

Gouvernement du Québec

O.C. 1066-97, 20 August 1997

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

Exercise of powers of the Minister of the Environment and Wildlife

Exercise of powers of the Minister of the Environment and Wildlife under the Act respecting the conservation and development of wildlife

WHEREAS under the first paragraph of section 4 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), the Government may authorize the Deputy Minister of the Environment and Wildlife or any officer to exercise powers vested in the Minister under that Act;

WHEREAS under the second paragraph of that section, any Order in Council made under that section comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date fixed therein;

WHEREAS by Order in Council 1287-90 dated 5 September 1990, the Government authorized the Deputy Minister of the Environment and Wildlife and certain designated officers to exercise powers vested in the Minister of the Environment and Wildlife under the Act respecting the conservation and development of wildlife, in accordance with the delegation of power appearing as a Schedule to this Order in Council;

WHEREAS it is expedient to replace Order in Council 1287-90 dated 5 September 1990 in order to adapt it to the new realities of the Ministère de l'Environnement et de la Faune;

IT IS ORDERED, therefore, upon the recommendation of the Minister of the Environment and Wildlife:

THAT the Deputy Minister of the Environment and Wildlife and certain designated officers be authorized to exercise powers vested in the Minister of the Environment and Wildlife under the Act respecting the conservation and development of wildlife, according to the delegation of power appearing as a Schedule to this Order in Council;

THAT this Order in Council come into force on the date of its publication in the *Gazette officielle du Québec*, except for the second paragraph of section 1 of that Schedule, which will come into force on 1 January 1998.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

SCHEDULE

1. The following persons are authorized to appoint deputy conservation officers under section 8 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1):

- (1) the Deputy Minister;
- (2) the Assistant Deputy Minister of operations;
- (3) the Regional Director of the region;
- (4) the Head of the Service de la conservation de la faune for the region.

Any of the persons mentioned in the first paragraph is also authorized, under section 8 of the Act, replaced by section 2 of Chapter 62 of the Statutes of 1996, to appoint any person as a wildlife conservation assistant or an area warden to assist wildlife conservation officers in the performance of their duties.

2. Any of the following persons may, under the second paragraph of section 22 of the Act, authorize a person other than a wildlife conservation officer, to wear or use a uniform, a badge or a vehicle identifying him as such:

- (1) the Deputy Minister;
- (2) the Assistant Deputy Minister of operations;
- (3) the Regional Director of the region;
- (4) the Head of the Service de la conservation de la faune for the region.

3. The following persons are authorized, under section 24 of the Act, to determine the conditions to be met by a wildlife conservation officer or an officer referred to in section 3 of the Act who, in the performance of his duties and owing to his office, must disregard certain provisions of the Act mentioned in that section:

- (1) the Deputy Minister;
- (2) the Assistant Deputy Minister of operations;
- (3) the Regional Director of the region;
- (4) the Head of the Service des opérations spéciales or the Head of the Service de la conservation de la faune for the region.

4. Any of the following persons may, in accordance with the third paragraph of section 26 of the Act, authorize a person to derogate from the first paragraph of that section:

- (1) the Deputy Minister;
- (2) the Assistant Deputy Minister of operations;
- (3) the Regional Director of the region;

(4) the Head of the Service de la conservation de la faune or the Head of the Service de l'aménagement et de l'exploitation de la faune for the region.

5. The following persons, in accordance with section 37 of the Act, are authorized to sign a memorandum of agreement for the purposes of wildlife management and accessibility:

- (1) the Deputy Minister;
- (2) the Assistant Deputy Minister of operations;
- (3) the Regional Director of the region.

6. The following persons are authorized, under section 44 of the Act, to issue a licence for each of the activities contemplated in section 29 of the Act:

- (1) the Deputy Minister;
- (2) the Assistant Deputy Minister of operations;
- (3) the Regional Director of the region;
- (4) the Head of the Service de la conservation de la faune for the region.

7. The following persons are authorized, in accordance with section 47 of the Act, to issue a licence authorizing a person to disregard certain provisions of the Act or of a regulation mentioned in that section and to determine the conditions to be met by the holder of the licence:

- (1) the Deputy Minister;
- (2) the Assistant Deputy Minister of operations or the Assistant Deputy Minister of the Patrimoine faunique et naturel;
- (3) the Regional Director of the region or the Director General of a border region who receives the application for a licence;
- (4) the Head of the Service de la conservation de la faune or the Head of the Service de l'aménagement et de l'exploitation de la faune for the region or the Head of a border region who receives the application for a licence;
- (5) the Director of the Direction des territoires fauniques, de la réglementation et des permis, or the Head of the Service de la réglementation where the application pertains to more than one non-border region.

8. The following persons are authorized to exercise the power vested in the Minister to authorize a person to issue a certificate or licence under the first paragraph of section 54 of the Act, amended by section 15 of Chapter 62 of the Statutes of 1996:

- (1) where it is a matter of authorizing a person other than an officer:
 - (a) the Deputy Minister;
 - (b) the Assistant Deputy Minister of the Patrimoine faunique et naturel;

(c) the Director of the Direction des territoires fauniques, de la réglementation et des permis;

(2) where it is a matter of authorizing an officer:

- (a) the Deputy Minister;
- (b) the Assistant Deputy Minister of the Patrimoine faunique et naturel or the Assistant Deputy Minister of operations;
- (c) the Director of the Direction des territoires fauniques, de la réglementation et des permis or the Regional Director for the region.

Any of the persons mentioned in subparagraph 2 of the first paragraph is also authorized, in accordance with section 54 of the Act, to refuse to issue a transportation or stocking licence.

9. Any of the following persons may authorize, in accordance with section 58 of the Act, amended by section 16 of Chapter 62 of the Statutes of 1996, a handicapped person to disregard certain provisions of the Act or of a regulation mentioned in that section:

- (1) the Deputy Minister;
- (2) the Assistant Deputy Minister of operations;
- (3) the Regional Director of the region;
- (4) the Head of the Service de la conservation de la faune for the region.

10. The following persons are authorized, in accordance with section 70.1 of the Act, to issue a permit authorizing the sale or purchase of fish or animal flesh for consumption on the premises:

- (1) the Deputy Minister;
- (2) the Assistant Deputy Minister of operations;
- (3) the Regional Director of the region;
- (4) the Head of the Service de la conservation de la faune for the region.

11. The following persons are authorized, in accordance with section 74 of the Act, to order the inspection of a fishing pond, a breeding pond, a fish-tank for baitfish or a fish-breeding plant and to sign the certificate of the capacity of the person in charge of the inspection:

- (1) the Deputy Minister;
- (2) the Assistant Deputy Minister of the Patrimoine faunique et naturel;
- (3) the Director of the Direction de la faune et des habitats.

Any of the persons mentioned in the first paragraph is also authorized to require the holder of a licence to operate a place mentioned in section 74 of the Act to cause any treatment for contagious or parasitic diseases to be administered, or to quarantine or destroy his fish,

in accordance with section 75 of the Act. They may also, in accordance with section 76 of the Act, cause a measure thus required to be taken at the expense of the offender.

12. The following persons are authorized, in accordance with section 79 of the Act, amended by section 17 of Chapter 62 of the Statutes of 1996, to grant an indemnity to every holder of a hunting or trapping licence who sustains an injury in consequence of an accident resulting directly from hunting or trapping for recreational purposes in Québec, or, if he dies in consequence of such an accident, to his successors:

- (1) the Deputy Minister;
- (2) the Assistant Deputy Minister of the Patrimoine faunique et naturel;
- (3) the Director of the Direction des territoires fauniques, de la réglementation et des permis;
- (4) the Head of the Service des permis.

13. The Deputy Minister or the Assistant Deputy Minister of the Patrimoine faunique et naturel, in accordance with the first paragraph of section 86 of the Act, is authorized to lease exclusive hunting or fishing rights.

The following persons, under the second paragraph of that section, are authorized to lease exclusive trapping rights:

- (1) the Deputy Minister;
- (2) the Assistant Deputy Minister of operations;
- (3) the Director General of the region;
- (4) the Head of the Service de l'aménagement et de l'exploitation de la faune for the region.

Any of the persons mentioned in the first two paragraphs is also authorized, within the scope of their respective jurisdiction, to

- (1) revoke or amend such a lease in the case prescribed in section 89 of the Act, amended by section 21 of Chapter 62 of the Statutes of 1996;
- (2) amend, revoke or refuse to renew such a lease in the cases prescribed in section 90 of the Act, amended by section 22 of Chapter 62 of the Statutes of 1996;
- (3) exercise the powers of the Minister prescribed in section 91 of the Act, amended by section 23 of Chapter 62 of the Statutes of 1996 and by sections 94 and 95 of that Act.

14. The following persons are authorized, in accordance with section 86.2 of the Act, to revoke an outfitter's licence or to amend it in the cases prescribed in that section:

- (1) the Deputy Minister;

(2) the Assistant Deputy Minister of the Patrimoine faunique et naturel.

15. The following persons are authorized, in accordance with section 87 of the Act, to give consent in writing to a right of occupation:

- (1) the Deputy Minister;
- (2) the Assistant Deputy Minister of operations;
- (3) the Regional Director of the region.

16. The following persons are authorized, under section 100 of the Act, to determine standards for the classification of outfitting operations and fix the minimum standards required for the purposes referred to in that section:

- (1) the Deputy Minister;
- (2) the Assistant Deputy Minister of the Patrimoine faunique et naturel;
- (3) the Director of the Direction des territoires fauniques, de la réglementation et des permis.

17. The following persons are authorized, in accordance with the second paragraph of section 104 of the Act, amended by section 25 of Chapter 62 of the Statutes of 1996, to enter into an agreement for the purpose of including private land in a controlled zone:

- (1) the Deputy Minister;
- (2) the Assistant Deputy Minister of operations;
- (3) the Regional Director of the region.

18. Any of the following persons may, in accordance with section 105 of the Act, authorize the use of the expression "controlled zone", the initials "Z.E.C." or the acronym "ZEC":

- (1) the Deputy Minister;
- (2) the Assistant Deputy Minister of the Patrimoine faunique et naturel;
- (3) the Director of the Direction des territoires fauniques, de la réglementation et des permis.

19. Any of the following persons is authorized, in accordance with the first paragraph of section 106 of the Act, to entrust to an agency the management of a controlled zone:

- (1) the Deputy Minister;
- (2) the Assistant Deputy Minister of operations;
- (3) the Regional Director of the region.

Any of the persons mentioned in the first paragraph is authorized, in accordance with the second paragraph of section 106 of the Act, to continue to apply the by-laws

passed by an agency, to amend or replace them in the case prescribed in that section and to use the fees collected from users to travel about the territory or to carry on any activity, for purposes of management of the controlled zone.

20. Any of the following persons may, in accordance with the first paragraph of section 107 of the Act, amended by section 9 of Chapter 18 of the Statutes of 1996, make improvements or erect structures in a controlled zone:

- (1) the Deputy Minister;
- (2) the Assistant Deputy Minister of operations;
- (3) the Regional Director of the region.

Any of the persons mentioned in the first paragraph may also exercise the powers of the Minister prescribed in the second and third paragraphs of section 107 of the Act.

21. Any of the following persons may, in accordance with section 108 of the Act, authorize a person trapping in a controlled zone to erect buildings and structures:

- (1) the Deputy Minister;
- (2) the Assistant Deputy Minister of operations;
- (3) the Regional Director of the region;
- (4) the Head of the Service de l'aménagement et de l'exploitation de la faune for the region.

22. Any of the following persons may, in accordance with section 109 of the Act, authorize the operation of a commercial undertaking in a controlled zone:

- (1) the Deputy Minister;
- (2) the Assistant Deputy Minister of operations;
- (3) the Regional Director of the region.

23. Any of the following persons may, in accordance with section 110.2 of the Act, amend or replace a by-law prescribed in section 110.1 of the Act if it does not respect the conditions determined by the regulation of the Government or if the rules provided for its adoption have not been followed and send it to the agency that is a party to the memorandum of agreement:

- (1) the Deputy Minister;
- (2) the Assistant Deputy Minister of operations;
- (3) the Regional Director of the region.

24. The following persons are authorized, in accordance with the second paragraph of section 111 of the Act, amended by section 28 of Chapter 62 of the Statutes of 1996, to enter into an agreement for the purpose of including private land in a wildlife sanctuary:

- (1) the Deputy Minister;
- (2) the Assistant Deputy Minister of operations;
- (3) the Regional Director of the region.

25. Any of the following persons may, in accordance with section 112 of the Act, authorize the use of the expression "wildlife sanctuary":

- (1) the Deputy Minister;
- (2) the Assistant Deputy Minister of operations;
- (3) the Director of the Direction des territoires fauniques, de la réglementation et des permis.

26. Any of the following persons is authorized, in accordance with section 115 of the Act, to exercise a right of preemption and to serve the written notice:

- (1) the Deputy Minister;
- (2) the Assistant Deputy Minister of operations;
- (3) the Regional Director of the region.

27. Any of the following persons may, in accordance with the first paragraph of section 118 of the Act, amended by section 10 of Chapter 18 of the Statutes of 1996, make improvements or erect structures in a wildlife sanctuary:

- (1) the Deputy Minister;
- (2) the Assistant Deputy Minister of operations;
- (3) the Regional Director of the region.

Any of the persons mentioned in the first paragraph may also, in accordance with the second paragraph of section 118 of the Act, authorize the interested person, association or body to organize activities or provide services in a wildlife sanctuary.

28. The following persons are authorized, in accordance with section 119, to give consent in writing to a right of occupation in a wildlife sanctuary:

- (1) the Deputy Minister;
- (2) the Assistant Deputy Minister of operations;
- (3) the Regional Director of the region.

29. Any of the following persons may, in accordance with section 120 of the Act, authorize the operation of a commercial undertaking:

- (1) the Deputy Minister;
- (2) the Assistant Deputy Minister of operations;
- (3) the Regional Director of the region.

30. The following persons are authorized, in accordance with section 120.1 of the Act, to determine the maximum number of persons who may hunt, fish or trap in the parts of the territories of a wildlife sanctuary, indicated by them:

(1) the Deputy Minister;
(2) the Assistant Deputy Minister of operations;
(3) the Director of the Direction des territoires fauniques, de la réglementation et des permis.

31. The following persons are authorized, in accordance with the second paragraph of section 122 of the Act, amended by section 32 of Chapter 62 of the Statutes of 1996, to enter into an agreement for the purpose of including land in a wildlife preserve:

- (1) the Deputy Minister;
- (2) the Assistant Deputy Minister of operations;
- (3) the Regional Director of the region.

32. Any of the following persons may, in accordance with section 123 of the Act, authorize the use of the expression “wildlife preserve”:

(1) the Deputy Minister;
(2) the Deputy Minister of the Patrimoine faunique et naturel;
(3) the Director of the Direction des territoires fauniques, de la réglementation et des permis.

33. Any of the following persons may, in accordance with section 126 of the Act, authorize the operation of a commercial undertaking in a wildlife preserve:

- (1) the Deputy Minister;
- (2) the Assistant Deputy Minister of operations;
- (3) the Regional Director of the region.

34. Any of the following persons may, in accordance with section 127 of the Act, amended by section 11 of Chapter 18 of the Statutes of 1996, make improvements or erect structures in a wildlife preserve:

- (1) the Deputy Minister;
- (2) the Assistant Deputy Minister of operations;
- (3) the Regional Director of the region.

Any of the persons mentioned in the first paragraph may also, in accordance with the second paragraph of section 127 of the Act, authorize the interested person, association or body to organize activities or provide services in a wildlife preserve.

35. The following persons are authorized, in accordance with section 128 of the Act, to give consent in writing to a right of occupation in a wildlife preserve:

- (1) the Deputy Minister;
- (2) the Assistant Deputy Minister of operations;
- (3) the Regional Director of the region.

36. Any of the following persons may, in accordance with the first paragraph of section 128.7 of the Act, authorize the carrying out of an activity that alters a wildlife habitat.

(1) the Deputy Minister;
(2) the Assistant Deputy Minister of operations;
(3) the Regional Director of the region or the Director General of a border region who receives the application;

Any of the following persons mentioned in the first paragraph may also exercise the powers of the Minister prescribed in the second paragraph of section 128.7, in the second paragraph of section 128.10 and in sections 128.11 to 128.14 of the Act.

37. Any of the following persons may, in accordance with the first paragraph of section 128.15 of the Act, make an order:

- (1) the Deputy Minister;
- (2) the Assistant Deputy Minister of operations;
- (3) the Regional Director of the region.

Any of the following persons mentioned in the first paragraph may also, in the case prescribed in the fourth paragraph of section 128.15 of the Act, apply to the Superior Court for an injunction ordering the person to comply with the order.

38. The following persons are authorized, in accordance with the second paragraph of section 171.3 of the Act, amended by section 45 of Chapter 62 of the Statutes of 1996, to request the registration, in the land register of the registration division in which private land is situated, of a reference to the existence of a wildlife habitat on the land:

(1) the Deputy Minister;
(2) the Deputy Minister of the Patrimoine faunique et naturel;
(3) the Director of the Direction de la faune et des habitats.

39. Any of the following persons may, in accordance with section 171.5 of the Act and in the case prescribed in that section, take the necessary measures to return the wildlife habitat to its condition before the offending act by confiscating the security; that person may also, in accordance with the second paragraph of that section, claim the expenses incurred for the measures taken from the offender:

- (1) the Deputy Minister;
- (2) the Assistant Deputy Minister of operations;

(3) the Regional Director of the region.

40. The Deputy Minister or the Assistant Deputy Minister of the Patrimoine faunique et naturel may, in accordance with the first paragraph of section 177 of the Act, amended by section 47 of Chapter 62 of the Statutes of 1996 and in the cases prescribed in that paragraph, suspend, revoke, amend or refuse to renew an outfitter's licence.

Any of the following persons may, in accordance with the second paragraph of section 177 of the Act and in the cases prescribed in that paragraph, revoke, suspend or refuse to renew any licence contemplated in section 48, 49 or 50 of the Act:

- (1) the Deputy Minister;
- (2) the Assistant Deputy Minister of operations;
- (3) the Regional Director of the region.
- (4) the Head of the Service de l'aménagement et de l'exploitation de la faune for the region.

41. The officer designated provisionally or appointed on a temporary basis to one of the positions mentioned in this Order in Council is authorized to exercise the powers that may be exercised by the holder under this Order in Council, with the same effect as though they were exercised by the latter.