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R.S.Q., chapter R-26

## **AN ACT RESPECTING ECOLOGICAL RESERVES**

*Chapter R-26 is replaced by the Ecological Reserves Act (chapter R-26.1). (1993, c. 32, s. 20).*

### **DIVISION I**

#### **DEFINITIONS**

Interpretation:

**1.** In this act, unless the context requires a different meaning,

“ecological reserve”;

(a) “ecological reserve” means any territory reserved by the Government in virtue of section 2;

(b) (paragraph repealed);

“Minister”.

(c) “Minister” means the Minister of the Environment.

1974, c. 29, s. 1; 1979, c. 49, s. 30; 1984, c. 27, s. 90.

### **DIVISION II**

## CREATION AND ADMINISTRATION OF ECOLOGICAL RESERVES

Establishment of reserve.

**2.** The Government may, by regulation, establish as an ecological reserve any territory composed of lands in the public domain if it considers that measure necessary:

(a) to preserve such territory in its natural state;

(b) to reserve such territory for scientific research and, if need be, for education; or,

(c) to safeguard animal and plant species threatened with disappearance or extinction.

Coming into force upon publication.

Every regulation made in virtue of this section shall come into force on the date of its publication in the *Gazette officielle du Québec* or on any later date fixed therein.

1974, c. 29, s. 2; 1987, c. 23, s. 76.

Advice of the Commission de protection du territoire agricole du Québec.

**2.1.** If the territory to be established as an ecological reserve is situated, in whole or in part, in a reserved area or in an agricultural zone established in accordance with the Act to preserve agricultural land (chapter P-41.1), the Government shall obtain the advice of the Commission de protection du territoire agricole du Québec, before establishing the reserve.

1978, c. 10, s. 112.

Acquisition of private land.

3. If it considers that private land is necessary for the establishment, enlargement or maintenance of an ecological reserve, the Government may, on the conditions it determines, authorize the Minister to acquire it by agreement, exchange or expropriation.

Establishment.

The land so acquired may then be established as an ecological reserve in accordance with section 2.

1974, c. 29, s. 3; 1984, c. 27, s. 91.

Real or personal rights.

4. The Government may also, on the conditions it determines, authorize the Minister to acquire real or personal rights on private land to facilitate the utilization of an ecological reserve.

1974, c. 29, s. 4.

Abolition of ecological reserve.

5. An ecological reserve may be abolished by the Government, which may change the boundaries of it, if the Minister has, as a preliminary:

(a) requested the advice of the Conseil de la conservation et de l'environnement;

(b) given notice that it is intened to abolish the ecological reserve or to change the boundaries of it, in the *Gazette officielle du Québec* and in one or two newspapers published in the region concerned or, if no newspapers are published in that region, in one or two newspapers published in the nearest vicinity; and

(c) granted a delay of thirty days from the publication of such notice to allow the persons concerned to send him their objections in writing.

1974, c. 29, s. 5; 1984, c. 27, s. 92; 1987, c. 73, s. 22.

Forbidden acts.

6. In an ecological reserve, hunting and fishing, forest, agricultural or mining operations, exploration or boring, prospecting, levelling and construction work, and, in general, works of a nature to change the aspect of the terrain or of the vegetation and acts of a nature to disturb the fauna or the flora are forbidden.

Forbidden act.

Furthermore, no one may introduce an animal or plant species into an ecological reserve.

Scientific or educational activities.

The Minister may, however, on the conditions determined by regulation, allow one or another of the acts or works contemplated in the first and second paragraphs, for the scientific

study of the evolution of the milieu or for the carrying out of educational activities.

1974, c. 29, s. 6; 1984, c. 27, s. 93.

Authorization to enter.

7. It is forbidden to enter or to circulate in an ecological reserve without a written authorization from the Minister. He shall grant such authorization solely for purposes of scientific research.

Authorization for educational purposes.

However, in any sector of an ecological reserve determined by the Government, the Minister may grant the authorization contemplated in the preceding paragraph not only for the purposes of scientific research but, in addition, for educational purposes.

Access.

The Minister may also authorize a person to enter or circulate in an ecological reserve for inspection, supervision or conservation purposes.

Conditional authorization.

An authorization issued by the Minister under this section may be accompanied with conditions intended to ensure the protection of the ecological reserve.

Withdrawal of authorization.

The Minister may, at all times, withdraw an authorization issued under this section where he considers it necessary in order to ensure the protection of the ecological reserve.

1974, c. 29, s. 7; 1982, c. 25, s. 38.

Authorization for expropriation.

**8.** Notwithstanding any general law or special act, no power of expropriation may be exercised over land situated in an ecological reserve without the express authorization of the Government.

Provisions to apply.

This section and sections 6 and 7 apply to the Gouvernement du Québec and to its mandataries.

1974, c. 29, s. 8; 1977, c. 5, s. 14.

Regulations.

**9.** The Government may, by regulation:

*(a)* determine the conditions contemplated in the third paragraph of section 6;

*(b)* establish standards respecting the development, protection, utilization and management of ecological reserves.

Coming into force.

Every regulation made in virtue of this section shall come into force on the date of its publication in the *Gazette officielle du Québec* or on any later date fixed therein.

1974, c. 29, s. 9.

### **DIVISION III**

*Repealed, 1987, c. 73, s. 23.*

**10.** *(Repealed).*

1974, c. 29, s. 10; 1977, c. 5, s. 14; 1984, c. 27, s. 94; 1987, c. 73, s. 23.

**11.** *(Repealed).*

1974, c. 29, s. 11; 1987, c. 73, s. 23.

### **DIVISION IV**

#### PENAL AND FINAL PROVISIONS

Offence and penalty.

**12.** Every person who contravenes a provision of this Act is guilty of an offence and liable to a fine of \$25 to \$300 and, in the case of a second or subsequent conviction, to a fine of \$300 to \$1 000.

1974, c. 29, s. 12; 1990, c. 4, s. 793.

Identity and permit.

**13.** A person authorized under the third paragraph of section 7 may, when making an inspection in an ecological reserve, require that every person identify himself and show any authorization or permit required under this Act. The person authorized therefor may also seize every object with which a person commits an offence against this Act.

1974, c. 29, s. 13; 1982, c. 25, s. 39; 1986, c. 95, s. 299; 1990, c. 4, s. 794.

Penal proceedings.

**14.** Penal proceedings are instituted by the Attorney General or by any person whom he generally or specially authorizes in writing for that purpose.

1974, c. 29, s. 14; 1988, c. 49, s. 41; 1990, c. 4, s. 795.

Minister responsible.

**15.** The Minister of the Environment is entrusted with the application of this act.

1974, c. 29, s. 15; 1979, c. 49, s. 31.

**16.** (*This section ceased to have effect on 17 April 1987*).

1982, c. 21, s. 1; U. K., 1982, c. 11, Sch. B, Part I, s. 33.

## **REPEAL SCHEDULE**

In accordance with section 17 of the Act respecting the consolidation of the statutes (chapter R-3), chapter 29 of the statutes of 1974, in force on 31 December 1977, is repealed, except section 16, effective from the coming into force of chapter R-26 of the Revised Statutes.