention is carried out in compliance with those conditions.

For the purposes of this section, the activities and interventions of the Société include pre-project studies, analysis work or field research, work required to study and monitor the impact of 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 purpose of access, construction or equipment movement necessary for the carrying on of such work.

### §2.5. General provisions

3.15. Every person who applies to the Minister for an individual authorization or for an authorization for a group or for a number of persons must provide any information or document requested by the Minister for the examination of the application.

3.16. The Minister's authorization, which is general and can be used by more than one person, may be communicated to the persons concerned by any appropriate means including by a posted notice or appropriate signage at the reception centre or any other location within the proposed reserve that is readily accessible to the public. The Minister is to provide a copy to any person requesting a copy.

### §3. Activities governed by other statutes

Certain activities likely to be carried on within the proposed reserve are also governed by other applicable legislative and regulatory provisions, including those that require the issue of a permit or authorization or the payment of fees. The carrying on of certain activities may also be prohibited or limited by other Acts or regulations applicable within the boundaries of the proposed reserve.

A special legal framework may govern permitted and prohibited activities within the proposed reserve in connection with the following matters:

— Environmental protection: measures set out in particular in the Environment Quality Act (R.S.Q., c. Q-2);

— Archaeological research: measures set out in particular in the Cultural Property Act (R.S.Q., c. B-4);

— Development of wildlife resources: measures set out in particular in the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), including the provisions pertaining to outfitting operations and beaver reserves and the measures contained in applicable federal legislation, including the fishery regulations;

— Removal of species of fauna or flora that are threatened or vulnerable or are likely to be designated as such: measures prohibiting the removal of the species under the Act respecting threatened or vulnerable species (R.S.Q., c. E-12.01);

— Access and land rights: measures set out in particular in the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1);

— Operation of vehicles: measures set out in particular in the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) and in the regulation on motor vehicle traffic in certain fragile environments made under the Environment Quality Act (R.S.Q., c. Q-2)."

**2.** The conservation plan for the proposed Upper Harricana aquatic reserve, amended pursuant to section 1, is also amended by inserting the following after section 3.12:

"3.12.1. Mining exploration, including prospecting, digging and boring, if those activities necessitate stripping, the digging of trenches, excavation or deforestation, is permitted within the proposed reserve on land reserved to the State under section 304 of the Mining Act (R.S.Q., c. M-13.1), provided that all the following conditions are met:

(1) the activities are not carried on in the Harricana river, on the islands in the river, or on a 50-metre wide strip on either bank of the river. The width of the strip of land is calculated horizontally from the shoreline appearing on the maps in Québec's Topographic Database (BDTQ, scale 1:20,000);

(2) the activities are carried on in the zone between 50 and 200 metres from either bank of the Harricana river; the activities are also permitted in the bedrock provided the overlying layer of rock is at least 50 metres thick;

(3) the activities are carried on by or on behalf of a person who is authorized to carry on mining exploration, prospecting, digging or boring within the proposed reserve in accordance with the measures set out in the Mining Act;

(4) the activities, when they necessitate deforestation, are carried on by or on behalf of a person who is authorized to carry on such activities as provided in sections 20 and 21 of the Forest Act;

(5) the activities are carried on in conformity with the applicable legislative and regulatory standards and in compliance with the following requirements:

(a) the person authorized to carry on the exploration work must

i. recover all drilling muds,

ii. ensure that no petroleum products are spilled into the environment,

iii. install a lining to protect against the spill of toxic materials into the environment,

iv. ensure that residual materials other than sediments, sludge and cuttings from the work are stored, processed or disposed of outside the proposed reserve:

(b) the person authorized to carry on the activities may draw water from the Harricana river to meet pumping requirements if the distance between the drilling site and the water intake is greater than 200 metres, on the following conditions:

i. the person must have written authorization from the Minister of Sustainable Development, Environment and Parks,

ii. the person must install a protective lining under the pump to protect against spills of petroleum products into the environment, and

(c) the person must comply with any conditions of authorization determined by the Minister of Sustainable Development, Environment and Parks with a view to minimizing impacts on the environment.”

**3.** These amendments come into force on the fifteenth day following the date of their publication in the *Gazette officielle du Québec*.

## SCHEDULE

(s. 1)

### LIST OF PROPOSED BIODIVERSITY AND AQUATIC RESERVES

(1) Proposed René-Levasseur island biodiversity reserve (s. 90, Natural Heritage Conservation Act);

(2) Proposed Monts Groulx biodiversity reserve (s. 90, Natural Heritage Conservation Act);

(3) Proposed Gensart lake biodiversity reserve (s. 90, Natural Heritage Conservation Act);

(4) Proposed Bright Sand lake biodiversity reserve (s. 90, Natural Heritage Conservation Act);

(5) Proposed Belmont and Magpie lakes massif biodiversity reserve (s. 90, Natural Heritage Conservation Act);

(6) Proposed Lac aux Sauterelles knolls biodiversity reserve (s. 90, Natural Heritage Conservation Act);

(7) Proposed Natashquan river valley biodiversity reserve (s. 90, Natural Heritage Conservation Act);

(8) Proposed Harrington Harbour shore biodiversity reserve (s. 90, Natural Heritage Conservation Act);

(9) Proposed Guernesé lake foothills biodiversity reserve (s. 90, Natural Heritage Conservation Act);

(10) Proposed Brador hills biodiversity reserve (s. 90, Natural Heritage Conservation Act);

(11) Proposed Ashuapmushuan river aquatic reserve (M.O. dated 18 March 2003, 2003, *G.O.* 2, 1404);

(12) Proposed Moisie river aquatic reserve (M.O. dated 18 March 2003, 2003, *G.O.* 2, 1404);

(13) Proposed North Harricana river aquatic reserve (M.O. dated 18 March 2003, 2003, *G.O.* 2, 1404);

(14) Proposed Pasteur lake biodiversity reserve (M.O. dated 18 March 2003, 2003, *G.O.* 2, 1404);

(15) Proposed Boatswain bay biodiversity reserve (M.O. dated 18 March 2003, 2003, *G.O.* 2, 1404);

(16) Proposed Ministikawatin peninsula biodiversity reserve (M.O. dated 18 March 2003, 2003, *G.O.* 2, 1404);

(17) Proposed Missisicabi plain biodiversity reserve (M.O. dated 18 March 2003, 2003, *G.O.* 2, 1404);

(18) Proposed Muskuuchii hills biodiversity reserve (M.O. dated 18 March 2003, 2003, *G.O.* 2, 1404);

(19) Proposed Vaudray and Joannès lakes biodiversity reserve (M.O. dated 18 March 2003, 2003, *G.O.* 2, 1404);

(20) Proposed Sabourin lake biodiversity reserve (M.O. dated 18 March 2003, 2003, *G.O.* 2, 1404);

(21) Proposed Upper Harricana aquatic reserve (M.O. dated 17 June 2004, 2004, *G.O.* 2, 2301);

(22) Proposed Taibi lake biodiversity reserve (M.O. dated 17 June 2004, 2004, *G.O.* 2, 2301);

(23) Proposed Decelles reservoir biodiversity reserve (M.O. dated 17 June 2004, 2004, *G.O.* 2, 2301);

(24) Proposed Parent lake marshlands biodiversity reserve (M.O. dated 17 June 2004, 2004, *G.O.* 2, 2301);

(25) Proposed Waskaganish biodiversity reserve (M.O. dated 17 June 2004, 2004, *G.O.* 2, 2301);

(26) Proposed Piché-Lemoine forest biodiversity reserve (M.O. dated 17 June 2004, 2004, *G.O.* 2, 2301);

(27) Proposed Opasatica lake biodiversity reserve (M.O. dated 17 June 2004, 2004, *G.O.* 2, 2301);

(28) Proposed Des Quinze lake biodiversity reserve (M.O. dated 17 June 2004, 2004, *G.O.* 2, 2301).

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### Draft Regulation

An Act respecting occupational health and safety (R.S.Q., c. S-2.1)

#### Safety Code for the construction industry Occupational health and safety — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and section 224 of the Act respecting occupational health and safety (R.S.Q., c. S-2.1), that the draft Regulation to amend the Safety Code for the construction industry and the Regulation respecting occupational health and safety, appearing below, may be made by the Commission de la santé et de la sécurité du travail and submitted to the Government for approval on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to ensure the health and safety of construction workers by amending the Safety Code for the construction industry to introduce new standards on scaffoldings.

It also amends the Regulation respecting occupational health and safety to protect construction workers exposed to carcinogenic and isocyanate substances and ionizing radiations.

To date, study of the matter shows few impacts on enterprises, in particular on small and medium-sized businesses.

Further information may be obtained by contacting Pierre Bouchard, Commission de la santé et de la sécurité du travail, 524, rue Bourdages, Québec (Québec) G1K 7E2; telephone: (418) 266-4699; fax: (418) 266-4698.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to Alain Albert, Vice-chair, Relations avec les partenaires et expertise-conseil, Commission de la santé et de la sécurité du travail, 1199, rue De Bleury, 14<sup>e</sup> étage, Montréal (Québec) H3B 3J1.

GÉRARD BIBEAU,  
*Chair of the Board and  
Chief Executive Officer  
Commission de la santé et de la  
sécurité du travail*

### Regulation to amend the Safety Code for the construction industry\* and the Regulation respecting occupational health and safety

An Act respecting occupational health and safety (R.S.Q., c. S-2.1, s. 233, 1st par., subpars. 1, 7, 14, 19, 42, 2nd and 3rd pars.)

1. The Safety Code for the construction industry is amended in section 1.1,

(1) by inserting the following after paragraph 14:

“(14.1) “pump jack scaffold”: a mast-climbing work platform that moves between two masts with the help of jacks;

(14.2) “mast-climbing work platform”: scaffolding constituted of a work platform that moves up and down between two or several masts with the help of a hoisting system and equipped with an anchoring system;

(14.3) “winch scaffolding”: a mast-climbing work platform whose masts are linked by braces or counter braces supporting a work platform that moves with the help of a hoisting device constituted of winches, pulleys and cables.”;

(2) by inserting the following after paragraph 15:

“(15.01) “motorized scaffolding”: a mast-climbing work platform constituted of a hoisting system made up of an electric, pneumatic or hydraulic motor or a natural gas or gasoline engine.”;

\* The Safety Code for the construction industry (R.R.Q., 1981, c. S-2.1, r.6) was last amended by the regulation approved by Order in Council 873-2003 dated 20 August 2003 (2003, *G.O.* 2, 2729). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2005, updated to 1 March 2005.

Proposals for revision of other measures related to the conservation  
of the natural heritage and parks

(possible amendments to the Natural Heritage Conservation Act and the Parks Act)

*Explanatory note*

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The Natural Heritage Conservation Act was passed in December 2002. It is a key tool for use in planning, coordinating and setting up a network of protected areas in Québec. It consolidates and complements the existing legal tools in the area of nature conservation and, in particular, provides for land to be set aside to create protected areas within a network representative of biodiversity throughout Québec. The Act is based on updated concepts and approaches to biodiversity conservation.

However, the experiences gained from the application of the Act in recent years have shown that the introduction of new methods could make the process more efficient and lead to a significant reduction in the time needed to create a protected area.

The main problems observed in recent years stem from the fact that, as currently drafted, the Natural Heritage Conservation Act

- does not sufficiently inform citizens about the activities permitted and prohibited in temporary or permanent biodiversity reserves and aquatic reserves;
- provides for the establishment of two conservation plans, which must be approved by the Government respectively when temporary status and when permanent status are granted;
- makes the conservation plan a hybrid document that generates administrative complications; the plan is regulatory, but also administrative, since it outlines the features of the land and the proposed conservation measures;
- makes the reserve creation process complex, since a decision by the Government to grant temporary protection status to a protected area does not take effect immediately;
- is not sufficiently specific concerning the rules that apply in the case of a man-made landscape;
- does not explicitly set out the possibility for municipalities to have some of their properties recognized as nature reserves;
- specifies, for each application for recognition of a nature reserve, that a specific agreement must be signed with the owner or conservation organization concerned; this process is administratively time-consuming; it should be reviewed and simplified to achieve the same objective more easily;

- specifies inadequate penalty mechanisms, in the case of nature reserves, for failure to comply with an agreement;
- for the protection of rare or exceptional natural settings that are not designated on a plan, provides for an unsuitable authorization process that is often contested by the private owners concerned.

The Parks Act, under the responsibility of the Minister of Sustainable Development, Environment and Parks since February 2005, contains no mechanism to set aside land. The mechanism is provided for indirectly, with a lack of transparency, in the Natural Heritage Conservation Act, which leads to confusion for the stakeholders concerned. In addition, the current mechanism in the Natural Heritage Conservation Act (a proposed biodiversity reserve) does not take into account the specific characteristics of a park, especially with regard to the length of time for which land is temporarily set aside and the activities that are permitted and prohibited.

The Natural Heritage Conservation Act needs to be amended

- to better inform the population, in advance, of permitted and prohibited activities in temporary and permanent aquatic reserves and biodiversity reserves, and to specify the framework under which permitted activities may take place within the reserves, first by introducing standards directly into the Act, and second by enacting the standards most likely to be amended (to reflect specific concerns or problems) in a general regulation;
- to abolish the dual administrative and regulatory role of the current conservation plan, and substitute a regulatory power for the Government and a conservation plan that can be used as a genuine blueprint, in accordance with the generally applied model in other parts of the world. Except for man-made landscapes and proposed man-made landscapes, a single conservation plan linked to the granting of permanent protection status (instead of the two plans currently required) would be established, reviewed and amended by the Minister, after consultation with the individuals, communities and bodies concerned. This would reduce the red tape involved in having the document adopted by the Government;
- to make the granting of temporary protection status for proposed ecological, biodiversity and aquatic reserves automatic, on a decision by the Government, and eliminate some unproductive administrative stages;
- to better define the rules for the creation of man-made landscapes and proposed man-made landscapes, specifying the role played by municipal authorities and the procedure and nature and content of the documents required to have their status recognized;
- clarify the type of property to which status as a nature reserve may be applied, and explicitly mention the possibility for a municipality to obtain recognition for some of its properties as nature reserves;

- increase the flexibility of the recognition mechanism for applicants for nature reserve status by offering various ways to demonstrate that the application is well founded;
- establish a process of tacit renewal of nature reserve status, to simplify the renewal process for non-perpetual nature reserves;
- promote compliance with agreements to conserve nature reserves by adding administrative sanctions for failure to comply;
- introduce a mandatory declaration of any work liable to degrade a rare or exceptional natural setting that is not designated on a plan, to replace the current authorization scheme which has too many constraints.

The amendments to be made to the Parks Act would be mainly intended

- to introduce into the Parks Act a process for granting legal protection to some park projects, better adapted to that type of status and more transparent than the current mechanism (proposed biodiversity reserve);
- to make it possible to hold public hearings, organized not only by the Minister but also by any person or body designated by the Minister for that purpose.

The main differences between the temporary protection introduced for park projects and the protection for proposed biodiversity reserves concern the duration of temporary protection, prohibited activities (measures included in section 45 of the Natural Heritage Conservation Act, as compared to those included in section 5.3 of the Parks Act), and authorized activities (measures included in section 47 of the Natural Heritage Conservation Act, as compared to those included in section 5.4 of the Parks Act).

It is important to note that in proposed parks, mining and oil and gas exploration activities would be prohibited at all times, but could eventually be authorized in proposed biodiversity reserves under the existing rules of the Natural Heritage Conservation Act.

Last, permitted and prohibited activities in proposed reserves (some of which would be determined in the Act, and others in a regulation applying generally to all proposed reserves) would reflect the current approach, which does not restrict hunting, fishing and trapping activities on land with temporary protection status as a proposed ecological reserve, proposed biodiversity reserve or proposed aquatic reserve.

To provide better protection for biodiversity, the proposal for permitted and prohibited activities in proposed reserves would give the Minister oversight over the development of new infrastructures and facilities, and the granting of new rights to cut firewood for domestic use. The following activities would require authorization from the Minister:

- new constructions, and any earthwork for, among other things, the construction of a building or water access ramp. However, authorization would only be required for a new construction or structure likely to have greater impact because it would remain in place for more than 3 months during a given year;
- the cutting of wood for domestic purposes or to maintain biodiversity (however, the holders of permits to cut firewood for domestic purposes at the time temporary protection status was granted have a vested right and would not need to apply for further authorization from the Ministère du Développement durable, de l'Environnement et des Parcs);
- the construction of new trails (ground clearing, earthmoving or the placing of structures).

Under the proposal for permitted and prohibited activities, access to and movement over certain zones in a proposed reserve, for certain purposes or using certain types of vehicles, *could* be prohibited

- if so decided by the Minister for land that has already been set aside, if appropriate signage is installed;
- if the measure is necessary "so as to protect the public from a danger or to avoid placing the fauna, flora or other components of the natural environment at risk".

In light of the general principle that land should be accessible, the power would only be used in restricted circumstances.

As part of the process to implement a measure that could affect their activities, the Native communities concerned would be consulted.

In the land covered by the James Bay Agreement, the Natural Heritage Conservation Act and the conservation plans established under it, as well as the Parks Act, must be read in conjunction with the Act respecting hunting and fishing rights in the James Bay and New Québec territories (R.S.Q., c. D-13.1), which has precedence. Under that Act, and especially sections 2, 16, 18, 21 and 25, the Crees, Inuits and Naskapis can harvest wildlife in the land covered by the Agreement without any permit or other authorization. *This right includes the right to travel over the land and set up any camp needed to exercise the right.* Like the other measures included in these rules for hunting, fishing and trapping, the right must be exercised in keeping with the "principle of conservation" set out in section 2 of the Act.

In addition, the Minister must take aboriginal and treaty rights into account when exercising ministerial powers.

Possible amendments to the  
Natural Heritage Conservation Act

Courtesy Translation

Proposals	Natural Heritage Conservation Act C-61.01 Current text (corresponding sections)
<p>1 The object of this Act is to contribute to the objective of safeguarding the character, diversity and integrity of Québec's natural heritage through measures to protect its biological diversity and the life-sustaining elements of natural settings.</p> <p>More specifically, the Act is intended to facilitate the establishment of a network of protected areas representative of biodiversity by introducing protection measures for natural settings that complete existing measures, including the assigning of protection status to certain areas under the responsibility of other government departments or bodies.</p>	<p>1 Unchanged</p>
<p>2 In this Act,</p> <p>"aquatic reserve" means an area, consisting mainly of waterbodies and wetlands, established to ensure representation of the biological diversity of the various natural regions of Québec or to protect any portion of those areas because of the interest its features have from a biodiversity-based viewpoint; an aquatic reserve consisting mainly of salt water or brackish water may be termed an "aquatic marine reserve" and be established under that name;</p> <p>"biodiversity or biological diversity" means the variability among living organisms from all sources including terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are a part; the foregoing includes diversity within and between species and of ecosystems;</p> <p>"biodiversity reserve" means an area, consisting mainly of landbodies, established to ensure representation of the biological diversity of the various natural regions of Québec or to protect any portion of the land because of the interest its features have from a biodiversity-based viewpoint;</p>	<p>2 In this Act,</p> <p>"aquatic reserve" means an area, consisting mainly of fresh water, salt water or brackish water, established to protect all or part of a body of water or watercourse, including associated wetlands, because of the exceptional value it holds from a scientific, biodiversity-based viewpoint, or to conserve the diversity of its biocenoses or biotopes;</p> <p>"biodiversity or biological diversity" means the variability among living organisms from all sources including terrestrial, marine, estuarial and freshwater ecosystems and the ecological complexes of which they are a part; those terms include diversity within species, between species and of ecosystems;</p> <p>"biodiversity reserve" means an area established in order to maintain biodiversity and in particular an area established to preserve a natural monument — a physical formation or group of formations — and an area established as a representative sample of the biological diversity of the various natural regions of Québec;</p>

Possible amendments to the  
Natural Heritage Conservation Act

*Courtesy Translation*

<p>"ecological reserve" means an area established to preserve distinctive or remarkable elements constituting biological diversity in their natural state as integrally as possible, including the habitats of threatened or vulnerable species of flora or fauna;</p> <p>"government body" means a body a majority of whose members are appointed by the Government or by a minister and whose personnel is, by law, appointed in accordance with the Public Service Act (chapter F-3.1.1), or whose assets form part of the domain of the State;</p> <p>"man-made landscape" means an area established to protect the biodiversity of an inhabited area of water or land whose landscape and natural features have been shaped over time by human activities in harmony with nature and present outstanding intrinsic qualities the conservation of which often depends on the continuation of the practices that originally shaped them;</p> <p>"nature reserve" means land not within the domain of the State, recognized as a nature reserve because it has significant biological, ecological, wildlife, floristic, geological, geomorphic or landscape features that warrant preservation;</p> <p>"protected area" means a geographically defined expanse of land or water established under a legal and administrative framework designed specifically to ensure the protection of biological diversity and of related natural and cultural resources.</p>	<p>"ecological reserve" means an area established</p> <ol style="list-style-type: none"> <li>1) to conserve the elements constituting biological diversity in their natural state, as integrally as possible and in a permanent manner, in particular by protecting ecosystems and the elements or processes on which their dynamics are based;</li> <li>2) to set aside land for scientific study or educational purposes; or</li> <li>3) to safeguard the habitats of threatened or vulnerable species of flora or fauna ;</li> </ol> <p>Unchanged</p> <p>"man-made landscape" means an area established to protect the biodiversity of an inhabited area of water or land whose landscape and natural features have been shaped over time by human activities in harmony with nature and present outstanding intrinsic qualities the conservation of which depends to a large extent on the continuation of the practices that originally shaped them;</p> <p>"nature reserve" means land under private ownership recognized as a nature reserve because it has significant biological, ecological, wildlife, floristic, geological, geomorphic or landscape features that warrant preservation;</p> <p>"protected area" means a geographically defined expanse of land or water established under a legal and administrative framework designed specifically to ensure the protection and maintenance of biological diversity and of related natural and cultural resources.</p>
<p><sup>3</sup> This Act is binding on the Government, government departments and bodies that are mandataries of the State.</p>	<p><sup>3</sup> Unchanged</p>
<p><sup>4</sup> The Minister of Sustainable Development, Environment and Parks is responsible for</p>	<p><sup>4</sup> Unchanged</p>