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Laws and Regulations

Volume 146

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Regulations and other Acts

M.O., 2014

Order of the Minister of Energy and Natural Resources dated 30 June 2014

Mining Act
(chapter M-13.1)

Conditions and requirements governing the exploration work for petroleum, natural gas and underground reservoirs on lands of Île d'Anticosti that are reserved to the State

THE MINISTER OF ENERGY AND NATURAL RESOURCES,

CONSIDERING Arrêté ministériel 2009-033 dated 18 August 2009 (2009, *G.O.* 2, 4646), which provides that a portion of the land on Île d'Anticosti is reserved to the State in accordance with section 304 of the Mining Act (chapter M-13.1);

CONSIDERING the fourth paragraph of section 304 of the Mining Act, which provides that the Minister may allow, by order, on land reserved to the State, mining exploration or mining operations for such mineral substances as are determined by the Minister;

CONSIDERING Arrêté ministériel 2009-033, which determines that, on the land reserved to the State on Île d'Anticosti, only sand, gravel, rocks used as crushed stone, petroleum, natural gas and underground reservoirs may be the object of mining exploration and mining operations;

CONSIDERING that the Order subjects the mining operations on that land to conditions and requirements determined by the Minister;

CONSIDERING that preliminary work to survey and to explore for petroleum, natural gas and underground reservoirs is planned on Île d'Anticosti during the summer 2014;

CONSIDERING the requirement to put in place conditions to warrant the safety and protection of persons, goods and the environment while the operations are conducted;

CONSIDERING that it is necessary to promote development in partnership with communities and integrated into their environment;

CONSIDERING that the exploration for petroleum, natural gas and underground reservoirs must be promoted in keeping with the principle of sustainable development;

CONSIDERING that it is expedient to determine the conditions and requirements governing the exploration work for petroleum, natural gas and underground reservoirs on lands of Île d'Anticosti reserved to the State under Minister's Order 2009-033;

CONSIDERING the fifth paragraph of section 304 of the Mining Act which provides that a minister's order made under the fourth paragraph of the section comes into force on the day of its publication in the *Gazette officielle du Québec* or on any later date specified therein;

ORDERS AS FOLLOWS:

The conditions and requirements governing the exploration work for petroleum, natural gas and underground reservoirs on lands of Île d'Anticosti reserved to the State are those mentioned in Schedule I;

This Minister's Order comes into force on the day of its publication in the *Gazette officielle du Québec*.

Québec, 30 June 2014

PIERRE ARCAND,
Minister of Energy and Natural Resources

SCHEDULE I

Conditions and requirements governing the exploration work for petroleum, natural gas and underground reservoirs on lands of Île d'Anticosti that are reserved to the State

1. Only stratigraphic surveys may be carried out by the holder of a licence to explore petroleum, natural gas and underground reservoirs. Such surveys include coring, core sampling, the carrying out of various analyses and the taking of logs.

2. The holder of a licence to explore petroleum, natural gas and underground reservoirs who plans to carry out a stratigraphic survey must send to the Minister, for approval, not later than 15 days before the work is to begin,

(a) a detailed program of the work planned by the licence holder, certified and sealed by an engineer who is a member of the Ordre des ingénieurs du Québec, which must include, in particular, an estimate of the cost of the proposed work, a plan to seal the survey and a site rehabilitation and restoration plan made in accordance with section 232.3 of the Mining Act (chapter M-13.1);

(b) a mitigation plan showing that the proposed work takes into account the harmonizing of the uses of the territory and mitigate disturbances for local communities and the environment;

(c) an emergency measure plan and a plan to protect forests against fire;

(d) a timetable for the road traffic caused by the carrying out of the work indicated in the detailed plan, including the volume of heavy trucks, the duration of the truck's trips, the distances to be covered and a map showing the planned routes.

3. The licence holder must demonstrate that the work planned takes into account the regional and local geology so as to assess the risk inherent to the presence of faults or other geological characteristics that could have an impact on the quality of the work in the short, medium and long terms.

4. A performance guarantee corresponding to 10% of the estimated cost of the work described in the detailed program must be given to the Minister before the work begins. Such guarantee may take one of the forms provided for in section 16 of the Regulation respecting Apetroleum, natural gas and underground reservoirs (chapter M-13.1, r. 1).

5. A certified true copy of a civil liability insurance policy in the amount of \$10,000,000 per disaster, for any damage due to stratigraphic survey operations or the equipment, must be given to the Minister before the work begins and be maintained until the end of the work planned in the rehabilitation and restoration plan.

6. The collar of a stratigraphic survey may not be placed

(a) in a zone at risk of ground movement;

(b) less than 100 metres from the limits of the land covered by the licence where the stratigraphic survey is carried out or less than 400 metres, if the stratigraphic survey is carried out on immersed land;

(c) less than 100 metres from the high water mark;

(d) less than 100 metres from route Transanticostienne;

(e) less than 500 metres from any public immovable;

(f) less than 1,000 metres from an airport.

7. The licence holder must, for each stratigraphic survey, make sure that the work is carried out so as to optimize the quality and safety of all aspects connected to the design, construction, cementing, work integrity control and the sealing of the survey. To that effect, the licence holder must

(a) use, during work that leads to the installation of the surface casing, a system making it possible to safely control the arrival of fluids;

(b) plan for a minimum 24-hour setting time for the cementation of the surface casing before resuming all the work related to the survey;

(c) use, for the work carried out after the surface casing is installed, a blowout prevention system having at least 3 blocking mechanisms designed to resist to the various pressures as anticipated in the detailed work program;

(d) use a piping system with the blowout prevention system enabling the fluids coming up to be directed to leakproof tanks and, in the case of gas, to a flare, a flare pit or any other equipment designed to reduce the emission of contaminants into the atmosphere;

(e) check the blowout prevention system every 24 hours;

(f) use equipment, components, casing or piping that can resist to the various pressures indicated in the detailed program for the work and resist to the blowing up, crushing, tension constraints and other constraints to which they might be subjected;

(g) pressure test the tightness of equipment, components, casing or piping at the time they are installed;

(h) fix a surface casing at a depth greater than 10% of the maximum depth of the survey and at a minimum depth of 30 metres under the base of the aquifer;

(i) carry out the cementation using an appropriate method and appropriate cement and ensure that a part of the poured cement comes to the surface through the annular space;

(j) plan for a quantity of excess cement corresponding to at least 25% of the volume to be used, calculated at the time of cementation;

(k) carry out pressure test of the tightness of the survey before resuming operations;

(l) make sure that all geological horizons met containing water, petroleum or gas are isolated and prevent migration from a geological horizon to another;

(m) carry out trajectory deviation surveys at intervals that ensure that the stratigraphic survey maintains its trajectory.

8. The licence holder must, for each stratigraphic survey, keep and maintain on the site the daily report of operations referred to in section 46 of the Regulation respecting petroleum, natural gas and underground reservoirs, adapted as required. A copy of that report is to be sent to the Minister weekly.

9. The licence holder must carry out, during the work and at the end of the work, the logs required to ensure the quality of the work and the acquisition of knowledge.

10. Should gas or petroleum come to the surface, the licence holder must notify the Minister without delay and proceed with the sampling and analysis of the hydrocarbons found.

11. The licence holder must, once the survey is finished, seal by cementation over all the length and proceed with the restoration and rehabilitation of the site in accordance with the plans approved by the Minister.

12. The licence holder must, within 30 days of the end of the work to seal the survey, file a declaration stating the existence and location of the survey collar in the land register and send a copy thereof to the Municipalité de L'Île-d'Anticosti as soon as the declaration is recorded.

13. The licence holder must send to the Minister, within 90 days of the end of the work to seal the survey

(a) the report referred to in section 48 of the Regulation respecting petroleum, natural gas and underground reservoirs, adapted as required. The report must be certified and sealed by an engineer who is a member of the Ordre des ingénieurs du Québec;

(b) the result of all the analyses made;

(c) a paper copy and a copy in .LAS format of all logs carried out and their interpretations.

14. The licence holder must send to the Minister, as soon as their analysis is completed, at least half of the cores collected, cut lengthwise, and the result of the analyses made.

15. The licence holder must, for a period of 5 years following the sealing of the stratigraphic survey, inspect the site yearly and report to the Minister before the anniversary date of the sealing work. The report, certified and sealed by an engineer who is a member of the Ordre des ingénieurs du Québec, must demonstrate that the condition of the site ensures the safety of persons, property and the environment.

16. No perforation, stimulation or fracturing work, no drill-stem testing and no extraction testing for petroleum or natural gas may be carried out on the stratigraphic surveys carried out on lands of Île d'Anticosti that are reserved to the State.

3408

Draft Regulations

Draft Regulation

Civil Code of Québec

An Act respecting registry offices
(chapter B-9)

Land registration — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting land registration, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation amends the Regulation respecting land registration (chapter CCQ, r. 6) to provide for certain rules concerning the presentation of the applications for registration in the land register, in particular following the transfer of a notarial act *en brevet* or a private writing to an information technology-based medium.

The draft Regulation also amends the hours of presentation of the applications for registration in registry offices and revokes or updates certain provisions deemed to be obsolete to take into account the recent technology changes and to promote their use.

The draft Regulation has no impact on small and medium-sized businesses.

Further information may be obtained by contacting Stéphanie Cashman-Pelletier, Land Registrar, Ministère de l'Énergie et des Ressources naturelles, 5700, 4^e Avenue Ouest, bureau E 311.2, Québec (Québec) G1H 6R1; telephone: 418 627-6350, extension 2279; fax: 418 646-9687; email: stephanie.cashman-pelletier@foncier.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Mario Gosselin, Associate Deputy Minister for Territory, Ministère de l'Énergie et des Ressources naturelles, 5700, 4^e Avenue Ouest, bureau E 330, Québec (Québec) G1H 6R1.

STÉPHANIE VALLÉE,
Minister of Justice

Regulation to amend the Regulation respecting land registration

Civil Code of Québec
(art. 3024)

An Act respecting registry offices
(chapter B-9, s. 5)

1. The Regulation respecting land registration (chapter CCQ, r. 6) is amended in section 1 by replacing “a computer system” in the third paragraph by “an information technology-based medium”.

2. Section 2 is amended by replacing “In each registry” in the first paragraph by “For each registry”.

3. Section 23 is amended

(1) by replacing “kept in” in the second dash of subparagraph 3 of the first paragraph by “kept for”;

(2) by replacing “For applications for registration kept in the registry office for” in the second paragraph by “For” and “kept at” by “kept for”.

4. Section 28 is amended by replacing “kept in” in the first paragraph by “kept for”.

5. Section 31 is replaced by the following:

“**31.** Applications for registration must be of the same size, measuring 215 mm by 280 mm or 215 mm by 355 mm.

The documents accompanying the applications must be in a size that does not exceed 215 mm by 355 mm and the pages of a document must all be of the same size.

The applications and the documents presented in paper form must be on paper weighing at least 75 g/m² per ream.”

6. Section 32 is amended by replacing “in paper form” by “and documents accompanying them”.

7. Section 35 is amended by replacing “electronic form” in the second paragraph by “an information technology-based medium”.

8. Section 36 is amended by striking out “, if presented in paper form,” in the second paragraph.

9. Section 37 is amended by replacing “one original of that act or writing” in the second paragraph by “one original of that act or writing or of the document resulting from the transfer of the act to an information technology-based medium.”

10. The following is inserted after section 37:

“**37.1.** The transfer of the information contained in a notarial act *en brevet* or a private writing to an information technology-based medium is made in accordance with the digitization guide made available by the Land Registrar.

Documentation attesting that the notary or advocate made the transfer in accordance with section 17 of the Act to establish a legal framework for information technology (chapter C-1.1) is recorded on a form made available by the Land Registrar.”

11. Section 38 is replaced by the following:

“**38.** Pursuant to article 3075.1 of the Civil Code, the purposes for which the application is presented to a land registrar is indicated by the applicant stating those purposes on the form referred to in article 2982 of the Civil Code.”

12. The following is inserted after section 38:

“**38.1.** The form and the registration slip referred to in article 2982 of the Civil Code may only be used once. However, the application for registration presented in paper form in more than one registry office must be accompanied by a copy of the registration slip for each registration division.

The application accompanied by a registration slip must be presented before the due date indicated on the slip.”

13. The following is inserted after section 53:

“**53.1.** Applications for registration and accompanying documents may not include a reference to external content such as a hyperlink in a text form, a bar code or an image, a related multimedia document or a data connection.”

14. Section 54 is amended by inserting “to applications presented in paper form” in the second paragraph after “Where such certificates are appended”.

15. Sections 59, 62, 64, 67 and 69 are amended by replacing “electronic form” and “a computer system” by “an information technology-based medium”.

16. Section 76 is amended by replacing “9:00 a.m. and 3:00 p.m.” by “9:00 a.m. and 12:00 p.m. and 1:00 p.m. and 4:00 p.m.”.

17. Section 77 is amended by replacing “electronic form” in the second paragraph by “an information technology-based medium”.

18. Section 82 is amended by striking out the second paragraph.

19. Section 83 is amended by striking out “and encryption” in the first paragraph.

20. Section 85 is amended by striking out “and decrypt them” in the first paragraph and by striking out the second paragraph.

21. Section 86 is amended by adding the following after the first paragraph:

“Where those conditions are met, the Land Registrar so notifies the applicant.”

22. Section 87 is replaced by the following:

“**87.** Applications for registration and documents presented to the Land Registry Office in an information technology-based medium must be kept as such.

In respect of applications for registration and documents presented to a registry office in paper form, only those resulting from the transfer to an information technology-based medium, conducted in accordance with article 3006.1 of the Civil Code, are kept.

A version of the applications and documents is converted without data loss and made available to the public.”

23. Section 88 is amended by replacing “a computer system” in the first paragraph by “an information technology-based medium”.

24. The Schedule is amended

(1) by striking out the words “and encryption”, “and encryption key”, “and encryption certificate” and “and encryption certificates” wherever they appear;

(2) by replacing subparagraph 3 of the first paragraph by the following:

“(3) the asymmetric cryptographic system used must provide for the issue of a signing key pair by means of which the applications for registration and documents presented are signed and their source identified;”;

(3) by replacing “a computer system” in the portion preceding the first dash of subparagraph 5 of the first paragraph by “an information technology-based medium”;

(4) by striking out “or the encryption public key, as the case may be,” in the third dash of subparagraph 5 of the first paragraph;

(5) by replacing in subparagraph 6 of the first paragraph

(a) “the encryption certificates” by “the signature verification certificates”;

(b) “electronic” by “information technology-based”;

(6) by striking out subparagraph 7 of the first paragraph.

25. This Regulation comes into force on (*enter the date of coming into force of sections 29 and 30 of the Act to amend the Civil Code as regards civil status, successions and the publication of rights (2013, chapter 27)*).

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Abbreviations: **A**: Abrogated, **N**: New, **M**: Modified

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