

5 General management conditions proposed

5.1 Legal status

The eight proposed protected areas have been created pursuant to the *Natural Heritage Conservation Act*. The permanent protection status sought for the eight territories is that of a biodiversity reserve and, in the case of the Rivière Dumoine, an aquatic reserve. The application of the Act only concerns the lands in the domain of the State located within the aquatic reserves and biodiversity reserves. The MDDEP is responsible for the management of the protected areas. The other government departments that are also responsible for the domain of the State continue to assume their responsibilities.

At present, the eight proposed reserves are classified in Category III of the International Union for Conservation of Nature (IUCN),²⁵ according to the Register of Protected Areas in Québec.²⁶ Category III, “A protected area administered mainly for the purpose of preserving specific natural features,” is defined as follows: “An area containing one or more special natural or natural/cultural features that are unique or exceptionally important and that deserve to be protected because of their rarity, representativeness, aesthetic qualities, or intrinsic cultural importance.”

The category targeted at the time of granting permanent status as a biodiversity reserve or an aquatic reserve to the eight territories is Category III of the IUCN.

5.2 Management principles

The MDDEP has established three principles to guide to management of aquatic reserves and biodiversity reserves, i.e. ecosystemic management, regionalized, participatory management, and minimal management.

Ecosystemic management

Ecosystemic management seeks to ensure that all decisions pertaining to the territory of the protected areas be taken, as a priority, in light of considerations pertaining to ecosystems. The ecosystemic management that the MDDEP is going to implement will target the attainment of the following conservation objectives:

1. maintain the ecological integrity and natural dynamics of ecosystems;
2. facilitate tourist activities and the construction of tourist facilities that allow for the discovery of nature without, however, exceeding the capacity of ecosystems

to sustain such impact and while ensuring compliance with the first objective;

3. promote the acquisition and dissemination of knowledge on the natural and cultural heritage with a view to fostering compliance with safeguards;
4. participate in the harmonization of the management of peripheral reserves and territories in the context of land-use planning that takes into account the natural boundaries of ecosystems.

Regionalized and participatory management

The MDDEP will be responsible for the operational management of the eight reserves, although such management may be delegated to a third party.²⁷ Regionalized management allows for the adaptation of management to local and regional conditions in order to reflect the distinctive nature of communities and biophysical environments. The regional nature of management also seeks to encourage the populations concerned to integrate the protected areas.

The participatory nature of the management is intended to ensure that community interveners concerned by the territories participate in their management. The stakeholders concerned by the territories could, depending on the management formula adopted, be asked to participate in a management committee, the elaboration of an action plan, concrete management and protection initiatives designed to attain conservation objectives and, where applicable, decisions related to the development of the territories.

Given that each territory displays natural characteristics and is used and occupied differently, the management approach can be adapted to the specific conditions and dynamic of each reserve. The initiatives, tools and mechanisms that will be implemented to manage the territories and to monitor the conservation objectives will also be adapted to territorial conditions.

Minimal management

The eight reserves will be subject to management that, at the very least, must guarantee compliance with the objectives in the conservation plan as well as the objectives of ecosystemic management and regionalized and participatory management. Accordingly, the MDDEP does not anticipate assigning permanent staff in the field nor itself developing the territories in any way.

²⁵ <http://www.iucn.org/fr/>

²⁶ http://www.mddep.gouv.qc.ca/biodiversite/aires_protegees/registre/index.htm#classification

²⁷ The delegation of management is possible pursuant to the *Natural Heritage Conservation Act*. The terms and conditions of such management will be defined when the delegation occurs and may vary from one protected area to the next.



5.3 Implementation of management

The management of the reserves will consist in implementing services in the following fields:

- information and communications;
- signage;
- surveillance and control;
- monitoring of the biophysical environment;
- the elaboration of an action plan;
- regulatory compliance.

5.4 information and communications

The MDDEP is responsible for publicizing the existence and importance of the protected areas and the reasons for their protection. It must develop the means to communicate information to the public and establish the means of informing individuals who are seeking information on the territories. For example, mention should be made of the creation of pages on the MDDEP website, the production of information brochures distributed at strategic locations to reach the individuals concerned, communication by means of the local, regional and mass media or the drafting of a guide to good practices for occupants, users and visitors.

5.5 Signage

Signage is an important component of management and the attainment of conservation objectives since it facilitates the delivery of suitable information even on site in the reserve. Of the relevant information that signage provides, mention should be made of the meaning of the physical delimitation of a reserve, the presentation of cursory ecological information, awareness-building and the possibility of offering users an interpretation of biodiversity. Signage implies the installation of signs in the territory. A sign can also provide indications or mention a regulation. The MDDEP is responsible for producing the contents of road signs and their installation. The signs will be installed after the granting of permanent protection status and will take into account the permanent boundaries of the protected areas.

5.6 Surveillance and control

The presence in the territory of certain aquatic reserves or biodiversity reserves of users can affect the biophysical environment. The risk of breaches requires surveillance to ensure compliance with legislation and regulations and thereby foster the maintenance of the reserves' ecological integrity. Moreover, when a complaint or denunciation is lodged, a statement of offence must be issued when the breach has been noted on site. The MDDEP has entrusted responsibility for

surveillance to wildlife protection officers. The Centre de contrôle environnemental du Québec in the MDDEP is responsible for control (complaints and statements of offence) but may assign, depending on the situation, certain of the tasks to wildlife protection officers.

5.7 Monitoring of the biophysical environment

It is important to ascertain changes in the ecosystems and their constituent components over time in order to revise if need be the protection and management measures in each aquatic reserve and biodiversity reserve. In the context of climate change, the protected areas are reference sites in which direct anthropogenic disturbances are limited or absent. It is, therefore, essential to monitor their natural components there.

Monitoring of the natural environment will be based on a comparative approach between the ecosystems when the protected area was established and their state at different times in the future. When permanent status as an aquatic reserve or a biodiversity reserve is granted, the MDDEP will produce a profile of the natural environment based on certain components,²⁸ including:

- the forest cover and its characteristics: the percentage of the territory under forest cover, the species present, the distribution by age class groups of the forests, natural and anthropogenic disturbances, the presence of old-growth forests, and so on;
- water quality in the main lakes and watercourse (sampling program);
- the state of fish populations in light of changes in catches, e.g. fishing survey – data from the MRNF-Faune);
- the state of the banks of watercourses and water bodies (proportion of deforested or developed banks, survey on the use of riparian land and the habits of resort vacationers, and so on);
- the fragmentation rate of wooded areas (density of roads and trails);
- sensitive soil conditions (characteristics of surface deposits) and their rate of exposure to disturbances (number of trails in the environments and extent of use);
- the state of wildlife populations (hunting and trapping survey - data from the MRNF-Faune);
- rate of occupancy and use (survey among the users concerned).

²⁸ Solely according to the availability of data.

Based on the data collected by means of ecological profiles at recurring periods or from the findings of studies or research conducted by partners in the research sector, the safeguards and management measures may be modified in order to better protect the territories' biodiversity.

The MDDEP has established a partnership with FloraQuebeca to study aquatic reserves or biodiversity reserves. Until now, certain reserves have been studied, e.g. the Réserve aquatique de l'Estuaire-de-la-Rivière-Bonaventure, the Réserve de biodiversité des Lacs-Vaudray-et-Joannès, the Réserve de biodiversité Uapishka, the Réserve aquatique projetée de la Vallée-de-la-Rivière-Sainte-Marguerite and the Réserve de biodiversité projetée du lac Opasatica. The studies have greatly enriched the botanical knowledge of the territories. Other partnerships concerning different fields of knowledge have yet to be established.

5.8 Action plan

There is good reason to implement the conservation plan once an aquatic reserve or a biodiversity reserve has attained permanent status. The implementation is carried out through an action plan. The MDDEP is responsible for the action plan, which will be drafted in collaboration with the community interveners concerned.

An action plan must be prepared for each aquatic reserve or biodiversity reserve. The action plan provides additional clarification of the conservation and development objectives in the conservation plan of a permanent reserve. It determines the concrete action to be carried out to attain the conservation plan's objectives. As for its contents, the action plan can make provisions for initiatives pertaining to communications, signage, surveillance, follow-up, restoration, education, interpretation or development.

For each of the initiatives, the action plan will determine the interveners concerned, the coordinator, the timeframe in which each initiative must be carried out, the knowledge to be developed, and technical and financial needs to carry out the initiative. Since the action plan is relatively precise as regards the means and needs related to its implementation, it is one of the key tools to evaluate the efforts and resources to be devoted to the management of a reserve.

The MDDEP determines the duration of each action plan and the recurrence of its revision, in collaboration with the stakeholders designated as participants in management.

5.9 Regulatory compliance

The conservation plan of a reserve includes a regulatory section through which a number of initiatives are subject to authorization by the MDDEP. The Directions régionales de l'analyse et de l'expertise in the MDDEP are responsible for analyzing requests and granting authorizations if the initiative is deemed to be acceptable. Each activity or initiative requiring authorization by the MDDEP will be evaluated according to its compatibility with the vocation of the aquatic reserve or the biodiversity reserve and potential impact on the biophysical environment.²⁹

5.10 Aquatic reserves and biodiversity reserves management committee

The implementation of the management of the reserves, in a spirit of respect for the management principles and guidelines mentioned earlier, can, in particular, be achieved through the establishment of management committees. The committees can have a broad range of characteristics depending on the needs targeted by the community and the participants. For example, a special committee or a permanent committee can be set up. It could be a regional committee responsible for several biodiversity reserves or a committee specific to a given reserve. Moreover, there could be no committee if no intervener is concerned or the interveners concerned are not interested in participating in the management of a reserve.

The role that the MDDEP is proposing for a management committee is that of an advisory committee. The committee will have to express an opinion and make recommendations on various topics related to the protection, management and development of the reserve concerned, i.e. all of the topics covered by the action plan. While the concept of an advisory committee means that the committee does not have decision-making power and that, in the case of the reserves, the MDDEP is responsible for decisions, the department will respect, as much as possible, the opinions and recommendations of the advisory committee in its decision-making, in a spirit of respect for the conservation objectives and the principle of ecosystemic management.

If a body, in particular a municipality or an RCM, wishes to assume responsibility for the management of one or more aquatic reserves or biodiversity reserves, the MDDEP is empowered to delegate management to a third party. The delegation can concern different powers, activities and management and development responsibilities. However, a delegatee must abide by the principles of management, including the principle concerning participation by the interveners concerned. It must, therefore, perform its duties while benefiting from the participation of any advisory management committee established for this purpose.

²⁹ For more information on the activities and initiatives subject to authorization and their degree of compatibility, please see the document entitled «Régime d'activités dans les réserves de biodiversité et les réserves aquatiques» (http://www.mddep.gouv.qc.ca/biodiversite/aires_protegees/regime-activites/regime-activite-reserve-bio-aqua.pdf).

Regardless of the form of management (committee or delegation), the first task of the manager and its collaborators will be to draft the action plan, which will focus on the array of topics related to the management of an aquatic reserve or a biodiversity reserve.

At present, the MDDEP has not determined the management procedures that it will implement for each of the reserves. This public consultation thus seeks to ascertain the concerns and proposal of participants in respect of management and the management committees.

5.11 Responsibilities

The Minister of Sustainable Development, Environment and Parks is responsible for coordinating the implementation of the Plan d'action sur les aires protégées (PASAP) and administering the *Natural Heritage Conservation Act*. He is collaborating closely with the other government departments and bodies concerned, including the MRNF.

5.12 Responsibilities of the other government departments

The government departments and bodies that are responsible for the territory will collaborate with the MDDEP to attain biodiversity conservation objectives and will continue to ensure the administration of the legislation and regulations for which they are responsible in the protected public territories. This is particularly true in the case of the MRNF, which is responsible for the administration of numerous statutes and regulations on the lands in the domain of the State.

In particular, the MRNF assumes the following responsibilities in the fields of activity indicated:

- the management of the domain of the State (in particular land rights pertaining to recreational activities and occupation when the management of such rights has not been delegated to the RCMs concerned);
- the management of wildlife (regulation of fishing, hunting and trapping, structured wildlife territories, the granting of wildlife rights, the monitoring of wildlife populations and habitats);
- the issuing of forestry intervention permits.

The RCMs and the municipalities are also responsible for the administration of legislation and regulations respecting land-use planning and urban planning.

5.13 The regime of activities explained

Aquatic reserves and biodiversity reserves seek to protect natural environments, mainly in respect of industrial activity. Generally speaking, they allow for the pursuit of activities and occupations of a recreational, tourist, wildlife or educational nature. Accordingly, while the regime of activities, by virtue of its regulatory nature, refers frequently to the need to obtain authorization from the MDDEP to build new infrastructure or engage in development, the occupants and users of and visitors to the territories may pursue the vast majority of their activities without constraint, as is the case in open public territory. The regime of activities in the aquatic reserves and biodiversity reserves imposes additional requirements in the territory in respect of any new element that increases pressure or adverse impact on ecosystems. Indeed, the MDDEP's objective is to ensure that the level of impact remains acceptable according to the capacity of the ecosystems or components of the biophysical environment to sustain pressure, in particular pressure from anthropogenic activities.

Activities carried on inside the eight proposed reserves are now governed by provisions in the *Natural Heritage Conservation Act* and the "Regime of activities" section in the conservation plans in force of the eight proposed reserves. It should be noted that the current regime of activities of the proposed reserves will not necessarily be the same when the reserves obtain permanent status. The final regime of activities will be specific to each permanent reserve and take into account, in particular, the topics broached during the public consultation and the specific conditions in each territory.

This section focuses on the MDDEP's policy directions concerning activities or initiatives when the territories possess permanent status as aquatic reserves or biodiversity reserves. However, it summarizes the legislative and regulatory provisions, which must not be substituted for the legal texts. The document entitled "Régime des activités dans les réserves aquatiques et de biodiversité" provides full details on the regime of activities and the degree of compatibility and initiatives.

In order to better express the MDDEP's conservation and development guidelines governing the concept of the aquatic reserve and the biodiversity reserve, the legislative and regulatory provisions are summarized below according to four categories of activities and initiatives:

- permitted activities;
- compatible activities subject to authorization;
- incompatible activities that may be authorized under exceptional circumstances;
- prohibited activities.

5.13.1 Permitted activities³⁰

Aquatic reserves and biodiversity reserves allow for the maintenance of certain existing occupancy rights in the territory when permanent status is granted and the attendant infrastructure and facilities. The types of occupancy are:

- trapping camps and basic shelters;
- cabins and their incidental structures allowed by the lease;
- electric power transmission lines or telephone lines, trails, roads, boat launching ramps, and so on;
- any other infrastructure present stemming from an occupancy right whose vocation is deemed to be compatible, e.g. camping, summer camps, interpretation centres, outfitting operations.

Furthermore, no authorization will be required to engage in the following activities and initiatives:

- harvesting wood to build an outdoor campfire;
- collecting fuelwood for domestic purposes (limited to 7 visible m³ a year) by individuals who possess a shelter lease or a trapping camp in the territory of the reserve;
- the maintenance or rebuilding of basic shelters, trapping camps (on the same site) or existing cottages;
- the maintenance or repair of existing paths, trails and roads;
- the installation or the construction of minor structures such as wharves, platforms or boathouses, whose installation is allowed free of charge pursuant to section 2 of the *Regulation respecting the water property in the domain of the State*;
- the allowable clearing of wooded areas, their maintenance or the vista clearings allowed by the *Act respecting the lands in the domain of the State*, the maintenance of access roads, facilities or infrastructure;
- activities or initiatives carried out during emergencies to avoid harm to the health or safety of individuals;
- activities pursued for food, ritual or social purposes by members of an Aboriginal community;
- the activities of Hydro-Québec already covered by the *Environment Quality Act* (environmental impact assessment) or carried on within the framework of the normal maintenance of existing facilities;

- the construction of a trapping camp, a hunting camp or a cabin when it is permitted pursuant to an occupancy right granted prior to the establishment of the protected area but has not yet been built.

Lastly, any other activity not mentioned in the regime of activities is allowed, in particular:

- hunting, fishing and trapping and the use of devices or materials necessary to engage in such activities;
- the harvesting of small fruits or plant species for domestic use;
- stays lasting 90 days or less (ecotourism, hunting, fishing, camping, and so on);
- nautical activities (kayaking, canoeing, rafting, and so on);
- hiking, ski touring, snowshoeing or cycling;
- activities that require domestic animals (dog sleds, horseback riding);
- nature observation;
- educational activities;
- the use of motor vehicles such as quad bikes, snowmobiles and motorboats.

It should be noted that the activities mentioned above are permitted in the reserves but that the construction of a trail, for example, and the attendant infrastructure require prior authorization.

Moreover, any activity usually allowed in the aquatic reserves and biodiversity reserves might be prohibited, managed or confined to certain areas if the MDDEP believes that it overly affects the natural environment or certain components of biodiversity. For example, the habitat of a species of interest or the vulnerability of an environment to erosion might lead to restrictions or prohibitions.

5.13.2 Compatible activities subject to authorization

The MDDEP will have to authorize certain activities and initiatives deemed to be compatible with the vocation of the aquatic reserves and biodiversity reserves, but may set certain conditions for their realization in order to minimize or avoid impact on the natural environment. This is true of the following activities:

- the erection, installation or construction of new buildings for the purpose of ecological, educational or recreational development, e.g. a lookout, an interpretation panel or a refuge;
- the construction of new infrastructure and new recreational or educational trails for non-motorized activities;

³⁰ When an activity or an initiative may be carried out without authorization, this is true solely pursuant to the *Natural Heritage Conservation Act*. Accordingly, any other form of permit or authorization pursuant to another statute or regulation is compulsory.

- stocking a watercourse or a water body for ecological purposes, e.g. to reestablish a fish population;
- wood harvesting aimed at ensuring the maintenance of biodiversity, e.g. the development or maintenance of a wildlife habitat.

5.13.3 Incompatible activities that may be authorized under exceptional circumstances

To avoid harmful impact on the natural environment, certain activities likely to have undesirable repercussions are deemed to be incompatible and are, therefore, prohibited in the aquatic reserves and biodiversity reserves.

However, since the context of occupancy and use varies widely in the overall network of aquatic reserves and biodiversity reserves that covers all environments in Québec, the MDDEP might authorize certain of these activities under exceptional or contextual circumstances. Only specific circumstances might warrant such authorization, which would depart from conservation objectives.

The applicant must provide rigorous justification. Moreover, conditions governing the realization of this type of initiative will accompany any authorization in this regard:

- the establishment of specimens or individuals of indigenous or non-indigenous wildlife species in the environment;
- the establishment of non-indigenous plant species in the environment;
- any initiative in wetlands (marshes, swamps, peat bogs), a watercourse or a water body or in a riparian habitat, e.g. digging, backfilling, obstruction);
- soil development work;
- the erection or installation of new construction for personal or commercial use;
- the building of new trails or roads;
- the use of pesticides;
- sports competitions and events;
- access to a site where the signage prohibits it;
- wood harvesting for domestic purposes (heating,³¹ wildlife or recreational development);
- maple sugaring;³²
- stays of over 90 days on the same site in the territory.

As for the building of trails for off-road vehicle (ORVs), such an initiative is usually deemed to be incompatible. However, ORV traffic

is allowed in the reserves and the building of a trail can, under certain circumstances, have a reduced impact in the long term. For more information on the contexts that make such trails compatible or incompatible, see the document entitled "Régime des activités dans les réserves aquatiques et de biodiversité."

5.13.4 Prohibited activities

Pursuant to the *Natural Heritage Conservation Act*, the following activities, which are incompatible with conservation objectives, are prohibited in the aquatic reserves and biodiversity reserves that have permanent status:

- mining and gas and oil development;
- mining, gas or oil exploration, including exploration for brine or underground reservoirs, prospecting, excavation or exploratory drilling;
- forest management within the meaning of section 3 of the *Forest Act*;
- the exploitation of hydropower and any commercial or industrial energy production.

The regime of activities of the conservation plans also prohibits:

- stocking a watercourse or a water body for aquacultural purposes, commercial fishing or a commercial purpose;
- the disposal of waste and other residual materials elsewhere than in the sites provided or authorized by the Minister;
- the destruction, removal, displacement or damaging of posters, signs, notices or any other form of signage displayed by the Minister;
- the use of fertilizer;
- the harvesting by mechanized means, for commercial or industrial purposes, of small fruits and plant species in the terrestrial environment.

5.13.5 Other legislative and regulatory provisions

Certain activities likely to be carried on in an aquatic reserve or a biodiversity reserve are also governed by other applicable legislative and regulatory provisions, including those that demand the issuing of a permit or an authorization or the payment of fees. Certain activities may also be prohibited or limited pursuant to other statutes or regulations applicable to the territory of a reserve.

Other related statutes and regulations concerning the domain of the State and municipal territory continue to apply in the territory of the biodiversity reserves and the aquatic reserves. The following statutes (including the attendant regulations), among others, apply:

³¹ Fuelwood may be harvested while the status of a proposed reserve is in effect.

³² Wood harvesting for growing and the operation of maple forests for the purpose of maple sugaring may be carried out while the status of a proposed biodiversity reserve is in effect.

- Environmental protection: the measures stipulated in the *Environment Quality Act* (R.S.Q., c. Q-2).
- Archaeological research: the measures stipulated in the *Cultural Property Act* (R.S.Q., c. B-4).
- Exploitation and conservation of wildlife resources: the measures stipulated in the *Act respecting the conservation and development of wildlife* and the attendant regulations (R.S.Q., c. C-61.1), including the provisions governing outfitting operations and beaver reserves and measures in the applicable federal statutes, including regulations governing fishing. In the northern regions: the specific measures stipulated by the *Act respecting hunting and fishing rights in the James Bay and New Québec territories* (R.S.Q., c. D-13.1).
- Harvesting wildlife or plant species that are threatened or vulnerable or likely to be designated as threatened or vulnerable: the measures that prohibit the harvesting of such species pursuant to the *Act respecting threatened or vulnerable species* (R.S.Q., c. E-12.01).
- Access and land rights: the measures stipulated by the *Act respecting the lands in the domain of the State* (R.S.Q., c. T-8.1).
- Traffic: the measures stipulated, in particular, by the *Act respecting the lands in the domain of the State* (R.S.Q., c. T-8.1) and the regulation respecting motor vehicle traffic in certain fragile environments stipulated pursuant to the *Environment Quality Act* (R.S.Q., c. Q-2).
- Municipal by-laws: the measures stipulated in municipal by-laws, in particular zoning by-laws, by-laws governing permits and certificates, and the interim control by-law on the protection of banks, shorelines and flood plains.

5.14 Development

The mandate of the MDDEP is to ensure the protection of biodiversity in the territories. It does not have a mandate to develop the aquatic reserves and biodiversity reserves. However, numerous types of development are compatible and certain types are desirable, such as development through awareness-building or educational activities focusing on the environment, the interpretation of the natural environment, research and development, and the dissemination of knowledge. Ecotourism and adventure tourism activities are also deemed to be compatible.

As for recreational and tourist activities, their compatibility with the vocation of an aquatic reserve or a biodiversity reserve varies depending on the type and intensity of the activities. Accordingly, development activities that promote the discovery and appreciation of nature, such as non-motorized hiking, are appropriate. Camping

is also a relevant way to discover nature, although different types of camping will have varying degrees of impact on the natural environment. Not all wildlife development projects are compatible since they will increase pressure on the environment and species, except in the case of habitat restoration projects or projects devoted to the reestablishment of wildlife species. Development projects associated with motorized vehicles or boats, such as the construction of a snowmobile trail, are hardly compatible with the aquatic reserves and biodiversity reserves since the vehicles have a well-documented impact on the natural environment and disturb wildlife. Lastly, tourist projects that require major infrastructure will be closely examined since they can have significant impact.

In all instances, the MDDEP will not carry out the development projects. Pursuant to the conservation plan of each reserve, the department will have to analyze each project and determine whether it is acceptable from the standpoint of its impact on the natural environment. The MDDEP may authorize a project and set conditions for its realization. Depending on the level of impact or the scope of the project, the MDDEP could also impose fees, a bond or any other form of financial guarantee.

