

NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-NINTH LEGISLATURE

Bill 65

**An Act respecting natural heritage
conservation and the sustainable
development of the area covered by the
Northern Plan**

Introduction

**Introduced by
Mr. Pierre Arcand
Minister of Sustainable Development, Environment and
Parks**

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EXPLANATORY NOTES

The purpose of this bill is to promote natural heritage conservation throughout Québec and sustainable development in the area covered by the Northern Plan.

An ecological planning process is provided to evaluate enhancement and conservation potential and to take that potential into account in the land use planning and sustainable development of Québec, as well as in carrying on activities and taking government action.

The Natural Heritage Conservation Act is replaced. The permanent protection status as an aquatic reserve, a biodiversity reserve or an ecological reserve provided for under that Act is renewed and the applicable rules are reviewed. The creation of marine reserves and the recognition of man-made landscapes is provided for and the recognition of natural reserves is continued. The rules applicable to designated natural settings are reviewed. Temporary protection status as a proposed ecological reserve is renewed and the other temporary protection statuses are abandoned, to be replaced by a mechanism suspending the issue of rights for an identified area and a mechanism permitting the pursuit of certain activities for a maximum five-year period. The obligation for the Minister of Sustainable Development, Environment and Parks to keep a register of protected areas and make it public is renewed.

As regards the area covered by the Northern Plan, the Government is to adopt a conservation strategy, by 2035, under which 50% of the area is to benefit from measures to protect the environment, maintain biodiversity, enhance the natural heritage and promote the sustainable use of resources. A reporting process is also provided with respect to the conservation measures applicable in the area covered by the Northern Plan.

In addition, administrative provisions are introduced regarding inspections, seizures, monetary administrative penalties and proceedings before the Administrative Tribunal of Québec. Penal provisions and certain regulatory powers are also introduced.

Lastly, provisions are included to smooth the transition from the Natural Heritage Conservation Act to the new Act.

LEGISLATION AMENDED BY THIS BILL:

- Act respecting land use planning and development (R.S.Q., chapter A-19.1);
- Act respecting administrative justice (R.S.Q., chapter J-3);
- Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (R.S.Q., chapter M-30.001);
- Act respecting the lands in the domain of the State (R.S.Q., chapter T-8.1).

LEGISLATION REPLACED BY THIS BILL:

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

Bill 65

AN ACT RESPECTING NATURAL HERITAGE CONSERVATION AND THE SUSTAINABLE DEVELOPMENT OF THE AREA COVERED BY THE NORTHERN PLAN

AS Québec's natural heritage plays an important role in the maintenance of biodiversity, and as it is advisable to promote the conservation of the ecological goods and services that the natural heritage provides;

AS natural heritage conservation consists in preserving, protecting and enhancing the natural heritage and regulating the human use of that heritage so that present generations derive maximum benefit from its biodiversity, while ensuring the sustainability of that heritage in order to fulfil the needs and aspirations of future generations;

AS sustainable measures must be put in place or maintained to conserve Québec's natural heritage and so ensure that present and future generations enjoy a network of protected areas representative of the biodiversity of that natural heritage;

AS conservation measures must be planned and be part of the land use planning exercises;

AS the actions relating to the sustainable development of Québec must be carried out in consultation with the competent authorities, taking into account the interests, values and needs of the Native, local and regional communities concerned;

AS the area covered by the Northern Plan is characterized by its size, the diversity of its species, the variability of its ecosystems present and its predominantly natural character;

AS specific policy directions must be adopted to promote the maintenance of a balance between development and conservation in the area, and in particular to make good on the Government's commitment to dedicate half the territory to purposes other than industrial purposes, to environmental protection and to the conservation of biodiversity, as announced in the document entitled *Building Northern Québec Together—The Project of a Generation*, tabled before the National Assembly on 10 May 2011 as Sessional Paper No. 212-20110510 and in the summary report on the consultation process concerning that commitment tabled before the National Assembly on 5 April 2012 as Sessional Paper No. 1172-20120405;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

TITLE I

GENERAL PROVISIONS

CHAPTER I

OBJECTS, DEFINITIONS AND SCOPE

1. The objects of this Act, in keeping with the principles of sustainable development, are

(1) to provide for an ecological planning process in order to promote the conservation and enhancement of the natural heritage and its biodiversity;

(2) to establish a conservation strategy applicable to the area covered by the Northern Plan, centred on specific objectives, measurable results and transparent reporting;

(3) to establish measures to conserve the biodiversity and the elements of natural settings, as well as mechanisms fostering natural heritage conservation;

(4) to follow up and monitor operations that could have an impact on biodiversity; and

(5) to prescribe the keeping of a register of protected areas.

2. In this Act,

“biodiversity” means the variability among living organisms from all sources, including terrestrial, marine, estuarial and freshwater ecosystems, and the ecological complexes of which they are part; biodiversity also includes diversity within species, between species and of ecosystems;

“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 (R.S.Q., chapter F-3.1.1), or whose capital stock forms part of the domain of the State; and

“protected area” means a geographically defined area established under a legal or administrative framework designed specifically to ensure the conservation of its biodiversity and its natural and cultural resources.

3. The policy directions and objectives of the ecological plan or the conservation strategy applicable to the area covered by the Northern Plan, the content of the consultation policy and the conservation measures provided for in this Act are adopted during the consultation process with the government departments and bodies involved in land use planning exercises for the lands in the domain of the State.

The government departments and bodies solicited by the Minister communicate to the Minister, among other things, in the fields within their competence, all of the information the Minister requires for the ecological plan, the conservation strategy, the consultation policy or the implementation of biodiversity conservation measures, including information on ecological features, the state of preservation or degradation, constraints affecting certain zones of the area and the rights exercised in the lands in the domain of the State, including the nature of those rights, their term, the conditions governing their exercise and the contact information of their holders.

4. A consultation policy is developed and made public by the Minister to establish mechanisms ensuring the participation of the bodies, the regional and local authorities and the holders of rights affected and learn of their concerns regarding the possible effects of the application of this Act on their rights and responsibilities. The consultation policy also includes mechanisms to ensure the participation of the Native communities, in order to learn of their interests, values and needs.

The consultation policy determines, among other things, how the consultation is to be conducted by the Minister in respect of each participant, the schedule to follow, the criteria for analyzing the comments, the dispute resolution mechanisms, the cases giving rise to a public hearing and the conduct of such hearings, if applicable.

It may also provide for the conduct of a consultation by a third person mandated for that purpose, and determine any requirements applicable to that person.

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

CHAPTER II

ECOLOGICAL PLANNING

6. The Minister prepares and keeps up to date an ecological plan for the area, in keeping with the principles of sustainable development. The plan includes a characterization of the area's biodiversity, an evaluation of the area's enhancement and conservation potentials, and conservation objectives that can be associated with those potentials.

The ecological plan makes it possible to consider conservation objectives in the course of ongoing land use planning exercises and environmental impact assessment and review procedures. It also guides government actions and the activities carried on in the area.

7. The ecological plan is based on an appropriate knowledge of the ecosystems and their carrying capacity, on the use of the land and the enhancement potentials shown, in particular, on the land use plan provided for

in the Act respecting the lands in the domain of the State (R.S.Q., chapter T-8.1) and on existing rights.

It takes into account the interests and needs expressed by the bodies, the regional and local authorities and the holders of rights concerned during the consultation conducted in accordance with the policy provided for in this Act. It also takes into account the interests, values and needs expressed by the Native communities during the same consultation.

8. Ecological planning involves preparing a plan including, among other things, a profile of the area, its enhancement potentials, its constraints, its capabilities and the zones of conservation interest.

The plan is made public by the Minister in the manner the Minister considers appropriate.

9. The zones of conservation interest resulting from the consultation process are sent to the Minister of Natural Resources and Wildlife for entry on the land use plan as zones having potential relevant to the other potentials of the area, in accordance with the amendment procedure provided for in the Act respecting the lands in the domain of the State.

10. The Minister determines and makes public the steps necessary to prepare the ecological plan, in particular as concerns the means used to acquire a knowledge of the ecosystems and the criteria used to determine conservation objectives and to establish the appropriate scale for the plan.

CHAPTER III

REGISTER OF PROTECTED AREAS

11. The Minister keeps up to date and makes public a register of the protected areas created under this Act, the Parks Act (R.S.Q., chapter P-9) or any other Act, regulation or agreement.

The register is to contain, in particular, the following information for each protected area:

- (1) its surface area and location;
- (2) the applicable conservation measures, their duration and the administrative or legal framework governing the protected area;
- (3) the person or body responsible for its management;
- (4) its classification taking into account the different categories recognized by the International Union for Conservation of Nature (UICN); and

(5) the owner's contact information if the protected area is located on land not included in the domain of the State.

The information in the register is public information.

12. Land within a protected area cannot be assigned a new use or vocation, be sold or exchanged or be the subject of another transaction that affects its protection status, unless the Minister is informed beforehand.

TITLE II

PROVISIONS SPECIFIC TO THE AREA COVERED BY THE NORTHERN PLAN

13. For the purposes of this Title, the Northern Plan covers all the territory of Québec located north of the 49th degree of north latitude and of the St. Lawrence River and the Gulf of St. Lawrence.

CHAPTER I

CONSERVATION STRATEGY

14. After a public consultation, the Government adopts a conservation strategy applicable to the area covered by the Northern Plan under which, by 2035, 50% of the area is to benefit from measures to protect the environment, maintain biodiversity, enhance the natural heritage and promote the sustainable use of resources.

The strategy must include

- (1) the policy directions and principles that support the strategy;
- (2) ecological planning mechanisms;
- (3) the conservation objectives to be achieved, including the creation of protected areas;
- (4) the means for implementing the strategy, including conservation pilot projects;
- (5) the roles and responsibilities of the government departments and bodies concerned; and
- (6) the mechanisms for the participation of the Native communities, the regional and local authorities and the holders of rights.

The Minister is responsible for coordinating the implementation of the strategy.

15. The conservation strategy takes effect on the date of its publication in the *Gazette officielle du Québec* or any later date the Government determines.

16. In addition to publishing the conservation strategy in the *Gazette officielle du Québec*, the Minister makes sure it is made public in the manner the Minister considers appropriate.

17. The conservation strategy is to be reviewed in 2020 and, after that, at 10-year intervals.

The strategy is reviewed and any material change is made to it by following the same procedure as for its adoption.

CHAPTER II

REPORTING

18. The Minister reports to the Government during the year 2020 and, after that, at 10-year intervals, on the conservation measures applicable in the area covered by the Northern Plan.

The report must contain

(1) a review of the implementation of the conservation strategy; and

(2) the location and surface area of the lands to which a conservation measure under this Act, the Parks Act or any other Act, regulation or agreement applies.

The report is tabled within the next 30 days in the National Assembly or, if the Assembly is not in session, within 30 days of resumption.

TITLE III

CONSERVATION MEASURES

CHAPTER I

AQUATIC, BIODIVERSITY, ECOLOGICAL AND MARINE RESERVES

DIVISION I

GENERAL PROVISIONS

19. The Government may, by regulation, create the following reserves to ensure sustainable biodiversity conservation on lands in the domain of the State that are identified for that purpose:

(1) aquatic reserve: an area established to protect aquatic environments and any terrestrial areas and wetlands associated with them, because of their

biophysical features and in order to help protect representative examples of biodiversity;

(2) biodiversity reserve: an area established to protect terrestrial environments and any aquatic areas and wetlands associated with them, because of their biophysical features and in order to help protect representative examples of biodiversity;

(3) ecological reserve: an area established to preserve, as integrally as possible, in their natural state, distinctive, outstanding or representative examples of biodiversity; and

(4) marine reserve: an area established to protect all or some of the salt water or brackish water environments of a body of water or watercourse, because of their biophysical features and in order to help protect representative examples of biodiversity; the environments concerned include those of the St. Lawrence River and the Gulf of St. Lawrence, including the banks, shores, wetlands, lagoons, islands, archipelagos, bays and riverine lakes of which they are composed.

20. For the purposes of this chapter, land not included in the domain of the State on which a reserve for public purposes has been established under the Expropriation Act (R.S.Q., chapter E-24) is considered to be land in the domain of the State.

21. Before the publication of the draft regulation in the *Gazette officielle du Québec* in accordance with the Regulations Act (R.S.Q., chapter R-18.1), the Minister carries out prior consultations in accordance with the consultation policy provided for by this Act. The Minister must, among other things, request the opinion of the Commission de protection du territoire agricole du Québec if all or part of the land chosen for a reserve is located in a reserved area or in an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., chapter P-41.1).

22. During the publication period of the draft regulation, an interested party may request mediation to settle any dispute caused by the conservation measure under consideration.

The Minister mandates a mediator, subject to the conditions the Minister determines, unless the Minister considers the request frivolous, improper or of insufficient bearing on the conservation measure under consideration. The Bureau d'audiences publiques sur l'environnement established under section 6.1 of the Environment Quality Act (R.S.Q., chapter Q-2) may act as conciliator and adopt rules of procedure for the conduct of the mediation.

The Minister publishes a notice of any mediation mandate given by the Minister in the *Gazette officielle du Québec*.

The mediator must report to the Minister on the mediation process and the mediator's recommendations not later than 30 days after the end of the mediation. The report is made public by the Minister before the draft regulation is enacted.

The draft regulation may not be enacted until 30 days have elapsed after the Minister is given the mediator's report.

23. If all or part of the area that is to become a reserve is located in one of the territories described in section 133 or 168 of the Environment Quality Act, the environmental and social impact assessment and review procedure described in Chapter II of that Act applies. In such a case, no mediation may take place under section 22.

The same applies if all or part of the area is located on land that is the subject of an environmental impact assessment and review procedure imposed under an Act or a regulation.

The draft regulation may not be enacted until 30 days have elapsed after a recommendation from the Review Committee created under section 148 of the Environment Quality Act, the decision of the Kativik Environmental Quality Commission created under section 181 of that Act, or any other opinion, recommendation or decision resulting from an environmental impact assessment and review procedure is sent to the Minister.

24. A reserve created under this chapter is identified and shown on the land use plan provided for in the Act respecting the lands in the domain of the State.

25. The Government may, by regulation, change the boundaries of a reserve created under this chapter or put an end to the reserve, setting out the reasons that justify its decision, if

(1) the boundaries of a reserve must be reviewed to maintain or protect the biodiversity of the ecosystem concerned, to integrate other lands in the domain of the State or to take into account activities carried on under section 29;

(2) it considers that another conservation measure would better preserve the area concerned;

(3) it is justified by the public interest;

(4) a reserve for public purposes established under the Expropriation Act has expired; or

(5) the reasons for creating a reserve no longer exist for all or part of the area identified.

When the Government reduces the surface area of a reserve or decides to end that conservation measure, it must take the conservation measures it

considers appropriate in respect of other lands in the domain of the State. To that end, the Government evaluates the ecological equivalency of those lands in terms of their surface area and biodiversity and of the ecological goods and services provided by the ecosystems concerned.

DIVISION II

PROHIBITIONS AND RESTRICTIONS

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

26. The following activities are prohibited in an aquatic, biodiversity or marine reserve:

(1) mining and gas or petroleum development, including construction of the facilities required for that purpose, except mining a surface mineral substance governed by the Mining Act (R.S.Q., chapter M-13.1) for purposes of the construction or maintenance of an infrastructure located within the reserve;

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

(3) the construction and operation of facilities for the production or the commercial or industrial transmission of any form of energy;

(4) any forest development activity within the meaning of the Sustainable Forest Development Act (R.S.Q., chapter A-18.1), carried on under a timber supply guarantee or for marketing timber under that Act;

(5) fish stocking of a watercourse or body of water for aquaculture, commercial fishing or other commercial purposes; and

(6) any other activity the Government may prohibit by regulation in all or part of a reserve.

27. The authorization of the Minister is required to carry on the following activities in an aquatic or a biodiversity reserve, subject to the conditions the Minister determines:

(1) the mining of a surface mineral substance governed by the Mining Act for the purposes of the construction or maintenance of an infrastructure located within the reserve;

(2) the construction and operation of a water storage reservoir for a purpose other than those provided for in paragraph 3 of section 26;

(3) any forest development activity governed by the Sustainable Forest Development Act that is not prohibited under paragraph 4 of section 26;

(4) the harvesting, for commercial or industrial purposes, of plants and their fruit, mushrooms and forest biomass;

(5) land occupancy for more than 90 consecutive days;

(6) fish stocking of a watercourse or body of water for enhancement or conservation purposes;

(7) any operation carried on in the bed or along the banks or the shores of a watercourse or body of water;

(8) any operation that may affect natural drainage or the water regime;

(9) any operation in a wetland;

(10) the construction, reconstruction or demolition of works or infrastructures, including land development, filling, excavation, burying and earthworks; and

(11) any other activity the Government determines by regulation in all or part of a reserve.

28. The authorization of the Minister is required to carry on the following activities in a marine reserve, subject to the conditions the Minister determines:

(1) fish stocking of a watercourse or body of water for aquaculture, commercial fishing or other commercial purposes; and

(2) any other activity the Government determines by regulation in all or part of the reserve.

29. Despite section 26, the Government may allow the following activities to continue, by way of exception and subject to the conditions it determines, for five years after the creation of an aquatic, a biodiversity or a marine reserve, in order to ensure the harmonization of land uses in the area identified:

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

(2) the operation of a facility for energy transmission and any maintenance works ancillary to its operation; and

(3) a forest development activity within the meaning of the Sustainable Forest Development Act, carried on under a timber supply guarantee or for marketing timber under that Act.

The Government's decision must specifically identify each right concerned.

§2.—*Ecological reserve*

30. No one may have access to or travel in an ecological reserve or carry on an activity in an ecological reserve unless authorized to do so in accordance with this Act.

§3.—*Provisions common to all reserves*

31. No prior authorization of the Minister under this Act is required for a Native person to exercise a right recognized under the Act respecting hunting and fishing rights in the James Bay and New Québec territories (R.S.Q., chapter D-13.1) in accordance with that Act.

32. No prior authorization of the Minister under this Act is required by the holder of an occupancy right issued under the Act respecting the lands in the domain of the State or the Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1) to carry on an activity on the land for which the right was issued, insofar as the holder fulfils the conditions attached to the exercise of the right.

33. An activity prohibited in a reserve under this division may be authorized by the Minister, subject to the conditions and for the period the Minister determines, if the activity does not involve the development of water power, logging operations, mining, or gas, petroleum or energy development and if

(1) the purpose of the activity is to acquire knowledge or conduct scientific research in order to understand the activity's effect on the ecosystem concerned and to develop measures to maintain the biodiversity and the ecological goods and services of the ecosystem;

(2) the activity is necessary to ensure the proper management or the enhancement of the reserve;

(3) the activity is required to prevent or repair damage caused by a natural disturbance or human interference; or

(4) the activity is required to prevent harm to the health or safety of persons.

34. The conditions applicable to activities carried on in a reserve in accordance with another Act, regulation, agreement or authorization apply insofar as they are not inconsistent with the conditions attached to an authorization issued under this Act or the regulations.

35. Before issuing an authorization under this division or a regulation, the Government or the Minister takes into consideration, among other things, the features of the ecosystem to be protected, the nature of the proposed activity and the impact of the activity on the ecosystems.

The Government or the Minister may request any information, document or study they consider necessary to analyze applications for authorization. The Government or the Minister may also require security or any other form of financial guarantee.

36. An authorization governed by this division or by a regulation is transferable if the Minister authorizes the transfer, subject to the conditions the Minister determines.

DIVISION III

MANAGEMENT OF RESERVES

37. Lands in the domain of the State included in an ecological reserve are under the authority of the Minister.

Lands in the domain of the State included in an aquatic, a biodiversity or a marine reserve remain under the authority of the minister or of the government body holding that authority. That minister or government body may, however, transfer authority over all or part of such lands to the Minister, or may entrust the administration of the lands to the Minister.

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

38. The Minister may, subject to the conditions the Minister determines, entrust any person, minister, municipality or government body with all or any of the Minister's powers relating to the management of a reserve created under this chapter, including the power to issue, suspend, renew or revoke authorizations under this Act or the regulations.

The Minister may, in the same manner, entrust such management, subject to the conditions the Minister determines, to a first nation represented by all the band councils of the communities making up that nation, to a Native community represented by its band council or by the council of a northern village, to a group of communities so represented or to any other Native group.

39. The Minister establishes a conservation plan for each reserve to be created under this chapter.

The plan establishes the conservation or sustainable development objectives for the reserve and endeavours to specify, if applicable, the guidelines, principles and criteria that are to guide the management of the reserve.

A conservation plan may, among other things, describe the features of the protected ecosystems and the plant and animal species found there. It may also set out the existing land occupancies or uses and those that could be envisaged. The plan may also specify the means selected to evaluate and monitor the state of the reserve's biodiversity.

40. A conservation plan must be established before the publication of the draft regulation creating a reserve.

The Minister makes the conservation plan public in the manner the Minister considers appropriate. The plan must also be available for any public hearing or mediation session provided for in this Act or the consultation policy.

Any update of or amendment to the plan is made in the same manner as the original plan and made public by the Minister in the manner the Minister considers appropriate.

DIVISION IV

REGULATORY POWER

41. The Government may, by regulation,

(1) determine conditions applicable to activities in a reserve that are not prohibited or do not require the authorization of the Minister, including a requirement to provide security or any other form of financial guarantee;

(2) prescribe the terms applicable to the issue, renewal, amendment or transfer of an authorization;

(3) exempt an activity in a reserve from authorization by the Minister under this Act; and

(4) determine signage standards to ensure the safety of persons travelling in a reserve or to conserve biodiversity.

CHAPTER II

TEMPORARY CONSERVATION MEASURES

DIVISION I

POWER TO SUSPEND

42. In order to provide temporary conservation of biodiversity in a land area in the domain of the State that it identifies, the Government may suspend for up to five consecutive years the issue of any permit, lease, authorization or other right entitling its holder to engage, in the area, in

(1) the development of water power, wildlife harvesting, forest management, mining, or gas, petroleum or energy development;

(2) mining, gas, petroleum or energy exploration;

(3) an agricultural, commercial or industrial activity; or

(4) the construction of an infrastructure.

43. The Government must specify the reasons that justify its decision, identify the land area concerned, and specify the duration of the suspension and the activities to which it applies.

The decision takes effect on the date of its publication in the *Gazette officielle du Québec* or any later date stated in the decision.

44. The Government may lift the suspension at any time before its end date. It may also change the boundaries of the land area for which the suspension applies.

The decisions take effect on the date of their publication in the *Gazette officielle du Québec* or any later date the Government may specify in the decision concerned.

DIVISION II

PROPOSED ECOLOGICAL RESERVE

45. The Government may, by regulation, create a proposed ecological reserve on lands in the domain of the State that it identifies with a view to eventually providing for sustainable conservation of their biodiversity.

46. The regulation must specify the duration of the temporary conservation or state that it will end when a reserve is created under section 19.

47. The following activities are prohibited in a proposed ecological reserve:

(1) mining and gas or petroleum development, including the construction of facilities required for that purpose, except the mining of a surface mineral substance governed by the Mining Act;

(2) the construction and operation of facilities for the commercial or industrial production or transmission of any form of energy;

(3) the construction and operation of a water storage reservoir for a purpose other than that mentioned in paragraph 2;

(4) a forest development activity within the meaning of the Sustainable Forest Development Act, carried on under a timber supply guarantee or for marketing timber under that Act;

(5) fish stocking of a watercourse or body of water for aquaculture, commercial fishing or other commercial purposes; and

(6) any other activity the Government may prohibit by regulation in all or part of the reserve.

48. The authorization of the Minister is required to carry on the following activities in a proposed ecological reserve, subject to the conditions the Minister determines:

- (1) the mining of a surface mineral substance governed by the Mining Act;
- (2) mining, gas or petroleum exploration, brine or underground reservoir exploration, prospecting, digging and boring;
- (3) any forest development activity governed by the Sustainable Forest Development Act that is not prohibited under paragraph 4 of section 47;
- (4) the harvesting, for commercial or industrial purposes, of plants and their fruit, mushrooms and forest biomass;
- (5) land occupancy for more than 90 consecutive days;
- (6) fish stocking of a watercourse or body of water for enhancement or conservation purposes;
- (7) any operation on the bed or along the banks or the shores of a watercourse or body of water;
- (8) any operation that may affect natural drainage or the water regime;
- (9) any operation in a wetland;
- (10) the construction, reconstruction or demolition of works or infrastructures, including land development, filling, excavation, burying and earthworks; and
- (11) any other activity the Government determines by regulation in all or part of the reserve.

49. The rules set out or provided for in sections 19 to 25 and 31 to 41 applicable to an ecological reserve apply, with the necessary modifications, to a proposed ecological reserve.

CHAPTER III

MAN-MADE LANDSCAPE

50. The Minister may recognize an area as a man-made landscape for a term of not less than 25 years.

A man-made landscape is an area established to protect the biodiversity of an inhabited terrestrial or aquatic area having biophysical features that warrant conservation as a result of, among other things, human activities performed over time in harmony with nature, and whose preservation depends on the continuation of those activities by the community.

51. A local municipality, a regional county municipality and a metropolitan community, if applicable, may submit to the Minister by mutual agreement an application for recognition of an area as a man-made landscape.

The approval of any minister or government body having authority over land in the domain of the State that is concerned must be obtained before the application is submitted.

The people living in the area that is the subject of the application, including a Native community that may be affected, must be consulted by the applicants, using the means they consider appropriate, before the application is submitted.

52. The application for recognition must include the following elements:

- (1) the contact information of the applicants;
- (2) the reasons the area concerned should be protected, the socioeconomic issues and the advantages and constraints associated with the project;
- (3) the conservation and enhancement objectives of the area concerned;
- (4) the written approval of any minister or government body having authority over the lands in the domain of the State concerned, if applicable;
- (5) a summary of the public consultations conducted, including the special consultations conducted with the surrounding Native communities, and the result of the consultations, including any objections to the project.

The application must be accompanied with a protection plan setting out

- (1) the identification of the area concerned, including a description of components whose natural character was conserved and of the features created by human interference;
- (2) a description of the various uses of the area concerned;
- (3) the measures for conserving and enhancing the area concerned;
- (4) the duration of the protection; and
- (5) the role and responsibilities of each applicant and of any Native community or non-profit organization involved or any minister or government body having authority over land in the domain of the State concerned.

The Minister may require any other information, document or study the Minister considers necessary for the examination of the application.

53. The Minister recognizes the man-made landscape by a notice published in the *Gazette officielle du Québec* accompanied by the protection plan for the man-made landscape.

The recognition is notified to the applicants as well as to any Native community, minister or body involved.

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

55. The applicants report to the Minister on the implementation of the protection plan every five years.

The information contained in the report is public information.

56. A recognized man-made landscape and the protection plan associated with it are described and included in the regional county municipality's land use planning and development plan or the metropolitan land use and development plan, as applicable, by means of a regulation adopted without formality that comes into force on the day of its adoption, despite any provision to the contrary. A copy of the regulation is served on the Minister of Municipal Affairs, Regions and Land Occupancy in the manner provided in the Act respecting land use planning and development (R.S.Q., chapter A-19.1).

The plan identifying the man-made landscape is sent to the Minister of Natural Resources and Wildlife for entry on the land use plan in accordance with the procedure provided for that purpose in the Act respecting the lands in the domain of the State.

57. Any amendment to the protection plan must be approved by the Minister. The prior consultations and approvals required when making an application for recognition apply for an application for amendment.

An amendment to the protection plan is published by the Minister in the *Gazette officielle du Québec* and takes effect on the date of publication.

It is notified to any Native community, minister or body concerned.

58. The recognition of a man-made landscape may be renewed. The rules set out in section 57 apply for a renewal.

59. The recognition of a man-made landscape ends at the expiry of its term or upon the Minister's decision to end it in accordance with section 95.

60. The end of recognition is published by the Minister in the *Gazette officielle du Québec* and takes effect on the date of publication.

It is notified to any Native community, minister or body concerned.

61. This chapter applies, with the necessary modifications, to an application submitted by a Native community, alone or together with other Native communities or applicants governed by this chapter.

CHAPTER IV

NATURE RESERVE

62. The Minister may recognize as a nature reserve any immovable not included in the lands in the domain of the State that warrants ensuring sustainable conservation of its biodiversity, particularly because of its biological, ecological, wildlife, plant, geological, geomorphologic or landscape features.

Recognition may not be granted for less than 50 years.

In this chapter, an immovable includes any immovable resulting from a consolidation.

63. The owner of the immovable concerned must apply for its recognition as a nature reserve. The application must be addressed to the Minister in writing and contain

- (1) the owner's contact information;
- (2) in the case of a municipality, a legal person, a partnership or an association, a certified copy of the instrument authorizing the application;
- (3) the cadastral designation of the immovable that is the subject of the application and a summary site plan;
- (4) the features of the immovable and, if applicable, any report emanating from a competent person stating those features;
- (5) the term of the recognition applied for;
- (6) the objectives and the conservation measures the owner intends to establish, including any constraints or restrictions on use associated with the immovable;
- (7) the management arrangements for the immovable, including, where applicable, the name of the non-profit organization that will be entrusted with the management; and
- (8) a copy of the title of ownership to the immovable concerned.

The Minister may require any other information, document or study considered necessary for the examination of the application.

64. Recognition is finalized in an agreement between the Minister and the owner, or between the owner and a non-profit organization, in which the Minister intervenes.

The agreement must contain

- (1) the cadastral designation of the immovable concerned;
- (2) the term of the recognition;
- (3) the features of the immovable;
- (4) the management arrangements for the immovable, including, where applicable, the name of the non-profit organization entrusted with the management;
- (5) the objectives and the conservation measures, including any constraints or restrictions on use associated with the immovable;
- (6) the reports required on the achievement of objectives; and
- (7) the penalties applicable if the obligations under the agreement are not met.

The recognition takes effect on the date the agreement is signed.

65. The nature reserve recognition agreement must be registered in the land register. A copy of the agreement must be sent to the local and regional municipal authorities in the territory where the immovable is located.

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

66. The Minister publishes a notice stating that an immovable is recognized as a nature reserve in the *Gazette officielle du Québec*.

67. The owner of an immovable recognized as a nature reserve must notify the Minister of any transfer of the immovable within 30 days after the instrument evidencing the transfer is registered in the land register.

68. Any amendment to the agreement must be made in accordance with section 65, which applies with the necessary modifications.

69. The recognition of an immovable as a nature reserve ends at the expiry of its term, by the transfer of the immovable to the lands in the domain of the

State or upon the Minister's decision to end the recognition in accordance with section 95.

70. The end of recognition is published by the Minister in the *Gazette officielle du Québec* and takes effect on the date of publication.

It must be registered in the land register.

CHAPTER V

NATURAL SETTING

71. The Minister may, by regulation, designate natural settings and the features associated with them.

The authorization of the Minister is required to begin or continue any activity in a designated natural setting, subject to the conditions the Minister determines.

An activity that requires an authorization of the Minister under the Environment Quality Act or any other legislative provision for which the Minister is responsible is exempted from the requirement under the second paragraph. The Minister may also make a regulation exempting any person or any category of activity determined by the Minister from the authorization requirement and prescribing the conditions subject to which any activities exempted under this section may be carried on, including a requirement to provide security or any other form of financial guarantee.

The regulation of the Minister may, in addition, prescribe the terms applicable to the issue, renewal, amendment or transfer of an authorization.

72. Before issuing an authorization, the Minister takes into consideration, among other things, the features of the designated natural setting, the nature of the proposed activity and the impact of the activity on the ecosystems of the designated natural setting.

The Minister may require any information, document or study the Minister considers necessary to analyze applications for authorization. The Minister may also require security or any other form of financial guarantee.

73. An authorization is transferable if the Minister authorizes the transfer, subject to the conditions the Minister determines.

74. The Minister sends a notice of the designation of a natural setting

(1) to every minister and every government body that was consulted;

(2) if it concerns lands in the domain of the State, to the Minister of Natural Resources and Wildlife so that it may be taken into account in the exercise of the powers of that Minister;

(3) to the regional and local municipal authorities whose territory is affected by the designation so that it may be taken into account in the exercise of their powers; and

(4) to the owner of any private land affected by the designation and to the registry office for registration in the land register.

75. The designated natural settings may be identified on a plan drawn up by the Minister.

The plan is made public by the Minister in the manner the Minister considers appropriate.

76. The Minister keeps up to date and makes public a register of all designated natural settings that includes, if applicable, the plan drawn up by the Minister.

The information contained in the register is public information.

TITLE IV

ADMINISTRATIVE PROVISIONS

CHAPTER I

INSPECTION AND SEIZURE

77. The Minister may authorize a person to act as an inspector.

In carrying out the functions of office, the inspector may

(1) have access at any reasonable time to a place, other than a dwelling-house, where activities are carried on in an aquatic, a biodiversity, an ecological reserve, a proposed ecological or a marine reserve or a designated natural setting, for the purposes of an inspection;

(2) enter on and pass over private land;

(3) take samples, and conduct analyses;

(4) install measuring apparatus, conduct tests and take measurements;

(5) record the state of a place or ecosystem by means of photographs, videos or other sound or visual recording methods; or

(6) examine, record or copy a document or data, on any medium.

78. An inspector may, in carrying out the functions of office, seize anything that may be used to prove an offence against this Act or the regulations.

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

79. If requested to do so, the inspector must show a certificate of authorization signed by the Minister.

80. An inspector may not be prosecuted for an act performed in good faith while carrying out the functions of office.

81. A person carrying on an activity in an aquatic, a biodiversity, an ecological, a proposed ecological or a marine reserve or a designated natural setting must, at the request of an inspector, show any authorization that must be held under this Act.

CHAPTER II

ORDER

82. Where the Minister is of the opinion that an ecosystem that has one or more biophysical features that warrant conservation in the interests of biodiversity 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, directing a person or a partnership

(1) to close the site, or to permit access only to certain persons or subject to certain conditions, and provide for the posting of a notice to that effect in public view at the entrance to or near the site;

(2) to cease an activity;

(3) to take special conservation measures;

(4) to remove or destroy, in the manner specified by the Minister, a thing, plant, mushroom or animal introduced in the ecosystem;

(5) to restore the site, in the manner specified by the Minister; or

(6) to take any other measure the Minister considers necessary to prevent a greater threat to the ecosystem, or to mitigate the effects of or eliminate the threat.

If the person fails to comply with an order, the Minister may cause the thing to be done at the person's expense and may claim the direct and indirect costs from the person.

83. 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 (R.S.Q., chapter J-3) and allow the person at least 15 days to submit written 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, submit written observations for a review of the order.

84. An order must be notified to the person concerned. It may be enforced by a peace officer.

85. The Minister registers in the land register against an immovable every order made regarding the owner of the immovable. The order, once registered, is binding on all subsequent acquirers of the immovable.

86. An application to a judge for an injunction to order an offender to comply with an order or to extend an order must be made in accordance with the prescriptions of the Code of Civil Procedure (R.S.Q., chapter C-25).

Such an application must be notified to the person concerned, but the judge may waive that requirement if the judge considers that the delay likely to result from the notification could unnecessarily imperil the ecosystem concerned. The application is heard and decided by preference.

CHAPTER III

MONETARY ADMINISTRATIVE PENALTIES

87. Persons designated by the Minister may impose monetary administrative penalties on any person or partnership that fails to comply with this Act or the regulations.

The sanctions are imposed in the cases and subject to the conditions set out in this chapter and in accordance with the rules set out or provided for in this Act and in sections 115.13 to 115.22 of the Environment Quality Act, with the necessary modifications.

88. A monetary administrative penalty of \$250 in the case of a natural person and \$1,000 in the case of a legal person or a partnership may be imposed on anyone who, in contravention of this Act, refuses or neglects to furnish information, a notice, a document, a study, a plan or a report, or furnishes them although knowing them to be false or misleading, or fails to file them in the prescribed time, in cases where no other monetary administrative penalties are provided for by this Act or the regulations.

89. A monetary administrative penalty of \$500 in the case of a natural person and \$2,500 in the case of a legal person or partnership may be imposed on anyone who

- (1) fails to comply with a condition imposed under this Act;
- (2) fails to provide security or any other form of financial guarantee or to maintain it throughout the period during which it is required; or
- (3) hinders the work of an inspector, refuses to comply with an order of the inspector or refuses to provide reasonable assistance.

90. A monetary administrative penalty of \$1,000 in the case of a natural person and \$5,000 in the case of a legal person or partnership may be imposed on anyone who fails to obtain an authorization required under this Act.

91. A monetary administrative penalty of \$2,000 in the case of a natural person and \$10,000 in the case of a legal person or partnership may be imposed on anyone who

- (1) carries on an activity prohibited by this Act or who carries on an activity even though their application for authorization is denied, or their authorization is suspended or revoked; or
- (2) fails to comply with an order issued under this Act or in any way prevents or hinders its enforcement.

92. The Government or the Minister may, by regulation, specify that a failure to comply with a regulation made under this Act may give rise to a monetary administrative penalty. The regulation may define the conditions for applying the penalty and set forth the amounts and the methods for determining them. The amounts may vary according to the degree to which the standards have been infringed, without exceeding \$2,000 in the case of a natural person and \$10,000 in the case of a legal person or partnership.

93. Information on the monetary administrative penalties imposed on a person or a partnership under this Act or the regulations is entered in a register kept by the Minister under section 118.5.1 of the Environment Quality Act, with the necessary modifications.

CHAPTER IV

OTHER ADMINISTRATIVE PENALTIES

94. The Government or the Minister may refuse to issue or may suspend, amend or revoke an authorization if

- (1) the holder violates the conditions attached to it;

(2) the authorization was granted on the basis of erroneous or misleading information, documents or studies;

(3) such a measure has become necessary to protect the area concerned;

(4) the holder has failed to comply with an order issued under this Act; or

(5) the holder has defaulted on payment of an amount, including a fine or a monetary administrative penalty, owing under this Act or a regulation.

95. The Minister may end the recognition of a man-made landscape or a nature reserve because

(1) the area or immovable was recognized on the basis of erroneous or misleading information, documents or studies;

(2) the measures in the protection plan or the provisions of the agreement are not being complied with;

(3) the features of the area no longer warrant conservation;

(4) it would be more detrimental to the community to maintain the recognition than to withdraw it; or

(5) in the case of the man-made landscape the protection plan was amended without the Minister's approval.

96. Before an application for an authorization is denied, or before an authorization is suspended, amended or revoked, the applicant or holder must be notified in writing as prescribed by section 5 of the Act respecting administrative justice and allowed at least 15 days to submit written observations. At the same time, the applicant or holder must be informed of their right to contest the decision before the Administrative Tribunal of Québec. The Government or the Minister may, however, where urgent action is required or so as to prevent irreparable harm, make such a decision without being bound by those prior obligations. In such cases, the applicant or holder may, within the time specified, submit written observations for a review of the decision.

The same applies for any decision to end recognition of a man-made landscape or nature reserve issued under this Act.

CHAPTER V

PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC

97. An order issued by the Minister under this Act may be contested by the person or partnership concerned before the Administrative Tribunal of Québec.

The same applies in all cases where the Minister refuses to issue an authorization or suspends, amends or revokes an authorization under this Act, or where the Minister ends a recognition given under this Act.

98. A notice of claim or, if applicable, a review decision that confirms the imposition of a monetary administrative penalty may be contested by the person or partnership concerned before the Administrative Tribunal of Québec.

When rendering its decision, the Administrative Tribunal of Québec may make a ruling with respect to interest accrued on the penalty while the matter was pending before the Tribunal.

99. A proceeding must be brought within 60 days of notification of the contested decision.

The proceeding does not suspend the execution of the decision of the Minister, unless, upon a motion heard and judged by preference, a member of the Tribunal orders otherwise by reason of urgency or of the risk of serious or irreparable harm.

CHAPTER VI

REGULATORY POWER

100. The Minister may, by regulation, set the fees payable for the administrative services required to process applications for the issue, renewal, amendment or transfer of an authorization, and the terms relating to the payment of fees, including the interest payable for failure to pay.

The Minister may, in the same manner, set the fees payable for the administrative services required to process an application for recognition or for the issue of an order.

The fee amounts may vary, among other things, according to the nature and importance of the project for which the application is made, the complexity of the technical and environmental aspects of the file, and the nature of the environments concerned.

TITLE V

PENAL PROVISIONS

101. Anyone who

(1) damages the ecosystem of an aquatic reserve, biodiversity reserve, ecological reserve, proposed ecological reserve, marine reserve or designated natural setting or destroys property forming part of the reserve or setting, or

(2) refuses or neglects to submit a notice, document, information, study, plan or report required under this Act or the regulations, submits them although knowing them to be false or misleading or fails to submit them in the required time

is guilty of an offence and is liable to a fine of \$1,000 to \$100,000 in the case of a natural person and \$3,000 to \$600,000 in the case of a legal person or partnership.

102. Anyone who

(1) fails to comply with a condition imposed under this Act,

(2) fails to provide security or any other form of financial guarantee, or to maintain such security or guarantee throughout the period during which it is required, or

(3) hinders the work of an inspector, refuses to comply with an order of the inspector or refuses to provide reasonable assistance

is guilty of an offence and is liable to a fine of \$2,500 to \$250,000 in the case of a natural person and \$7,500 to \$1,500,000 in the case of a legal person or partnership.

103. Anyone who

(1) fails to obtain an authorization required under this Act, or

(2) makes a declaration although knowing it to be false or misleading in order to obtain an authorization under this Act

is guilty of an offence and is liable to a fine of \$5,000 to \$500,000 in the case of a natural person and \$15,000 to \$3,000,000 in the case of a legal person or partnership.

104. Anyone who

(1) carries on an activity prohibited under this Act or carries on an activity even though their application for authorization is denied, or the authorization is suspended or revoked, or

(2) fails to comply with an order issued under this Act or in any way prevents or hinders its enforcement

is guilty of an offence and is liable to a fine of \$10,000 to \$1,000,000 in the case of a natural person and \$30,000 to \$6,000,000 in the case of a legal person or partnership.

105. If an offence under this Act or the regulations continues for more than one day, it constitutes a separate offence for each day during which it continues.

106. If a legal person or an agent, mandatary or employee of a legal person, partnership or association without legal personality commits an offence under this Act or the regulations, its director or officer is presumed to have committed the offence unless it is established that the director or officer exercised due diligence and took all necessary precautions to prevent the offence.

For the purposes of this section, in the case of a partnership, all partners, except special partners, are deemed to be directors of the partnership unless there is evidence to the contrary appointing one or more of them, or a third person, to manage the affairs of the partnership.

107. Whoever does or omits to do something in order to assist a person or a partnership to commit an offence under this Act or the regulations, or advises or encourages or incites a person or a partnership to commit such an offence, is considered to have committed the same offence.

108. In any penal proceedings relating to an offence under this Act or the regulations, proof that the offence was committed by an agent, mandatary or employee of any party is sufficient to establish that it was committed by that party, unless the party establishes that it exercised due diligence and took all necessary precautions to prevent the offence.

109. Fines under this chapter are doubled in the case of a second conviction and tripled in the case of a subsequent conviction.

Fines under this chapter are also doubled in the case of a natural person if an offence is committed by a director or officer of a legal person, partnership or association without legal personality.

110. In the judgment, the judge may order an offender convicted under this Act or the regulations

(1) to refrain from any action or activity that may lead to the continuation or repetition of the offence;

(2) to carry out any action or activity to prevent the offence from being continued or repeated;

(3) to take one or more of the following measures, with priority given to those determined by the judge as being best for natural heritage conservation:

(a) to restore things to the state they were in prior to the offending act;

(b) to restore things to a state approaching their original state;

(c) to implement compensatory measures; and

(d) to pay compensation, in a lump sum or otherwise, for repair of the damage resulting from the commission of the offence; and

(4) to conduct follow-up studies on the impact on biodiversity that the activities carried on by the offender may have;

(5) to provide security or consign a sum of money to guarantee performance of those obligations; and

(6) to make public the conviction and any prevention or repair measures imposed, subject to the conditions determined by the judge.

Moreover, if the Minister, in carrying out this Act or the regulations, has taken restoration or compensatory measures in the place and stead of the offender, the judge may order the offender to reimburse the Minister for the direct and indirect costs of such measures, including interest.

111. On an application made by the prosecutor and submitted with the statement of offence, the judge may impose on the offender, in addition to any other penalty, a further fine not exceeding the financial benefit realized by the offender as a result of the offence, even if the maximum fine has already been imposed.

112. The prosecutor must give the offender at least 10 days' prior notice of an application for restoration or for compensatory measures, or of any request for an indemnity or a reimbursement of costs to the Minister, unless the parties are in the presence of a judge. In that case, the judge must, before making an order and on the request of the offender, grant the offender what the judge considers a reasonable period of time in which to present evidence with regard to the prosecutor's application or request.

113. Penal proceedings for offences under this Act or the regulations are prescribed by the longer of

(1) five years from the date the offence was committed; and

(2) two years from the date on which the inspection that led to the discovery of the offence was begun if false representations were made to the Minister or to a person designated to act as an inspector under this Act.

In the cases referred to in subparagraph 2 of the first paragraph, the certificate issued by the Minister or the inspector constitutes, in the absence of evidence to the contrary, conclusive proof of the date on which the inspection was begun.

114. The Government or the Minister may make a regulation determining the regulatory provisions made under this Act whose contravention constitutes an offence and renders the offender liable to a fine the minimum and maximum amounts of which are set by the Government or the Minister, without however exceeding \$1,000,000 in the case of a natural person and \$6,000,000 in the case of a legal person or partnership.

115. The information relating to convictions for offences by a person or a partnership under this Act or the regulations is entered in a register kept by the Minister under section 118.5.2 of the Environment Quality Act, with the necessary modifications.

TITLE VI

RECOVERY

116. The Minister may claim payment from a person or a partnership of any amount owed to the Minister under this Act or the regulations by notification of a notice of claim. However, in the case of a monetary administrative penalty, the claim is made by the person designated by the Minister under section 87 and the notice of claim must mention the right to obtain a review of the decision within the time period specified in the notice.

A notice of claim must state the amount of the claim, the reasons for it, the time from which it bears interest, the right to contest the claim or, if applicable, the review decision before the Administrative Tribunal of Québec and the time within which such a proceeding must be brought. The notice must also include information on the procedure for recovery of the amount owing, in particular with regard to the issue of a recovery certificate under section 121 and its effects. The person or the partnership concerned must also be advised that failure to pay the amount owing may give rise to the denial, amendment, suspension or revocation of any authorization issued under this Act or the regulations and, if applicable, that the facts on which the claim is founded may result in penal proceedings.

Unless otherwise provided, the amount owing bears interest at the rate determined under the first paragraph of section 28 of the Tax Administration Act (R.S.Q., chapter A-6.002), from the 31st day after notification of the notice.

Notification of a notice of claim interrupts the prescription provided for in the Civil Code with regard to the recovery of an amount owing.

117. The directors and officers of a legal person or a partnership that has defaulted on payment of an amount owed to the Minister under this Act or the regulations are solidarily liable, with the legal person or the partnership, for the payment of the amount, unless they establish that they exercised due care and diligence to prevent the failure that led to the claim.

118. The reimbursement of an amount owing under this Act or the regulations is secured by a legal hypothec on the debtor's movable and immovable property.

119. The Minister may recover the costs of any analysis, study or inspection carried out for the purposes of a proceeding arising out of the application of this Act.

The same applies for the expenses incurred by the Minister to determine the nature of the work required to restore a site and the direct or indirect costs of issuing an order.

If the order issued by the Minister is contested before the Administrative Tribunal of Québec, the claim is suspended until the Tribunal confirms all or part of the order.

120. The debtor and the Minister may enter into a payment agreement with regard to the amount owing. Such an agreement, or the payment of the amount owing, does not constitute, for the purposes of penal proceedings or any other administrative penalty under this Act or the regulations, an acknowledgement of the facts giving rise to it.

121. If the amount owing is not paid in its entirety or the payment agreement is not adhered to, the Minister may issue a recovery certificate upon the expiry of the time for applying for a review of the decision, upon the expiry of the time for contesting the review decision before the Administrative Tribunal of Québec or upon the expiry of 30 days after the final decision of the Tribunal confirming all or part of the Minister's decision or the review decision, as applicable.

However, a recovery certificate may be issued before the expiry of the time specified in the first paragraph if the Minister is of the opinion that the debtor is attempting to evade payment.

A recovery certificate must state the debtor's name and address and the amount of the debt.

122. Once a recovery certificate has been issued, any refund owed to a debtor by the Minister of Revenue may, in accordance with section 31 of the Tax Administration Act, be withheld for payment of the amount specified in the certificate.

The withholding interrupts the prescription provided for in the Civil Code with regard to the recovery of an amount owing.

123. Upon the filing of the recovery certificate at the office of the competent court, together with a copy of the final decision stating the amount of the debt, the decision becomes enforceable as if it were a final judgment of that court not subject to appeal, and has all the effects of such a judgment.

124. The debtor is required to pay a recovery charge in the amount set in the order, in the cases and subject to the conditions determined by the Minister.

125. The Minister may, by agreement, delegate to another minister or body all or some of the powers relating to the recovery of an amount owing under this Act or the regulations.

TITLE VII

AMENDING PROVISIONS

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

126. Section 149 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) is amended by replacing “or a man-made landscape” in subparagraph 4 of the first paragraph by “, a marine reserve or a designated natural setting”.

ACT RESPECTING ADMINISTRATIVE JUSTICE

127. Schedule III to the Act respecting administrative justice (R.S.Q., chapter J-3) is amended by replacing “sections 24 and 64 of the Natural Heritage Conservation Act (chapter C-61.01)” in paragraph 3 by “sections 97 and 98 of the Act respecting natural heritage conservation and the sustainable development of the area covered by the Northern Plan (*insert the year and chapter number of this Act*)”.

ACT RESPECTING THE MINISTÈRE DU DÉVELOPPEMENT DURABLE, DE L'ENVIRONNEMENT ET DES PARCS

128. Section 10 of the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (R.S.Q., chapter M-30.001) is amended

(1) by adding “and for seeing to the conservation of the natural heritage, in particular the ecological goods and services provided by the ecosystems of which it is composed” at the end of the first paragraph;

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

“In addition, the Minister is responsible for the management, development, supervision and conservation of the protected areas under the Minister's authority, including the parks created under the Parks Act (chapter P-9) and the Act respecting the Saguenay — St. Lawrence Marine Park (chapter P-8.1) and the ecological or proposed ecological reserves created under the Act respecting natural heritage conservation and the sustainable development of the area covered by the Northern Plan (*insert the year and chapter number of this Act*).”

129. Section 11 of the Act is amended by replacing subparagraph 4 of the first paragraph by the following subparagraph:

“(4) the creation and management of the protected areas governed by the Act respecting natural heritage conservation and the sustainable development of the area covered by the Northern Plan (*insert the year and chapter number of this Act*), the Parks Act (chapter P-9) and the Act respecting the Saguenay — St. Lawrence Marine Park (chapter P-8.1);”.

130. Section 11.1 of the Act is repealed.

131. Section 12 of the Act is amended

(1) by replacing “and, with the authorization of the Government, see to the carrying out of those plans and programs” in paragraph 2.1 by “or foster natural heritage conservation”;

(2) by adding the following paragraphs:

“(7) award a grant or other form of financial assistance, in accordance with the Public Administration Act (chapter A-6.01) and the regulations, in order, among other things to carry out programs, research, studies or analyses;

“(8) lease any property or acquire any property or real right in property by agreement, by a call for tenders or by expropriation, in accordance with the Act respecting contracting by public bodies (chapter C-65.1) and the regulations or the Expropriation Act (chapter E-24), if applicable;

“(9) accept any property or any real right in property as a gift or legacy.”

132. Section 15.1 of the Act is amended by replacing the third paragraph by the following paragraph:

“The Fund is intended, among other purposes,

(1) to support measures promoting sustainable development, especially its environmental aspects;

(2) for carrying out natural heritage conservation measures, including measures focussing on the enhancement of the natural heritage and the follow-up and monitoring that may be associated with such measures;

(3) to make it possible for the Minister to grant financial assistance, within the framework provided by law, in particular to Native communities, municipalities and non-profit organizations working in the environmental field.”

133. Section 15.4 of the Act is amended

(1) by adding “and under Chapter III of Title IV of the Act respecting natural heritage conservation and the sustainable development of the area covered by the Northern Plan (*insert the year and chapter number of this Act*)” at the end of paragraph 5.1;

(2) by inserting “or to ensure natural heritage conservation” after “restore the environment” in paragraph 7.

ACT RESPECTING THE LANDS IN THE DOMAIN OF THE STATE

134. Section 25 of the Act respecting the lands in the domain of the State (R.S.Q., chapter T-8.1) is amended by inserting the following paragraphs after the second paragraph:

“An amendment to the land use plan is submitted to the Government for approval without following the consultation procedures described in the first and second paragraphs if the Minister considers that an equivalent consultation on the amendment has been carried out by another minister.

An aquatic reserve, a biodiversity, an ecological, a proposed ecological or a marine reserve created by regulation under the Act respecting natural heritage conservation and the sustainable development of the area covered by the Northern Plan (*insert the year and chapter number of this Act*) is entered on the land use plan without following the approval procedure provided for in this Act.”

TITLE VIII

TRANSITIONAL AND FINAL PROVISIONS

135. This Act replaces the Natural Heritage Conservation Act (R.S.Q., chapter C-61.01).

136. An aquatic, a biodiversity or an ecological reserve established under the Natural Heritage Conservation Act before (*insert the date of assent to this Act*) is deemed to be created under this Act.

The conservation plan applicable to such a reserve remains in force and governs the reserve until the adoption of a regulation replacing it.

However, sections 5 and 6 of the conservation plan for the Lacs-Vaudray-et-Joannès biodiversity reserve are replaced in accordance with sections 5 and 6 presented in Schedule I.

137. On (*insert the date of assent to this Act*), the proposed Mont-Gosford ecological reserve becomes, without further formality, the Mont-Gosford ecological reserve. It is governed by the conservation plan presented in Schedule II until the publication of the regulation made under section 19.

That regulation must be published in the *Gazette officielle du Québec* on or before (*insert the date that is one year after the date of assent to this Act*). It is not subject to the publication requirement set out in section 8 of the Regulations Act (R.S.Q., chapter R-18.1).

The conservation plan required under this Act must be made public by the Minister within the time specified in the second paragraph.

The rules set out or provided for in sections 24, 25 and 30 to 41 apply to the Mont-Gosford ecological reserve.

138. The proposed aquatic, proposed biodiversity and proposed ecological reserves consisting of lands that were set aside in accordance with the Natural Heritage Conservation Act before (*insert the date of assent to this Act*) remain governed by sections 33 to 42 of that Act and by the conservation plan applicable to them, until the coming into force of the regulation enacted to create aquatic, biodiversity or marine reserves in their stead under this Act.

139. An authorization granted under the conservation plan applicable to an aquatic, a proposed aquatic, a biodiversity, a proposed biodiversity, an ecological or a proposed ecological reserve remains valid insofar as the attached conditions for carrying on an activity are complied with. A new authorization remains governed by the prescriptions of the applicable conservation plan until the adoption of a regulation replacing it and the establishment of a new conservation plan in accordance with the requirements of this Act.

140. Nature reserves recognized before (*insert the date of assent to this Act*) are deemed to have been recognized under this Act. The agreements entered into with the owners continue to govern the recognized immovable until the adoption of a new agreement or of an amendment to the original agreement in accordance with this Act.

141. The orders made by the Minister of Sustainable Development, Environment and Parks under sections 19 and 25 of the Natural Heritage Conservation Act are deemed to have been made under this Act.

142. The programs of financial or technical assistance established under paragraph 2 of section 8 of the Natural Heritage Conservation Act, or any delegation concerning those programs under paragraph 3 of that section, continue and are governed, from (*insert the date of assent to this Act*), by the provisions provided for that purpose in the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (R.S.Q., chapter M-30.001).

143. The delegation, under section 12 of the Natural Heritage Conservation Act, of management powers relating to an aquatic, a biodiversity or an ecological reserve is deemed to have been granted under this Act.

144. Expropriation proceedings under paragraph 4 of section 8 of the Natural Heritage Conservation Act are continued in accordance with the provisions provided for that purpose in the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs.

145. The persons designated by the Minister of Sustainable Development, Environment and Parks to exercise a power under the Natural Heritage

Conservation Act are deemed to have been designated by that Minister under this Act to exercise the corresponding power under this Act.

The acts performed and the documents prepared or issued by those persons in accordance with the Natural Heritage Conservation Act are governed, from *(insert the date of assent to this Act)*, by the provisions provided for that purpose in this Act.

146. In any Act, including any Act amended by this Act, and in any regulation or other document, unless the context indicates otherwise and with the necessary modifications, a reference to the Natural Heritage Conservation Act or one of its provisions is deemed to be a reference to this Act or the corresponding provision of this Act.

147. Any proceeding instituted under the Natural Heritage Conservation Act is continued in accordance with that Act.

148. The first version of the conservation strategy applicable to the area covered by the Northern Plan required under section 14 must be adopted not later than three months following the end of the public consultation provided for in that section.

149. To ensure the application of this Act, the Government may, by regulation made before *(insert the date that is one year after the date of assent to this Act)*, prescribe any other transitional provision that is consistent with those provided in this Act.

150. The Minister of Sustainable Development, Environment and Parks is responsible for the administration of this Act.

151. This Act comes into force on *(insert the date of assent to this Act)*.

SCHEDULE I

SECTIONS 5 AND 6 OF THE RÉSERVE DE BIODIVERSITÉ DES LACS-VAUDRAY-ET-JOANNÈS, AS REPLACED

5. Activities framework applicable to the biodiversity reserve

5.1. Activities framework established by the Natural Heritage Conservation Act

Activities within the reserve are mainly governed by the Natural Heritage Conservation Act.

Under that Act, the main activities prohibited in a land area assigned biodiversity reserve status are the following:

- mining and gas or petroleum development;
- mining, gas and petroleum exploration, brine and underground reservoir exploration, prospecting, and digging or boring;
- 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;

subject to measures in this conservation plan authorizing them and specifying the conditions on which they may be carried on:

- i. any allocation of a right to occupy land for vacation purposes;
- ii. earthwork, backfilling or construction work;
- iii. commercial activities.

5.2. Activities framework established by this conservation plan

§1. Prohibitions, prior authorizations and other conditions applicable to certain activities in the reserve

§1.1. Protection of resources and the natural environment

5.2.1. Subject to the prohibition in the second paragraph, no person may introduce native or non-native wildlife specimens or individuals in the reserve, including by stocking, unless the person holds an authorization from the Minister.

No person may stock a watercourse or body of water for aquaculture, commercial fishing or other commercial purposes.

No person may introduce a non-native plant species in the reserve, unless the person holds an authorization from the Minister.

5.2.2. No person may use fertilizer or fertilizing material in the reserve. Compost is, however, permitted for domestic purposes if used at least 20 metres away from any watercourse or body of water, measured from the high-water mark.

The high-water mark means the high-water mark defined in the Protection Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains (R.R.Q., c. Q-2, r. 35).

5.2.3. No person may use wind power for domestic purposes unless authorized to do so by the Minister.

5.2.4. No person may harvest plant species or berries for commercial or industrial purposes or do so, for other purposes, by mechanical means.

5.2.5. Unless authorized by the Minister, no person may

(1) carry on activities in a wetland area, including a marsh, swamp or peat bog;

(2) modify the natural drainage or water regime of the reserve, including by creating or developing watercourses or bodies of water;

(3) dig, fill, obstruct or divert a watercourse or body of water;

(4) install or erect any structure, infrastructure or new works in or on the bed, banks, shores or floodplain of a watercourse or body of water. No authorization is, however, required

(a) for minor works such as a wharf, platform or boathouse erected for private purposes and free of charge under section 2 of the Regulation respecting the water property in the domain of the State (R.R.Q., c. R-13, r. 1);

(b) for any other type of structure, infrastructure or works to be erected or installed for a natural person who holds a lease for vacation purposes or any other right to occupy land allowing the person to stay in the reserve, if the activity in the watercourse or body of water, on its banks or shores or in its floodplain has been expressly authorized by the competent municipal authority and the project is carried out in compliance with the applicable regulations regarding the protection of lakeshores, riverbanks, littoral zones and floodplains;

(5) carry on any activity, other than an activity described in the preceding paragraphs, that is likely to degrade the bed or banks or shores of a body of water or watercourse or directly and substantially affect the quality or the

biochemical characteristics of the aquatic or riparian environments or wetland areas of the reserve, including by discharging or dumping waste or pollutants into the watercourse or body of water;

(6) carry on land development, including burying, earthworks and the removal or moving of surface materials or vegetation cover, for any purpose whatsoever, including recreational and tourism purposes such as trail development;

(7) install or construct any new structure, infrastructure or works;

(8) reconstruct or demolish any existing structure, infrastructure or works;

(9) carry on an activity that is likely to severely degrade the soil or a geological formation or damage the vegetation cover, such as stripping, digging trenches or excavation work;

(10) use a pesticide, although no authorization is required for the use of personal insect repellent;

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

(12) hold a sports event, tournament, rally or other large-scale event, other than an activity of the Centre éducatif forestier du Lac Joannès in Area IV of the reserve, if more than 15 persons are likely to participate in the activity and have access to the reserve at the same time; no authorization may however be issued by the Minister if the activity involves motor vehicle traffic, unless it has been shown to the Minister that it is impossible to organize the activity elsewhere or that bypassing the reserve is highly unfeasible.

5.2.6. Despite paragraphs 6, 7, 8 and 9 of section 5.2.5, no authorization is required to carry out work referred to in subparagraph 1 when the requirements of subparagraph 2 are met.

(1) The work involves

(a) the maintenance, repair or upgrading of any structure, infrastructure or works such as a camp, cottage, road or trail, including ancillary facilities such as lookouts or stairs;

(b) the construction or erection of

i. an appurtenance or ancillary facility of a trapping camp, rough shelter, shelter or cottage such as a shed, well, water intake or sanitary facilities; or

ii. a trapping camp, rough shelter, shelter or cottage if such a building was permitted under the right to use or occupy the land but had not been constructed or installed on the effective date of the protection status of the reserve; or

(c) the demolition or reconstruction of a trapping camp, rough shelter, shelter or cottage, including an appurtenance or ancillary facility such as a shed, well, water intake or sanitary facilities.

(2) The work is carried out in compliance with the following requirements:

(a) the work involves a structure, infrastructure or works permitted within the reserve;

(b) the work is carried out within the area of land or right-of-way subject to the right to use or occupy land in the reserve, whether the right results from a lease, servitude or other form of title, permit or authorization;

(c) the nature of the work or of the elements erected as a result of the work will not operate to increase the area of land that may remain deforested beyond the limits permitted under the provisions applicable to the sale, lease and granting of immovable rights under the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) and, if applicable, the limits allowed under an authorization issued in connection with the structure, infrastructure or works; and

(d) the work is carried out in compliance with the conditions of a permit or authorization issued for the work or in connection with the structure, infrastructure or works concerned, and in accordance with the applicable laws and regulations.

For the purposes of this section, repair and upgrading work includes work to replace or erect works or facilities to comply with the requirements of an environmental regulation.

5.2.7. 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 Minister's authorization.

§1.2. Rules of conduct for users

5.2.8. Every person staying, carrying on an activity or travelling in the reserve is required to maintain the premises in a satisfactory state and, insofar as possible, return them to their natural state before leaving.

5.2.9. Every person who makes a campfire must make sure

(1) that an area around the fire site sufficient to prevent the fire from spreading has been cleared by removing all branches, scrub, dry leaves and other combustible material before lighting the fire;

(2) that the fire is at all times under the supervision of a person on the premises; and

(3) that the fire is completely extinguished before leaving the premises.

5.2.10. In the reserve, no person may

(1) cause excessive noise;

(2) behave in a manner that unduly disturbs other users or interferes with their enjoyment of the reserve; or

(3) harass wildlife.

For the purposes of subparagraphs 1 and 2 of the first paragraph, behaviour that significantly disturbs other persons and constitutes unusual or abnormal conditions for the carrying on of an activity authorized in the reserve or for the permitted use of property, a device or an instrument within the reserve is considered excessive or undue.

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

5.2.12. Unless authorized by the Minister, no person may enter, carry on an activity or operate a vehicle in a given sector of the reserve 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 wildlife, plant life or other components of the natural environment at risk.

§1.3. Activities requiring an authorization

5.2.13. Unless authorized by the Minister, no person may occupy or use the same site in the reserve for a period of more than 90 days in the same year.

However, no authorization is required for a person who

(1) on the effective date of the protection status of the reserve, was a party to a lease or had already obtained another right or authorization allowing the person to legally occupy the land under the Act respecting the lands in the domain of the State 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 on the same conditions, subject to possible changes in fees;

(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 referred to in subparagraph 1 of the second paragraph, and whose right to occupy the land is renewed or extended on the same conditions, subject to possible changes in fees; or

(3) elects to acquire land legally occupied on the effective date of the protection status of the reserve, under the Act respecting the lands in the domain of the State.

For the purposes of this section,

(1) the occupation or use of a site includes

(a) staying or settling in the reserve, including for vacation purposes;

(b) installing a camp or shelter in the reserve; and

(c) installing, burying or leaving property in the reserve, including a piece of equipment, a device or a vehicle;

(2) “same site” means any other site within a radius of 1 kilometre from the site.

5.2.14. Unless authorized by the Minister, no person may carry on forest management activities to meet domestic needs or for the purpose of maintaining biodiversity.

Despite the first paragraph, a person staying or residing in the reserve who collects wood to make a campfire is exempted from the requirement to obtain an authorization from the Minister under this plan. The same is true in the case of a person who collects firewood to meet domestic needs when the wood is collected to supply a trapping camp or a rough shelter permitted within the reserve if

(1) the wood is collected by a person in compliance 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

(2) the quantity of wood collected does not exceed 7 apparent cubic metres per year.

Despite the first paragraph, an authorization to carry on a forest development activity is not required if a person authorized by lease to occupy land in the reserve in accordance with this conservation plan carries on the activity for the purpose of

(1) clearing the permitted deforested areas, maintaining them or creating visual openings, or any other similar removal work permitted under the provisions governing the sale, lease and granting of immovable rights under the Act respecting the lands in the domain of the State, including work for access roads, stairs and other trails permitted under those provisions; or

(2) clearing the necessary area for the installation, connection, maintenance, repair, reconstruction or upgrading of facilities, lines or mains for water, sewer, electric power or telecommunications services.

However, when work referred to in subparagraph 2 of the third paragraph is carried on for or under the responsibility of an enterprise providing any of those services, the work requires prior authorization from the Minister, except in the case of exemptions under sections 5.2.16 and 5.2.18.

5.2.15. Unless authorized by the Minister, no person may

- (1) operate a store, restaurant, counter or other premises or facility for the sale, rental or production of goods or services; or
- (2) sell or rent goods in the reserve, elsewhere than in a place referred to in subparagraph 1.

An authorization is not required for the sale or rental of goods or services pursuant to a contract entered into with the Minister or by the Centre éducatif forestier du Lac Joannès within the scope of its mission.

§1.4. Authorization exemptions

5.2.16. Despite the preceding provisions, an authorization is not required to carry on an activity or any other type of operation in the reserve if urgent action is necessary to prevent harm to human health or safety, or to repair or prevent damage caused by a real or apprehended disaster. The person concerned must, however, immediately inform the Minister of the activity or operation carried on.

5.2.17. The members of a Native community who, for food, ritual or social purposes, carry on an operation or an activity within the reserve are exempted from the requirement to obtain an authorization.

5.2.18. Despite the preceding provisions, the following activities and operations carried on by Hydro-Québec or by any other person for Hydro-Québec do not require the prior authorization of the Minister under this conservation plan:

- (1) any activity or operation required within the reserve to complete a project for which express authorization has already been given by the Government and the Minister, or only by the Minister, in accordance with the requirements of the Environment Quality Act (R.S.Q., c. Q-2), if the activity or operation is carried on in compliance with the authorizations issued;
- (2) any activity or operation necessary for the preparation and presentation of a pre-project report for a project requiring an authorization under the Environment Quality Act; and
- (3) any activity or operation relating to a project requiring the prior authorization of the Minister under the Environment Quality Act if the activity or operation is in response to a request for clarification or for additional information made by the Minister to Hydro-Québec, and the activity or operation is carried on in compliance with the request.

Hydro-Québec is to inform the Minister of the various activities or operations described in this section that it proposes to carry on before carrying them on in the reserve.

For the purposes of this section, Hydro-Québec activities and operations include but are not restricted to preliminary studies, analyses or field research, work required to study and ascertain the impact of electric power transmission and distribution line corridors and rights-of-way, geological or geophysical surveys and survey lines, and the opening and maintenance of access, construction or through roads for the purposes of such work.

6. Other applicable legislation

Activities likely to be carried on within the Réserve de biodiversité des Lacs-Vaudray-et-Joannès are also governed by other applicable legislative and regulatory provisions, including provisions that require the issue of a permit or authorization or the payment of fees. Certain activities may also be prohibited or limited by other Acts or regulations that are applicable within the biodiversity reserve.

A special legal framework may govern activities permitted or prohibited within the 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) and its regulations;
- Archaeological research: measures set out in particular in the Cultural Property Act (R.S.Q., c. B-4);
- Development and conservation 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) and its regulations, including the provisions pertaining to live fish transportation and stocking licences and those relating to threatened or vulnerable wildlife species, outfitting operations and beaver reserves, and the measures contained in applicable federal legislation, including fisheries regulations;
- Plant species designated as threatened or vulnerable: measures set out in the Act respecting threatened or vulnerable species (R.S.Q., c. E-12.01) prohibiting the harvesting of such species;
- Access and land rights related to the domain of the State: 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 Watercourses Act (R.S.Q., c. R-13);
- Issue and supervision of forest management permits: measures set out in the Forest Act (R.S.Q., c. F-4.1);
- 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;

- Construction and layout standards: regulatory measures adopted by regional and local municipal authorities under the Acts applicable to them.

SCHEDULE II

CONSERVATION PLAN FOR RÉSERVE ÉCOLOGIQUE DU MONT-GOSFORD

Réserve écologique du Mont-Gosford

1. Official toponym

Official name: “Réserve écologique du Mont-Gosford”, in reference to Mont-Gosford, where the reserve is located.

2. Plan and description

2.1. Geographic location, boundaries and dimensions

The reserve is located in the municipality of Saint-Augustin-de-Woburn, Municipalité régionale de comté (MRC) du Granit (Figure 1), and covers an area of 306.78 ha. It mainly covers the northern and western slopes of the Massif du mont Gosford, from its peak at about 1,183 m down to an altitude of approximately 720 m (Figure 2).



Figure 1. Location of Réserve écologique du Mont-Gosford

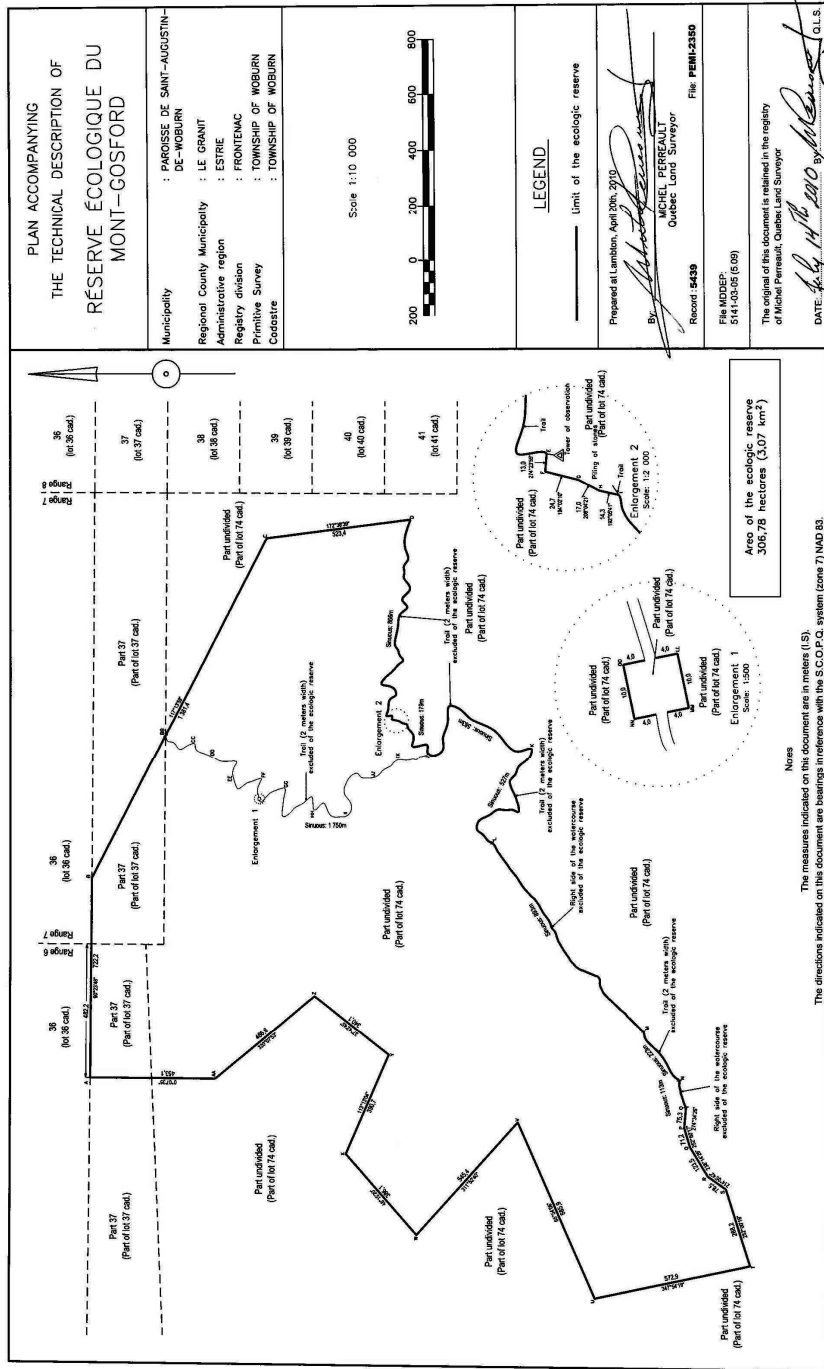


Figure 2. Plan of Réserve écologique du Mont-Gosford

2.2. Ecological overview

The Mont-Gosford ecological reserve contains representative and outstanding elements of the territory in which it is located.

2.2.1. Representative elements

Ecological Reference Framework: The Mont-Gosford ecological reserve constitutes a representative sample of the upper portion of the peaks encircling the natural region of the White Mountains, one of the five regions of the natural province of the northern Appalachians (Ecological Reference Framework for Québec). This region extends across the border into the United States.

Relief and geology: Mont-Gosford is the highest peak in southern Québec and the seventh highest in the province. Due to the relief, the soil is very shallow and composed of till. The geology of the mountain and the surrounding area is unique in Estrie. The area forms part of the Chain Lakes massif, a supracrustal block that long remained a puzzling element in the orogenesis of the Appalachians. The massif is constituted mainly of meta-sediments and some metavolcanic rock. During the Paleozoic Era, between approximately 685 and 483 million years ago, sediments were deposited in a fore-arc basin on the western shore of the Iapetus Ocean. Around 470 million years ago, magma intrusions related to the formation of the arc provoked the partial fusion of the sediments and their transformation into diatexite. From a physiographic viewpoint, the Chain Lakes massif is an extension of the White Mountains of New Hampshire and Maine.

Vegetation: The ecological reserve forms part of the sugar maple–yellow birch bioclimatic domain (Ministère des Ressources naturelles et de la Faune (MRNF)). However, due to its high altitude, above 720 m, the vegetation is mainly coniferous and closely resembles that of more northern bioclimatic domains. In fact, only the last stages of vegetation on Mont-Gosford are represented in the ecological reserve. Balsam fir and wood sorrel grow on the uppermost part of the mountain, above 950 m altitude, while balsam fir and red spruce occupy the high and the steep slopes (50% incline or more). Although balsam fir–red spruce stands are almost nonexistent in the Laurentians and Gaspésie, they are characteristic at high altitudes in the Appalachian mountains south of the border. A little lower, one can find balsam fir–white birch and white birch–balsam fir stands. These different forest types are representative of the region's high peaks.

2.2.2. Outstanding elements

The representative forest types associated with the Mont-Gosford ecological reserve also have outstanding features. Wood sorrel and red spruce stands are rare in Québec, and white birch and white birch–balsam fir stands are rare in the region.

The ecological reserve constitutes one of the rare recorded southern Québec nesting grounds for certain birds characteristic of the boreal forest, such as the spruce grouse, the gray jay, the fox sparrow and the blackpoll warbler. Bicknell's thrush, which has been designated vulnerable in Québec and is considered threatened in Canada, also nests in the reserve.

There are no recorded archaeological sites but the existence of such sites in the vicinity indicates the potential for finding some in the reserve.

2.3. Land occupation and uses

The land is publicly owned and is surrounded by the Zone d'exploitation contrôlée (Zec) Louise-Gosford. The boundaries of the ZEC, a forest management contract and a trapline have been changed to allow the creation of an ecological reserve. A two-metre-wide hiking trail crosses but is not part of the reserve.

3. Protection status

A master's study carried out on Mont-Gosford in the mid-1990s highlighted the relevance of establishing an ecological reserve to protect softwood forests that are typical of the higher Appalachian peaks and rare in Québec and in the region. The reserve is similar to the nearby Réserve écologique Samuel-Brisson and characterized by the same forests. However, given how rare and fragile those forests are and how small an area they cover, establishing the Mont-Gosford ecological reserve for their protection is a complementary measure. Samuel-Brisson ecological reserve is located in a different natural province (Plateau d'Etrie-Beauce) and its geological nature—an intrusion that forms part of the Montérégie hills—is completely different. The Mont-Gosford ecological reserve is currently the only ecological reserve in the natural province of the White Mountains.

The ecological reserve covers the peak and the northern face of the mountain. The contour was adjusted to better cover the rare forests mapped by the MRNF and recognized by the department as outstanding forest ecosystems.

4. Framework for prohibited and permitted activities

The following activities are prohibited in an ecological reserve:

- forest management within the meaning of section 3 of the Forest Act (R.S.Q., c. F-4.1);
- mining and gas and petroleum development;
- mining, gas and petroleum exploration and development, brine and underground reservoir exploration, prospecting, and digging or drilling;
- the development of hydraulic resources and any production of energy on a commercial or industrial basis; and
- hunting, trapping, fishing, excavation or construction activities, agricultural, industrial or commercial activities and, generally, any activity that could alter the state or the nature of the ecosystems.

No person may be in an ecological reserve, except for an inspection or to carry on an activity authorized by law.

Under the Natural Heritage Conservation Act (R.S.Q., c. C-61.01), the Minister of Sustainable Development, Environment and Parks may authorize, in writing and on the conditions the Minister determines, any activity consistent with the purposes or the management of an ecological reserve.

5. Role of the Minister

The Minister of Sustainable Development, Environment and Parks is responsible for the administration of the Natural Heritage Conservation Act, as well as the management of the ecological reserve. The Minister sees to the monitoring and follow-up of the measures provided for in that Act with respect to prohibited and permitted activities. Moreover, the Minister holds authority over these lands, which form part of the domain of the State.

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[Translation of original]

CANADA
PROVINCE OF QUÉBEC
MUNICIPALITÉ RÉGIONALE DE COMTÉ LE GRANIT
TECHNICAL DESCRIPTION

MONT-GOSFORD ECOLOGICAL RESERVE

CADASTRE: Canton de Woburn
MUNICIPALITY: Paroisse de Saint-Augustin-de-Woburn
REGISTRATION DIVISION: Frontenac

A territory situated on Mont Gosford and comprising, in reference to the original survey, part of lot 37 (part of lot 37 cad.) of Rang VI, part of lot 37 (part of lot 37 cad.) of Rang VII and two undivided parts (two parts of lot 74 cad.) of Canton de Woburn.

The perimeter of that territory may be described as follows:

Starting at the point of intersection of the dividing line between ranges 6 and 7 with the dividing line between lots 36 and 37; thence, westerly on a bearing of $270^{\circ}23'48''$, for a distance of 482.2 metres to the northwest corner of the territory, being Point A.

Starting at Point A, thence, easterly on a bearing of $90^{\circ}23'48''$, for a distance of 722.2 metres to Point B;

From that point, southeasterly, on a bearing of $117^{\circ}13'59''$, for a distance of 1,381.4 metres to Point C;

From that point, southerly, on a bearing of $172^{\circ}38'39''$, for a distance of 523.4 metres to Point D, situated on the north side of a path;

From that point, in a general westerly direction, along the north side of a path, along a sinuous line for a distance of 866 metres to Point E;

From that point, westerly, on a bearing of $274^{\circ}23'55''$, for a distance of 13.0 metres to Point F;

From that point, southerly, on a bearing of $194^{\circ}02'10''$, for a distance of 24.7 metres to Point G;

From that point, southwesterly, on a bearing of $208^{\circ}04'21''$, for a distance of 17.0 metres to Point H;

From that point, southerly, on a bearing of $192^{\circ}05'41''$, for a distance of 14.3 metres to Point I;

From that point, in a general southwesterly direction, along the northwest side of a path to its intersection with another path, along a sinuous line for a distance of 179 metres to Point J;

From that point, in a general southerly direction, along the west side of a path, along a sinuous line for a distance of 583 metres to Point K;

From that point, in a general northwesterly direction, along the northeast side of a path to its intersection with the northwest limit of Ruisseau du Cap, along a sinuous line for a distance of 527 metres to Point L;

From that point, in a general southwesterly direction, along the northwest side of Ruisseau du Cap to its intersection with the northwest side of a path, along a sinuous line for a distance of 893 metres to Point M;

From that point, in a general southwesterly direction, along the northwest side of a path to its intersection with the north side of Ruisseau du Cap, along a sinuous line for a distance of 223 metres to Point N;

From that point, in a general westerly direction along the north side of Ruisseau du Cap to its intersection with the northwest side of a path, along a sinuous line for a distance of 113 metres to Point O;

From that point, westerly, on a bearing of $274^{\circ}34'26''$, for a distance of 75.3 metres to Point P;

From that point, westerly, on a bearing of $252^{\circ}50'17''$, for a distance of 71.2 metres to Point Q;

From that point, southwesterly, on a bearing of $238^{\circ}14'26''$, for a distance of 123.5 metres to Point R;

From that point, southwesterly, on a bearing of $214^{\circ}05'42''$, for a distance of 78.5 metres to Point S;

From that point, westerly, on a bearing of $252^{\circ}00'19''$, for a distance of 288.2 metres to Point T;

From that point, northerly, on a bearing of $347^{\circ}54'19''$, for a distance of 572.9 metres to Point U;

From that point, northeasterly, on a bearing of $65^{\circ}54'06''$, for a distance of 685.9 metres to Point V;

From that point, northwesterly, on a bearing of $311^{\circ}52'40''$, for a distance of 545.4 metres to Point W;

From that point, northeasterly, on a bearing of $48^{\circ}15'20''$, for a distance of 386.1 metres to Point X;

From that point, southeasterly, on a bearing of 113°13'04", for a distance of 390.7 metres to Point Y;

From that point, northeasterly, on a bearing of 37°42'45", for a distance of 340.1 metres to Point Z;

From that point, northwesterly, on a bearing of 320°07'53", for a distance of 466.6 metres to Point AA;

From that point, northerly, on a bearing of 0°07'35", for a distance of 453.1 metres to Point A, that point being the starting point.

The approximate SCOPQ coordinates for the points on the perimeter described above are:

Point "A" 5 019 126 m NORTH, 274 729 m EAST;
Point "B" 5 019 121 m NORTH, 275 451 m EAST;
Point "C" 5 018 488 m NORTH, 276 679 m EAST;
Point "D" 5 017 969 m NORTH, 276 745 m EAST;
Point "E" 5 018 035 m NORTH, 276 040 m EAST;
Point "F" 5 018 036 m NORTH, 276 027 m EAST;
Point "G" 5 018 012 m NORTH, 276 021 m EAST;
Point "H" 5 017 997 m NORTH, 276 013 m EAST;
Point "I" 5 017 983 m NORTH, 276 010 m EAST;
Point "J" 5 017 904 m NORTH, 275 903 m EAST;
Point "K" 5 017 533 m NORTH, 275 920 m EAST;
Point "L" 5 017 674 m NORTH, 275 581 m EAST;
Point "M" 5 017 127 m NORTH, 274 908 m EAST;
Point "N" 5 016 998 m NORTH, 274 731 m EAST;
Point "O" 5 016 973 m NORTH, 274 637 m EAST;
Point "P" 5 016 979 m NORTH, 274 562 m EAST;
Point "Q" 5 016 958 m NORTH, 274 494 m EAST;
Point "R" 5 016 893 m NORTH, 274 388 m EAST;
Point "S" 5 016 828 m NORTH, 274 344 m EAST;
Point "T" 5 016 739 m NORTH, 274 070 m EAST;
Point "U" 5 017 300 m NORTH, 273 951 m EAST;
Point "V" 5 017 579 m NORTH, 274 577 m EAST;
Point "W" 5 017 943 m NORTH, 274 171 m EAST;
Point "X" 5 018 200 m NORTH, 274 459 m EAST;
Point "Y" 5 018 046 m NORTH, 274 818 m EAST;
Point "Z" 5 018 315 m NORTH, 275 026 m EAST;
Point "AA" 5 018 673 m NORTH, 274 728 m EAST.

TO BE WITHDRAWN from that territory two parcels of land.

A path of irregular shape having a width of 2 metres, running across part of the territory of the ecological reserve in a sinuous line for a distance of 1,750 metres, with the following approximate SCOPQ coordinates for certain points:

Point “BB” 5 018 855 m NORTH, 275 967 m EAST;
Point “CC” 5 018 750 m NORTH, 275 938 m EAST;
Point “DD” 5 018 683 m NORTH, 275 886 m EAST;
Point “EE” 5 018 606 m NORTH, 275 799 m EAST;
Point “FF” 5 018 508 m NORTH, 275 808 m EAST;
Point “GG” 5 018 423 m NORTH, 275 772 m EAST;
Point “HH” 5 018 317 m NORTH, 275 696 m EAST;
Point “II” 5 018 202 m NORTH, 275 675 m EAST;
Point “JJ” 5 018 101 m NORTH, 275 813 m EAST;
Point “KK” 5 018 011 m NORTH, 275 879 m EAST;
Point “J” 5 017 904 m NORTH, 275 903 m EAST.

A place situated along the path described above and measuring 10 metres by 10 metres, and whose apexes are identified by the following approximate SCOPQ coordinates:

Point “LL” 5 018 512 m NORTH, 275 741 m EAST;
Point “MM” 5 018 510 m NORTH, 275 731 m EAST;
Point “NN” 5 018 520 m NORTH, 275 729 m EAST;
Point “OO” 5 018 522 m NORTH, 275 739 m EAST.

The territory of the ecological reserve has a total area of 306.78 hectares.

The whole as shown on the attached plan prepared by the undersigned on this date. The plan is an integral part of the present description.

All measures in this technical description and in the attached plan are in metres (S.I.). The directions are bearings in reference to the SCOPQ coordinates (zone 7) (MTM) NAD 83.

NOTE: A survey of the boundaries of the territory will improve the accuracy of the perimeter of the ecological reserve.

PREPARED AT LAMBTON, on the twentieth day of the month of April of the year two thousand and ten, under number five thousand four hundred and thirty-nine (5439) of my minutes.

Michel Perreault
Land surveyor
Dossier/File: LM100407
(PEMI-2350)
Minute: 5439

AN ACT RESPECTING NATURAL HERITAGE CONSERVATION
AND THE SUSTAINABLE DEVELOPMENT OF THE AREA COVERED
BY THE NORTHERN PLAN

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