

QUÉBEC STRATEGY FOR PROTECTED AREAS



Réserve de biodiversité projetée des monts Groulx (provisional name)

Conservation plan

Février 2009

1. Protection status and toponym

The protection status of the reserve described below is that of proposed biodiversity reserve, a status that is governed by the *Natural Heritage Conservation Act* (R.S.Q., c. C-61.01).

The permanent protection status planned is "ecological reserve," which is a status governed by the *Natural Heritage Protection Act*.

The provisional toponym is "Réserve de biodiversité projetée des monts Groulx." The official toponym will be determined at the time of the assignment of permanent protection status to the land.

2. Plan and description

2.1. Location, boundaries and dimensions

The boundaries and location of the Réserve de biodiversité projetée des monts Groulx are given in the appendix.

The Réserve de biodiversité projetée des monts Groulx is located on the North Shore, between 51°32' and 51°44' north latitude and 67°35' and 67°54' west longitude. It is located approximately 265 km north of Baie-Comeau and covers a part of the Monts Groulx massif. It is almost totally located within the unorganized territories of Rivière-Mouchalagane, in regional county municipality (RCM) of Caniapiscau. Somewhat less than 2% of the reserve is located in the unorganized territory of Lac-Walker in RCM of Sept-Rivières.

The Réserve de biodiversité projetée des monts Groulx covers an area of 209.8 km². It is surrounded to the north, to the west and to the south by the Réserve de biodiversité Uapishka. Only the east side of the reserve borders an unprotected territory.

2.2. Ecological overview

The Réserve de biodiversité projetée des monts Groulx is part of the Monts Groulx massif which extends from the Réservoir Manicouagan to the Rivière Sainte-Marguerite. The massif is formed of more or less regular, long slopes that culminate in a long plateau with a number of peaks that are over 1,000 metres high. The proposed biodiversity reserve is located within the Central Laurentides natural province. Specifically it protects the natural environments characteristic of the natural regions of the Sainte-Marguerite plateau.

2.2.1. Representative elements

Climate: The area is characterized by a cold, subpolar and subhumid continental climate, with a short growing season. It belongs to the bioclimatic field of mossy spruce stands.

Geologie and geomorphology: The Monts Groulx massif is in the Grenville geologic province, which is formed of Precambrian rocks deformed over one billion years ago during the Labradorian and Grenvillian orogenies. The bedrock in the proposed reserve is mainly metamorphic rocks (diorite, gabbro and metagabbro) and to a lesser extent of paragneiss and anorthosite. Over time, the zone of igneous rock protected a part of the metamorphic rocks from erosion, which contributed to the formation of the Monts Groulx massif. From a geomorphologic perspective, the peaks of the highland have rocky outcrops. The flanks are covered with a deposit of till that is up to several metres thick in the concave parts of the longer slopes. The valley bottoms are covered with recent alluvial deposits, fluvial deposits, and frequently peat-covered sandy, fluvio-glacial deposits. In the proposed biodiversity reserve the altitude varies from 547 metres to 1,098 metres.

Hydrography: Headstreams flow through the biodiversity reserve into the Rivière Touloustouc and Rivière Hart-Jaune. Also lying within the reserve is Lac Raudot located to the north and another neighboring lake that has no name. The southern boundary is limited by Rivière Beaupin and a series of lakes to the east, located outside the reserve. To the extreme east of the proposed biodiversity reserve is part of the valley gorge of the Rivière Touloustouc-Nord.

Vegetation: The proposed biodiversity reserve forest is mainly black spruce (*Picea mariana*), white spruce (*Picea glauca*) and balsam fir (*Abies balsamea*) on the slopes, and the peak plateau is covered in alpine heath and a few peat bogs.

Wildlife: The Monts Groulx massif is possibly home to the wolverine (*Gulo gulo*), a threatened species. Woodland caribou, a forest ecotype (*Rangifer tarandus caribou*), and a species that was designated as vulnerable in March 2005, was also observed on the massif. Four other animals with protection status are also present in the sector: royal eagle (*Aquila chrysaetos*), bald eagle (*Haliaeetus leucocephalus*), rock vole (*Microtus chrotorrhinus*) and least weasel (*Mustela nivalis*).

2.2.2. Outstanding elements

The Monts Groulx massif is one of the areas in southern Québec with the largest expanse of arctic-alpine tundra with a rare and diverse flora at this altitude. To date, one species likely to be designated as threatened or vulnerable, the mountain dandelion (*Agoseris aurantiaca*), was identified in the proposed biodiversity reserve.

2.3. Occupation and land use

The territory lies completely within the Bersimis and Saguenay beaver reserves in which the Pessamit and Uashat Innu communities have special hunting and trapping rights for fur-bearing animals.

There are no land rights on the territory of the proposed biodiversity reserve.

3. Activities framework

§1. — *Introduction*

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

This Division prohibits activities in addition to those prohibited under 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 reserves. Accordingly, certain activities require the prior authorization of the Minister and compliance with the conditions determined by the Minister. The permitted and prohibited activities considered for the period that follows the granting of a permanent status by the government are those mentioned under section 46 and 48 of the act.

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

- mining, and gas or petroleum development;
- forest management within the meaning of section 3 of the Forest Act (R.S.Q., c. F-4.1); and
- the development of hydraulic resources and any production of energy on a commercial or industrial basis.

§2. — *Prohibitions, prior authorizations and other conditions governing 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, including by stocking, unless the person has been authorized by the Minister and complies with the conditions the Minister determines.

No person may stock a watercourse or body of water for aquaculture, commercial fishing or any

other commercial purpose.

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

Before issuing an authorization under this section, the Minister is to take into consideration, in addition to the characteristics and the number of species involved, the risk of biodiversity imbalance, the importance of conserving the various ecosystems, the needs of the species in the ecosystems, the needs of rehabilitating degraded environments or habitats within the proposed reserve, and the interest in reintroducing certain species that have disappeared.

3.2. No person may use fertilizer or fertilizing material in the proposed 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, adopted by Order in Council 468-2005 dated 18 May 2005.

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

- (1) intervene in a wetland area, including a marsh, swamp or bog;
- (2) modify the reserve's natural drainage or water regime, 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 made by Order in Council 81-2003 dated 29 January 2003;
- (5) carry on any activity other than those referred to in the preceding subparagraphs that is likely to degrade the bed, banks or shores of a body of water or watercourse or directly and substantially affect the quality of the biochemical characteristics of aquatic or riparian environments or wetland areas in the proposed reserve, including by discharging or dumping waste or pollutants into those areas;
- (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 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 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 determined by the Minister for the authorization may pertain to the location of the authorized activity, the methods used, the areas that may be cleared or deforested, the types of material that may be used including on-site materials, 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 11 of the first paragraph refers.

3.4. Despite subparagraphs 6, 7, 8 and 9 of the first paragraph 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.

(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 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 (R.S.Q., c. 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 and in compliance with the conditions the Minister determines.

Despite the first paragraph, an outfitting operation does not require an authorization to use a disposal facility or site in compliance with the Environment Quality Act and its regulations if the outfitting operation was already using the facility or site on the effective date of the protection status as a proposed 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 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 reserve, no person may

- (1) cause any excessive noise;
- (2) behave in a manner that unduly disturbs other persons or interferes with their enjoyment of the proposed 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 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 travel in a vehicle in a given sector of the proposed 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 and complies with the conditions the Minister determines.

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 reserve.

§2.3. Activities requiring an authorization

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

- (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 effective date of the protection status as a proposed reserve, 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 (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;

(b) 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 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 effective date of the protection status as a proposed reserve, pursuant to the Act respecting the lands in the domain of the State.

3.12. (1) No person may carry on forest management activities to meet domestic needs or for the purpose of maintaining biodiversity, unless the person has been authorized by the Minister and carries on the activities in compliance with the conditions the Minister determines.

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

(2) Despite subsection 1, the authorization of the Minister is not required if a person staying or residing in the proposed reserve collects wood to make a campfire.

An authorization is also not required if a person collects firewood to meet domestic needs in the following cases and on the following conditions:

(a) the wood is collected to supply a trapping camp or a rough shelter permitted within the proposed reserve if

i. 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;

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

(b) in all other cases if

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

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

iii. 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.

(3) Despite subsection 1, an authorization to carry on a forest management activity is not required if a person authorized by lease to occupy land within the proposed reserve in accordance with this conservation plan carries on the forest management activity for the purpose of

(a) clearing the permitted 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

(b) 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 paragraph *b* of subsection 3 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 in sections 3.13 and 3.15.

§ 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 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 reserve are exempted from obtaining an authorization.

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

(1) any activity or intervention required within the proposed 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 (R.S.Q., c. Q-2), if the activity or intervention is carried out in compliance with the authorizations issued;

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

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

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

(4) any activity or intervention by the Société, if the conditions for the carrying out of the activity or intervention have been determined in an agreement between the Minister and the Société and the activity or intervention is carried out in compliance with those conditions.

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 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 roads required for the purpose of access, construction or equipment movement incidental to the work.

§2.5. General provisions

3.16. Every person who applies to the Minister for an individual authorization or an authorization for a group or a number of persons must provide all information or documents requested by the Minister for the examination of the application.

3.17. The Minister's authorization, which is general or for a group, may be communicated for the benefit of the persons concerned by any appropriate means including a posted notice or appropriate signage at the reception centre or any other location within the proposed reserve that is readily accessible to the public. The Minister may also provide a copy to any person concerned.

§3. Activities governed by other statutes

Certain activities likely to be carried on within the proposed reserve are also governed by other 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 proposed reserve.

A special legal framework may govern permitted activities within the proposed reserves 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;
- Removal of species of flora 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 removal of such species;

- 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), including the provisions pertaining to threatened or vulnerable wildlife species, to outfitting operations and beaver reserves and the measures contained in applicable federal legislations, in particular the fishery regulation;
- Archaeological research: measures set out in particular in the Cultural Property Act (R.S.Q., c. B-4);
- 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 respecting motor vehicle traffic in certain fragile environments made under the Environment Quality Act;
- Construction and development standards: regulatory measures adopted by regional and local municipal authorities under the Acts applicable to them.

4. Responsibilities of the Minister of Sustainable Development, Environment and Parks

The Minister of Sustainable Development, Environment and Parks is responsible for the conservation and management of the Réserve de biodiversité projetée des monts Groulx. It is therefore responsible for the supervision and monitoring of the activities that may be carried on within the reserve. The Minister undertakes the management of the reserve in collaboration with other government representatives that have specific responsibilities within the boundaries of the reserve or on adjoining land, such as the Minister of Natural Resources and Wildlife. In the exercise of their functions, the ministers will take into consideration the protection sought for these natural environments and the protection status that has been granted. With regard to zoning, given that the conservation objectives for the provisional protection period are the same for the entire territory, the proposed reserve consists of one conservation zone only.

Appendix

Map of the Réserve de biodiversité projetée des monts Groulx

