

NATIONAL ASSEMBLY

SECOND SESSION

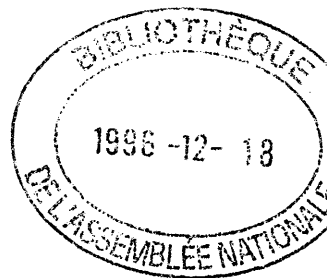
THIRTY-FIFTH LEGISLATURE

Bill 86

An Act respecting the Saguenay — St. Lawrence Marine Park

Introduction

**Introduced by
Mr David Cliche
Minister of the Environment and Wildlife**



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EXPLANATORY NOTES

The object of this bill is to establish the Saguenay — St. Lawrence Marine Park on the public lands of Québec, thus giving effect to an agreement entered into on 6 April 1990 between the Governments of Québec and of Canada.

A description of the boundaries of the park is provided and a procedure is set out for changing the park boundaries. As regards the administration of the park, the bill provides for the tabling of a management plan in the National Assembly, the appointment of a park superintendent by the Minister and the establishment of a management committee and a coordinating committee.

Also included in the bill are provisions conferring regulatory powers on the Government, penal provisions and various transitional provisions and consequential amendments.

LEGISLATION AMENDED BY THIS BILL :

– Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1).

Bill 86

AN ACT RESPECTING THE SAGUENAY — ST. LAWRENCE MARINE PARK

WHEREAS the Governments of Québec and of Canada recognize the necessity, both for the present and future generations, of protecting the environment, the flora and fauna and the exceptional natural resources of a representative portion of the Saguenay River and the St. Lawrence estuary, while encouraging its use for educational, recreational and scientific purposes;

WHEREAS those Governments, on 6 April 1990, entered into an agreement for the purpose of establishing a marine park there;

WHEREAS the agreement provides that each of the Parliament of Québec and the Parliament of Canada must enact legislation within its own jurisdiction for the establishment and management of the park and that the Governments of Québec and of Canada will cooperate in the exercise of their respective powers;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

DIVISION I

ESTABLISHMENT OF THE PARK

1. The Saguenay — St. Lawrence Marine Park is hereby established on the public lands of Québec. The boundaries of the park are described in the schedule.

2. The park is composed of four types of zones:

- (1) comprehensive preservation zones (Type I zones);
- (2) specific protection zones (Type II zones);
- (3) general protection zones (Type III zones);
- (4) general use zones (Type IV zones).

3. No change may be made to the park boundaries unless

- (1) agreement has been reached between the Government of Québec and the Government of Canada;

(2) a notice of intention to change park boundaries has been published in the *Gazette officielle du Québec* and in two newspapers distributed in the regions bordering on the park; and

(3) the Minister of the Environment and Wildlife and the federal Minister have jointly consulted the public.

In this Act, “federal Minister” means the Minister designated by the Governor General in Council as the Minister for the purposes of the federal statute respecting the Saguenay — St. Lawrence Marine Park.

4. Once the conditions set out in section 3 are satisfied, the Government, by order, may amend the schedule for the purpose of reducing or enlarging the area of the marine park on the public lands of Québec.

If the intention is to reduce the area of the park or of any zone of the park, other than a reduction of the area of a Type III or Type IV zone by a square kilometre or less, the order shall be tabled by the Minister in the National Assembly within 15 days after the order is made by the Government if the Assembly is sitting or, if it is not in session, within 15 days of resumption.

5. The Minister may acquire, by agreement or expropriation, any property or real right which the Minister considers necessary for the purpose of changing the boundaries of the park.

DIVISION II

ADMINISTRATION OF THE PARK

6. The administration, management and control of the park are under the direction of the Minister.

7. The Minister shall, within one year after the coming into force of this Act, table in the National Assembly a management plan for the park that the Minister draws up jointly with the federal Minister with respect to activities permitted in each type of zone, resource protection, visitor use and any other matters that the Minister considers appropriate.

8. The Minister shall review the management plan with the federal Minister at least once every seven years.

The Minister shall again table the management plan, with any amendments, in the National Assembly within three months after completion of each review if the Assembly is sitting or, if it is not in session, within 15 days of resumption.

9. The Minister shall, in cooperation with the federal Minister, provide opportunities for public participation in the development of the management plan and any other matters that the Minister considers relevant.

10. The Minister may enter into lawful agreements with the federal Minister for carrying out the purpose of this Act and for coordinating the activities permitted in the park.

11. The Minister may issue, amend, suspend and revoke permits and other authorizing instruments for the control of any activity connected with the park.

The Minister may authorize any person or group to exercise any power of the Minister under the first paragraph.

12. The Minister may, for the period he determines, prohibit access to a park zone or restrict or prohibit certain activities in a park zone.

DIVISION III

SUPERINTENDENT AND DESIGNATED PERSONS

13. The Minister shall appoint a park superintendent. The superintendent has and may exercise the powers and perform the duties of the Minister under this Act that the Minister delegates to the superintendent.

14. This Act and the regulations shall be enforced by the persons designated for such purpose under the Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1).

DIVISION IV

MANAGEMENT COMMITTEE

15. A management committee, made up of representatives of the Minister and of the federal Minister, is hereby established for the purposes of ensuring harmonization and implementing the activities and programs of the Government of Québec and the Government of Canada respecting the park, in particular with respect to the protection of ecosystems, planning, management, issuance of permits and other authorizing instruments, consultation, the programming of activities, communications and the ways in which infrastructures, installations and equipment are to be shared.

The management committee also is to harmonize draft regulations to be made under this Act and draft regulations to be made under the federal statute respecting the Saguenay — St. Lawrence Marine Park.

DIVISION V

COORDINATING COMMITTEE

16. A coordinating committee is hereby established to make recommendations to the Minister and to the federal Minister on the measures to be taken in order to carry out the objectives of the management plan.

17. The Minister, in cooperation with the federal Minister, shall decide on the composition of the coordinating committee.

The Minister shall name his or her representative or representatives on the coordinating committee.

DIVISION VI

REGULATIONS

18. For the purposes of this Act, the Government may make regulations

- (1) for the protection, control and management of the park;
- (2) for public protection, health and safety inside the park;
- (3) for the protection of the flora and fauna, wildlife habitats and other natural resources in the park;
- (4) for the protection of ecosystems, and any elements of ecosystems, in the park;
- (5) for the protection of cultural resources submerged in the park;
- (6) setting out the characteristics of each type of zone in the park;
- (7) setting out the terms and conditions under which each type of park zone may be used, the boundaries of each type of zone and any time limits applicable thereto;
- (8) determining the conditions under which various activities may be undertaken in each type of zone in the park;
- (9) determining the zones of the park that are closed to the public;
- (10) for restricting or prohibiting activities in the park or in certain park zones;
- (11) determining periods of the year during which regulatory provisions under paragraphs 9 and 10 are applicable;

(12) for the issuance, renewal, revocation and suspension of permits and other authorizing instruments required to carry on any activity under this Act or the regulations, and any conditions of the permits and instruments;

(13) for the determination of the fees to be charged for the permits or other authorizing instruments referred to in paragraph 12;

(14) for limiting the number of holders of permits or other authorizing instruments who may carry on activities at any one time;

(15) determining, among the provisions of any regulation under this section, those the contravention of which constitutes an offence.

DIVISION VII

PENAL PROVISIONS

19. Every person who contravenes a provision of a regulation the contravention of which constitutes an offence under paragraph 15 of section 18 is guilty of an offence and liable

(1) in the case of a natural person, for a first offence, to a fine of not less than \$250 nor more than \$750 and, for any subsequent offence, to a fine of not less than \$750 nor more than \$2,200;

(2) in the case of a legal person, for a first offence, to a fine of not less than \$750 nor more than \$2,200 and, for any subsequent offence, to a fine of not less than \$2,200 nor more than \$6,500.

20. Every person who contravenes section 21 is guilty of an offence and liable

(1) in the case of a natural person, for a first offence, to a fine of not less than \$500 nor more than \$1,500 and, for any subsequent offence, to a fine of not less than \$1,500 nor more than \$4,500;

(2) in the case of a legal person, for a first offence, to a fine of not less than \$1,500 nor more than \$4,500 and, for any subsequent offence, to a fine of not less than \$4,500 nor more than \$12,000.

DIVISION VIII

MISCELLANEOUS

21. All forms of prospecting, any utilization, harnessing or harvesting of resources for mining or energy production purposes and the laying of oil or gas pipelines or power lines are prohibited within the confines of the park.

The prohibition above does not apply to energy transmission equipment or to works existing on (*insert here the date of assent to this Act*).

22. Every statutory or regulatory provision not inconsistent with this Act or the regulations applies in the park.

23. This Act is binding on the Government and the bodies which are mandataries of the Government.

24. The Minister of the Environment and Wildlife is responsible for the administration of this Act.

25. Permits in force on the date of coming into force of this Act shall remain in force until their date of expiry.

26. Section 5 of the Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1) is amended by adding, after subparagraph 6 of the first paragraph, the following subparagraph:

“(7) the Act respecting the Saguenay — St. Lawrence Marine Park (*insert here the year and chapter number of that Act*)”.

27. This Act comes into force on the date to be fixed by the Government.

SCHEDULE

SAGUENAY— ST. LAWRENCE MARINE PARK ON THE PUBLIC LANDS OF QUÉBEC

A territory, situated in the regional county municipalities of Fjord-du-Saguenay, Haute-Côte-Nord, Charlevoix-Est, Rivière-du-Loup and Kamouraska, official cadastre of the townships of: Saint-Germains, Durocher, Champigny, Labrosse, Albert, Tadoussac, Bergeronnes, Escoumins, Otis, Hébert, Saint-Jean, Dumas, Saguenay and Callières, and of the parishes of: Saint-Siméon and Saint-Fidèle.

Such territory being situated on Québec public lands and comprising part of the bed of the Saguenay River and part of the bed of the estuary of the St. Lawrence River. Containing an area of 1138 square kilometres within the perimeter described as follows:

Starting from point A situated at Cap de l'Est at the intersection of the boundary line between lots 7 and 8 of Range F, cadastre of the township of Saint-Germains, and the ordinary high water mark (OHWM) on the northeast shore of the Saguenay River; thence, in a general southeasterly direction, the OHWM on the northeast shore of the Saguenay River to point B (Pointe Rouge), designated as 5,333,239 m N and 364,246 m E in the Québec plane coordinate system (QPCS);

Skirting, so as to exclude them, the following areas:

— SAINTE-ROSE-DU-NORD WHARF (1):

The submerged shore lot, without designation, forming part of the bed of the Saguenay River, fronting on part of lots A-1 and A-2 of Range B of the official cadastre of the township of Saint-Germains, transferred to the Government of Canada by Québec Order in Council 357 dated 5 March 1963, and accepted by Order in Council P.C. 1302 dated 4 September 1963.

— ESTUARY OF THE SAINTE-MARGUERITE RIVER:

Part of the Sainte-Marguerite bay bordered by the downstream side of the walkway linking lot 12 of the West Range of the river to lot D of the East Range of the river, cadastre of the township of Albert.

— L'ANSE-DE-ROCHE (2):

Part of the bed of the Saguenay River comprising:

The L'Anse-de-roche wharf. The submerged shore lot, being Block 35 on the original survey, fronting on lots 20-4, 20-5, 20-8 and 20-9 of Range I Saguenay of the revised cadastre of the township of Albert;

A submerged shore lot, without designation, fronting on lot 20-4, Range I Saguenay, revised cadastre of the township of Albert, contiguous to the aforementioned Block 35 and bounded as follows: on the east by the OHWM; on the north by the aforementioned Block 35; on the south and west by the Saguenay River. Being 40.0 metres in width and 83.82 metres along its north line;

L'Anse-de-roche marina (2). A submerged shore lot, without designation, fronting on lots 20-8, 21-20, 21-22 and 21-23 of Range I Saguenay of the revised cadastre of the township of Albert, contiguous to the aforementioned lot and bounded as follows: on the east by the OHWM; on the south by the aforementioned Block 35; on the west and north by the Saguenay River. Being 45.0 metres in width and 85.34 metres along its south line.

— TADOUSSAC FERRY WHARF (3):

The submerged shore lot 1014 of the revised cadastre of the township of Tadoussac.

— ANSE À L'EAU (3):

Lots 55-1, 54-B-1, 54-A-1 to their southeast line and lot 54-1 to its southwest line, revised cadastre of the township of Tadoussac.

— ANSE À CALE SÈCHE (4):

Part of Block 1 of the revised cadastre of the township of Tadoussac to a line parallel to and running at a distance of 10 metres to the south of the dry dock gate.

— TADOUSSAC BAY (5):

Part of the bed of the Saguenay River, Tadoussac Bay, comprising:

Tadoussac wharf. A submerged shore lot, without designation, comprising the site of the Tadoussac wharf and a contiguous strip of land 25 metres in width measured perpendicularly from the outside wall of the wharf;

Tadoussac marina. A submerged shore lot, without designation, fronting on lots 67-14 and 67-15 of the revised cadastre of the village of Tadoussac, containing an area of approximately 21,848 square metres, lease number 9091-41, Tadoussac yachting harbour;

A submerged shore lot, without designation, triangular in shape, bounded on the southeast by the wharf lot; on the west by the marina lot and on the northeast by a straight line running from the northwest corner of the wharf lot to the northeast corner of the marina lot (5).

— TADOUSSAC BAY (6):

A submerged shore lot, without designation, forming part of the bed of the Saguenay River, fronting on lots 122-1 and 688, lease number 7677-382;

Two submerged shore lots, without designation, forming part of the bed of the Saguenay River, fronting on lots 122-2, 129-2 and 129-3, lease number 7677-381.

From point B, in a general northeasterly direction, the OHWM on the northwest shore of the St. Lawrence River to the intersection of the boundary line between lots A-4 and A-5 of Range A of the township of Escoumins, designated as point C;

Skirting, so as to exclude them, the following areas:

— PETITES BERGERONNES BAY:

Part of the bay bounded by a straight line the extremities of which are designated as the following QPCS coordinates:

Point 3: 5,343,820 m N and 373,006 m E;

Point 4: 5,343,825 m N and 373,248 m E;

— GRANDES BERGERONNES BAY (7):

Part of the bay bounded by a straight line the extremities of which are designated as the following QPCS coordinates:

Point 5: 5,344,751 m N and 375,045 m E;

Point 6: 5,344,756 m N and 375,369 m E;

Grandes-Bergeronnes wharf. A submerged shore lot, without designation, forming part of the bed of the St. Lawrence River, estuary of the Grandes-Bergeronnes River, and situated at the southwesternmost extremity of Block A-2 of the township of Bergeronnes, transferred to the Government of Canada by Québec Order in Council 1240 dated 30 June 1939, and accepted by Order in Council P.C. 2607 dated 9 September 1939;

Grandes-Bergeronnes marina. A submerged shore lot, without designation, forming part of the bed of the St. Lawrence River, estuary of the Grandes-Bergeronnes River, and contiguous to the aforementioned lot, bounded as follows: on the southeast by the aforementioned lot; on the southwest and northwest by the St. Lawrence River and on the northeast by the OHWM. Being 153.15 metres on the southeast and 60.96 metres on the southwest.

— ANSE AUX BASQUES (8):

Part of the bed of the St. Lawrence River comprising:

The Escoumins wharf. The submerged shore lots designated on the original survey as Blocks 243 and 1074 of the bed of the St. Lawrence River, fronting on lot 2 (part), Range A, cadastre of the township of Escoumins;

The submerged shore lot, being Block 1040 of the bed of the St. Lawrence River on the original survey, fronting on lot 1-1 (part) of Range A of the cadastre of the township of Escoumins;

A submerged shore lot, without designation, fronting on lot 2-15 of Range A of the cadastre of the township of Escoumins; bounded on the east by the aforementioned Block 243; on the south by Anse-aux-basques; on the west by the aforementioned Block 1040 and on the north by lot 2-15 of Range A of the cadastre of the township of Escoumins. Being 29.41 metres on the east and 5.45 metres and 16.97 metres on the west.

— ANSE À LA BARQUE:

A submerged shore lot, without designation, forming part of the bed of the St. Lawrence River, fronting on lot 3 Range A, cadastre of the township of Escoumins. Being 53.0 metres in width and 75.0 metres in length;

From point C, southeasterly, a straight line to point D, having the geographic coordinates 48°17'28" N latitude and 69°17'17" W longitude.

From point D, southwesterly to point H 50, having the geographic coordinates 48°06'25" N latitude and 69°29'38" W longitude.

From point H 50, southwesterly, a straight line to point H 52, having the geographic coordinates 48°04'30" N latitude and 69°31'42" W longitude.

From point H 52, southwesterly, a straight line to point H 56, having the geographic coordinates 47°52'54" N latitude and 69°37'17" W longitude.

From point H 56, southwesterly, a straight line to point H 58, having the geographic coordinates 47°51'21" N latitude and 69°39'00" W longitude.

From point H 58, southwesterly, a straight line to point H 60, having the geographic coordinates 47°48'16" N latitude and 69°42'43" W longitude.

From point H 60, southwesterly, a straight line to point H 64, having the geographic coordinates 47°38'39" N latitude and 69°53'16" W longitude.

From point H 64, northwesterly, a straight line to point E, situated on the boundary line between lots 252 and 254 of the Saint-Paul Range, cadastre of the parish of Saint-Fidèle. The said point being situated on the OHWM on the northwest shore of the St. Lawrence River (Gros Cap à L'Aigle).

From point E, in a general northeasterly direction, being the OHWM on the northwest shore of the St. Lawrence River, to point F (Pointe Noire), designated as 5,331,938 m N and 363,150 m E in the QPCS.

Skirting, so as to exclude them, the following areas:

— PORT-AU-PERSIL WHARF (9):

A submerged shore lot, without designation, forming part of the bed of the St. Lawrence River, fronting on lot 34 of Port-au-Persil Range in the cadastre of the parish of Saint-Siméon.

— SAINT-SIMÉON WHARF (10):

A submerged shore lot, being Block 627 of the bed of the St. Lawrence River on the original survey, fronting on lots 63 and 65 of Port-au-Persil Range, cadastre of the parish of Saint-Siméon;

A submerged shore lot, without designation, forming part of the bed of the St. Lawrence River, fronting on lots 65 and 66 of Port-au-Persil Range, cadastre of the parish of Saint-Siméon, and contiguous to the aforementioned lot. Being 156.67 metres on the south; 91.44 metres on the east and 189.28 metres on the north.

— ESTUARY OF THE NOIRE RIVER(11):

A submerged shore lot, without designation, forming part of the bed of the St. Lawrence River, fronting on lot 69 of Mont-Murray Seignory and the estuary of the Noire River, as shown on the plan prepared by Mario Morin, land surveyor, on 27 January 1995 under number 769 of his minutes. The said lot being reserved for the needs of the Ministère des Transports du Québec.

A submerged shore lot, without designation, forming part of the bed of the St. Lawrence River, fronting on lot 24 of Range 1 SW of the cadastre of the township of Callières. Being 102.11 metres on the south; 241.71 metres on the east. The said lot having been transferred to the Government of Canada by Québec Order in Council 3105 dated 20 December 1939, and accepted by Order in Council P.C. 176 dated 17 January 1940;

A submerged shore lot, without designation, forming part of the bed of the St. Lawrence River, fronting on lot 24 of Range A of the cadastre of the township of Callières, comprising the site of the wharf and a contiguous strip of land 25 metres in width measured perpendicularly from the outside wall of the wharf.

— AUX CANARDS RIVER:

The estuary of the Aux Canards River, bounded by a straight line the extremities of which are designated as the following QPCS coordinates:

Point 7: 5,326,822 m N and 360,789 m E;

Point 8: 5,326,882 m N and 360,907 m E;

— SAINTE-CATHERINE BAY (12):

The submerged shore lot, without designation, forming part of the bed of the St. Lawrence River granted by letters patent to Price Brothers on 23 August 1930, fronting on lots E, F, 6 and 7 of Range B, cadastre of the township of Saguenay;

A submerged shore lot, without designation, forming part of the bed of the St. Lawrence River, held by the Government of Canada by virtue of Order in Council 365 dated 19 March 1934 and a deed of purchase registered at Baie-Comeau under number 8611 dated 8 August 1934.

From point F, in a general northwesterly direction, being the OHWM on the southwest shore of the Saguenay River, to its intersection with the boundary line between lots 2 and 3 of Range VI of the township of Otis, being point G;

Skirting, so as to exclude them, the following areas:

— BAIE-SAINTE-CATHERINE FERRY WHARF (13):

A submerged shore lot, without designation, forming part of the bed of the Saguenay River and including Block 37 fronting on lots 56 of Range 1 and 8-1 of Range B of the cadastre of the township of Saguenay, as shown on a plan prepared by Claude Latulippe, land surveyor, on 3 August 1978 under number 5255 of his minutes. The said lot being reserved for the needs of the Ministère des Transports du Québec.

— SAINT-ÉTIENNE COVE:

A part of Saint-Étienne cove, bounded by a straight line the extremities of which are designated as the following QPCS coordinates:

Point 9: 5,340,426 m N and 348,677 m E;

Point 10: 5,340,477 m N and 348,658 m E;

— PETIT SAGUENAY COVE:

A part of Petit-Saguenay cove, bounded by a straight line (line 11-12 on the attached plan), perpendicular to the current and having its origin at the mouth of a stream known locally as the Alvidas stream.

— PETIT-SAGUENAY WHARF (14):

A part of the bed of the Saguenay River comprising: a submerged shore lot being Block 64 of the bed of the Saguenay River, fronting on Block A of the cadastre of the township of Saint-Jean, containing an area of 13,053 square metres, transferred to the Government of Canada by Québec Order in Council 2017 dated 28 November 1962 and accepted by an Order of the Privy Council dated 27 June 1963;

A submerged shore lot, without designation, forming part of the bed of the Saguenay River, fronting on Block A of the cadastre of the township of Saint-Jean, bounded as follows: on the north by the hereinafter described Block B and the Saguenay River; on the east by the Saguenay River; on the south by the OHWM and on the west by the aforementioned Block 64. Containing an area of 8,895 square metres, transferred to the Government of Canada by Québec Order in Council 2017 dated 28 November 1962 and accepted by an Order of the Privy Council dated 27 June 1963;

A submerged shore lot, being Block B of the bed of the Saguenay River, fronting on Block A of the cadastre of the township of Saint-Jean, transferred to the Government of Canada by Québec Order in Council 437 dated 17 March 1968 and accepted by Order in Council P.C. 1689 dated 28 August 1968.

— SAINT-JEAN COVE (15):

A part of Saint-Jean cove, bounded by a straight line (line 13-14 on the plan), starting from the boundary line between lots 62 and 7b, Reserve Range, cadastre of the township of Saint-Jean and perpendicular to the current.

Anse Saint-Jean wharf. A submerged shore lot, without designation, forming part of the bed of the Saguenay River, fronting on lot 1B of Range VII, cadastre of the township of Saint-Jean, including the site of the wharf and a contiguous strip of land 25 metres in width measured perpendicularly from the outside wall of the wharf;

A submerged shore lot, without designation, forming part of the bed of the Saguenay River, fronting on lot 1B of Range VII of the cadastre of the township of Saint-Jean, as described in lease No. 9596-85 of the Ministère de

l'Environnement et de la Faune and a contiguous strip of land 25 metres in width measured perpendicularly from the boundary line described in the lease.

— ÉTERNITÉ BAY:

A part of Éternité Bay, bounded by a straight line the extremities of which are designated as the following QPCS coordinates:

Point 15: 5,350,803 m N and 316,863 m E;

Point 16: 5,350,903 m N and 316,803 m E;

A submerged shore lot, without designation, situated in Éternité Bay at 5,351,813 m N and 317,243 m E in the Québec plane coordinate system, including the site of the walkway and floating wharf and a contiguous strip of land 25 metres in width measured perpendicularly from the outside wall of that structure.

From point G, northwesterly, a straight line to the starting point, being point A.

The said territory including: all land placed at the disposal of Hydro-Québec for the construction and maintenance of electric power transportation lines within the perimeter described above.

The said territory excluding:

— all property not held by the Government of Québec;

— all islands and islets, and all structures, including the marine structure situated on the Haut-fond Prince, and a strip of land 25 metres in width around that structure, designated as 5,330,376 m N and 370,648 m E in the Québec plane coordinate system.

All Québec plane coordinate system data, NAD 83, zone 7, mentioned above are expressed in metres and are calculated from coordinates plotted on 1:20,000-scale maps prepared by the Ministère des Ressources naturelles du Québec, N.A.D. 1927.