

Draft Regulation

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

Hunting and fishing controlled zones

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting hunting and fishing controlled zones, the text of which appears below, may be made by the Government, upon the expiry of 45 days following this publication.

The purpose of the draft Regulation is to give more latitude to ZEC managing agencies, in particular for the setting of fees and for certain management procedures.

To that end, the Regulation proposes:

- a regulation specific to hunting and fishing ZECs;
- more flexibility in the setting of fees;
- specific fees for winter fishing;
- the replacement of the prohibition against automobile races and rallies by a delegation of the power to decide to the managing agencies;
- greater flexibility in the management of small game hunting during the hunting season for cervidae;
- the showing of licences upon registration.

To date, study of the matter has shown no negative impact on businesses, particularly on small and medium-sized businesses. On the contrary, the changes should allow for a better financing of ZEC managing agencies through greater flexibility in the setting of fees, while favouring the various customers concerned.

Further information may be obtained by contacting:

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Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister responsible

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GUY CHEVRETTE,
Minister responsible for Wildlife and Parks

Regulation respecting hunting and fishing controlled zones

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1, ss. 110 and 162, par. 14; 1997, c. 95, s. 5; 1998, c. 29, s. 22)

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 (R.S.Q., c. C-61.1); (*organisme*)

“hunting and fishing ZEC” means a controlled zone, other than a salmon fishing ZEC or a wildfowl hunting ZEC, established for the purposes of hunting and fishing, in accordance with section 104 of the Act respecting the conservation and development of wildlife; (*ZEC de chasse et de pêche*)

“hunting implement” means any implement referred to in the Regulation respecting hunting made by Order in Council 1383-89 dated 23 August 1989; (*engin de chasse*)

“hunting season” means a hunting season referred to in the Regulation respecting hunting; (*période de chasse*)

“limited access sector” means a sector in a controlled zone for which an agency sets a limit on the number of groups of hunters that may enter to hunt moose; (*secteur à accès contingenté*)

“small game” means that referred to in section 1 of the Regulation respecting hunting. (*petit gibier*)

2. This Regulation applies to hunting and fishing controlled zones.

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.

A person who is required to register shall comply with the following registration procedure:

- (1) report to the designated reception centre;
- (2) show identification and, where applicable, his hunting or fishing licence to the registration officer;
- (3) state his full name and address;
- (4) specify a single location or, where applicable, a single sector in which he will be hunting or fishing and the date of the activity, for each day of hunting or fishing;
- (5) obtain proof of registration and place it on the dashboard of his vehicle so that it may be read from the outside or keep it with him and produce it upon request from a wildlife conservation officer, a wildlife conservation assistant or an area warden; and
- (6) return the duly completed registration to the registration officer on leaving the controlled zone.

A person may change hunting or fishing sectors without paying additional fees by having his registration changed by the registration officer prior to the activity.

The third paragraph does not apply to a person who hunts moose in a limited access sector.

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.
5. An agency may, by by-law, divide the ZEC territory into hunting or fishing sectors.
6. An agency may, by by-law, prohibit in a hunting sector and for such time as it determines,
 - (1) black bear hunting;
 - (2) small game hunting during the hunting season for moose with a Type 1 or 6 hunting implement, except for the snaring of hare and hunting for migratory game birds under the Migratory Birds Convention Act (R.S.C., 1985, c. M-7).
7. A person may not hunt or fish in a ZEC except on the date, in the location or, where applicable, sector specified on the registration.

At the end of his stay, a person shall declare to the registration officer the number of animals or fish of each species taken, the date, location or, where applicable, the sector where they were taken, and shall also produce the fish or animals 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.

DIVISION III LIMITED ACCESS SECTORS

8. An agency may, by by-law, for moose hunting during the hunting season with a Type 1 implement, limit the number of groups of hunters that may be admitted at the same time into each of the sectors it has established and the number of hunters per group, provided it does so for the whole ZEC and for the entire duration of the hunting season with that type of implement.

The number of groups of hunters that may be admitted at the same time for each stay the duration of which is set pursuant to section 13 shall be equal to or greater than the number arrived at by using the following formula:

$$\text{Number of groups of hunters} = \frac{\text{Area of the ZEC in km}^2}{(\text{number of days in the moose hunting season using a Type 1 hunting implement}) \times 3}$$

9. In order to hunt in a limited access sector, a person shall be part of a group selected in accordance with section 10.

10. An agency shall select groups of moose hunters and prepare a waiting list to fill cancellations by a random draw held each year not less than three months before the beginning of the hunting season.

11. At least one month prior to selecting groups, the agency shall publish the terms and conditions for participating in the random draw in two 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.

12. At the random draw, a person in charge shall be put in charge of each selected group of moose hunters and they shall be assigned a date and a hunting sector.

13. The person in charge of a selected group shall be assigned one reservation only per year by an agency for a minimum of three hunters and for three to seven consecutive days.

14. No person who hunted in a limited access sector during the hunting season with Type 1 hunting implements may hunt moose again in the ZEC to which that sector belongs within the same year.

15. The person in charge of a selected group may designate a substitute at any time before the beginning of the stay by notifying the agency.

DIVISION IV FEES PAYABLE

16. 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 \$20.

17. A person may not fish or hunt 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 24:

- (1) \$16.50 per day for fishing from 1 December to 15 April;
- (2) \$16.50 per day for fishing from 16 April to 30 November;
- (3) \$16.50 per day for hunting, other than white-tailed deer, moose, caribou or black bear hunting;
- (4) \$27.50 per day for white-tailed deer hunting;
- (5) \$27.50 per day for moose hunting;
- (6) \$27.50 per day for caribou hunting;
- (7) \$27.50 per day for black bear hunting.

Where the agency fails to set the daily fees for white-tailed deer, moose, caribou or black bear hunting, a person shall pay the corresponding lump-sum fee set under section 21.

18. Section 17 does not apply to a Native person who enters a ZEC to travel to his trapping grounds located in a beaver reserve for the purposes of carrying out activities related to trapping.

19. No person may use a vehicle to travel in a ZEC unless he has paid the travel fees set by by-law of the agency, which shall not exceed, subject to section 22,

(1) \$5.50 per vehicle; or

(2) \$3.00 more per vehicle where a person enters or leaves the 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 principal residence or private property and come back from there;

(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 (R.S.Q., c. 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 public domain on which exclusive trapping rights only are granted or to reach 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 or his helper who travels in a ZEC for the purpose of carrying out trapping activities.

20. An agency may, by by-law, set for its members a seasonal lump-sum fee for fishing and an annual lump-sum fee for hunting, provided that the agency sets a fee for each applicable activity set forth hereunder, not to exceed

- (1) \$108.00 for fishing from 1 December to 15 April;
- (2) \$108.00 for fishing from 16 April to 30 November;
- (3) \$108.00 for hunting, other than white-tailed deer, moose, caribou or black bear hunting;
- (4) \$180.00 for white-tailed deer hunting;
- (5) \$180.00 for moose hunting;
- (6) \$180.00 for caribou hunting;
- (7) \$180.00 for black bear hunting;
- (8) \$360.00 for all activities prescribed under paragraphs 1 to 7.

21. Where an agency does not set daily fees for white-tailed deer, moose, caribou or black bear hunting, it shall set by by-law an annual lump-sum fee to be paid by all persons for those activities. The amount of the lump-sum fee shall not exceed the amounts provided for in section 20.

The lump-sum fees set by the agency in accordance with the first paragraph or with section 20 shall apply to the whole territory of the ZEC.

22. An agency may, by by-law, set an annual lump-sum fee for the benefit of a person, his spouse and minor children not to exceed \$72 for the use of a vehicle in a ZEC under its management.

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 19.

23. Where an agency sets an annual lump-sum travel fee under the first paragraph of section 22, any lump-sum fee paid under paragraph 8 of section 20 shall include the travel fee.

24. An agency may, by by-law, increase 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 19 and 22.

25. As provided for in the second paragraph of section 110 of the Act respecting the conservation and development of wildlife, the fees which may be set by an agency under this Division may vary according to the criteria referred to in that paragraph.

DIVISION V VEHICLES

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

27. An agency may, by by-law, prohibit the recreational use of an all-terrain vehicle within the meaning of subparagraph 2 of section 1 of the Act respecting off-highway vehicles (R.S.Q., c. V-1.2) during the moose or white-tailed deer hunting season with a Type 1, 2, 6 or 9 hunting implement, except where the vehicle is used to recover the carcass of the animal.

DIVISION VI GENERAL

28. A forest worker working in a ZEC may be in possession of a hunting implement provided that he has registered in accordance with any by-law made pursuant to section 3 and paid the fees required under a by-law made pursuant to Division IV.

29. Any person who contravenes section 3, 4, 7, 9, 14, 17, 19 or 28 or a by-law made by an agency pursuant to section 6, 26 or 27 is guilty of an offence.

DIVISION VII TRANSITIONAL AND FINAL

30. Where the territory of a ZEC that has been divided into sectors for hunting or fishing and such territory is enlarged by the Minister, that enlargement shall constitute an additional hunting or fishing sector, as the case may be, until such time as a by-law respecting to that enlargement, made by the agency under 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.

31. This Regulation replaces the Regulation respecting controlled zones made by Order in Council 122-89 dated 8 February 1989.

32. The by-laws made by an agency managing a hunting and fishing ZEC pursuant to the provisions of the Regulation respecting controlled zones, made by Order in Council 122-89 dated 8 February 1989, shall remain into force until they are amended, replaced or revoked by a by-law of that agency made under the provisions of this Regulation.

33. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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