

QUÉBEC STRATEGY FOR PROTECTED AREAS



# Réserve aquatique projetée de Manicouagan

**Conservation plan**

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September 2013



# 1. Protection status and toponym

The protection status of the territory described below is that of proposed aquatic reserve under the Natural Heritage Conservation Act (chapter C-61.01). The same applies to the permanent protection status planned which is that of “aquatic reserve.”

The main objectives of the proposed aquatic reserve are to preserve an estuarine and marine area of great ecological value, develop the natural and cultural heritage, and involve local communities in the site’s management.

The provisional toponym is: “Réserve aquatique projetée de Manicouagan”. The official toponym will be determined when the territory is given permanent protection status.

## 2. Plan and description

### 2.1. Geographic location, boundaries and dimensions

The boundaries and location of Réserve aquatique projetée de Manicouagan are shown on the plan annexed to this document.

The Manicouagan peninsula is located on the north shore of the St. Lawrence marine estuary in the Côte-Nord administrative region between 48° 52’ and 49° 12’ north latitude and 68° 45’ and 68° 05’ west longitude. It is located in the Regional County Municipality (RCM) of Manicouagan, to the west of the city of Baie-Comeau.

The proposed aquatic reserve is located on the coastline bordering the municipalities of Ragueneau, Chute-aux-Outardes, Pointe-aux-Outardes and Pointe-Lebel. It also adjoins the territory of the Pessamit Innu community and Pointe à Michel in the municipality of Colombier in the Haute-Côte-Nord RCM.

The proposed aquatic reserve includes the foreshore of the Manicouagan peninsula, adjacent waters to a depth of 300 meters and the first ten meters of the seabed. On the foreshore, it encompasses the west half of the Manicouagan estuary to downstream of the Manic-1 Dam, the Manicouagan flat surrounding the peninsula, all of the Aux Outardes estuary from the Outardes-2 power plant toward downstream, the flat along baie aux Outardes to the rivière Betsiamites and the mouth of the rivière Betsiamites to the Highway 138 bridge. It covers an area of about 712 km<sup>2</sup>.

The proposed aquatic reserve lies within the Manicouagan-Uapishka World Biosphere Reserve.

Areas subject to a right of occupancy to operate the Outardes-2, Manic-1 and McCormick power stations and their respective dams are excluded from the proposed aquatic reserve perimeter.

## **2.2. Ecological overview**

The proposed aquatic reserve encompasses a set of rich and diversified habitats, including the estuaries of three rivers (Manicouagan, Outardes and Betsiamites), salt marshes, sandy flats, eelgrass beds, islands and seabeds.

Salt marshes are among the planet's most productive habitats. The Pointe-aux-Outardes salt marsh, whose area is about 5 km<sup>2</sup>, is the largest of the Côte-Nord, the second largest of the maritime estuary and the fourth largest in Québec. The marshes of the rivière Betsiamites estuary (1 km<sup>2</sup>) and baie Henri-Grenier estuary at Pointe-Lebel (0.2 km<sup>2</sup>), although less extensive, also contribute to the proposed aquatic reserve's productivity, as well as to that of the adjacent marine environment.

The sector also provides a habitat for eelgrass beds totaling an area of over 15 km<sup>2</sup> spread over three distinct areas: baie aux Outardes, Baie-Saint-Ludger and Pointe-Lebel. It is the third largest eelgrass bed in the St. Lawrence system, after those of baie de Cascapedia and Isle-Verte.

The sandy flats of the rivière aux Outardes and rivière Manicouagan, which vary in width from 2 to 4 kilometres, support the largest community of soft-shell clams in Québec. In some places, there are more than 40 individuals/m<sup>2</sup>, and the average productivity is about 0.70 kg/m<sup>2</sup>, although it can reach 0.8 kg/m<sup>2</sup> in some places near Betsiamites (more than 100 individuals/m<sup>2</sup>).

The estuaries of the three rivers and the flats contain capelin spawning grounds. Sand eel spawning has also been observed on the Pointe-Paradis flats of the rivière Manicouagan estuary. These species are an important part of the food resources of many birds, fish and marine mammals, including both whales and seals. A rainbow smelt spawning ground is also known to exist in the rivière aux Outardes and there are several others suspected in the region. In addition, there could also be an Atlantic herring spawning ground around the Manicouagan and Outardes estuaries.

The rivière Betsiamites is a salmon river with production potential estimated at 7,500 adult salmon. It is also a major lamprey spawning ground. Its watershed represents a large north shore area for the growth of juvenile American eel. There could potentially be sturgeon spawning grounds in the protected area, because this species was once fished there and landings were at Pointe-aux-Outardes.

The area contains many types of wildlife habitats designated under the Act respecting the conservation and development of wildlife (chapter C-61.1), in this case fifteen "areas where aquatic birds congregate,"

including one that partially overlaps the proposed aquatic reserve, three “heronries,” one “muskrat habitat,” and six “islands or peninsulas inhabited by a colony of birds.”

The sector is partially contained in the important bird area (IBA) of Baie-Comeau, which includes the coastline from Pointe-Saint-Gilles, baie des Écorces, baie Comeau and part of baie des Anglais. The Baie-Comeau flats are considered to be of global importance due to the numbers of certain bird species including the black surf scoter, red-breasted merganser, Bonaparte’s gull and glaucous gull which reach the world population threshold of 1% during their stopover in the fall. The site is also of continental importance for gatherings of Barrow’s goldeneyes in the wintering period and black duck during the fall migration. Many of these species are likely to frequent the foreshore of the proposed aquatic reserve. The sector is also an important rest and feeding area for aquatic birds, migrating birds of prey and many species of shorebirds.

In addition to the Barrow’s goldeneyes (a species of special concern in Canada, likely to be designated threatened or vulnerable in Québec), five species of birds at risk have been reported on the outskirts of the peninsula and could frequent the territory of the proposed aquatic reserve. They are the horned grebe (a threatened species in Québec), the harlequin duck (a species of special concern in Canada, likely to be designated threatened or vulnerable in Québec), the peregrine falcon (a threatened species in Canada and vulnerable in Québec), the short-eared owl (a species of special concern in Canada, likely to be designated as threatened or vulnerable in Québec) and the yellow rail (a species of special concern in Canada, likely to be designated as threatened or vulnerable in Québec).

A high density of osprey nests, one of the largest in Canada, is found on the péninsule de Manicouagan. Ospreys frequent the flats of the rivière aux Outardes and rivière Manicouagan to feed.

The mouths of the rivière aux Outardes and rivière Manicouagan are rest and feeding grounds for many migratory birds, including the Canada goose. Salty marshes are favourite stopping places for snow geese. In fact, both these species number in the thousands during migration periods.

The Ragueneau Islands are home to a very large black-crowned night-heron heronry. There are also nearly 1,500 common eider nests which are commercially harvested each year for down. The islands also constitute an important haul-out site for grey seals and harbour seals. Harbour seals reproduce on the flats of the Outardes estuary.

The proposed aquatic reserve contains a wide variety of species of fish and invertebrates, including soft-shell clam, snow crab, northern shrimp, Greenland halibut and waved whelk. Capelin, sandlance, smelt, lumpfish and Atlantic herring are among some of the species of fish that spawn there. Most of the 13 species of marine mammals that frequent the St. Lawrence estuary are also observed there. In addition, over 400 benthic species have been inventoried, illustrating the extent and variety of the area’s

marine biodiversity. Sea-run brook trout are also found in the estuaries of the three rivers, as well as Atlantic tomcod in the rivière Manicouagan estuary.

The territory is frequented on a seasonal basis by several species designated under the Canadian Species at Risk Act (S.C. 2002, c. 29) and the Québec Act respecting threatened or vulnerable species (chapter E-12.01). This is particularly the case of the beluga of the St. Lawrence (a threatened species in Canada and Québec), blue whale (endangered species in Canada and likely to be designated as threatened or vulnerable in Québec) and the fin whale (a species of special concern in Canada and likely to be designated as threatened or vulnerable in Québec). There are also other species that are considered to be at risk by the Committee on the status of endangered wildlife in Canada (COSEWIC), including the striped bass (extirpated), Atlantic cod (threatened), harbour porpoise (special concern) and American eel (special concern).

### **2.3. Land occupation and uses**

The banks of the proposed aquatic reserve are occupied by residences, resorts and several municipal infrastructure facilities.

Commercial rainbow smelt fishery licence holders operate in the territory covered by the proposed protected area. Although commercial smelt fishing remains closed for an unspecified period of time, licences still exist.

Aquatic birds as well as grey and harp seals are hunted for sport in the proposed aquatic reserve.

There is sport fishing in the river estuaries, especially the Manicouagan and Outardes estuaries. In winter, the main activity in the sector is sport fishing for rainbow smelt, particularly at the mouth of the rivières Manicouagan, aux Outardes, Betsiamites and aux Rosiers. Fishing for food, social or ceremonial reasons is conducted by the Pessamit Innu community. Harvested species include Atlantic salmon, American plaice, Arctic cod, capelin, Atlantic herring, snow crab, soft-shell clam and waved whelk. Several launching ramps have been constructed in various municipalities as well as in the territory of the Pessamit Innu community (Betsiamites locality).

The principal tourism and recreational activities in the coastal areas are associated with the Parc Nature de Pointe-aux-Outardes, the Camp Saint-Paul in Les Buissons, the quai de Ragueneau and the Parc de la Rive campsite in Baie-Saint-Ludger, the De la Mer campsite in Pointe-Lebel and the Argile Eau Mer, Inc. company in Pointe-aux-Outardes. A kite surfing festival, "Kitefest," is held annually at the Parc Nature de Pointe-aux-Outardes. The activity has significant benefits for the Côte-Nord region, both economically and socially.

Other activities in the sector are hiking, nature observation and ornithology. Some activities are more specifically related to the marine environment. They include recreational boating, sea kayaking, personal water craft activities, harvesting soft-shell clams and mussels, and swimming. Harvesting soft-shell clams is one of the most important commercial and recreational activities between March and December.

Research on clam collection is being carried out on the flats of the peninsula. The project is expected to continue over the coming years.

The Ministère de la Culture et des Communications inventory has identified 40 archaeological sites on the territory of the proposed aquatic reserve, including one in the marine environment. Most are prehistoric Amerindian sites dating from the archaic period (7,000 to 3,000 B.P.) or the Woodland period (3,000-500 B.P.). Around ten of them are concentrated between the Outardes-2 power plant and the dyke east of its reservoir. Fourteen other sites are located between the rivière Ragueneau and rivière aux Rosiers and seven others near the Papinachois site. Furthermore, there is still very high archaeological potential for the land and marine areas. It could lead to the discovery of a number of other sites.

Several sites with bank erosion issues have been identified within the proposed aquatic reserve. They threaten the integrity of some residences and Route 138 in the short or medium term. Rockfill work has been done on the banks in the municipality of Ragueneau over a stretch of 8.9 km. The work began in 2008 and will continue until 2014-2015. Moreover, memoranda of understanding to combat coastal erosion have been signed in the municipalities of Chute-aux-Outardes, Pointe-aux-Outardes and Pointe-Lebel.

### **3. Activities framework**

#### **§ 1. Introduction**

Activities carried on within the proposed aquatic reserve are governed mainly by the provisions of the Natural Heritage Conservation Act.

This Division prohibits activities in addition to those prohibited by the Act and provides the framework for the various activities permitted so as to better protect the natural environment in keeping with the conservation principles and other management objectives established for the proposed aquatic reserve. Accordingly, certain activities require the prior authorization of the Minister. The permitted and prohibited activities considered for the period that follows the assignment of permanent status by the Government are the same with the necessary adjustments to take into account the application of sections 46 and 47 of the Act.

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

- mining, and gas or petroleum development;
- forest development activities within the meaning of section 4 of the Sustainable Forest Development Act (chapter A-18.1); and
- the development of hydraulic resources and any production of energy on a commercial or industrial basis.

## § 2. Prohibitions, prior authorizations and other conditions governing certain activities in the proposed reserve

### §2.1 Protection of resources and the natural environment

**3.1.** Subject to the prohibition in the second paragraph, no person may establish in the proposed reserve any specimens or individuals of a native or non-native species of fauna into the reserve, including by stocking, unless the person has been authorized by the Minister.

No person may stock a watercourse or body of water in the proposed aquatic reserve for aquaculture, commercial fishing or any other commercial purpose, unless the person has been authorized by the Minister.

No person may establish in the proposed reserve a non-native species of flora, unless the person has been authorized by the Minister.

**3.2.** No person may use fertilizer or fertilizing material in the proposed aquatic reserve. Compost for domestic purposes is permitted if used at least 20 metres from a 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, made by Order in Council 468-2005 dated 18 May 2005 and amended by Order in Council 709-2008 dated 25 June 2008.

**3.3.** No person may, unless the person has been authorized by the Minister,

- (1) intervene in a wetland area, including a marsh, swamp or bog;
- (2) modify the natural drainage or water regime of the proposed aquatic 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, although no authorization is required 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 (chapter R-13, r.1);

(5) carry on any activity other than those referred to in the preceding paragraphs that is likely to degrade the bed, banks or shores of a body of water or watercourse or directly and substantially affect the quality or biochemical characteristics of aquatic or riparian environments or wetland areas in the proposed aquatic reserve, including by discharging or dumping waste or pollutants into the watercourse or body of water;

(6) carry out soil development work, including any burial, earthwork, removal or displacement of surface materials or vegetation cover, for any purpose including recreational and tourism purposes such as trail development;

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

(8) reconstruct or demolish an 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, the digging of trenches or excavation work;

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

(11) carry on educational activities or research-related activities if the activities 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 character of the method or process used; or

(12) hold a sports event, tournament, rally or similar event if more than 15 persons are likely to participate in the activity and have access to the proposed aquatic reserve at the same time; no authorization may 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 proposed reserve is highly unfeasible.

**3.4.** Despite subparagraphs 6, 7, 8 and 9 of section 3.3, no authorization is required to carry out work referred to in subparagraph 1 of this section when the requirements of subparagraph 2 are met and the Ministère de la Culture et des Communications has been consulted about the impact of the work on the archaeological heritage.

(1) The work involves

(a) work to maintain, repair or upgrade an existing 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 status as a proposed 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 proposed aquatic reserve;

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

(c) the nature of the work or elements erected by the work will not operate to increase the area of land that may remain deforested beyond the limits 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 (chapter T-8.1) and, if applicable, the limits allowed under an authorization for the structure, works or infrastructure; 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 involved, and in accordance with the laws and regulations that apply.

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.

**3.5.** No person may bury, abandon or dispose of waste, snow or other residual materials elsewhere than in waste disposal containers, facilities or sites determined by the Minister or in another place with the authorization of the Minister.

## §2.2 Rules of conduct for users

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

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

(1) first clear an area around the fire site sufficient to prevent the fire from spreading by removing all branches, scrub, dry leaves and other combustible material;

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

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

**3.8.** In the proposed aquatic reserve, no person may

(1) cause any excessive noise;

(2) behave in a manner that unduly disturbs other users or interferes with their enjoyment of the premises; 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 or for the permitted use of property, a device or an instrument within the proposed aquatic reserve is considered excessive or undue.

**3.9.** No person may enter, carry on an activity or travel in a vehicle in a given sector of the proposed aquatic 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 fauna, flora or other components of the natural environment at risk, unless the person has been authorized by the Minister.

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

#### §2.3 Activities requiring an authorization

**3.11.** No person may occupy or use the same site in the proposed aquatic reserve for a period of more than 90 days in the same year, unless the person has been authorized by the Minister.

(1) For the purposes of the first paragraph,

(a) the occupation or use of a site includes

i. staying or settling in the proposed reserve, including for vacation purposes;

ii. installing a camp or shelter in the proposed reserve; and

iii. installing, burying or leaving property in the proposed reserve, including equipment, any device or a vehicle;

(b) "same site" means any other site within a radius of 1 kilometre from the site;

(2) Despite the first paragraph, no authorization is required if a person,

(a) on the date on which the protection status as a proposed reserve takes effect, was a party to a lease or had already obtained another form of 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, and whose right to occupy the land is renewed or extended on the same conditions, subject to possible changes in fees;

(b) in accordance with law, has entitlement under a sublease, an assignment of a lease or a transfer of a right or authorization referred to in paragraph a, and whose right to occupy the land is renewed or extended on the same conditions, subject to possible changes in fees; or

(c) elects to acquire land the person legally occupies on the date on which the protection status as a proposed reserve takes effect, pursuant to the Act respecting the lands in the domain of the State.

**3.12.** No person may carry on commercial activities within the proposed aquatic reserve, unless the person has been authorized by the Minister.

Despite the first paragraph, no authorization is required to continue carrying on commercial activities that, on the date on which the protection status as a proposed aquatic reserve takes effect, are subject to the right to use the land for that purpose, whether the right results from a lease or other form of title, permit or authorization, within the limits permitted by that right.

#### §2.4 Authorization exemptions

**3.13.** Despite the preceding provisions, an authorization is not required for an activity or other form of intervention within the proposed reserve if urgent action is necessary to prevent harm to the health or safety of persons, or to repair or prevent damage caused by a real or apprehended disaster. The exemption applies in particular to the carrying out of work and the maintenance of works aimed at stabilizing banks and shores to counter erosion or prevent landslides. The person concerned must, however, immediately inform the Minister of the activity or intervention that has taken place.

**3.14.** The members of a Native community who, for food, ritual or social purposes, carry on an intervention or an activity within the proposed aquatic reserve are exempted from obtaining an authorization.

**3.15.** Despite the preceding provisions, the following activities and interventions carried out by Hydro-Québec (Société) or by any other person for Hydro-Québec do not require the prior authorization of the Minister under this conservation plan:

(1) any activity or intervention required within the proposed aquatic reserve to complete a project for which express authorization had previously been given by the Government and the Minister, or only by the Minister, in accordance with the Environment Quality Act (chapter Q-2), if the activity or intervention is carried out in compliance with the authorizations issued;

(2) any activity or intervention necessary for the preparation and presentation of a pre-project report for a project requiring an authorization under the Environment Quality Act; and

(3) any activity or intervention relating to a project requiring the prior authorization of the Minister under the Environment Quality Act if the activity or intervention is in response to a request for a

clarification or for additional information made by the Minister to the Société, and the activity or intervention is carried out in conformity with the request.

The Société is to keep the Minister informed of the various activities or interventions referred to in this section it proposes to carry out before the work is begun in the proposed aquatic reserve.

For the purposes of this section, the activities and interventions of the Société include but are not restricted to pre-project studies, analysis work 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 roads, construction or equipment movement incidental to the work.

#### **4. Activities governed by other laws**

Certain activities likely to be carried on within the reserve are also governed by other 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 laws or regulations that are applicable within the proposed aquatic reserve.

A special legal framework can provide cohesion concerning permitted activities within the reserve in connection with the following matters:

- Environmental protection: measures set out in particular in the Environment Quality Act (chapter Q-2) and its regulations;
- Species of flora designated as threatened or vulnerable: measures set out in the Act respecting threatened or vulnerable species (chapter E-12.01) prohibiting the removal of such species;
- Development and conservation of wildlife resources: measures set out in the Act respecting the conservation and development of wildlife and its regulations (chapter C-61.1), including the provisions pertaining to outfitting operations and beaver reserves and the measures contained in applicable federal legislation, in particular the fishery regulations;
- Archeological research and finds: measures set out in particular in the Cultural Heritage Act (chapter P-9.002), including obtaining a permit beforehand for any archaeological research, obtaining a notice with respect to the impacts of carrying out some work, and immediately informing the Minister of the discovery of an archaeological property or site;
- Access and land rights related to the domain of the State: measures set out in the Act respecting the lands in the domain of the State (chapter T-8.1) and in the Watercourses Act (chapter R-13);

- Operation of vehicles: measures set out in particular in the Act respecting the lands in the domain of the State and in the regulation on motor vehicle traffic in certain fragile environments enacted pursuant to the Environment Quality Act;
- Construction and layout standards: regulatory measures adopted by regional and local municipal authorities under the Acts applicable to them.

## **5. Responsibilities of the Minister of Sustainable Development, Environment, Wildlife and Parks**

The conservation and management of Réserve aquatique projetée de Manicouagan are the responsibility of the Minister of Sustainable Development, Environment, Wildlife and Parks, who is therefore responsible for the monitoring and control of activities permitted there. In managing the reserve, the Minister works with the collaboration and participation of other government representatives having specific responsibilities in or adjacent to the territory, such as the Minister of Natural Resources. In the exercise of their powers and functions, the Ministers will take into consideration the protection sought for these natural environments and the protection status that has now been granted them. No additional conservation measure is planned at this point. Regarding zoning, the conservation objectives for the temporary protection period are the same for the entire area, the proposed reserve being only one conservation area.

# Appendix

## Plan of the Réserve aquatique projetée de Manicouagan

