



chapter C-61.1, r. 79

Regulation respecting salmon fishing controlled zones

An Act respecting the conservation and development of wildlife
(chapter C-61.1, ss. 110 and 162)

The fees prescribed in the Regulation have been indexed as of 1 April 2014 pursuant to the notice published in Part 1 (French) of the Gazette officielle du Québec of 26 October 2013, page 1182. (s. 15)

The fees prescribed in the Regulation have been indexed as of 1 January 2014 pursuant to the notice published in Part 1 (French) of the Gazette officielle du Québec of 30 November 2013, page 1295. (s. 16, 17)

DIVISION I INTERPRETATION AND SCOPE

1. In this Regulation,

“agency” means an agency that is a party to a memorandum of agreement in respect of the management of a controlled zone in accordance with section 106 of the Act respecting the conservation and development of wildlife (chapter C-61.1); (organisme)

“limited access sector” means a sector in a controlled zone for which an agency sets by by-law a limit on the number of persons that may enter to fish; (secteur à accès contingenté)

“ZEC” means a controlled zone established for the purposes of salmon fishing in accordance with section 104 of the Act. (ZEC)

O.C. 1255-99, s. 1.

2. This Regulation applies to the salmon fishing controlled zones listed in Schedule I and to those that will be established after 16 December 1999.

O.C. 1255-99, s. 2.

DIVISION II REGISTRATION AND ASSIGNMENT

3. An agency may, by by-law, determine the cases where a person who, for recreational purposes, enters or stays in a ZEC under its management or engages in any other activity therein, shall be required to register.

That person shall comply with the following registration procedure:

- (1) identify himself or herself with the person's name and address, an identification number and, where applicable, the number of the person's fishing licence;
- (2) specify a date and a single location or, as the case may be, a single sector in which the person will be fishing, for each day of fishing;
- (3) specify a date and a location or, as the case may be, a sector in which the person will carry on a recreational

activity that is part of a development plan approved by the Minister in accordance with section 106.0.1 of the Act for each day on which the activity will be carried on;

(4) place a proof of registration on the dashboard of the person's vehicle so that it may be read from the outside or carry and produce it upon request from a wildlife protection officer, a wildlife protection assistant or an area warden; the duly completed registration is to be deposited at the reception centre on leaving the controlled zone;

(5) pay the fees payable.

When a person fishes in more than one open access sector during the same day, the amount of the required fees may not exceed the maximum amount prescribed by subparagraph 1 of the first paragraph of section 15.

A person who fishes in a limited access sector or open access sector may, on the day of that activity, change the chosen fishing sector in order to fish in another limited access fishing sector, if there are still vacancies and the person pays the required fees to fish in the newly chosen sector.

O.C. 1255-99, s. 3; O.C. 810-2005, s. 1; O.C. 564-2014, s. 1.

4. Where registration is required in accordance with section 3 and no registration officer is on duty, the person shall fill out the registration form available at the reception centre and deposit it at the designated place.

O.C. 1255-99, s. 4.

5. An agency may, by by-law, divide a ZEC territory into sectors for fishing salmon and other species of fish.

O.C. 1255-99, s. 5.

6. A person may not fish in a ZEC except on the date and in the location or, where applicable, sector specified on the proof of registration.

At the end of his stay, a person shall declare to the registration officer the number of fish of each species taken, the date and location where they were taken, and shall produce the fish on request and allow any required handling or testing.

Where no officer is available, a person shall make that declaration on the form provided at the reception centre and deposit it at the designated place.

O.C. 1255-99, s. 6.

DIVISION III LIMITED ACCESS SECTORS

7. An agency may, by by-law, limit the number of fishermen that may be admitted each day in each of the sectors that it has established during the salmon fishing season.

The number of fishermen that may be admitted each day shall not be less than 2 fishermen per sector.

O.C. 1255-99, s. 7.

8. In order to fish in a limited access sector, a person shall have been selected in accordance with section 9 or section 13.

O.C. 1255-99, s. 8.

9. An agency shall select fishermen according to the following terms and conditions:

(1) on an optional basis, daily selection may be made according to the method of assignment determined by by-

law of the agency, of not more than 20% of the number of fishermen that may be admitted each day into all of the limited access sectors of the ZEC, from 20 June to 15 July; for the remainder of the year, that selection may exceed 20% of the number of fishermen that may be admitted each day into all those sectors without exceeding 20% of the number of fishermen that may be admitted each year into all the limited access sectors of the ZEC;

(2) for not less than half the number of fishermen that may be admitted each day into all the limited access sectors of the ZEC, selection shall be made by a random draw held each year or by telephone reservation, not less than 2 months before the beginning of the salmon fishing season;

(3) for fishermen not selected pursuant to paragraph 1, if applicable, and paragraph 2, selection shall be made by a random draw or by telephone reservation 2 days before the scheduled activity;

(4) if there are vacancies following the selections made in accordance with paragraph 1 or paragraphs 2 and 3, selection shall be made by on an optional basis, by a draw of lots or by telephone reservation the day before the scheduled activity; and

(5) on the day of the activity, by allotment among the persons present at the reception centre according to their order of arrival, or by a draw of lots among those persons, if there are still vacancies after the selections made under paragraph 1, where applicable, and paragraphs 2 to 4, where applicable.

O.C. 1255-99, s. 9; O.C. 810-2005, s. 2.

9.1. The fees payable by a person registering for a random draw that may be set by by-law of an agency cannot exceed

(1) \$10 for the draw referred to in paragraph 2 of section 9; and

(2) \$3 for the draws referred to in paragraphs 3 and 4 of section 9.

O.C. 564-2014, s. 2.

10. At least 1 month prior to selecting fishermen, the agency shall publish the terms and conditions for participating in the random draw or for making reservations by telephone in 2 Québec newspapers, one of which shall have a province-wide circulation and the other shall be circulated in the region of the ZEC or in the nearest region, if there is no newspaper in the region.

O.C. 1255-99, s. 10.

11. At the random draw, each person selected shall be assigned a rank for the choice of a date and fishing sector.

O.C. 1255-99, s. 11.

12. A person who, pursuant to paragraph 2 of section 9 is selected by a random draw or makes a reservation by telephone shall be allotted one reservation by the agency for a maximum of 2 persons for a maximum stay of 4 days, consecutive or not.

An agency must allow a selected person who so requests to reserve for 2 persons and for a stay of 2 consecutive or non-consecutive days in the same sector or in another sector offered by random draw or telephone reservation.

When the selected person referred to in the first and second paragraphs makes a reservation for 2 persons, the second person may fish on one of the days specified in the reservation so long as the person selected registers and fishes on that day.

A person selected under paragraph 3 or 4 of section 9 who reserves for 2 persons must also comply with the condition in the third paragraph.

O.C. 1255-99, s. 12; O.C. 810-2005, s. 3.

DIVISION IV ASSIGNMENT FOR PROMOTIONAL PURPOSES

13. Despite Division III, an agency may assign a number of fishermen to any sector of the controlled zone for promotional purposes and according to the procedure it determines by by-law; however, that number may not exceed 24 fishing days for all limited access sectors and the annual maximum provided for in paragraph 1 of section 9 must be complied with.

O.C. 1255-99, s. 13; O.C. 810-2005, s. 4.

DIVISION V FEES PAYABLE

14. The fees payable by a person applying for membership that may be set by by-law of the agency shall not be less than \$10 nor more than \$30.

O.C. 1255-99, s. 14; O.C. 564-2014, s. 3.

15. A person may not fish in a ZEC unless he has paid the fees set by by-law of the agency; those fees shall not exceed the following amounts or, in the case of a non-resident, those set under section 18:

- (1) [\\$43.39](#) per day in an open access sector;
- (2) [\\$92.98](#) per day in a limited access sector;
- (3) [\\$140.88](#) per day in a limited access sector for which the selection of fishermen is made in accordance with paragraph 1 of section 9; or
- (4) [\\$1,127.03](#) per day in any sector for which the selection of fishermen is made in accordance with section 13.

The fees referred to in subparagraph 4 of the first paragraph may be charged only where it is part of a fund-raising activity of a nonprofit organization.

O.C. 1255-99, s. 15.

16. To use a vehicle in a ZEC, a person shall pay the fees set by by-law of an agency, which shall not exceed:

- (1) [\\$5.90](#) per vehicle;
- (2) [\\$5.90](#) more per vehicle where a person enters or leaves a ZEC between 10:00 p.m. and 7:00 a.m.

The first paragraph does not apply to

- (1) a person travelling in a ZEC in the performance of his duties;
- (2) a person who travels in a ZEC solely to reach a private property located in the territory of the ZEC but not forming part of the ZEC;
 - (2.1) a person who travels in a ZEC solely to reach a principal residence or private property and come back from there, if there is no other practicable road possible;
- (3) a person whose travel fees have been paid, in accordance with section 106.2 of the Act respecting the conservation and development of wildlife (chapter C-61.1), by an outfitter, an agency or a recreational association;
- (4) a person who just travels through a ZEC, and for whom the corresponding travel fees are paid to the agency by another person, an association or a group;

(5) a person who travels in a ZEC to reach lands in the domain of the State on which exclusive trapping rights only are granted, in a wildlife reserve, in another controlled zone or in a beaver reserve for the purpose of carrying out activities related to trapping, and to come back from there; or

(6) a lessee of exclusive trapping rights, a professional trapping licence holder or a person referred to in sections 5 to 7 of the Regulation respecting trapping activities and the fur trade (chapter C-61.1, r. 3) authorized by the lessee to trap, who travels in a ZEC for the purpose of carrying out trapping activities.

O.C. 1255-99, s. 16; O.C. 1094-2002, s. 1; O.C. 451-2008, s. 1; O.C. 564-2014, s. 4.

17. An agency may, by by-law, set for the benefit of any person an annual lump sum fee to travel in a ZEC not to exceed [\\$76.50](#). Such fee includes that of the spouse and minor children.

The payment of the lump-sum fee does not exempt the person paying it from paying the fee referred to in subparagraph 2 of the first paragraph of section 16.

O.C. 1255-99, s. 17.

18. An agency may, by by-law, increase the amount of the fees payable by non-residents to a maximum of twice the amount set by the agency for a resident pursuant to this Division.

This section does not apply to travel fees prescribed in sections 16 and 17.

O.C. 1255-99, s. 18.

19. As provided for in the second paragraph of section 110 of the Act respecting the conservation and development of wildlife (chapter C-61.1), the amount of the fees which may be set by an agency under this Division may vary according to the criteria referred to in that paragraph.

O.C. 1255-99, s. 19.

DIVISION VI VEHICLES

20. An agency may, by by-law, prohibit for a given period the use of any type of vehicle for competitions, races or rallies.

O.C. 1255-99, s. 20.

DIVISION VI.1 RECREATIONAL ACTIVITIES

O.C. 810-2005, s. 5.

20.1. No person may swim, snorkel or scuba dive in the locations in the controlled zone where a prohibition to that effect is posted.

Despite the first paragraph, a person may snorkel or scuba dive anywhere in the controlled zone in the performance of duties.

O.C. 810-2005, s. 5.

DIVISION VI.2 INDEXING

O.C. 810-2005, s. 5.

20.2. As of 1 April 2007, the maximum amounts of the fees payable for fishing and travelling, set in accordance with sections 15, 16 and 17, are adjusted annually based on the annual percentage change, calculated for the month of June of the preceding year, in the general Consumer Price Index (CPI) published by Statistics Canada.

The Minister is to publish the results of the adjustment in Part 1 of the Gazette officielle du Québec or by any other appropriate means.

O.C. 810-2005, s. 5; O.C. 55-2008, s. 3; O.C. 564-2014, s. 5.

DIVISION VII
PENAL

21. Any person who contravenes any of sections 3, 4, 6, 8, 12, 15, 16 and 20.1 or by-law made by an agency pursuant to section 20 is guilty of an offence.

O.C. 1255-99, s. 21; O.C. 810-2005, s. 6.

DIVISION VIII
TRANSITIONAL AND FINAL

22. Where the territory of a ZEC has been divided into sectors for fishing by a by-law made by an agency under section 5 and where such territory is enlarged by the Minister, the enlargement shall constitute an additional fishing sector until such time as a by-law respecting the enlargement, made by the agency pursuant to section 5, comes into force.

For the purposes of this section, where the enlargement is made up of separate areas, each area shall be deemed to constitute a separate sector.

O.C. 1255-99, s. 22.

23. The by-laws made by an agency managing a salmon fishing ZEC pursuant to the provisions of the Regulation respecting controlled zones (O.C. 122-89, 89-02-08) shall remain in force until they are amended, replaced or revoked by a by-law of that agency made under the provisions of this Regulation.

O.C. 1255-99, s. 23.

24. (Omitted).

O.C. 1255-99, s. 24.

SCHEDULE I

(s. 2)

SALMON FISHING CONTROLLED ZONES

Grande-Rivière

Pabok

Petite-Rivière-Cascapédia

Rivière-Bonaventure

Rivière-Cap-Chat

Rivière-Dartmouth

Rivière-des-Escoumins

Rivières-Godbout-et-Mistassini

Rivière-Jacques-Cartier

Rivière-Laval

Rivière-Madeleine

Rivière-à-Mars

Rivière-Matane

Rivière-Mitis

Rivière-Moisie

Rivière-Nouvelle

Rivière-Petit-Saguenay

Rivière-Rimouski

Rivière-Sainte-Marguerite

Rivière-Saint-Jean-du-Saguenay

Rivière-de-la-Trinité

Rivière-York

O.C. 1255-99, Sch. I.

REFERENCES

O.C. 1255-99, 1999 G.O. 2, 4381
S.Q. 2000, c. 48, s. 36
O.C. 1094-2002, 2002 G.O. 2, 5273
O.C. 810-2005, 2005 G.O. 2, 3922
O.C. 55-2008, 2008 G.O. 2, 620
O.C. 451-2008, 2008 G.O. 2, 1594
O.C. 564-2014, 2014 G.O. 2, 1393