



# Réserve de biodiversité projetée Assinica

**Conservation plan**



April 2018



## **1. Protection status and toponym**

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

The envisaged permanent protection status could be "biodiversity reserve" or "national park" a status governed by the Parks Act (chapter P-9).

The provisional toponym is "Réserve de biodiversité projetée Assinica". The official toponym will be determined when the territory is given permanent protection status.

## **2. Conservation objectives**

Réserve de biodiversité projetée Assinica was created primarily to protect and maintain biological diversity and the associated natural and cultural resources.

In ecological terms, Réserve de biodiversité projetée Assinica would protect natural environments that are characteristic of the Chibougamau Depression and Upper Rupert Plateau natural regions (see section 3.2).

Culturally, protection of this territory will allow the pursuit of traditional activities by the Cree Nation, specifically the communities of Oujé-Bougoumou, Mistissini and Waswanipi, who frequent the land in the course of these activities. It should also be noted that recreotourism activities by people from the surrounding municipalities will also be maintained.

## **3. Plan and description**

### **3.1. Geographical location, boundaries and dimensions**

Réserve de biodiversité projetée Assinica is located in the administrative region of Nord-du-Québec. It is composed of two distinct parts, the larger of which is 324.7 km<sup>2</sup> in size. Lying adjacent to Réserve de parc national Assinica, it is approximately 32 km northwest of the city of Chibougamau, between 50°05' and 50°27' north latitude and between 74°34' and 74°50' west longitude. The smaller part is more to the north, and is 60.9 km<sup>2</sup> in size. It is approximately 140 km northwest of Chibougamau, between 50°44' and 50°47' north latitude and between 75°50' and 76°04' west longitude. The total area of the proposed reserve is 385.6 km<sup>2</sup>.

The boundaries and location of Réserve de biodiversité projetée Assinica are shown on the map comprising Appendix 1.

### **3.2. Ecological portrait**

Réserve de biodiversité projetée Assinica is in the Superior geological province. The geological foundation of the northern part consists essentially of tonalitic rocks of intrusive origin along with sedimentary rocks. To a lesser extent there are also granitic foundation rocks. The northern part of the reserve will protect a

formation of sub-aerial deltas, a unique geomorphological phenomenon. In the southern part the geological foundation is primarily granitoid rocks of intrusive origin, with a smaller proportion of sedimentary rocks and amphibolites. The surface deposits characterizing the northern part are glacial deposits with no particular morphology, together with organic deposits. The same is true of the southern part, where there are also fluvio-glacial deposits.

According to the ecological reference framework of Québec (MDDELCC, 2014), Réserve de biodiversité projetée Assinica belongs to the Mistassini Highlands natural province. More precisely, it will protect natural environments characteristic of the Chibougamau Depression and Upper Rupert Plateau natural regions, and of the following physiographic complexes: the Lac Caminscanane hummocky plain, the Lac Mistassini and Lac Albanel knolls, and the Lac Sauvage hummocky terrain.

The waters of the proposed biodiversity reserve belong to two large watersheds in the Baie-James territory, namely the Rivière Broadback and Rivière Nottaway watersheds. Occupying a large proportion of the proposed reserve, especially in the southern part, the wetlands present are primarily ombrotrophic and minerotrophic bogs.

With a topographic relief of hummocky terrain, the territory has an elevation ranging from about 360 to 470 m.

The area is subject to a cold subpolar climate, with the average annual temperature ranging from -3.1 to -1.1 °C. The average annual precipitation ranges from 850 to 989 mm, while the average growing season ranges from 124 to 143 days.

The forest cover of the proposed reserve, which is in the black spruce/moss bioclimatic domain, is characterized by the presence of black spruce stands with mosses or heaths, along with a few grey pine stands. The woodlands are of various age classes, resulting from the principal natural disturbances of the Baie-James region, namely forest fires, windthrow and spruce budworm outbreaks. The reserve will protect several old-growth forests, a habitat favoured by woodland caribou, which in 2005 was designated vulnerable in Québec under the *Act respecting threatened or vulnerable species* (chapter E-12.01).

Besides woodland caribou, Réserve de biodiversité projetée Assinica is probably home to abundant or representative species associated with boreal forest ecosystems, including moose, American marten, beaver, lake trout and lake sturgeon.

### **3.3. Land occupation and uses**

Under the James Bay and Northern Québec Agreement (JBNQA) and the *Act respecting the land regime in the James Bay and New Québec territories* (chapter R-13.1), the proposed reserve is on Category III lands. The Category III lands on which the proposed reserve is located are under the responsibility of the Eeyou-Istchee James Bay Regional Government, which is governed by the *Cities and Towns Act* (chapter C-19), subject to special provisions of the *Act establishing the Eeyou Istchee James Bay Regional*

*Government* (chapter G-1.04). Category III lands are lands over which Aboriginals do not generally have exclusive rights, but where they may pursue their activities of hunting, fishing and trapping, without compensation rights for areas affected by development projects. It should be noted that, with the implementation of Complementary Agreement No. 22 to the JBNQA and the *Final Settlement Agreement Related to Certain Issues Referred to in Schedule G of the Agreement Concerning a New Relationship Between Le Gouvernement du Québec and the Crees of Québec*, concluded in November 2011, the proposed reserve will partly overlie, in the south, Category II lands belonging to the community of Oujé-Bougoumou. Under the *Agreement on Governance in the Eeyou Istchee James Bay Territory*, the Cree Nation Government, a legal person established in the public interest by the *Act respecting the Cree Nation Government* (chapter G-1.031), may also exercise municipal and supramunicipal authority where the proposed reserve overlies Category II lands. The Crees will have exclusive hunting and fishing rights there.

With regard to conservation, Réserve de biodiversité projetée Assinica includes one biological refuge (No. 02664R029). The protection status of biological refuge, governed by the *Sustainable Forest Development Act* (chapter A-18.1), is aimed at conserving the biological diversity associated with mature or overmature forests. Significant portions of both parts of the proposed reserve also overlie Réserve faunique Assinica.

Regarding wildlife development and harvesting, the proposed reserve is in hunting zone 22 and in fur-bearing animal management units 88 and 90. The northern part is in the Abitibi beaver reserve and in fur-bearing animal management unit 88. The southern part is in the Mistassini beaver reserve and straddles fur-bearing animal management units 87 and 91. It also overlies, in varying proportions, eight Cree trapping grounds within the meaning of the *Act respecting hunting and fishing rights in the James Bay and New Québec territories* (chapter D-13.1), two of which are in the northern part while six are in the southern part.

The territory of the proposed reserve is relatively unfragmented by anthropic infrastructures. An electrical transmission line crosses the northern part. A 60-metre right-of-way has been excluded from the reserve for this line. No leases have been granted by the Ministère de l'Énergie et des Ressources naturelles.

## **4. Activities framework**

### **§1 – Introduction**

The purpose of the proposed biodiversity reserve is to protect natural environments and their components. Activities that may have a significant impact on ecosystems and biodiversity, particularly industrial activities, are prohibited therein. This type of protected area allows the pursuit of less damaging activities and occupancies, namely recreational, wildlife, ecotourism and educational activities and occupancies.

The proposed biodiversity reserve must be considered to be a territory dedicated to the protection of the natural environment, nature discovery and recreation.

Activities carried on within the proposed biodiversity reserve are governed mainly by the provisions of the Natural Heritage Conservation Act. The measures provided for in the Natural Heritage Conservation Act and by this plan apply subject to the provisions of the agreements referred to in the Act approving the Agreement concerning James Bay and Northern Québec (chapter C-67) and by the Act approving the Northeastern Québec Agreement (chapter C-67.1).

Under section 34 of the Natural Heritage Conservation Act (chapter C-61.01), the main activities prohibited in an area to which status as proposed biodiversity reserve has been assigned are:

- mining, and gas or petroleum development;
- forest development activities within the meaning of section 4 of the Sustainable Forest Development Act (chapter A-18.1);
- the development of hydraulic resources and any production of energy on a commercial or industrial basis.

Although fundamental for the protection of the territory and ecosystems therein, the prohibitions are insufficient to ensure the good management of the proposed biodiversity reserve and the conservation of the natural environment. The Natural Heritage Conservation Act makes it possible to specify in the conservation plan the legal framework applicable in the territory of the proposed biodiversity reserve.

The provisions in this section provide for prohibitions in addition to those already prescribed by law and regulate certain activities allowed to better ensure the protection of the natural environment, in conformity with the principles of conservation and other objectives of management of the proposed biodiversity reserve. Thus certain activities are subject to the prior authorization from the Minister.

The measures contained in this section concern in particular the new interventions in the territory and do not generally call into question existing facilities or certain activities already under way in the territory, thereby preserving a number of existing uses. Lastly, the measures also contain, for certain activities, exemptions from the requirement to obtain an authorization.

Since the measures do not distinguish, among all the activities subject to an authorization, those that are considered to be compatible from those that are considered to be incompatible with the vocation of the biodiversity reserve, the Ministère du Développement durable, de l'Environnement et de la Lutte contre les changements climatiques (MDDELCC) has prepared an explanatory document indicating the compatibility or incompatibility of each type of activity with the biodiversity and aquatic reserves. The document may be consulted on the website of the MDDELCC at:

[http://www.mddelcc.gouv.qc.ca/biodiversite/aires\\_protegees/regime-activites/regime-activite-reserve-bio-aqua.pdf](http://www.mddelcc.gouv.qc.ca/biodiversite/aires_protegees/regime-activites/regime-activite-reserve-bio-aqua.pdf).

## ***§2 – Prohibitions, prior authorizations and other conditions governing certain activities in the proposed biodiversity reserve***

### **§2.1 – Protection of resources and the natural environment**

**4.1.** Subject to the prohibition in the second paragraph, no person may establish in the proposed reserve any specimens or individuals of a native or non-native species of fauna, including by stocking, unless the person has been authorized by the Minister.

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

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

**4.2.** No person may use fertilizer or fertilizing material in the proposed reserve. Compost for domestic purposes is permitted if used at least 20 metres from a watercourse or body of water measured from the high-water mark.

The high-water mark means the high-water mark defined in the Protection Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains (chapter Q-2, r. 35).

**4.3.** No person may remove species of flora, small fruits or any other non-timber forest product by mechanical means.

**4.4.** No person may, unless the person has been authorized by the Minister

(1) intervene in a wetland area, including a marsh, swamp or bog;

(2) modify the proposed reserve's natural drainage or water regime, including by creating or developing watercourses or bodies of water;

(3) dig, fill, obstruct or divert a watercourse or body of water;

(4) install or erect any structure, infrastructure or new works in or on the bed, banks, shores or floodplain of a watercourse or body of water, although no authorization is required for minor works such as a wharf, platform or boathouse erected for private purposes and free of charge under section 2 of the Regulation respecting the water property in the domain of the State (chapter R-13, r. 1);

(5) carry on any activity other than those referred to in paragraphs 1 to 4 that is likely to degrade the bed, banks or shores of a body of water or watercourse or directly and substantially affect the quality or biochemical characteristics of aquatic or riparian environments or wetland areas in the proposed reserve, including by discharging or dumping waste or pollutants into those areas;

(6) carry out soil development work or carry on an activity that is likely to degrade the soil or a geological formation or damage the vegetation cover, such as stripping, the digging of trenches or excavation work,

including any burial, earthwork, removal or displacement of surface materials or vegetation cover, for any purpose; no authorization is required for the removal of soapstone by a beneficiary within the meaning of section 1 of the Act respecting the land regime in the James Bay and New Québec territories (chapter R-13.1);

- (7) install or erect any structure, infrastructure or new works;
- (8) reconstruct or demolish a structure, infrastructure or works;
- (9) use a pesticide, although no authorization is required for the use of personal insect repellent;
- (10) carry on educational or research-related activities if the activities are likely to significantly damage or disturb the natural environment, in particular because of the nature or size of the samples taken or the invasive character of the method or process used; or
- (11) hold a sports event, tournament, rally or any other similar event where, as the case may be,
  - (a) fauna or flora species are sampled or likely to be sampled; or
  - (b) vehicles or craft are used.

**4.5.** Despite paragraphs 6, 7 and 8 of section 4.4, no authorization is required to carry out work referred to in subparagraph 1 of this section when the requirements of the second paragraph are met:

- (1) the maintenance, repair or upgrade of a structure, infrastructure or works such as a camp, cottage, road or trail, including ancillary facilities such as lookouts or stairs;
- (2) the construction or erection of
  - (a) an appurtenance or ancillary facility of a trapping camp, rough shelter, shelter or cottage such as a shed, well, water intake or sanitary facilities; or
  - (b) a trapping camp, rough shelter, shelter or cottage if such a building was permitted under the right to use or occupy the land but had not been constructed or installed on the effective date of the status as a proposed biodiversity reserve;
- (3) the demolition or reconstruction of a trapping camp, rough shelter, shelter or cottage, including an appurtenance or ancillary facility such as a shed, well, water intake or sanitary facilities.

The work is carried out in compliance with the following requirements:

- (1) the work involves a structure, infrastructure or works permitted within the proposed reserve;
- (2) the work is carried out within the area of land or right of way subject to the right to use or occupy the land in the proposed reserve, whether the right results from a lease, servitude or other form of title, permit or authorization;

- (3) the nature of the work or elements erected by the work will not operate to increase the area of land that may remain deforested beyond the limits permitted under the provisions applicable to the sale, lease and granting of immovable rights under the Act respecting the lands in the domain of the State (chapter T-8.1) and, if applicable, the limits allowed under an authorization for the structure, works or infrastructure;
- (4) the work is carried out in compliance with the conditions of a permit or authorization issued for the work or in connection with the structure, infrastructure or works involved, and in accordance with the laws and regulations that apply; and
- (5) for roads in the forest, the work must not operate to alter or exceed the existing right of way, widen the roadway or convert the road to a higher class.

For the purposes of this section, repair and upgrading work includes work to replace or erect works or facilities to comply with the requirements of an environmental regulation.

**4.6.** No person may bury, incinerate, abandon or dispose of waste, snow or other residual materials elsewhere than in waste disposal containers, facilities or sites determined by the Minister. The materials may be buried, incinerated, abandoned or disposed of elsewhere with the authorization of the Minister.

Despite the first paragraph, no authorization is required for an outfitting operation for using a facility or disposal site, in accordance with the Environment Quality Act (chapter Q-2) and its regulations, where the outfitting operation was already using it on the effective date of the protection status as a proposed biodiversity reserve.

#### **§2.2 - Rules of conduct for users**

**4.7.** No person may enter, carry on an activity or operate a vehicle in a given sector of the proposed reserve if the signage erected by the Minister restricts access, traffic or certain activities in order to protect the public from a danger or to avoid placing the fauna, flora or other components of the natural environment at risk, unless the person has been authorized by the Minister.

**4.8.** No person may destroy, remove, move or damage any poster, sign, notice or other types of signage posted by the Minister within the proposed reserve.

#### **§2.3 – Activities requiring an authorization**

**4.9.** No person may occupy or use the same site in the proposed reserve for a period of more than 90 days in the same year, unless the person has been authorized by the Minister.

For the purposes of the first paragraph,

- (1) the occupation or use of a site includes
  - (a) staying or settling in the proposed reserve, including for vacation purposes;
  - (b) installing a camp or shelter in the proposed reserve; and;

(c) installing, burying or leaving property in the proposed reserve, including equipment, any device or a vehicle; and

(2) "same site" means any other site within a radius of 1 kilometre from the site.

Despite the first paragraph, no authorization is required if a person,

(1) on the effective date of the protection status as a proposed biodiversity reserve, was a party to a lease or had already obtained another form of right or authorization allowing the person to legally occupy the land under the Act respecting the lands in the domain of the State, the Act approving the Agreement concerning James Bay and Northern Québec (chapter C-67) or, if applicable, the Act respecting the conservation and development of wildlife (chapter C-61.1), and whose right to occupy the land is renewed or extended on the same conditions, subject to possible changes in fees;

(2) in accordance with the law, has entitlement under a sublease, an assignment of a lease or a transfer of a right or authorization referred to in subparagraph 1, and whose right to occupy the land is renewed or extended on the same conditions, subject to possible changes in fees; or;

(3) elects to acquire land the person legally occupies on the effective date of the protection status as a proposed biodiversity reserve, pursuant to the Act respecting the lands in the domain of the State.

**4.10.** No person may carry on forest management activities to meet domestic needs or for the purpose of maintaining biodiversity, unless the person has been authorized by the Minister.

Despite the first paragraph, the authorization of the Minister is not required if a person staying or residing in the proposed reserve collects wood to make a campfire.

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

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

(a) the wood is collected by a person in compliance with the conditions set out in the permit for the harvest of firewood for domestic purposes issued by the Minister of Forests, Wildlife and Parks under the Sustainable Forest Development Act (chapter A-18.1);

(b) the quantity of wood collected does not exceed 7 apparent cubic metres per year;

(2) in all other cases if

(a) the wood is collected within a sector designated by the Minister of Forests, Wildlife and Parks as a sector for which a permit for the harvest of firewood for domestic purposes under the Sustainable Forest Development Act may be issued, and for which, on the effective date of the protection status as a proposed biodiversity reserve, a designation as such had already been made by the Minister;

(b) the wood is collected by a person who, on the effective date of the protection status as a proposed biodiversity reserve or in any of the 3 preceding years, held a permit for the harvest of firewood for domestic purposes allowing the person to harvest firewood within the proposed reserve;

(c) the wood is collected by a person in compliance with the conditions set out in the permit for the harvest of firewood for domestic purposes issued by the Minister of Forests, Wildlife and Parks under the Sustainable Forest Development Act.

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

(1) clearing, maintaining or creating visual openings, or any other similar removal work permitted under the provisions governing the sale, lease and granting of immovable rights under the Act respecting the lands in the domain of the State, including work for access roads, stairs and other trails permitted under those provisions; or

(2) clearing the necessary area for the installation, connection, maintenance, repair, reconstruction or upgrading of facilities, lines or mains for water, sewer, electric power or telecommunications services.

If the work referred to in subparagraph 2 of the fourth paragraph is carried on for or under the responsibility of an enterprise providing any of those services, the work requires the prior authorization of the Minister, other than in the case of the exemptions in sections 4.12 and 4.14.

**4.11.** No person may carry on commercial activities in the proposed biodiversity reserve, unless the person has been authorized by the Minister.

Despite the first paragraph, no authorization is required

(1) if the activity does not imply sampling for fauna or flora resources or the use of a motor vehicle;

(2) to carry on commercial activities which, on the effective date of the protection status as a proposed biodiversity reserve, was the subject of a right to use the land for such a purpose, whether the right results from a lease or other form of title, permit or authorization, within the limits of the right.

#### **§2.4 – Authorization exemptions**

**4.12.** Despite the preceding provisions, no authorization is required for an activity or other form of intervention within the proposed reserve if urgent action is necessary to prevent harm to the health or safety of persons, or to repair or prevent damage caused by a real or apprehended disaster. The person concerned must, however, immediately inform the Minister of the activity or intervention that has taken place.

**4.13** The members of a Native community who, for food, ritual or social purposes, carry on an intervention or an activity within the proposed reserve are exempted from obtaining an authorization. Note that only Cree

Native persons, beneficiaries of the Agreement concerning James Bay and Northern Québec, are subject to such an exemption.

It is understood that the provisions of this plan are applicable subject to the authorization exemptions and other provisions provided for in the Act respecting hunting and fishing rights in the James Bay and New Québec territories (chapter D-13.1).

**4.14** Despite the preceding provisions, the following activities and interventions carried out by Hydro-Québec (Société) or by any other person for Hydro-Québec do not require the prior authorization of the Minister under this conservation plan:

- (1) any activity or intervention required within the proposed reserve to complete a project for which express authorization had previously been given by the Government and the Minister, or only by the Minister, in accordance with the Environment Quality Act (chapter Q-2), if the activity or intervention is carried out in compliance with the authorizations issued;
- (2) any activity or intervention necessary for the preparation and presentation of a pre-project report for a project requiring an authorization under the Environment Quality Act;
- (3) any activity or intervention relating to a project requiring the prior authorization of the Minister under the Environment Quality Act if the activity or intervention is in response to a request for a clarification or for additional information made by the Minister to the Société, and the activity or intervention is carried out in conformity with the request.

The Société is to keep the Minister informed of the various activities or interventions referred to in this section it proposes to carry out before the work is begun in the proposed reserve.

For the purposes of this section, the activities and interventions of the Société include but are not restricted to pre-project studies, analysis work or field research, work required to study and ascertain the impact of electric power transmission and distribution line corridors and rights of way, geological or geophysical surveys and survey lines, and the opening and maintenance of roads required for the purposes of access, construction or traffic incidental to the work.

## **5. Activities governed by other laws**

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

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

- **Protection of the environment:** measures set out in particular by the *Environment Quality Act* (chapter Q-2) and its regulations;
- **Plant species designated as threatened or vulnerable:** measures prohibiting the harvesting of such species under the *Act respecting threatened or vulnerable species* (chapter E-12.01);
- **Exploitation and conservation of wildlife resources:** measures stipulated by the *Act respecting the conservation and development of wildlife* (chapter C-61.1) and its regulations, including provisions related to threatened or vulnerable wildlife species, outfitters and beaver reserves, and measures in the applicable federal laws and regulations, including the legislation and regulations on fisheries; and in northern regions, particular measures stipulated by the *Act respecting hunting and fishing rights in the James Bay and New Québec territories* (chapter D-13.1);
- **Archeological research and discoveries:** measures set out in particular by the *Cultural Heritage Act* (chapter P-9.002);
- **Access and property rights related to the domain of the State:** measures set out in particular by the *Act respecting the lands in the domain of the State* (chapter T-8.1) and the *Watercourses Act* (chapter R-13), and in northern regions, by the *Act respecting the land regime in the James Bay and New Québec territories* (chapter R-13.1);
- **Issuance and oversight of forest development permits** (harvesting of firewood for domestic purposes, wildlife development, recreational development); and **delivery of authorizations** (forest roads): measures stipulated by the *Sustainable Forest Development Act* (chapter A-18.1);
- **Travel:** measures stipulated by the *Act respecting the lands in the domain of the State* and by the regulations on motor vehicle travel in fragile environments, under the *Environment Quality Act*;
- **Construction and development standards:** regulatory measures adopted by local and regional municipal authorities in accordance with the applicable laws.

## **6. Responsibilities of the Minister of Sustainable Development, Environment and the Fight against Climate Change**

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

# Appendix 1

## Map of Réserve de biodiversité projetée Assinica

