

Activity Framework for Biodiversity Reserves and Aquatic Reserves



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Note to the reader

The activity framework explained in these pages presents the general rules for prohibiting, permitting or authorizing various types of activities or interventions that may be practised in biodiversity reserves and aquatic reserves with permanent protection status. However, depending on the particular characteristics of each territory, whether social or ecological, certain rules may differ for a particular reserve. In such cases, any special rules will be set out in that reserve's conservation plan.

The information provided in this document represents a simplified version of the legislative and regulatory provisions in the Natural Heritage Conservation Act (CQLR, chapter C-61.01) and in the conservation plans of each aquatic or biodiversity reserve. In no case may it be substituted for the legal texts.

Bibliographical Reference

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Marc-André Bouchard, MDDELCC

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INTRODUCTION

The activity framework for biodiversity reserves and aquatic reserves is shaped by two tools, one being legislative, the Natural Heritage Conservation Act¹ (the Act), while the other is regulatory: the activity framework section² of each protected area's conservation plan.

The rules governing activities in biodiversity reserves and aquatic reserves, as presented by the Act and the activity framework section of conservation plans, distinguishes three categories of activities and interventions: those that are prohibited, those that require authorization, and those that are permitted without authorization. This categorization, while useful in legal and regulatory terms, does not differentiate degrees of compatibility with biodiversity protection objectives. The purpose of the present document is to provide all users with a common, more concrete interpretation of this notion of compatibility. It also explains the policy directions of the Ministère du Développement durable, de l'Environnement et de la Lutte contre les changements climatiques (MDDELCC) on conservation and enhancement, with specific reference to activities and interventions that could negatively impact the natural environment of these two types of protected areas.



1 <http://www.canlii.org/en/qc/laws/stat/rsq-c-c-61.01/latest/rsq-c-c-61.01.html>
2 Source officielle : Publication du Québec

OBJECTIVES OF AQUATIC RESERVES AND BIODIVERSITY RESERVES

In two ways, biodiversity reserves and aquatic reserves³ are different from other types of protected areas in Québec: first, by the nature of the natural elements they are intended to protect, and second, by the flexibility of the protection measures they deploy to achieve biodiversity maintenance objectives. This flexibility allows protection measures to be tailored to the wide variety of natural and social environments in Québec's aquatic and biodiversity reserves.

Territories and natural elements protected

Biodiversity reserves and aquatic reserves are particularly important when considered together, across Québec. While not always protecting rare or exceptional elements, they protect representative areas of particular ecosystems, and every type of ecosystem in Québec is represented in the network. Thus, a given reserve may protect a common, representative ecosystem that, in terms of biological diversity or landscape, may not seem particularly special or spectacular. Yet all ecosystems, all elements of the natural environment, even those most common in Québec, should be protected and included in Québec's network of protected areas.

The selection of areas to be added to the network is done by identifying ecosystems that at the time of analysis were not yet represented. However, while this principle guides the selection of territories of interest, the creation of aquatic and biodiversity reserves is one facet of a comprehensive approach toward territorial development that takes into account the specific realities of occupancy, resources and land use in each region. Thus, while each reserve is intended to contribute as much as possible to the network's representativeness, the MDDELCC strives to minimize negative social or economic impacts, configuring boundaries to facilitate management, shaping each project to reflect the aspirations of neighbouring communities.



Photo: Marc-André Bouchard, MDDELCC

3 The essential difference between a biodiversity reserve and an aquatic reserve is the primary object of protection. Thus, a biodiversity reserve is primarily intended to protect terrestrial ecosystems, while an aquatic reserve primarily protects aquatic and riparian ecosystems. However, both terrestrial and aquatic environments are generally found in each type of reserve.

Management objectives and protection measures

Biodiversity reserves and aquatic reserves protect natural environments by prohibiting activities that could have significant impacts on ecosystems and biodiversity, particularly industrial activities. Protected areas do however allow the pursuit of recreational, educational and wildlife activities, as well as the continuation of existing occupations, when they do not pose a threat to biodiversity.

Aquatic and biodiversity reserves should therefore be considered as areas devoted to the protection of the natural environment and to nature discovery, in which recreation is possible and generally compatible with conservation objectives. The activity framework, in turn, should be seen as a tool for the managers of reserves to use in evaluating the impact of new activities, to determine their acceptability. Past experience has shown that the reality of occupancy and land and resource use, in sum the reality of management, is strewn with exceptions, rare cases and unusual interventions. To deal with that reality, the general activity framework must account for many possible cases. Of necessity therefore, it is relatively complex, with a host of restrictions for a host of possible cases.

Because of those restrictions, the activity framework could be perceived as a daunting obstacle to the occupation and use of the land and its resources, especially in terms of wildlife and recreation. However, the restrictions only very rarely apply to the people who usually practise recreational and wildlife activities on these territories. The creation of an aquatic or biodiversity reserve should generally not affect their activities in any significant way. If anything, residents, users and visitors in these territories will generally find that the benefits outweigh any drawbacks, if only because the reserve ensures the maintenance, even the improvement, of the quality of the environments where they live and practise leisure activities.

Since aquatic and biodiversity reserves are created for the benefit of all, including future generations, restrictions are placed on development whose purpose is commercial, industrial or personal. On the other hand, projects whose purpose is ecological, educational or community-oriented are encouraged, while those of a touristic or recreational nature are evaluated in terms of their specific characteristics and degree of compatibility with each reserve's conservation objectives.

The **Activity Framework for Biodiversity Reserves and Aquatic Reserves** imposes additional requirements in special situations and for any new element that could negatively impact ecosystems or increase pressure on them. One of the objectives of the MDDELCC is to ensure that the level of impact and disturbance remains acceptable in terms of the capacity of ecosystems and natural elements to withstand stresses, particularly those caused by direct human activities.

Other laws and regulations applicable on the territory of reserves

It must be noted that other laws and their respective regulations remain in force in biodiversity reserves and aquatic reserves. Their provisions and prohibitions regarding any activity or intervention, including the obligation to obtain authorization or permits, remain applicable, and are added to those of the Act and the conservation plans of all reserves. They include (but are not limited to) the following laws and their associated regulations:

-  *Environment Quality Act* (CQRL, chapter Q-2): protection of the environment.
-  *Cultural Heritage Act* (CQRL, chapter P-9.002): archeological research and protection of designated sites.
-  *Act respecting the Conservation and Development of Wildlife* (CQRL, chapter C-61.1): exploitation and conservation of wildlife resources and their habitats.
-  *Sustainable Forest Development Act* (CQRL, chapter A-18.1): forest management permits.
-  *Act respecting threatened or vulnerable species* (CQRL, chapter E-12.01): harvesting of plant or wildlife species that are threatened, vulnerable or likely to be so designated.
-  *Act Respecting the Lands in the Domain of the State* (CQRL, chapter T-8.1): access, land rights and use of roads.

Measures prescribed by municipal regulations, including zoning regulations, permit and certificate regulations, and provisional regulations on the protection of shorelines, littoral zones and flood plains.

PART I

ACTIVITY FRAMEWORK FOR AQUATIC AND BIODIVERSITY RESERVES

This section presents the general provisions of the activity framework for aquatic and biodiversity reserves. However, it should be kept in mind that each reserve's conservation plan may contain special provisions specifying supplementary rules or relaxing elements of the general framework. Additionally, a conservation plan may include zoning specifications and management guidelines that could affect how authorization applications are analyzed.

The activity framework distinguishes four categories of activities/interventions:

1. Those that are prohibited (with no possibility of authorization).
2. Those that are incompatible with conservation objectives (and thus are generally refused), but for which exceptional or contextual authorization may be given.
3. Those that are compatible with conservation objectives (and thus are generally authorized), but require authorization.
4. Those that are permitted (requiring no authorization).



Photo: Marc-André Bouchard, MDDELCC



1. PROHIBITED ACTIVITIES AND INTERVENTIONS

Under the Act, the following activities and interventions are prohibited in aquatic and biodiversity reserves, with no possibility of obtaining authorization, even exceptionally:

-  Mining and gas or oil extraction.
-  Mineral, gas or oil exploration, including brine and underground reservoir exploration, prospecting, digging and boring.
-  Forest management⁴.
-  The development of hydraulic resources and any production of energy on a commercial or industrial basis.
-  **In aquatic reserves**, any type of activity that could degrade the bed, banks or littoral zone, or otherwise affect the integrity of the water body or watercourse (in biodiversity reserves, these activities are considered incompatible with conservation objectives and are subject to authorization under conservation plans).
-  Any other activity prohibited by regulation or by a conservation plan (tailored to the specific requirements of each territory).
-  Any other activity that the Government may prohibit by regulation.

The Act also prohibits the allocation of a right to occupy land for vacation resort purposes, as well as earthwork, backfilling or construction work and commercial activities. However, it stipulates that such activities may not be prohibited if the conservation plan authorizes them under certain conditions. The same applies to aquatic reserves, for which there is a further prohibition against any operation of a motorized vessel in violation of the conditions contained in the conservation plan.

⁴ Depending on the conservation plan, certain forest management activities could be authorized. See sections 2 and 3.

In every conservation plan for a permanent biodiversity reserve or aquatic reserve, under the activity framework section, the following activities are prohibited:

-  The use of fertilizers.
-  Stocking a watercourse or water body with fish for the purpose of aquaculture or commercial fishing. Enhancement and conservation stocking may however be authorized under the conditions set out in the Administrative Agreement on the cooperative mechanism for processing permit applications for the transport and stocking of fish (see Appendix I).
-  The gathering of small fruits, plant species or any other non-timber forest product by mechanical means.

Rules of conduct for users

To protect the natural environment and encourage good citizenship, certain responsibilities and obligations are incumbent on anyone who is in an aquatic or biodiversity reserve. As general rules that already apply to all public lands, they are made explicit for these territories to ensure that users understand their importance:

-  Users who stay in, travel through or practise an activity in an aquatic or biodiversity reserve must do their part to keep it in satisfactory condition, and before leaving a site they have used must return it to its natural state.
-  Anyone who makes a campfire must ensure that:
 - the fire site is cleared beforehand to a sufficient radius to prevent the fire from spreading, by removing branches, brush, dry leaves or other combustible materials;
 - someone is always present to watch over the fire;
 - the fire is completely out before they leave.
-  Users must not make excessive noise, nor behave in a way that unduly disturbs others or prevents them from enjoying the site. Excessive or undue behaviours include any that significantly disturb other people or that constitute unusual or abnormal conditions for the practice of an activity or the use of property or equipment.
-  No one may harrÿ or harass wildlife.
-  Users may not destroy, remove, displace or damage posters, signs, notices or other forms of signage.

2. ACTIVITIES AND INTERVENTIONS THAT ARE INCOMPATIBLE WITH CONSERVATION OBJECTIVES, BUT FOR WHICH EXCEPTIONAL OR CONTEXTUAL AUTHORIZATION MAY BE GIVEN

The activities and interventions listed below are not compatible with biodiversity protection and maintenance objectives, and in general should be considered to be prohibited. However, for the sake of flexibility the MDDELCC retains the possibility of permitting them via exceptional authorization or when the context so demands. In such cases the applicant must provide whatever data and information is necessary for the application to be studied thoroughly.

Note that although the possibility of authorization is retained, authorization will not be granted unless the applicant clearly shows that the activity or intervention can only be performed on the territory of the reserve and if the MDDELCC concludes that impacts on the natural environment will be minimized. To that end, if authorization is granted it will be accompanied by performance conditions including mitigation measures. For activities and interventions in the incompatible category, refusal to grant authorization must be considered normal, and since conservation objectives prevail in protected areas, the MDDELCC shall not have to justify such refusal. Furthermore, when an application for authorization is studied, consideration must be given to the cumulative impact of all the different activities and infrastructures at a given location, to ensure that the level of impact remains acceptable. Thus, an application for a new development could be denied if the cumulative impact is found to be unacceptable, even if a similar development was authorized in the past.

The following are therefore prohibited, unless authorization is obtained and performance conditions respected:

-  The introduction of species or individuals (whether native or non-native). This includes stocking a watercourse or water body. However, special rules apply for lakes and watercourses where stocking was done before the reserve was created (see the authorization conditions in Appendix I).
-  The planting of non-native plant species (as determined by bioclimatic domain).
-  The harvesting of small fruits, plant species or any other non-timber forest product for commercial purposes.
-  Any intervention in a wetland, including a marsh, swamp or peat bog.
-  The modification of natural drainage or the water regime, particularly by creating or developing watercourses or water bodies.
-  The dredging, filling, obstruction or diversion of any watercourse or water body.
-  Any activity that could degrade the bed or banks of a watercourse or water body, or directly and substantially alter its biochemical characteristics or the quality of aquatic, riparian or wetland environments, e.g. by discharging or spilling any waste or polluting substance.



-  Forest management activities to meet domestic needs, such as cutting firewood (this does not apply to those who have a lease for a temporary shelter or trapping camp on the territory covered by the lease; see the point on "Authorization exemptions" in section 4).
-  Forest management activities to maintain a sugar bush and harvest maple products for domestic needs.
-  The use of any form of pesticide.
-  Educational or research activities that could impair or substantially disturb the natural environment, e.g. through the nature or quantity of samples taken or the invasive character of the procedure or method employed.
-  Sports competitions, tournaments, rallies or any other large-scale event, if more than fifteen people are likely to participate and access the territory at the same time. For competitive activities involving motorized vehicles, authorization will not be granted unless it is shown that the activity cannot be organized elsewhere or that there are significant constraints to going around the territory.
-  The burial, abandonment or disposal of waste, snow or other residual materials, except in waste receptacles, facilities or sites provided for that purpose (managers of structured wildlife territories, including outfitters with exclusive rights, controlled exploitation zones and wildlife reserves are not subject to this prohibition; see section 4).
-  The practice of activities or vehicular travel in a sector to which signage restricts such access, travel or activities for reasons of public safety or to avoid jeopardizing the wildlife, plant life or other components of the natural environment.
-  Staying at the same site for more than 90 days. The expression same site includes any other site within a radius of one kilometre (this does not apply to the holders of occupancy rights).
-  The construction or installation of any new facility, infrastructure or other work. This excludes minor structures such as docks and boathouses (see section 4, "Permitted activities"). Generally this prohibition refers to construction, equipment and development work for personal or commercial purposes. However, each application for authorization where a project involves new infrastructures, new equipment or development will be assessed on the basis of its specific components, its purpose and its consistency with the conservation and enhancement objectives of the particular reserve concerned.

On the development and construction of infrastructures

The following activities and interventions are also generally incompatible:

- Land development work, including any burial, earthwork or the removal or displacement of surface materials or plant cover, for any purpose whatsoever (e.g. roads, trails).
- The reconstruction or demolition of a construction, infrastructure or work.
- Any activity that could severely degrade the soil or a geological formation, or damage the plant cover.
- Certain work related to the improvement of forest roads.

In certain situations however, particularly where an existing infrastructure or existing right is concerned, the activities and interventions previously mentioned may be carried out without authorization (see section 4). Also, infrastructure development may be integral to a project whose purpose is compatible, e.g. a shelter along a hiking trail or a building for visitor reception and biodiversity interpretation. Applications for projects of this nature will be studied on the basis of that compatibility.

Though construction associated with an existing right (e.g. for a cottage, hunting camp, trapping camp) does not require authorization, under the Sustainable Forest Development Act the cutting of trees for such construction does require a *Permis d'intervention pour un aménagement récréatif, faunique ou agricole*⁵ (forest management permit for a wildlife, recreational or agricultural development project). Since this type of tree harvesting is not desirable in an aquatic or biodiversity reserve, it is deemed incompatible. However, if the site is inaccessible by land, the cutting of trees for a wildlife or recreational development could be authorized under certain circumstances (see section 5 for an explanation of such cases).

As for the improvement of forest roads, it is permitted without authorization unless it involves clearing additional forest, modifying or exceeding the right-of-way, generally widening the roadway, or converting the road to a higher class. All of the latter are incompatible.

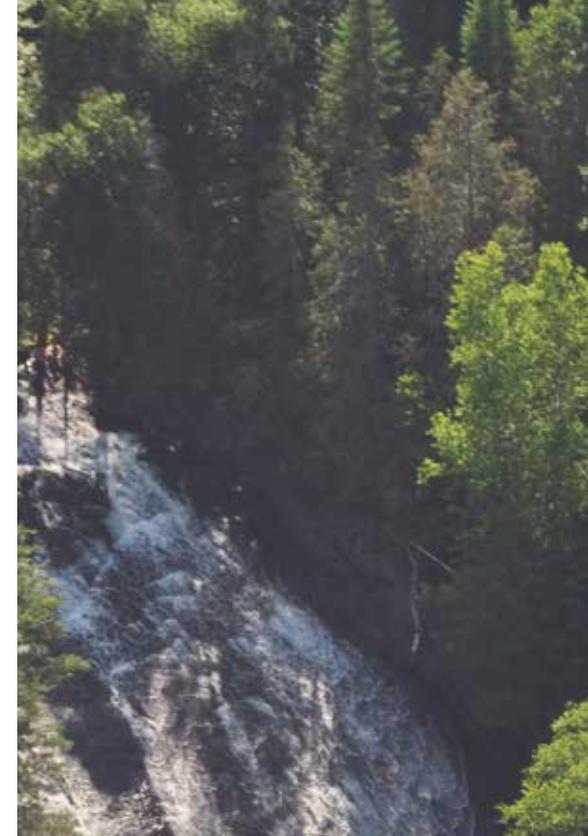


Photo: Marc-André Bouchard, MDDELCC

On trails

Off-road travel in motorized vehicles (e.g. snowmobiles, quad bikes) is known to have a greater impact on the natural environment than non-motorized recreational activities (e.g. hiking, cross-country skiing). However, under the principles of free access and free circulation on public lands, snowmobiling and quad biking are permitted in aquatic and biodiversity reserves.

Note that the creation of new trails for such activities is not desired. Nonetheless, applications for authorization will be assessed on the basis of their specific components and degree of compatibility with conservation objectives. Broadly, there are two scenarios:

- a) Development of a new trail, in the sense of clearing brush, doing earthwork to form the trail, and preparing water crossings. Besides additional fragmentation of the environment, this would bring vehicles into new areas of the reserve. In this case, trail development would be incompatible with conservation objectives and it is less likely that the project would be authorized.
- b) Development of a trail using forest roads or any other existing corridor. Since the trail would pass through areas already accessible to vehicles, there would be no new fragmentation and earthwork would be minimal to nil. Water crossings would already be present. Confirming a trail on an existing route can have certain advantages, such as proper signage, greater safety, and the concentration of traffic within that corridor as opposed to being dispersed throughout the reserve. Such a project, if a right of way is obtained from the Ministère De l'Énergie et des Ressources naturelles (MERN), could be considered compatible with conservation objectives. Note however that it would still require authorization (this case is therefore discussed in section 3 below).

For more details on motorized vehicles, see page 38 of the present document.

On the cutting of firewood

On public lands, the cutting of firewood is done under two scenarios. In both cases, under the *Sustainable Forest Development Act* a permit must be obtained from the MFFP. The first scenario concerns those who have a lease for a temporary shelter (hunting camp or trapping camp). Such users may harvest firewood around their shelter. For them, this activity is permitted in aquatic and biodiversity reserves, but the harvest rate is limited to about 2 cords: 7 stacked cubic metres of wood per year (see the "Permitted activities" section).

The second scenario concerns all other types of users, including those with a resort lease and other residents, who may only harvest firewood in sectors designated by the MFFP. As currently practised on public lands, firewood cutting can have a significant impact on biodiversity, so for these users it is prohibited in aquatic and biodiversity reserves. It may however be authorized under certain circumstances (for details, see page 28).

On the harvesting of non-timber forest products

The harvesting of small fruits, mushrooms, plants or any other non-timber forest product *for commercial purposes*, whether or not it is done by hand, is considered incompatible with conservation objectives. Such activities are therefore subject to authorization. The scale and intensity of harvesting and the type of marketing (e.g. artisanal sales as opposed to wholesale or retail) will be considered when the application is studied.



Photo: Marc-André Bouchard, MDDELCC

On commercial activities

The *Natural Heritage Conservation Act* stipulates that commercial activities are prohibited in an aquatic or biodiversity reserve, subject to measures in a conservation plan that may authorize them and set performance conditions.

The concept of "commerce" includes any form of sale or rental of goods or services. For this reason, prohibiting all commercial activity would pose a substantial barrier to many nature discovery activities.

Currently, conservation plans will normally allow activities provided by outfitters, controlled exploitation zones (ZECs) and wildlife reserves that were already present on the territory before the aquatic or biodiversity reserve was created. Other actors, such as a forest education centre, may also provide activities involving a form of commerce (snowshoe rental, ecotourism guides, canoe transportation, etc.).

In general, commercial activities will be considered in terms of three categories: activities related to nature discovery in the reserve; activities related to existing occupancy in the territory; and activities unrelated to the reserve. The last category is considered incompatible, and includes:

-  harvesting of water for bottling and sale (surface water or groundwater)
-  rental of motorized off-road vehicles (snowmobiles, quad bikes, personal watercraft)
-  sale of any product unrelated to the reserve (e.g. furniture)
-  wholesale or retail sales
-  commercial establishments unrelated to the reserve

The next section discusses activities that are considered compatible.

3. ACTIVITIES AND INTERVENTIONS THAT ARE COMPATIBLE WITH CONSERVATION OBJECTIVES, BUT REQUIRE AUTHORIZATION

Activities and interventions examined in this section are considered compatible with the biodiversity protection and maintenance objectives of biodiversity reserves and aquatic reserves. Though permitted in principle, they require authorization. Any conditions accompanying authorization will be aimed at minimizing negative impacts on the natural environment. The category includes:

- Development work and the installation of equipment or infrastructure for ecological or educational purposes. These are considered compatible with the conservation objectives of aquatic and biodiversity reserves, since they improve public access, build public awareness and encourage nature discovery.
- Development work and the installation of equipment or infrastructure for recreational or tourism activities. While meeting the objectives of recreation and nature discovery, such infrastructures may or may not be compatible, depending on their size, the intensity of the activities planned and the level of development. Therefore, applications for projects of this nature will be assessed on the basis of their specific components, including location. For example, a project whose purpose is generally compatible with conservation objectives could be refused if its projected impact on the natural environment would be too great. In that event, the applicant could explore with the MDDELCC how the project could be modified to make it acceptable. Note that project evaluations must take into account the cumulative impact of all activities and infrastructures at a given site, to ensure that the level of impact remains acceptable.



Photo: Marc-André Bouchard, MDDELCC

The following is a non-exhaustive list of infrastructures, equipment and developments that can be considered compatible with conservation objectives:

- educational and interpretive trails;
- recreational trails (hiking, cross-country skiing, snowshoeing, bicycling, fitness, climbing);
- recreational trails for activities with domestic animals (horseback riding, dog sledding);
- equipment associated with the foregoing infrastructures or developments (interpretive panels, signage);
- huts, shelters, booths and rest stops associated with an activity that is permitted or compatible with conservation objectives;
- buildings and sites of a recreational or educational nature (reception and services, interpretive centre, camping);
- commercial activities related to nature discovery in the reserve:
 - recreational equipment rental (skis, bicycles, GPS, kayaks, wet-suits, floater vests, etc.)
 - guide services (ecotourism, hunting, fishing, kayaking, climbing, etc.)
 - accommodation (outfitter, ZEC or wildlife reserve cabins, backpacking huts, camping, etc.)
 - product sales related to nature or nature activities (maps, brochures, photographs, etc.)
 - product sales related to the activities of an outfitter, ZEC or wildlife reserve or educational body (e.g. a forest education centre)
 - services related to nature activities (canoe transportation, shuttle, etc.)
 - sale of artisanal products by Aboriginals using local resources
- commercial activities related to existing occupancy:
 - cottage rental
 - campground operations
 - buildings or exhibitions requiring payment of an entry feen



Archeological digs are deemed compatible because they correspond to the objectives of developing knowledge and enhancing the cultural and historical features of protected areas. However, if earthwork is involved, authorization is required.



Other research activities (botanical inventory, ornithology), whether by amateurs or professionals, are deemed compatible. Authorization is only required if more than fifteen people would be involved.

- Forest management activities for the purpose of maintaining biodiversity.
- As mentioned in section 2, the development of a trail for off-road vehicles (snowmobiles, quad bikes, etc.) using forest roads or any other existing cleared corridor could, in some cases, be deemed compatible after thorough analysis of the particular project. The combined and cumulative impact of all elements, at affected sites and on the ecosystem as a whole, will be considered together to determine acceptability. If authorization is given for such a trail, it would come with strict performance conditions including the installation of appropriate signage and an ecological approach to all development.
- The dismantling of a beaver dam is deemed compatible if the dam affects or threatens to affect an infrastructure.



Photo: Marc-André Bouchard, MDDELCC

4. PERMITTED ACTIVITIES

Certain activities and interventions are permitted despite the fact that they may have an impact on the natural environment, because that impact is generally acceptable or because the activities are in line with other laws or regulations ensuring the protection of the environment. As for potential negative results, the preferred approach is to focus on building user awareness about good practices to minimize impacts on the natural environment.

It is important to note that even when an activity or intervention is permitted (requiring no authorization under the Act, the present document or the conservation plan), users and visitors must still comply with other laws and regulations in force, including the obligation to obtain permits or authorizations that may be required by those other laws and regulations.

Also, though the activities listed below are generally permitted, a given reserve's conservation plan may make them subject to authorization, or indeed may prohibit them. In the first case, performance conditions could accompany the authorization. Any prohibition or particular constraint imposed on any of these activities will be based on the imperative to respect biodiversity protection objectives. Note too that constraints could be applied to certain sectors only, e.g. to protect sensitive or important ecological elements.

The following activities, when conducted in accordance with other laws and regulations, are permitted in aquatic and biodiversity reserves:

-  The installation of a dock, platform or boathouse, when freely permitted under section 2 of the *Regulation respecting the water property in the domain of the State* (CQRL, chapter R-13, r.1).
-  Educational or research activities, when not likely to damage or substantially disturb the natural environment.
-  The use of a disposal site or facility (for waste, snow or other residual materials) in accordance with the *Environment Quality Act* and its regulations, when already in use by an outfitter, ZEC or wildlife reserve when the aquatic or biodiversity reserve was created.
-  Staying at the same site for up to 90 days.
-  Free circulation when it does not contravene prohibitions in the Act, the reserve's conservation plan or signage posted by the MDDELCC.



Photo: Marc-André Bouchard, MDDELCC



-  The harvesting of wood for a campfire (e.g. backcountry camping, a meal when hiking).
-  The harvesting of wood for the construction of cottages or hunting camps, when the wood is harvested on land covered by a resort lease or temporary shelter lease. However, such harvesting must comply with lease conditions and municipal regulations.
-  The presence of domestic animals.
-  Other activities not mentioned above, including:
 - activities with wildlife harvesting: hunting, fishing, trapping;
 - recreational, tourism and ecotourism activities: hiking, cross-country skiing, snowshoeing, climbing, nature observation, camping;
 - non-motorized water activities: kayaking, canoeing, rafting;
 - motorized activities: snowmobiling, quad biking, motorboat outings;
 - activities with domestic animals: dog sledding, horseback riding;
 - gathering activities for domestic purposes: small fruits, mushrooms, plants.

Exemption from authorization

Existing infrastructures, equipment and developments predating the creation of the reserve are maintained. As well, the activities and interventions listed below are exempt from the obligation to obtain authorization under the *Natural Heritage Conservation Act*, but are not exempt from other laws and regulations applicable on the territory. Thus, subject to the foregoing and each reserve's conservation plan (specifically its activity framework), the following activities and interventions are permitted:

-  The maintenance, repair or improvement⁶ of any existing construction, infrastructure or other work, and the construction or installation of a building or ancillary element related to the legal exercise of a right of use or occupancy predating the creation of the reserve:
 - vacation cottage, principal residence, temporary shelter and any enlargement permitted by the *Act Respecting the Lands in the Domain of the State*;
 - outfitter, ZEC, wildlife reserve, tourism site, campground, etc.;
 - telecommunications tower, highway, road, electric distribution line, etc.;
 - water main, sewer, public road, telephone line, etc.;
 - vacation colony or community facility;
 - trail, lookout, shelter, etc.;
 - other infrastructure (e.g. scientific, wildlife, educational);
 - infrastructure associated with a trapping right (camp).

Such maintenance work must not have the effect of extending a cleared area beyond the boundaries permitted by the right, and must not contravene any other law or regulation applicable on the territory.

Construction related to the exercise of a right (e.g. resort lease, temporary shelter lease, trapping ground) is permitted when, prior to creation of the reserve, the person responsible had the right to perform such construction but had not yet done so. The holders of rights may also demolish or rebuild buildings and ancillary elements on the same site without authorization. However, any wood harvesting in the reserve for construction, renovation or repair requires authorization, unless the trees are harvested within the site corresponding to the right of occupancy.

⁶ Note however that the improvement of a forest road could be subject to authorization (see page 15).

To be exempt from the authorization process, the reconstruction of a trapping camp, temporary shelter or vacation cottage must be done on the same site. However, in the case of hunting camps, the MERN accepts such reconstruction up to a distance of 25 metres from the original site, with no need to modify the lease (this is an administrative rule). Therefore, though it is not desirable it could be authorized by the MDDELCC.

-  The cutting of firewood by the holder of a lease for a temporary shelter or trapping camp. The person must have a permit for harvesting firewood from the MFFP, and must comply with the conditions of that permit. In an aquatic or biodiversity reserve, harvesting is limited to 7 stacked cubic metres (about 2 cords) of firewood per year.
-  The clearing and maintenance of areas where tree cutting is permitted, and other similar harvesting permitted by provisions on the sale, leasing and granting of immovable rights under the *Act Respecting the Lands in the Domain of the State*, including clearing for access roads, steps and trails permitted under the same provisions. The clearing of space for the installation or connection of distribution lines, facilities and conduits for water, sanitary facilities, electricity or telecommunications services, and for their maintenance, repair, reconstruction or improvement, is also permitted. Such interventions are permitted insofar as the infrastructure was already in place or if its construction has been authorized by the MDDELCC.
-  Any transaction associated with existing occupancy rights, when legally permitted by the *Act Respecting the Lands in the Domain of the State*, such as subleasing, lease assignment and lease renewal. The transfer of a lease involving the sale of an infrastructure such as a cottage is also permitted.
-  Any activity or intervention if urgent action is needed to avoid impairing the health or safety of humans or to repair or prevent damage due to a real or potential disaster. The person who takes such action must inform the MDDELCC without delay.
-  Any activity or intervention by the members of an Aboriginal community for food, ritual or social purposes. This provision falls under the authorization exemptions and other provisions contained in the *Act respecting hunting and fishing rights in the James Bay and New Québec territories* (CQRL, chapter D-13.1).
-  The harvesting of soapstone by an Inuit beneficiary in the territories of the *James Bay and Northern Québec Agreement*.
-  Activities and interventions by or on behalf of Hydro-Québec related to the production, transportation and distribution of electricity. This includes:
 - activities and interventions required to complete a project expressly authorized by the Government and the MDDELCC, or by the latter alone, in accordance with the requirements of the *Environment Quality Act*, if carried out in compliance with all conditions accompanying that authorization;

- activities and interventions toward the preparation and filing of a preliminary project report, for a project requiring authorization under the *Environment Quality Act*;
- activities and interventions related to a project requiring prior authorization from the MDDELCC under the *Environment Quality Act*, when their purpose is to fulfill a request from the MDDELCC for further details or complementary information, if the activities and interventions are carried out in compliance with that request.

Hydro-Québec informs the MDDELCC before conducting any work on the territory of a reserve. The activities and interventions of Hydro-Québec include preliminary studies, field research and analysis, work required to study and verify the impact of corridors for transport and distribution lines, geological and geophysical surveys, survey lines, and the opening and maintenance of access, construction and service roads to allow such work to be performed.



Photo: Marc-André Bouchard, MDDELCC

PART II

DEPARTMENTAL POLICY DIRECTIONS ON THE ACTIVITY FRAMEWORK

The legal and regulatory observations in the preceding pages constitute an outline of the authorizations required for activities and interventions in aquatic and biodiversity reserves. However, they cannot convey the full detail of the MDDELCC's policy directions on protecting natural environments, particularly in concrete contexts of occupancy, use and therefore management. Nor can they cover every possible or potential intervention that may lead to a future application for authorization. Thus, many activities and interventions that are permitted can be carried out with careful attention to minimize negative impacts. Regulation is not the only tool for protecting the environment. Indeed, when users are provided with the appropriate theoretical and practical knowledge they become strongly motivated to adopt practices that are consistent with conservation objectives.

To ensure that all actors have a shared understanding of the activity framework, the following pages present concrete examples in familiar contexts. They will therefore serve as complementary information for the management of aquatic and biodiversity reserves.

- Access and free circulation
- Beaver dams
- Domestic animals
- Exclusion from reserve boundaries
- Existing responsibilities (services and infrastructures)
- Firewood
- Fish stocking
- Forest fires and epidemics
- Groundwater harvesting
- Harvesting of non-timber forest products
- Hunting, fishing and trapping
- Illegal dump sites
- Inhabited shorelines
- Large-scale sports events
- Maple syrup harvesting
- Modification of a right
- Motorized vehicles
- Observation towers and sightline clearing
- Recreational and wildlife development: tree cutting
- Roads and trails
- Salt licks
- Sand and gravel pits
- Seaplane landing
- Species and habitat management
- Species introduction
- Structured wildlife areas, outfitters without exclusive rights



a) Access and free circulation

Unless there is signage restricting access to a given sector, anyone may circulate freely and stay temporarily in a biodiversity or aquatic reserve (for up to 90 days at a given site). However, the MDDELCC wishes to raise users' awareness about how to minimize the impact of their presence on the natural environment. For stays, camping, campfires, outdoor body washing, disposal of domestic waste and other such activities, users are urged to learn the principles of *Leave No Trace Canada*⁷ and do their best to follow them. Note that for a given reserve, the maximum length of stay allowed may be shorter if required by the context.

It is prohibited to impede access or circulation (by barriers or obstacles) in aquatic and biodiversity reserves, even for those who have a right of occupancy. Only the Government may limit or prohibit access or circulation in certain places. A barrier to prevent access to a vacation lot along an access road is permitted if the barrier is on the boundary of the vacation lot. Otherwise, the MDDELCC reserves the right to dismantle or require the dismantling of such a barrier. However, barriers may be set up if an agreement is concluded with the Sûreté du Québec and the MERN.

b) Maple syrup harvesting

Generally, operating a sugar bush is incompatible with the vocation of biodiversity and aquatic reserves. However, an existing operation of small scale and for domestic use may be maintained.

No new sugar bush operation will be permitted.

c) Domestic animals

Circulation with domestic animals is permitted.

Note that the presence of a domestic animal is not considered a species introduction, since the animal does not become established in the habitat.

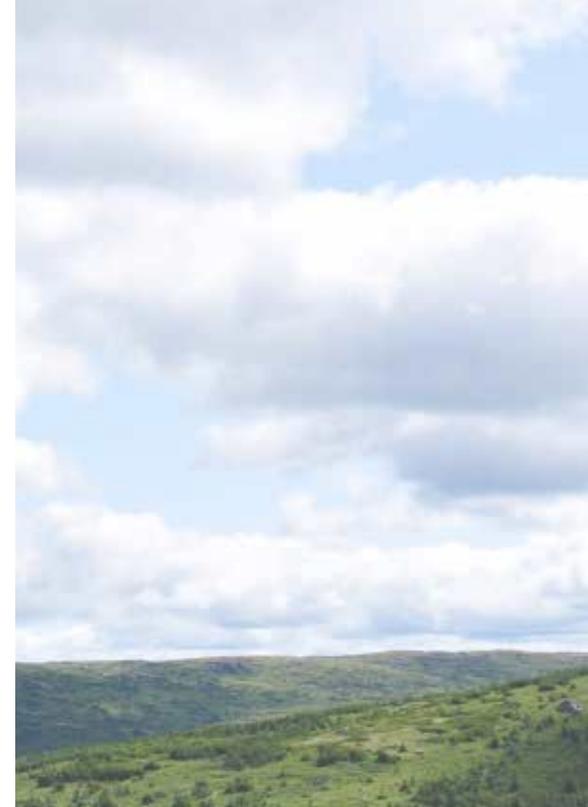


Photo: Dominic Boisjoly, MDDELCC

7 <http://www.leavenotrace.ca/home>

d) Beaver dams

The approach toward beaver dams is the same in aquatic and biodiversity reserves as in unprotected public lands. Intervention is acceptable when a beaver dam impairs or threatens to impair an infrastructure (highway, trail, cottage, etc.). Note that authorization must be obtained from both the MDDELCC and the MFFP (section 26 of the *Act Respecting the Conservation and Development of Wildlife*). However, if urgent action is needed (e.g. to protect the safety of humans), action may be taken without waiting to obtain authorization. The MDDELCC must however be informed of the intervention without delay.

e) Firewood

For those with a lease for a temporary shelter or trapping camp, cutting firewood is permitted in aquatic and biodiversity reserves. Note that they must also have a permit for that purpose from the MFFP or MERN, and must comply with the conditions of the permit. Unlike public lands, in aquatic and biodiversity reserves the annual volume of firewood that may be cut is limited to 7 stacked cubic metres (about 2 cords).

In other cases, cutting firewood for domestic purposes is prohibited, but could be authorized exceptionally (and under certain conditions) if the context so requires. Here the MDDELCC prefers that firewood harvesting sectors designated by the MFFP be relocated outside aquatic and biodiversity reserves. The circumstances that could lead the MDDELCC to authorize such harvesting for domestic purposes are as follows:

- There is no overland access from the applicant's lot to a firewood sector outside the reserve. For example, cottagers or outfitters whose only means of access is by boat or seaplane could be authorized to harvest firewood in the reserve. The applicant must have a land right or property in or surrounded by the reserve.

f) Hunting, fishing and trapping

Hunting, fishing and trapping are permitted in aquatic and biodiversity reserves, with no conditions beyond those set out in the *Act Respecting the Conservation and Development of Wildlife*. Any restriction imposed on these activities will be due to necessity, to protect the environment or a species whose status is of special concern. Such a decision would be reached with the MFFP.

g) Recreational and wildlife development: tree cutting

Under the *Sustainable Forest Development Act*, when wood for the construction of a hunting camp or vacation cottage is harvested on land covered by a temporary shelter lease or resort lease, no permit is needed. However, the person must comply with tree cutting standards stipulated by the lease, the municipality or the MRC. For any other type of right or construction needs, such cutting requires a permit from the MRNF.

Outside of lots covered by a resort or temporary shelter lease, a permit from the MFFP is only required in the following cases:

- If there is no passable road for transporting construction materials.
- If the nearest source of supply for construction materials (e.g. a hardware store) is more than 100 km away by road.

When a resort lease or temporary shelter lease concerns a lot located in an aquatic or biodiversity reserve, the MDDELCC will prefer that tree cutting for construction be done outside the reserve. To obtain authorization for cutting inside the reserve, there must be no passable road by which to go outside the reserve to harvest wood. (For example, a cottage may only be accessible by boat or seaplane.) This applies to all tree cutting for construction needs, regardless of what sort of right or occupancy is involved.

h) Harvesting of non-timber forest products

The gathering of small fruits, mushrooms or plants is permitted for domestic needs. Harvesting using mechanized equipment is prohibited. Harvesting for commercial purposes could be authorized in the case of a project to meet community needs. Such authorization could however come with conditions.

Harvesting of a few specimens for research purposes is permitted, provided the purpose is not to market them (e.g. pharmaceutical products).

i) Illegal dump sites

The dumping of waste or scrap is prohibited except at authorized sites for that purpose. The *Soil Protection and Contaminated Sites Rehabilitation Policy* applies to aquatic and biodiversity reserves.

j) Groundwater harvesting

Existing wells for water supplies are maintained, but the construction of any new well to meet domestic needs will require authorization, unless it is on a leased lot (e.g. a domestic well on a resort lease). In the latter case, the *Environment Quality Act* and municipal regulations apply.

The development of facilities for harvesting water for municipal purposes is not permitted. Such facilities should preferably be developed outside aquatic and biodiversity reserves. Authorization for any such development within a reserve will only be given if it is in the public interest to do so.

All harvesting of groundwater for commercial purposes is prohibited.



Photo: Marc-André Bouchard, MDDELCC

k) Fish stocking

The stocking of fish in watercourses and water bodies in aquatic and biodiversity reserves will be authorized by the MFFP if certain conditions are respected. These conditions are set out in the *Entente administrative relative au mécanisme de concertation pour le traitement des demandes de permis de transport et d'ensemencement de poissons* (Administrative Agreement on the cooperative mechanism for processing permit applications for the transport and stocking of fish). For details, see Appendix I. Basically, two types of stocking may be authorized:

- conservation stocking for ecological purposes (e.g. restoring the population of a species). Subsequent fishing of the target species will not be permitted;
- enhancement stocking (for sport fishing) may be authorized in certain cases. Generally, this is limited to stocking brook trout in lakes where this is already being done.

Any other form of stocking is prohibited.

The MFFP remains in charge of delivering stocking permits. It also delivers the authorization of the MDDELCC when the criteria in the administrative agreement are met. The MFFP provides one-stop service by special agreement with the MDDELCC.

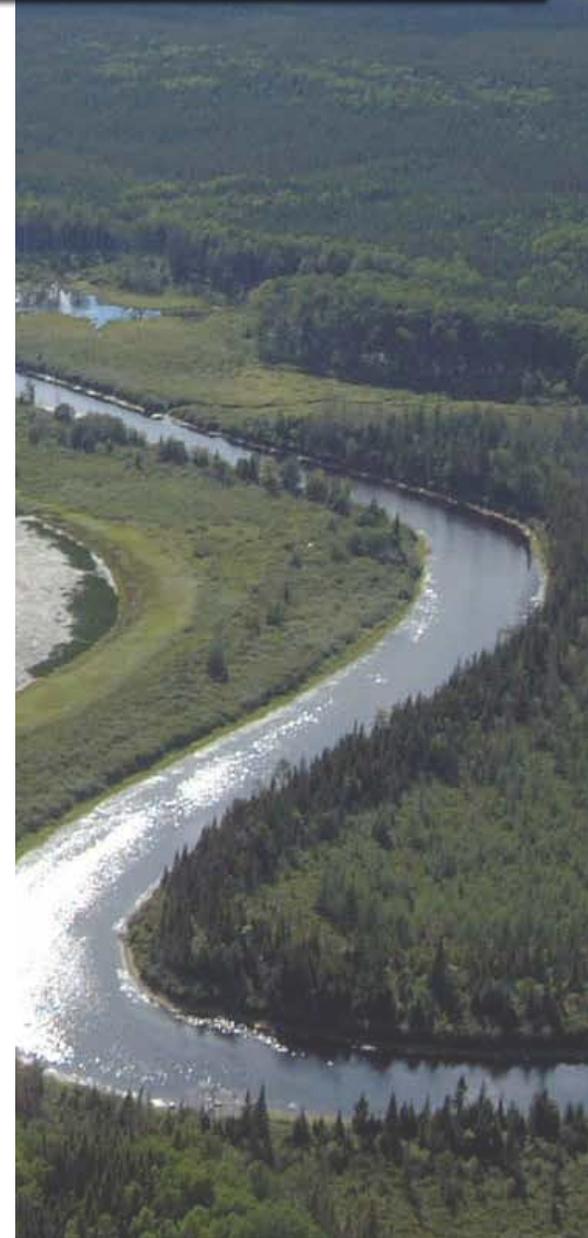
l) Large-scale sports events

Competitive sports events are considered incompatible with the objectives of aquatic and biodiversity reserves, since they not contribute to nature discovery.

Events that could be authorized must contain an educational or nature discovery component. It must also be shown that the event cannot be held elsewhere or that it will have little or no impact on the natural environment.

Other large-scale events or gatherings with no connection to nature discovery (raves, rainbow gatherings, musical performances, festivals, etc.) are not welcome.

Gatherings for activities related to nature (botanical inventory, ornithology, etc.) are compatible and permitted.



m) Exclusion from reserve boundaries

To facilitate management, the following elements are generally excluded from the boundaries of aquatic and biodiversity reserves:

- Private land (under the Act, aquatic and biodiversity reserves only include lands in the domain of the State).
- Vacation lots that may be sold to lease holders by the MERN. The MERN designates areas where the holders of resort leases may purchase their lot.
- Industrial establishments and infrastructures.
- Certain research and teaching forests are excluded, depending on the types of activities carried out there.
- Roads under the authority of the Ministère des Transports du Québec.
- Major logging roads designated by the MFFP and certain infrastructures for forestry activities, such as logging camps.
- Municipal roads designated by the municipality concerned.
- Sand and gravel pits, and other sites where surface minerals such as black earth are removed. This includes sites that are active (being operated) and those designated for future use by the MFFP and MERN that cannot be replaced by sites outside the reserve.
- Electrical transmission corridors.

Other types of infrastructures, buildings, equipment and developments (municipal, public-interest, community, recreational, educational, etc.) and certain types of establishments (such as outfitters) are generally included within aquatic and biodiversity reserves, though whether or not to do so is determined on a case-by-case basis.

n) Forest fires and epidemics

When a forest fire occurs on public land, the responsible authority is the Société de protection des forêts contre le feu (SOPFEU), and fire-fighting rules are no different in aquatic and biodiversity reserves. The policy directions of the MDDELCC in this regard, though theoretical and of no effect on SOPFEU procedures, are as follows:

- if the fire threatens human safety or infrastructures, there must be intervention;
- if the fire threatens to spread beyond the reserve, thereby creating a risk to commercial forests, there must be intervention;
- if the fire is of human origin, there must be intervention;
- if the fire threatens neither human safety nor infrastructures, nor adjacent commercial forests, and is not of human origin, theoretically there should be no intervention. Forest fires are inherent to the natural dynamics of ecosystems, so allowing them to proceed is consistent with protecting ecosystems and the natural processes on which they depend.

The MDDELCC prefers fire-fighting techniques that are less invasive and do not use products that are foreign to the natural environment (foam, salt water). However, the choice of methods is in the hands of SOPFEU.

It should be noted that SOPFEU only intervenes systematically in the intensive protection zone corresponding to Québec's commercial forests. The northern limit of this zone is approximately the 52nd parallel.

Some epidemics are entirely natural phenomena that belong among the natural dynamics of ecosystems. However, human intervention in forest environments can enable epidemics or expand their scale. The rules on epidemics are as follows:

- epidemics due to natural phenomena that do not pose a threat to commercial forests should not require intervention;
- many epidemics are due to human activities (species introduction, monoculture, elimination of competing species). In these cases, epidemics can be combated. This applies to outbreaks of invasive or introduced insect species;
- any epidemic that is sufficiently large to threaten surrounding commercial forests could justify intervention.



Photo: Marc-André Bouchard, MDDELCC

The MFFP will study each case and make the appropriate decision. The MDDELCC prefers biological techniques over physical and chemical approaches to combating insects and disease. However, in these matters the choice is in the hands of the Société de protection des forêts contre les insectes et les maladies (SOPFIM).

o) Species and habitat management

Interventions that are generally prohibited, such as forest management, may be authorized when their purpose is to maintain biodiversity (e.g. restoring a wildlife species or improving habitat quality for a species considered at risk). Any intervention of this type will require agreement between the MDDELCC and the MFFP.

For plant species, some interventions that are normally prohibited could be authorized, such as controlled burning for restoration purposes or to combat an invasive species.

p) Seaplane landing

This activity is not mentioned in the conservation plans and is therefore permitted. Landing may be necessary to fight forest fires, for outfitter activities or to access vacation cottages.

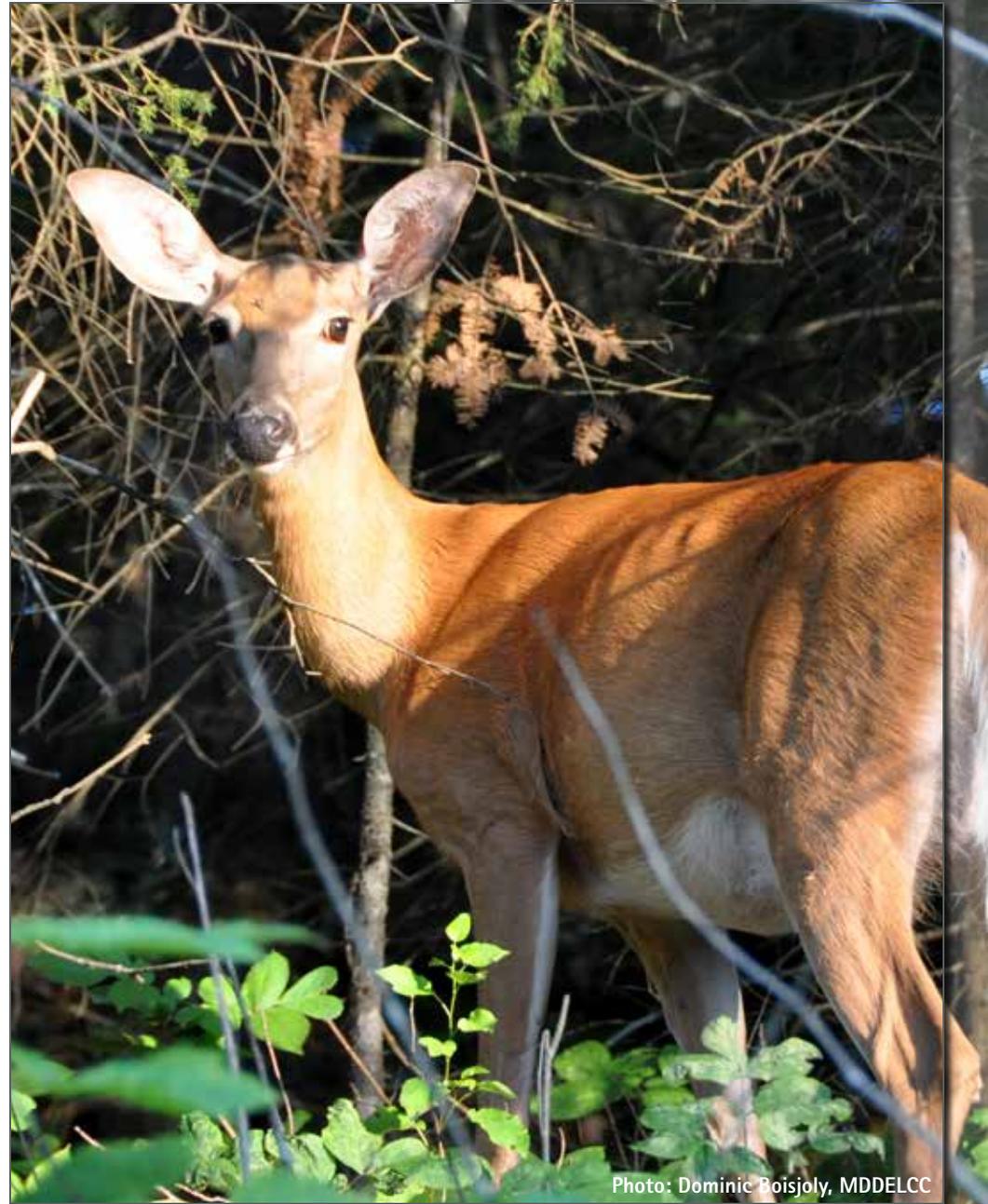


Photo: Dominic Boisjoly, MDDELCC

Depending on the characteristics and conservation objectives of a given territory, constraints or prohibitions could apply to certain watercourses or bodies of water (e.g. where a nesting site is present).

q) Species introduction

The activity framework prohibits species introduction, whether native or non-native. However, authorization could be given to a species introduction for ecological purposes (e.g. to restore the population of an endangered species) performed by the MFFP or an organization mandated by it.

The introduction of non-native plant species is prohibited. A species that is native to the bioclimatic domain of the reserve is considered a native species.

Planting vegetables or flowers on cottage lots is not controlled. However, the MDDELCC wants cottagers to be aware of the risk of propagating certain horticultural species.

If a biodiversity component is threatened by the presence of an invasive exotic species, intervention could be authorized.

In the construction of embankments along roads and other infrastructures, soil-stabilizing plants that are not native to the reserve could be authorized, but only if they are native to the bioclimatic domain of the reserve.

r) Observation towers and sightline clearing

Hunting often involves the erection of observation towers and the clearing of sightlines. These practices are prohibited on public lands under the *Act Respecting the Lands in the Domain of the State* and the *Sustainable Forest Development Act*, respectively. There are no additional restrictions on this matter for aquatic and biodiversity reserves. No authorization will be given for these practices in reserves.

s) Modification of a right

Any modification of the nature of a right (e.g. conversion of a temporary shelter lease into a resort lease) must be authorized by the MDDELCC. Applications will be studied in the context of the particular reserve concerned.

Rights that are not renewed by a lease-holder cannot be renewed later on, except in the case of a temporary failure to pay the MERN by the due date.

t) Existing responsibilities (services and infrastructures)

On roads within the boundaries of aquatic and biodiversity reserves, the use of dust suppressants, ice melters and abrasives is not regulated. However, those responsible for road maintenance are encouraged to avoid overusing such

products. For example, only dust suppressants certified to standard BNQ 2410 300⁸ of the Bureau de normalisation du Québec should be used, and special attention should be paid wherever a road passes near or above a watercourse or body of water.

When road maintenance requires major intervention extending beyond the roadway or affecting a wetland, watercourse or body of water, authorization is required from the MDDELCC.

No additional regulations apply to road vehicles (including speed limits) in aquatic and biodiversity reserves. However, drivers are encouraged to reduce speed when crossing reserves, both to minimize the risk of collision with wildlife and to reduce road dust. Signage to that effect will be posted where appropriate.

Garbage and recycling collection, e.g. by a municipality, may continue with no additional regulation.

The maintenance of service infrastructures (electrical distribution lines, telephone lines, water mains, sewers, etc.) may continue with no additional regulation. However, all such interventions must comply with regulations applicable on the territory.

u) Inhabited shorelines

Inhabited shoreline environments, which may include both principal residences and vacation cottages, must conserve their natural functions and ecological characteristics to the extent possible. However, the Act imposes no additional restrictive measures or obligations on residents beyond those in the *Environment Quality Act* (with its regulations) and the *Protection Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains*. The following is a non-exhaustive list of the general obligations of shoreline residents:

- Sanitary facilities must comply with municipal regulations and be properly maintained.
- Natural riparian strips must be maintained, and any clearing, shoreline development or equipment installation (e.g. docks) must comply with municipal regulations and the *Protection Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains*.
- Campfires must comply with municipal standards and fire bans issued by SOPFEU.

The following constraints and prohibitions are added by the Act for activities on inhabited shorelines in aquatic and biodiversity reserves:

- The use of any form of pesticide is prohibited. However, on an exceptional basis the MDDELCC may authorize the use of a pesticide or biological agent (e.g. *Bacillus thuringiensis*) in the case of an outbreak. The intervention would be conducted by an organization with a mandate for that purpose (e.g. SOPFIM).
- The use of fertilizers is prohibited, except in the case of compost for domestic purposes if it is spread no closer than 20 metres from the high water mark.
- The introduction of non-native plant species is prohibited.

8 <http://www.mddelcc.gouv.qc.ca/matieres/dangereux/abat.htm>

The intention of these rules is to encourage shoreline inhabitants to reduce their impact on the natural environment. However, as with tree cutting, the rules are not applied within vacation lots. Thus, the planting of vegetables in a garden, or of flowers in a flowerbed beside a cottage (introduction of non-native species) and the use of natural or organic fertilizer in gardens or flowerbeds (fertilizer use) are not subject to these prohibitions. It is important however that users be aware of the risks associated with introducing exotic plants that could colonize adjacent areas.

v) Sand and gravel pits

The removal of any form of surface materials (sand, gravel, rock, black earth, peat, etc.) is prohibited by the *Natural Heritage Conservation Act*.

w) Salt licks

The development of a salt lick requires authorization if such development would result in the salinization of a wetland or small body of water.

The installation of a salt block on dry ground is permitted.

The creation of a body of water or artificial wetland for the purpose of developing a salt lick is prohibited.

The development of a salt lick in an existing wetland or body of water may be authorized if its impact on the environment would be negligible. The receiving environment, the amount of salt to be used and the intended length of use of the salt lick will all be considered when studying an application for authorization.

x) Roads and trails

Existing recreational trails (whether authorized or not by the MERN) are generally maintained. If there is a very high trail density, the MDDELCC and groups concerned can work together to assess the possibility of rationalizing the network. This could mean closing trails that are unused or unnecessary, or that cross sensitive environments. On the other hand, the process could also mean confirming certain trails, which will then be marked with appropriate signage.

Logging roads and associated infrastructures (dams, bridges, culverts) can deteriorate when no longer maintained by forestry companies. Maintenance will not be provided by the MDDELCC, but maintenance by users is permitted. Any work involving intervention in a wetland must however be authorized by the MDDELCC.

y) Structured wildlife areas, outfitters without exclusive rights and other territories

When an aquatic or biodiversity reserve overlaps an area that is managed or exploited for wildlife (such as wildlife reserves, ZECs, outfitters with exclusive rights), activities and operations can generally continue with no new constraints, and existing infrastructures remain. However, activities and interventions must comply with the regulatory section, policy directions and zoning (if any) in the conservation plan.

For any new development proposed by the manager of a wildlife territory (cottages, shelters, roads, trails, etc.) or for the operation of a regional park, each intervention must be authorized separately. However, if there is an integrated development plan, all interventions described therein may be covered by one comprehensive authorization.



Photo: Marc-André Bouchard, MDDELCC

Wildlife development work (spawning ground, weir, thinning along wooded shorelines) must be authorized by the MDDELCC. As with fish stocking, special agreements may be concluded with the MFFP and the managers concerned.

z) Motorized vehicles

Motorized vehicles (snowmobiles, quad bikes, motor boats, personal watercraft) are generally permitted, but in certain sectors some activities may be prohibited or restricted by the conservation plan or by signage in a particular reserve. Generally, no restrictions apply to the characteristics of such vehicles (two-stroke or four-stroke motors, engine displacement, vehicle dimensions, etc.). However, users are encouraged to learn how to minimize the negative impacts of motor sport activities on the natural environment. For safety reasons or to respect specific conservation objectives, motorized access to certain sectors may be controlled, restricted or prohibited. Such restrictions could be spatial (a prohibition against leaving a trail, crossing a sand dune that is a plant habitat, entering an area with sensitive arctic flora) or temporal (e.g. to avoid disturbing woodland caribou during the rutting period).

Motor boats and personal watercraft are generally permitted, but could be regulated or prohibited if an ecosystem or natural element is at risk or if the use of a motor craft would have a significant negative impact.

When shoreline residents wish to limit or prohibit the use of motor craft on a body of water, they must address their city, municipality or MRC, which may then approach the Ministère des Affaires municipales et de l'Occupation du Territoire (MAMOT). The latter will contact the Government of Canada if a navigable waterway is at issue.

The MDDELCC wants to raise the awareness of motor boaters and jet skiers about the negative effects of noisy motors, flashy driving and entering fragile areas like shallows and grass beds. Proper maintenance and less polluting motors can reduce the negative impact of motor activities on aquatic and riparian environments.

APPENDIX I: CONDITIONS FOR THE AUTHORIZATION OF ENHANCEMENT OR CONSERVATION STOCKING

Enhancement fish stocking in aquatic and biodiversity reserves (proposed or permanent)

-  Supplemental stocking, put-and-take stocking and put-grow-and-take stocking are all considered to be forms of enhancement stocking. Introductory stocking is not permitted in either proposed or permanent aquatic and biodiversity reserves. (See definitions on page 42.)
-  Enhancement stocking also includes transferring native fish and stocking with native or domestic fish eggs.
-  All sizes and types of watercourse or body of water are covered by these rules, including lakes, ponds, streams and rivers, both permanent and intermittent.

Decision criteria for enhancement stocking

-  Species for which stocking is prohibited:
 - All species other than brook trout (*Salvelinus fontinalis*). Hybrid species such as splake are also prohibited.
-  Water bodies where stocking is prohibited:
 - Water bodies used by a species at risk that could be negatively affected by stocking, such as Arctic char oquassa (*Salvelinus alpinus oquassa*), Barrow's goldeneye (*Bucephala islandica*), Northern dusky salamander (*Desmognathus fuscus fuscus*), Northern spring salamander (*Gyrinophilus porphyriticus*) and Allegheny Mountain dusky salamander (*Desmognathus ochrophaeus*);
 - Water bodies that have no fish;
 - Water bodies that have not been stocked with brook trout over a reference period of six consecutive years.

 Subject to the prohibitions mentioned above and the standards contained in the *Regulation Respecting Aquaculture and the Sale of Fish*, stocking is authorized in:

- Water bodies that have been stocked with brook trout at least once over a reference period of six consecutive years.

Remarks on the decision criteria for enhancement stocking

 Species considered at risk are those that are on the list of species designated threatened or vulnerable in Québec and species likely to be so designated.

 In determining whether a water body has no fish or supports a species at risk that could be negatively affected by stocking, the following elements are considered:

- data and information collected by the MFFP, notably at the Centre de données sur le patrimoine naturel du Québec (CDPNQ);
- the list of species that could be negatively affected by stocking, produced by the MFFP;
- data and information obtained from the managers of structured territories and through universities and other scientific sources.

 For a given water body, the reference period of six consecutive years is:

- in a proposed reserve: the six-year period ending three years before the granting of provisional protection status. For example, if the protection status comes into force in 2007, the reference period is 1999 to 2004 inclusive;
- in a permanent reserve: the six-year period ending in the year when the application for authorization is filed.

Analysis will be based on transport and stocking permits collected at the MFFP.

Conservation fish stocking in aquatic and biodiversity reserves (proposed or permanent)

 Conservation stocking concerns all species native to Québec. However, there are special conditions for Atlantic salmon (*Salmo salar*).

 The following are considered forms of conservation stocking: preservation stocking, restoration stocking and reintroduction stocking. (See definitions on page 42.)

-  Before conducting conservation stocking, the cause of the loss or alteration of the original fish population should be identified and corrected to the extent possible. Measures should be taken to prevent the problem from recurring.
-  The MFFP remains the government body responsible for managing the terms and conditions of stocking authorized under the Administrative Agreement on the cooperative mechanism for processing permit applications for the transport and stocking of fish.

Special conditions for conservation stocking

Fish native to Québec, except Atlantic salmon

Conservation stocking may be permitted under the following conditions:

-  fishing remains closed throughout the period of stocking and restoring the fish population (as determined by the MFFP); and
-  the genetic strain used for stocking must be from stock whose genetic attributes are as close as possible to those of the strain that is naturally present in the water body; and
-  conservation stocking must be performed so as to restore the fish population to a naturally viable state that needs no further external input. In other words, it must not be recurrent.

Atlantic salmon

Due to the migratory behaviour of salmon, international imperatives determine how the species is managed. Thus, population changes must be monitored and harvesting is controlled for each salmon river. The stocking of Atlantic salmon for conservation purposes is authorized when it complies with:

-  the terms and conditions specified by the MFFP; and
-  the five-year plan for Atlantic salmon production; and
-  action plans, emergency plans and any other regulations in force.

Definitions

Enhancement stocking

Enhancement stocking is aimed at increasing the fishing supply.

-  Introductory stocking (prohibited): The introduction of a species of fish into an aquatic environment where it was not present in the past.
-  Supplemental stocking: Stocking to increase or maintain a population that is able to sustain itself, but where a deficient habitat or heavy fishing prevents the population from developing and reproducing sufficiently to satisfy observable fishing efforts.
-  Put-and-take stocking: Stocking to create a temporary and artificial fishery by releasing fish of a size attractive to fishers.
-  Put-grow-and-take stocking: Stocking to provide sport fishing in the medium term. The stocked fish are allowed a growth period (without fishing), the length of which depends on the size of fish used for stocking. The habitat must allow the species' survival year-round.

Conservation stocking

Conservation stocking is aimed at repopulating an aquatic environment in which a fish population was severely affected by disturbance, deterioration or destruction of its habitat, by overfishing, the discharge of toxic products or the introduction of competing or predatory species, etc.

-  Preservation stocking: Stocking to prevent the disappearance of a particular population of fish. This type of stocking is required when the number of breeding fish is too low for the population to recover without assistance.
-  Restoration stocking: Stocking to restore a population to a state closer to where it was before the disturbance, so that it can maintain itself over time with no further external input.
-  Reintroduction stocking: This has the same objective as restoration stocking, except that the original population is no longer present.

APPENDIX II: SUMMARY OF THE GENERAL COMPATIBILITY OF ACTIVITIES AND INTERVENTIONS SUBJECT TO AUTHORIZATION

Legend

- Prohibited (Pro): Activity or intervention that is incompatible and therefore prohibited under the *Natural Heritage Conservation Act* (NHCA) or the conservation plan, and which cannot be authorized by the MDDELCC.
- Incompatible #1 (I-1): Activity or intervention that is incompatible and therefore prohibited, but for which the MDDELCC retains the possibility of authorization on an exceptional basis. The exceptionality of the situation must be shown and the degree of impact minimized. Very strict performance conditions will be stipulated by the MDDELCC. Such activities and interventions are almost never authorized by the MDDELCC.
- Incompatible #2 (I-2): Activity or intervention that is generally incompatible and that the MDDELCC does not wish to see performed in aquatic and biodiversity reserves; however, a particular territorial context could justify authorization. Strict performance conditions will be stipulated by the MDDELCC to minimize impacts. Such activities and interventions are rarely authorized by the MDDELCC.
- Incompatible #3 (I-3): Activity or intervention that is generally incompatible and that the MDDELCC generally does not wish to see performed; however, in certain contexts they could be better (as a way of protecting biodiversity) than doing nothing. Performance conditions will be stipulated by the MDDELCC to minimize impacts. Whether or not authorization is granted will depend on the particular characteristics of the natural environment and the proposed activity or intervention.
- Compatible #1 (C): Activity or intervention that is generally compatible with the vocation of aquatic and biodiversity reserves, but whose performance could have an impact on biodiversity or the natural environment. Performance conditions may be stipulated by the MDDELCC to minimize impacts. Such activities and interventions are generally authorized by the MDDELCC.
- Permitted (Per): Activity or intervention that is not regulated by either the NHCA or the conservation plan, and is therefore permitted without authorization from the MDDELCC.

Note to the reader

The following table concerns aquatic and biodiversity reserves with permanent status.

Note that the table reflects the general activity framework. In practice, the final conservation plan of each reserve may specify more restrictive or more permissive measures for each activity and intervention. Also, the fragility or sensitivity of the environment, or of some element of biodiversity, could require the MDDELCC to decide differently from what is conveyed in this table.

Activity or Intervention	Degree of Compatibility					
	Pro	I-1	I-2	I-3	C	Per
Incompatible and therefore prohibited						
Mining and gas or oil extraction						
Mineral, gas or oil exploration, including brine or underground reservoir exploration, prospecting, digging and boring						
Forest management (commercial, industrial)						
including the harvesting of wood after a fire, epidemic or windfall						
Exploitation of hydraulic resources and any production of energy on a commercial or industrial basis						
Use of fertilizers						
Stocking a watercourse or water body with fish for the purpose of aquaculture or commercial fishing						
Harvesting of non-timber forest products by mechanical means						
Operation of a sand or gravel pit						
Incompatible, but may be authorized exceptionally	Pro	I-1	I-2	I-3	C	Per
Intervention in a wetland ◦ Example of an exception: dismantling of a beaver dam						
Dredging, filling, obstruction or diversion of any watercourse or water body ◦ Example of an exception: shoreline restoration, reconstruction of a dam						
Activity that could degrade the bed or banks of a watercourse or water body, or alter its biochemical characteristics or the quality of aquatic, riparian or wetland environments ◦ Example of an exception: repair or reconstruction of a riparian infrastructure						
Use of any form of pesticide ◦ Example of an exception: use of Bacillus thuringiensis (Bt) to combat an invasive species						

Burial, abandonment or disposal of waste, snow or other residual materials, except in waste receptacles, facilities or sites designated by the MDDELCC ◦ Example of an exception: temporary action during authorized development work, on sites for an outfitter or ZEC						
Activity or circulation in a given sector, when signage restricts such access ◦ Example of an exception: monitoring a threatened or vulnerable species; management, conservation or restoration intervention						
Staying on the same site for more than 90 days without a land right ◦ Example of an exception: authorized research or biodiversity monitoring program						
Commercial activities including the sale of goods or services not concerning wildlife, recreation or tourism, particularly using motorized vehicles ◦ Example of an exception: sale of traditional Aboriginal products						
Activity that could severely degrade the soil or a geological formation, or harm the plant cover ◦ Example of an exception: temporary action during authorized development work, with mandatory environmental restoration; archeological research or educational activity						

Activity or Intervention	Degree of Compatibility					
	Pro	I-1	I-2	I-3	C	Per
Incompatible, but may be authorized exceptionally (cont.)						
Activity that could severely degrade the soil or a geological formation, or harm the plant cover ◦ Example of an exception: temporary action during authorized development work, with mandatory environmental restoration; archeological research or educational activity						
Blocking access by a barrier or other means ◦ Example of an exception: if agreement with the Sûreté du Québec for safety reasons						
Certain work related to the improvement of forest roads (e.g. widening the roadway, upgrading the class of road) ◦ Example of an exception: no way to go around the reserve by another road						
Sports competition, tournament or motor vehicle rally, or any large-scale non-motorized event not related to nature, if more than fifteen people are involved ◦ Example of an exception: no way to go around the reserve						

Incompatible, but may be authorized in some contexts	Pro	I-1	I-2	I-3	C	Per
Cutting of firewood for domestic purposes in a sector designated by the MFFP (e.g. for a cottage or outfitter) ◦ Example of a conducive context: cottage accessible only by boat or seaplane						
Harvesting of non-timber forest products for commercial purposes ◦ Example of a conducive context: traditional activity on which a community depends						
Forest management activities to maintain a sugar bush and harvest maple products to meet domestic needs ◦ Example of a conducive context: existing domestic sugar bush with a low tap rate						
Species introduction ◦ Example of a conducive context: reintroduction of a threatened or extirpated species; stocking under MDDELCC-MFFP agreement						
Introduction of a plant species that is not native to the bioclimatic domain of the reserve ◦ Example of a conducive context: reintroduction of a threatened or extirpated species						
Construction or installation of any new infrastructure or facility for activities not related to wildlife, recreation or tourism ◦ Example of a conducive context: infrastructure of public interest that cannot be located outside the reserve						
Land development work, including burial, earthwork, removal or displacement of surface materials or plant cover ◦ Example of a conducive context: if for an authorized compatible infrastructure (e.g. hut, lookout, hiking trail)						
Development of trails and infrastructures for motorized vehicles (e.g. snowmobiles, quad bikes) where forest clearing is required ◦ Example of a conducive context: no way to go around the reserve or use existing roads						

Activity or Intervention	Degree of Compatibility					
Incompatible, but may be authorized if impact is low or positive	Pro	I-1	I-2	I-3	C	Per
Sports competition, tournament or motor vehicle rally, or any large-scale non-motorized event not related to nature, if more than fifteen people are involved ◦ Example of context with low or positive impact: cross-country race or cross-country skiing on existing trails or roads						

Development of trails and infrastructures for motorized vehicles using existing roads ◦ Example of context with low or positive impact: a route that will capture all the impact, limiting access to the rest of the reserve						
Infrastructure development for an outfitter, ZEC or wildlife reserve ◦ Example of context with low or positive impact: site characterized and approved under a development plan from the MFFP						
Cutting wood for the construction of a cottage or camp (including renovation and repair) ◦ Example of context with low or positive impact: isolated cottage or camp with no overland access to wood outside the reserve						
Compatible but authorization required	Pro	I-1	I-2	I-3	C	Per
Nature-related event involving more than fifteen people (e.g. botanical inventory, ornithology)						
Construction of buildings for educational, recreational or tourism purposes (e.g. an interpretive centre)						
Development of a backcountry campsite, semi serviced campground or serviced campground						
Dismantling of a beaver dam (only if it affects or could affect an infrastructure)						
Development of trails related to educational or interpretive activities						
Development of any recreational infrastructure, such as trails, lookouts, huts, interpretive panels, culverts, crossings, picnic tables etc., related to recreational activities with no harvesting (e.g. hiking, horseback riding, dog sledding, cross-country skiing, snowshoeing, bicycling, climbing, canoe-camping, kayaking, etc.)						
Research activities (archeology, botany, wildlife, etc.) requiring small-scale harvesting or ground preparation						
Forest management for the purpose of maintaining biodiversity (e.g. re-establishment of woodland caribou)						
Permitted without authorization	Pro	I-1	I-2	I-3	C	Per
Commercial activities (sale of products or services) related to nature discovery (e.g. ecotourism guides, kayak rental, topographical map sales, GPS rental, canoe transportation, etc.)						
Existing normal activities of an outfitter, ZEC or wildlife reserve (e.g. guides, boat rental, accommodation)						
Installation of a dock, platform or boathouse (when freely permitted under section 2 of the Regulation respecting the water property in the domain of the State)						

Use of a facility or disposal site (waste, snow and other residual materials) by an outfitter, ZEC or wildlife reserve when previously authorized							
Staying on the same site for up to 90 days							

Activity or Intervention	Degree of Compatibility					
	Pro	I-1	I-2	I-3	C	Per
Access to the territory and free circulation for any permitted activity (hiking, cross-country skiing, snowshoeing, climbing, nature observation, independent camping, hunting, fishing, trapping) if not prohibited by signage						
Circulation on lakes and rivers with any form of motorized watercraft if not prohibited by signage						
Presence of domestic animals						
Gathering for domestic needs without mechanical aids						
Maintenance and repair of any existing infrastructure whose presence is already permitted						
Reconstruction of an existing building on the same site						
Cutting of firewood up to 7 stacked cubic metres (about 2 cords) for the holder of a lease for a temporary shelter or trapping camp						
Any transaction related to a right of occupancy (lease, sublease or sale of a cottage)						
Emergency intervention to save lives or infrastructures (must inform the MDDELCC following the intervention)						
Activity practised by the members of an Aboriginal community for food, ritual or social purposes						
Activities by Hydro-Québec related to an environmental impact study (knowledge activities, activities authorized by decree)						