

QUÉBEC STRATEGY FOR PROTECTED AREAS



# Réserve de biodiversité projetée de la Montagne- du-Diable

**Conservation plan**



November 2022

## **1. Protection status and toponym**

The protection status for the following territory is a Proposed Biodiversity Reserve, governed mainly by sections 27, 34 and 36 of the *Natural Heritage Conservation Act* (R.S.Q., c. C-61.01) as set forth on March 18, 2021.

The envisaged permanent protection status is a “biodiversity reserve” per the *Natural Heritage Conservation Act*.

The provisional toponym is “réserve de biodiversité projetée de la Montagne-du-Diable.” The official toponym will be determined when the area is assigned permanent protection status.

## **2. Plan and description**

### **2.1. Geographic location, boundaries and dimensions**

The boundaries and location of the réserve de biodiversité projetée de la Montagne-du-Diable are shown on the map attached as Appendix 1. The current (2022) conservation plan reduces the size of the proposed biodiversity reserve by 2.01 km<sup>2</sup> as compared to its 2008 boundaries.

The réserve de biodiversité projetée de la Montagne-du-Diable is located in the Laurentides administrative region, between latitudes 46°39'45" and 46°45'40" North and 75°30'45" and 75°42'32" West. It lies approximately 12 km northwest of Mont-Laurier and approximately 50 km northeast of the Algonquin community of Kitigan Zibi, extending over an area of 64.17 km<sup>2</sup>. It is partly located within the territory of the town of Mont-Laurier and partly on the territory of the municipality of Ferme-Neuve, both of which being parts of the Antoine-Labelle Regional County Municipality.

### **2.2. Ecological profile**

The proposed biodiversity reserve lies within the Southern Laurentian natural province and is part of the Dépression du Mont-Laurier natural region and, more specifically, the Buttes du Lac Windigo ecological district.

The area, while of limited size, will serve to protect Mont Sir-Wilfrid (known commonly as Montagne du Diable) as well as a part of its foothills and piedmonts. Its relief rises gradually to form an oblong mass about 8 km long by 5 km wide. Some ten streams fed by sources on Mont Sir-Wilfrid delineate the elevation in all directions and drain into surrounding small, localized bodies of groundwater. This is a glacially formed landscape mainly comprised of thin till ranging in altitude from 290 m to 783 m at the peak of Mont Sir-Wilfrid, with an average of 560 m. To the south of Lac Windigo, the complex of till hummocks is dotted with

sandy glaciofluvial deposits and, in the depressions, with a few peat bogs.

The substratum of this area, which is part of the Grenville geological province, is composed mainly of magmatite and paragneiss.

This area is characterized by a mild subpolar, subhumid climate and a long growing season and belongs to the balsam fir-yellow birch bioclimatic domain.

The proposed biodiversity reserve protects a large number of sugar maple stands, along with yellow birch bark beetle groves on the slopes and in the hollows. These are all mature forests with high ecological and forestry value. The highest portion of Mont Sir-Wilfrid is forested with balsam fir and white birch. This part of the reserve has a mix of young, older and mature stands. A few groves of black spruce and trembling aspen are found on sandy soil in the basin to the south of Lac Windigo, while tamarack take root on poorly drained sites of organic deposits. Cedar can also be found (but rarely) in the proposed reserve.

The line dividing the Rivière Gatineau and Rivière du Lièvre watersheds runs through the proposed biodiversity reserve.

The reserve abuts both portions of the exceptional old-growth Montagne-du-Diable forest ecosystem.

The reserve's wildlife includes beaver, snowshoe hare, moose, white-tailed deer, fox, red squirrel, black squirrel, eastern chipmunk, stone marten, black bear and wolf.

The reserve includes three habitat sites of a species likely to be designated as threatened or vulnerable: two habitats of the *Utricularia resupinata* vascular plant and one of Bicknell's thrush (*Catharus bicknelli*).

### **2.3. Land occupation and use**

As the area is located in proximity to Mont-Laurier, it is partially occupied and used for a variety of purposes, with two resort and two commercial leases in effect. Additionally, nine recreational, sport and/or educational, community use and non-profit leases are currently in effect, as well as two leases for telecommunication towers fed by a power line. A network of snowmobile trails encircles Lac Windigo with some penetrating the reserve. A quad bike trail runs through the reserve to the top of Mont Sir-Wilfrid, as does one snowmobile trail segment. Three types of trails sometimes follow the same trajectory, from the northwest shore of Lac Windigo to the summit of Mont Sir-Wilfrid, enabling hiking, snowshoeing and horseback riding. At the eastern end of the reserve is a cross-country ski trail segment.

The reserve lies within fur-bearing animal management unit 22 and hunting area 11E.

A moderately developed network of unpaved roads criss-crosses the proposed biodiversity reserve.

### **3. Activities framework**

#### **§ 1. Introduction**

The activities carried on within the proposed biodiversity reserve are governed mainly by sections 34 and 36 of the Natural Heritage Conservation Act, as they read on 18 March 2021.

This Division prohibits activities in addition to those prohibited under the Act and sets out the framework for certain activities permitted so as to better protect the natural environment in keeping with the conservation principles and other management objectives established for the proposed biodiversity reserve. Accordingly, certain activities require the prior authorization of the Minister.

Under section 34 of the Natural Heritage Conservation Act, as it read on 18 March 2021, the main activities prohibited in an area to which status as a proposed biodiversity 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 (CQLR, 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 biodiversity reserve**

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

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

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

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

**3.2.** No person may use fertilizers or fertilizing material in the proposed biodiversity reserve. Compost for domestic purposes is permitted if used at least 20 metres from the boundary of the littoral zone of a lake or watercourse.

The boundary of the littoral zone is determined in accordance with the Regulation respecting activities in wetlands, bodies of water and sensitive areas (CQLR, chapter Q-2, r. 0.1).

**3.3.** No person may in the proposed biodiversity reserve, 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, including by creating or developing lakes or watercourses;
- (3) dig, fill, obstruct or divert a lake or watercourse;
- (4) install or construct a structure, infrastructure or new works in the littoral zone, on the banks or shores or the floodplains of a lake or watercourse; no authorization is however required for minor works — quay or platform, boat shelter — installed for private purposes and free of charge under section 2 of the Regulation respecting the water property in the domain of the State (CQLR, chapter R-13, r. 1);
- (5) carry on any activity other than those referred to in subparagraphs 1 to 4 that is likely to directly and substantially affect the quality or biochemical characteristics of wetlands and bodies of water in the proposed biodiversity reserve, including by discharging or dumping residual materials or contaminants into the wetlands or bodies of water;
- (6) carry out soil development work or an activity likely to degrade the soil or a geological formation, or damage the vegetation cover, in particular by stripping, the digging of trenches or excavation work, including any burial, earthwork, removal or displacement of surface materials or vegetation cover, for any purpose;
- (7) install or construct a structure, infrastructure or new works;
- (8) reconstruct or demolish a structure, infrastructure or works;
- (9) use a pesticide; no authorization is required for the use of personal insect repellent;
- (10) carry on educational or research-related activities if the activities are likely to directly or significantly damage or disturb the natural environment, in particular because of the nature or size of the samples taken or the invasive character of the method or process used; or
- (11) 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 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.

The conditions for authorization prescribed by the Minister may pertain, in particular, to the location of the authorized activity, the methods used, the areas that may be cleared or deforested, the types of materials that may be used including the materials taken from the site, and the presence of ancillary works or facilities. The conditions may also include a requirement to ensure periodic follow-up or to report to the Minister, in particular as regards the results obtained from the research to which subparagraph 10 of the first paragraph refers.

**3.4.** Despite subparagraphs 6, 7 and 8 of the first paragraph of section 3.3, no authorization is required to carry out the following work when the requirements of the second paragraph are met:

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

(2) the construction or installation

(a) of a dependency or a facility ancillary to a trapping camp, a rough shelter, a shelter or a cabin, including a shed, a water withdrawal facility or a system for the discharge and disposal of waste water, grey water and toilet effluents; or

(b) of a trapping camp, a rough shelter, a shelter or a cabin if, on the effective date of the status as a proposed biodiversity reserve, such a building was permitted under the right of use or occupancy granted, but had not yet been carried out;

(3) the demolition or reconstruction of a trapping camp, a rough shelter, a shelter or a cabin, including a dependency or a facility ancillary to such a structure, including a shed, a water withdrawal facility or a system for the discharge and disposal of waste water, grey water and toilet effluents.

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

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

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

(3) the nature of the work or elements installed 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 (CQLR, chapter T-8.1) and, if applicable, the limits set under an authorization issued in connection with that

structure, works or infrastructure;

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

(5) in the case of forest roads, the work must not operate to alter or exceed the existing right of way, widen the roadway or convert the road to a higher class.

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

**3.5.** No person may bury, incinerate, abandon or dispose of residual materials or snow, except if they are disposed of in waste disposal containers, facilities or sites determined by the Minister or, in other cases, with the authorization of the Minister.

Despite the first paragraph, an outfitting operation does not need an authorization to use a disposal facility or site, in compliance with the Environment Quality Act (CQLR, chapter Q-2) and its regulations, if the outfitting operation was already using the facility or site on the effective date of the status as a proposed biodiversity reserve.

#### §2.2 Rules of conduct for users

**3.6.** Every person staying, carrying on an activity or travelling in the proposed reserve is required to maintain the site 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 under the supervision of a person on the site; and

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

**3.8.** In the proposed 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 site;

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 reserve is considered excessive or undue.

**3.9.** No person may enter, carry on an activity or operate a vehicle in a given sector of the proposed biodiversity reserve if the signage installed by the Minister restricts access, traffic or certain activities in the sector 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 biodiversity reserve.

#### §2.3 Activities requiring an authorization

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

For the purposes of the first paragraph,

- (1) the occupation or use of a site includes

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

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

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

- (2) the expression “same site” includes any other site within a radius of 1 km from the site.

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

(1) on the effective date of the status as a proposed biodiversity reserve, was a party to a lease or had already obtained another form of right or another authorization allowing the person to legally occupy the land under the Act respecting the lands in the domain of the State or, if applicable, the Act respecting the conservation and development of wildlife (CQLR, chapter C-61.1), and whose right to occupy the land is renewed or extended on the same conditions, subject to possible changes in fees;

- (2) in accordance with the law, has entitlement under a sublease, an assignment of a lease or a transfer

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

(3) elects to acquire land the person legally occupies on the effective date of the status as a proposed biodiversity reserve, pursuant to the Act respecting the lands in the domain of the State.

**3.12.** No person may carry on forest development activities to meet domestic needs or for the purpose of maintaining biodiversity, unless the person has been authorized by the Minister.

Despite the first paragraph, persons staying or residing within the proposed biodiversity reserve and who collect wood to make a campfire in the open are not required to obtain the authorization of the Minister.

No such authorization is required if a person collects firewood to meet domestic needs to supply a trapping camp or a rough shelter permitted within the proposed biodiversity reserve in the following cases and on the following conditions:

(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 under the Sustainable Forest Development Act (CQLR, chapter A-18.1);

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

(3) in other cases:

(a) the wood is collected in a sector accepted by the Minister of Natural Resources and Forests as a sector that may be subject to the issuance of permits for the harvest of firewood for domestic purposes under the Sustainable Forest Development Act, provided that sector has already been accepted by the Minister on the effective date of the status as a proposed biodiversity reserve;

(b) the wood is collected by a person who, on the effective date of the status as a proposed biodiversity reserve, or during the three preceding years, held a permit for the harvest of firewood for domestic purposes that enabled the person to harvest wood in the proposed biodiversity reserve;

(c) 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 Forests under the Sustainable Forest Development Act.

In addition, no authorization to carry on a forest development activity is required if a person authorized by lease to occupy land within the proposed biodiversity reserve in accordance with this plan carries on the activity for the purpose of

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

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

If the work referred to in subparagraph 2 of the fourth paragraph is carried on for or under the responsibility of an enterprise providing any of those services, the work requires the prior authorization of the Minister, other than in the case of the exemptions provided for in sections 3.13 and 3.15.

(3) Despite the first paragraph, an authorization to carry on a forest development activity to maintain a sugar bush and harvest maple products for domestic needs is not required if

(a) the activity is carried on by a person who, on the effective date of the status as a proposed biodiversity reserve or in any of the three preceding years, held a sugar bush management permit issued by the Minister of Natural Resources and Forests under the Sustainable Forest Development Act allowing the person to carry on within the proposed biodiversity reserve the activities associated with operating a sugar bush;

(b) the activity is carried on within a zone for which the permit obtained allowed the carrying on of sugar bush operations on the effective date of the status as a proposed biodiversity reserve or in any of the three preceding years; or

(c) the activity is carried on by a person in compliance with the conditions set out in the sugar bush management permit issued by the Minister of Natural Resources and Forests under the Sustainable Forest Development Act.

#### §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 biodiversity 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 person concerned must, however, immediately inform the Minister of the activity or intervention that has taken place.

**3.14.** Despite the preceding provisions, an authorization is not required for a member of a Native community for an intervention within the proposed biodiversity reserve where that intervention is part of the exercise of rights covered by section 35 of the Constitution Act, 1982 (Schedule B to the Canada Act,

chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom) and those rights are credibly asserted or established.

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

- (1) any activity or intervention required within the proposed biodiversity reserve to complete a project for which express authorization had previously been given by the Government and the Minister, or only by the latter, in accordance with the requirements of the Environment Quality Act (CQLR, 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;
- (3) any activity or intervention relating to a project requiring the prior authorization of the Minister under the Environment Quality Act if the activity or intervention is in response to a request for a clarification or for additional information made by the Minister to the Société and it is carried out in accordance with the request.

The Société informs the Minister of the various activities or interventions referred to in this section it proposes to carry out before the work is begun within the proposed biodiversity 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 monitor 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 roads required for the purposes of access, construction or traffic incidental to the work.

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

Certain activities likely to be carried on within the proposed biodiversity reserve are also governed by other legislative and regulatory provisions, including some requiring a permit, authorization or the payment of fees, while others may be prohibited or limited by other statutes or regulations that apply within the proposed reserve.

Additionally, a special legal framework may govern activities permitted within proposed reserves in connection with the following:

- Environmental protection. Measures set out in the *Environment Quality Act* (R.S.Q., c. Q-2) and its regulations;
- Species designated as threatened or vulnerable. Measures prohibiting their harvesting per the *Act respecting threatened or vulnerable species* (R.S.Q., c. E-12.01);
- Development and conservation of wildlife resources. Measures stipulated in the *Act respecting the conservation and development of wildlife* (R.S.Q., c. C-61.1) and its implementing regulation, the provisions of which pertain to threatened or vulnerable wildlife species, wildlife habitats, outfitting operations, controlled hunting and fishing zones, exclusive trapping leases and beaver reserves and measures contained in applicable federal fishery statutes and regulations;
- Archaeological research and discoveries. Measures set out in the *Cultural Heritage Act* (R.S.Q., c. P-9.002), *inter alia*;
- 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* (R.S.Q., c. T-8.1) and in the *Watercourses Act* (R.S.Q., c. R-13), *inter alia*;
- Traffic. Measures provided *inter alia* in the *Act respecting the lands in the domain of the State* as well as by the regulations on motor vehicle traffic in certain fragile environments enacted under the *Environment Quality Act*;
- Construction and development standards. Regulatory measures adopted by regional and local municipal authorities under applicable powers.

## **5. Responsibilities of the Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks**

The Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks is responsible for the implementation of the *Natural Heritage Conservation Act* and for the conservation and management of the réserve de biodiversité projetée de la Montagne-du-Diable. In particular, this includes monitoring and controlling activities that may take place there. To this end, the Minister benefits from the collaboration and participation of other government stakeholders with specific responsibilities on or near the reserve such as the Minister of Natural Resources and Forests and the Minister of Economy, Innovation and Energy as well as their delegates. In using their powers, they take into account the desired protection of these natural environments and the status of protection now granted to them. No additional conservation measures are, at this stage, envisaged. With regard to zoning, the conservation objectives for the interim protection period being the same throughout the area, the proposed reserve consists of only one conservation zone.

# Appendix 1

## Map of the réserve de biodiversité projetée de la Montagne-du-Diable

