

QUÉBEC STRATEGY FOR PROTECTED AREAS



Réserve de biodiversité projetée d'Opémican

Conservation plan



**Amended
February 2018**

1. Protection status and toponym

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

The permanent protection status to be granted at the end of the process is that of “biodiversity reserve”, this status also being governed by the *Natural Heritage Conservation Act*.

The territory of the proposed reserve was initially part of a larger area that was set aside toward the creation of a national park. Parc national d’Opémican was created on December 19, 2013 under the *Parks Act* (chapter P-9), but did not include the territory of Réserve de biodiversité projetée d’Opémican. Certain parts that were left out of the national park will thus become a biodiversity reserve.

The provisional toponym remains the same: Réserve de biodiversité projetée d’Opémican. The official toponym will be determined when the territory is given permanent protection status.

2. Plan and description

2.1. Geographical location, boundaries and dimensions

The boundaries and location of Réserve de biodiversité projetée d’Opémican are shown on the map comprising the Appendix. The present conservation plan reduces the proposed reserve created in March 2007 by 208.2 km². With this reduction, the proposed biodiversity reserve covers an area of 29.5 km².

Réserve de biodiversité projetée d’Opémican is located in the administrative region of Abitibi-Témiscamingue, between 46°51’56” and 46°57’49” north latitude and between 78°51’20” and 79°04’40” west longitude. It lies about 50 km to the south of the city of Ville-Marie and 22 km northeast of the city of Témiscaming.

The proposed reserve is on the territory of the regional municipal county (MRC) of Témiscamingue. It consists of two sections: Île McKenzie and a peninsula. Île McKenzie is in the municipality of Laniel while the peninsula is in the unorganized territory of Lacs-du-Témiscamingue.

Along the shores of Lac Kipawa, the boundaries of the reserve lie at an elevation of 270 metres.

2.2. Ecological portrait

Réserve de biodiversité projetée d’Opémican belongs to the Dumoine Plateau natural region, more precisely the Lac Sept Milles mounds physiographic complex.

The relief is that of a complex of till mounds, with rocky outcrops where the topography is particularly steep. The till is thicker in the valleys, thinner on the mounds. The elevation ranges from 270 m on the banks of Lac Kipawa to 383 m on the highest summit.

The territory is located in Grenville geological province in the Canadian Shield, not far from the geological boundary with Superior geological province, referred to as the Grenville Front. Along the Front there are

signs of differences in ages and types of rocks. The geological foundation consists almost entirely of metamorphic rocks, primarily quartzofeldspathic gneiss, hornblende gneiss and biotite gneiss, interlayered with bands of hornblende-garnet-biotite paragneiss.

The entire territory of the proposed reserve is in the Rivière des Outaouais watershed. The land drains first into Lac Kipawa, which in turn empties into Lac Témiscamingue.

The territory of the reserve is subject to a continental subarctic climate, subhumid with a long growing season. The average annual daily temperature is 2.8°C. Precipitation is moderate with an annual average of 820 mm. The average annual sunshine is 1853 hours, with a frost-free season of about 120 days.

Réserve de biodiversité projetée d'Opémican is in the bioclimatic domain of maple/yellow birch stands. Its potential vegetation is primarily maple/yellow birch stands and stands of yellow birch (with balsam fir or fir and sugar maple). More rugged areas however are favourable to the presence of white pine stands. Hemlock stands could develop in certain zones, as could also (though in smaller areas) stands of balsam fir/black spruce or balsam fir/cedar. However, due to diameter-limit cutting in parts of the peninsula during the 1980s, the woodlands present include poplar stands and white birch stands. Nonetheless, areas favourable to white pine stands and hemlock stands are indeed populated with these species, whereas maple stands and yellow birch stands are quite rare.

2.3. Land occupation and uses

The proposed reserve has only three land rights: a resort lease, a lease for a temporary shelter and an accommodation lease for an outfitter without exclusive rights.

The proposed reserve partially overlaps three trapping grounds.

3. Activities framework

§ 1. Introduction

Activities carried out within the biodiversity reserve are primarily governed by the provisions of the *Natural Heritage Conservation Act*.

The provisions of the present section set out additional prohibitions beyond those already stipulated in the Act. They also provide a framework for certain permitted activities, to ensure the protection of the natural environment in accordance with the principles of conservation and other management objectives of the reserve. Certain activities are therefore subject to prior authorization by the Minister, and must be carried out in compliance with the conditions set by him.

Under the *Natural Heritage Conservation Act*, the activities prohibited in an area with the status of proposed biodiversity or aquatic reserve are primarily the following:

- mining and gas or oil extraction;

- forest management within the meaning of section 4 of the *Sustainable Forest Development Act* (chapter A-18.1);
- the exploitation of hydraulic resources and any production of energy on a commercial or industrial basis.

Lastly, note that the measures prescribed by the *Natural Heritage Conservation Act* and the present plan are subject to the provisions of the agreements referred to by the *Act Approving the Agreement Concerning James Bay and Northern Québec* (chapter C-67) and by the *Act Approving the Northeastern Québec Agreement* (chapter C-67.1).

§ 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 (chapter Q-2, r. 35).

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 (chapter R-13, r. 1);
- (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, although no authorization is required for the removal of soapstone by beneficiaries within the meaning of section 1 of the Act respecting the land regime in the James Bay and New Québec territories (chapter R-13.1);
- (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 (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 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 (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;

(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 Forests, Wildlife and Parks under the Sustainable Forest Development Act (chapter A-18.1);

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 Forests, Wildlife and Parks as a sector for which a permit for the harvest of firewood for domestic purposes under the Sustainable Forest Development 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 Forests, Wildlife and Parks under the Sustainable Forest Development 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.

(4) Despite subsection 1, an authorization to carry on a forest management 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 protection status as a proposed reserve or in any of the three preceding years, held Sustainable Forest Development Act a sugar bush management permit issued by the Minister of Forests, Wildlife and Parks under the allowing the person to carry on within the proposed 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 protection status as a proposed 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 Forests, Wildlife and Parks 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 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.

For greater certainty, the provisions of this conservation plan also apply subject to the authorization exemptions and other provisions in the Act respecting hunting and fishing rights in the James Bay and New Québec territories (chapter D-13.1).

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 (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 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.

4. Activities governed by other laws

Certain activities that could potentially be practised in the proposed reserve are also governed by other applicable legislative and regulatory provisions, and some require a permit or authorization or the payment of certain fees. Certain activities could be prohibited or limited under other laws or regulations applicable on the territory of the proposed reserve.

Within proposed reserves, a particular legal framework may govern permitted activities under the following categories:

- Protection of the environment: measures set out in particular by the Environment Quality Act (chapter Q-2) and its regulations;
- Plant species designated as threatened or vulnerable: measures prohibiting the harvesting of such species under the Act respecting threatened or vulnerable species (chapter E-12.01);
- Exploitation and conservation of wildlife resources: measures stipulated by the Act respecting the Conservation and Development of Wildlife (chapter C-61.1) and its regulations, including provisions related to threatened or vulnerable wildlife species, outfitters and beaver reserves, and measures in the applicable federal laws and regulations, including the legislation and

- regulations on fisheries; and in northern regions, particular measures stipulated by the Act Respecting Hunting and Fishing Rights in the James Bay and New Québec Territories (chapter D-13.1);
- Archeological research and discoveries: measures set out in particular by the Cultural Heritage Act (chapter P-9.002);
 - Access and property rights related to the domain of the State: measures set out in particular by the Act Respecting the Lands in the Domain of the State (chapter T-8.1) and the Watercourses Act (chapter R-13), and in northern regions, by the Act Respecting the Land Regime in the James Bay and New Québec Territories (chapter R-13.1);
 - Travel: measures stipulated by the Act Respecting the Lands in the Domain of the State (chapter T-8.1) and by the regulations on motor vehicle travel in fragile environments, under the *Environment Quality Act*;
 - Construction and development standards: regulatory measures adopted by local and regional municipal authorities in accordance with the applicable laws.

5. Responsibilities of the Minister of Sustainable Development, Environment and the Fight against Climate Change

The Minister of Sustainable Development, Environment and the Fight against Climate Change is responsible for the conservation and management of Réserve de biodiversité projetée d'Opémican. Among other things, the Minister sees to the control and supervision of activities that take place there. In his management, the Minister enjoys the collaboration and participation of other government representatives that have specific responsibilities in or adjacent to the territory, including the Minister of Energy and Natural Resources and the Minister of Forests, Wildlife and Parks. In performing their functions they will take into account the protection desired for these natural environments and the protection status they are now granted.

Appendix

Map of Réserve de biodiversité projetée d'Opémican



