



Proposed Saint-Cyr lake biodiversity reserve

(provisional name)

Conservation plan



June 2005

1. Protection status and toponym

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

The proposed reserve is to have the name "Réserve de biodiversité projetée du lac Saint-Cyr". 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. Geographic location, boundaries and dimensions

The boundaries and location of the proposed Saint-Cyr lake biodiversity reserve are shown on the plan.

The proposed Saint-Cyr lake biodiversity reserve is located in the Abitibi-Témiscamingue administrative region, between 48°37' and 48°52' north latitude and 75°36' and 75°49' west longitude. It is situated some 50 km west of the Native village of Obedjiwan, some 57 km east-north-east of Municipalité de Senneterre and some 90 km east-south-east of Municipalité de Lebel-sur-Quévillon. The proposed reserve covers an area of 143.7 km² and lies within the territory of Municipalité de Senneterre, in Municipalité régionale de comté de La Vallée-de-l'Or.

The boundaries of the proposed biodiversity reserve run along the 391-metre point.

2.2. Ecological overview

The proposed Saint-Cyr lake biodiversity reserve is in the Mégiscane Lake Hills natural region in the Mistassini River Highlands natural province. The average elevation is 397 m and ranges from 391 m to 463 m. The proposed Saint-Cyr lake biodiversity reserve consists mainly of mounds of drumlinized till with good to moderate drainage. Thick till knolls with good to moderate drainage are found north of Mesplet lake. The vegetation is characterized by softwood forests dominated by black spruce. Peat bogs are also found in the protected area.

2.3. Occupation and land uses

Three land rights have been granted in the territory of the proposed biodiversity reserve: 1 for vacation resort purposes and 2 for rough shelters.

The proposed Saint-Cyr lake biodiversity reserve covers a portion of the territory of the Club Kapitachuan (21%) and Pourvoirie St-Cyr (70%) outfitting operations which hold exclusive rights for hunting and fishing. Therefore, 91% of the area of the proposed biodiversity reserve comprises outfitting operations with exclusive rights.

The land in the proposed biodiversity reserve is classified as Category III land under the James Bay and Northern Québec Agreement (JBNQA) signed in 1975 and the *Act respecting the land regime in the James Bay and New Québec territories* (R.S.Q., c. R-13.1) enacted in 1978. The territory of the proposed biodiversity reserve lies within the territory covered by the hunting, fishing and trapping regime applicable pursuant to section 24 of the JBNQA (see the *Act respecting hunting and fishing rights in the James Bay and New Québec territories* (R.S.Q., c. D-13.1)).

The proposed Saint-Cyr lake biodiversity reserve lies within the Abitibi beaver reserve, in which the Atikamekw community of Obedjiwan has special rights regarding the hunting and trapping of fur-bearing animals.

The Saint-Cyr river is a recognized canoe-kayak route.

3. Activities within the reserve

§1. Introduction

The activities carried on within the proposed reserve are governed for the most part by the provisions of the Natural Heritage Conservation Act.

This Division prohibits activities in addition to those prohibited under the Act and provides a framework for the carrying on of certain permitted activities so as to better ensure the protection of the natural environment. Accordingly, certain activities require the prior authorization of the Minister and compliance with the conditions determined by the Minister.

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);

- the development of hydraulic resources and any production of energy on a commercial or industrial basis.

§2. Prohibitions, prior authorizations and conditions on which certain activities may be carried on in the proposed reserve

§2.1. Protection of resources and the natural environment

- 3.1. No person may introduce non-native species of flora or fauna into the proposed reserve.
- 3.2. No person may stock a watercourse or body of water
 - (1) for aquaculture, sports or commercial fishing or any other commercial purpose;
 - (2) for any other purpose, if the fish stocked are not from a genetic strain originating from the proposed reserve.
- 3.3. No person may bury, abandon or dispose of waste, snow or other residual materials other than in waste disposal containers, facilities or sites determined by the Minister or elsewhere, with the authorization of the Minister and in compliance with the conditions the Minister determines.

Despite the first paragraph, no authorization need be obtained by an outfitting operation 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 date on which the protection status as a proposed reserve takes effect.

- 3.4. 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) carry on any activity likely to severely degrade the banks or shores or to otherwise seriously affect the integrity of a watercourse, body of water or other wetland area, in particular by discharging or dumping waste or other pollutant into the watercourse, body of water or wetland area; or
 - (2) dig, fill, obstruct or divert a watercourse or body of water.

§2.2. Rules of conduct for users

- 3.5.** Every person staying, carrying on an activity or travelling about within 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.
- 3.6.** Every person who makes a campfire must
- (1) clear an area around the fire site sufficient to prevent the fire from spreading by removing all branches, scrub, dry leaves and other combustible materials;
 - (2) see that there is always a person on the premises to attend the fire; and
 - (3) ensure that the fire is completely extinguished before leaving the premises.
- 3.7.** In the proposed reserve, no person may
- (1) cause any excessive noise; or
 - (2) behave in a manner that unduly disturbs other persons in the reserve or interferes with their enjoyment of the reserve.
- 3.8.** No person may destroy, remove, move or damage any poster, sign, notice or other type of signage posted by the Minister within the proposed reserve.
- 3.9.** No person may enter, carry on an activity in or operate a vehicle in a given sector of the proposed reserve unless the person has been authorized by the Minister and complies with the conditions determined, 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.

§2.3. Activities requiring an authorization

- 3.10.** No person may, unless the person has been authorized by the Minister and complies with the conditions the Minister determines, stay or reside on or otherwise occupy the same site within the proposed reserve for a period of more than three months in the same year. No authorization need be obtained by a person who,
- (1) 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 permit or authorization allowing the person to occupy the land under the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) 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;

- (2) in accordance with the applicable provisions of law, has entitlement under a sublease, an assignment of a lease or a transfer of an authorization, as referred to in paragraph 1, and whose right to occupy the land is renewed or extended;
- (3) avails himself or herself of the possibility of acquiring the 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.

- 3.11.** (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 of that 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 under this plan need not be obtained by a person staying or residing in the proposed reserve who collects wood to make a campfire.

No such authorization need be obtained by a person to collect wood to meet domestic needs

- (a) if the wood is collected within a sector reserved 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 (R.S.Q., c. F-4.1) may be issued and which has already been reserved as such by the Minister on the date on which the protection status as a proposed reserve takes effect;
- (b) if the wood is collected by a person who, on the date on which the protection status as a proposed reserve takes effect 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; or

(c) if the wood is collected by a person in accordance 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, no authorization need be obtained by a person authorized by lease to occupy land within the proposed reserve, pursuant to this plan, to carry on a forest management activity for the purpose of

(a) clearing permitted harvested areas, maintaining them or creating visual openings, and any other similar removal purposes permitted under the regulation that applies to the sale, lease and granting of immovable rights made under the Act respecting the lands in the domain of the State;

(b) creating and maintaining access roads, stairways or other trails permitted under that regulation; or

(c) clearing the necessary area for the installation, connection, maintenance and repair of power, water, sewer or telecommunication lines, facilities and mains.

When the work referred to in subparagraph c of subsection 3 is carried out 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 3.14.

(4) Despite subsection 1, no authorization need be obtained by a person to carry on a forest management activity to maintain a sugar bush and harvest maple products for domestic purposes

(a) if the activity is carried on by a person who, on the date on which the protection status as a proposed reserve takes effect or in any of the three preceding years, held a sugar bush management permit issued by the Minister of Natural Resources and Wildlife under the Forest Act allowing the person to carry on the activities of a sugar bush operator within the proposed reserve;

- (b) if the activity is carried on within a zone for which the permit obtained allowed the carrying on of sugar bush operations on the date on which the protection status as a proposed reserve takes effect or in any of the three preceding years; or
- (c) if 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 Wildlife under the Forest Act.

3.12. 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) carry out soil development work, including any fill, burial, earthwork, removal or displacement of surface materials or vegetation cover, for any purpose including recreational and tourism purposes such as the development of trails;
- (2) install or construct a new structure, infrastructure or works;
- (3) reconstruct or demolish an existing structure, infrastructure or works;
- (4) use a pesticide, although no authorization is required for the use of insect repellent for personal purposes;
- (5) 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; or
- (6) carry on educational or research-related activities if the activities are likely to significantly damage or disturb the natural environment, in particular by the extent of the moving or removal of natural resources or by the use of explosives.

The conditions of the Minister's authorization for the work 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 the material 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 6 of the first paragraph refers.

Subject to the conditions determined in the authorization, work to repair or maintain trails authorized by the Minister or trails existing on the date on which the protection status as a

proposed reserve takes effect may be carried on without an authorization under subparagraph 1 of the first paragraph.

Work to repair or maintain forest roads or roads authorized under the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) carried on in accordance with the Forest Act and its regulations that concern standards of forest management may be carried on without an authorization under subparagraph 1 of the first paragraph.

§ 2.4. Authorization exemptions

- 3.13.** Despite the preceding provisions, no authorization need be obtained by a person to carry on an activity or for any other form of intervention within the proposed reserve if urgent action is required to prevent harm to the health or safety of persons, or to repair or prevent damage caused by a real or apprehended catastrophe. The person concerned must, however, immediately inform the Minister of the activity or intervention that has taken place.
- 3.14.** Despite the preceding provisions, the following activities and interventions involving the production, transmission and distribution 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 plan:
- (1) any activity or intervention required within the proposed reserve to complete a project which was previously expressly authorized by the Government and the Minister, or only by the latter, in accordance with the requirements of 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 it is carried out in accordance with the request;
 - (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.

For the purposes of this section, the activities and interventions of the Société include pre-project studies, analysis work or field research, work required to study and monitor the impact of 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 necessary for the carrying on of such work.

§2.5. General provisions

- 3.15.** Every person who applies to the Minister for an individual authorization or for an authorization for a group or for a number of persons must provide any information or document requested by the Minister for the examination of the application.
- 3.16.** The Minister's authorization, which is general and can be used by more than one person, may be communicated to the persons concerned by any appropriate means including by 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 is to provide a copy to any person requesting a copy.

§3. Activities governed by other statutes

Certain activities likely to be carried on within the proposed reserve are also governed by other applicable legislative and regulatory provisions, including those that require the issue of a permit or authorization or the payment of fees. The carrying on of certain activities may also be prohibited or limited by other Acts or regulations applicable within the boundaries of the proposed reserve.

A special legal framework may govern permitted and prohibited activities within the proposed reserve in connection with the following matters:

- Environmental protection: measures set out in particular in the Environment Quality Act (R.S.Q., c. Q-2);
- Archaeological research: measures set out in particular in the Cultural Property Act (R.S.Q., c. B-4);

- Development 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 outfitting operations and beaver reserves and the measures contained in applicable federal legislation, including the fishery regulations;
- Removal of species of fauna or flora that are threatened or vulnerable or are likely to be designated as such: measures prohibiting the removal of the species under the Act respecting threatened or vulnerable species (R.S.Q., c. E-12.01);
- Access and land rights: measures set out in particular in the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1);
- Operation of vehicles: measures set out in particular in the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) and in the regulation on motor vehicle traffic in certain fragile environments made under the Environment Quality Act (R.S.Q., c. Q-2).

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

The Minister of Sustainable Development, Environment and Parks is responsible for the management of the proposed Saint-Cyr lake biodiversity reserve and is therefore responsible for the supervision and monitoring of the activities that may be carried on within the reserve. The Minister in the management of the reserve works collaboratively with other government representatives having 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 powers and functions, the Ministers will take into consideration the protection sought for these natural environments and the protection status that has been granted.

Schedule

Map of the proposed Saint-Cyr lake biodiversity reserve (provisional name)

