

Regulations and other acts

Gouvernement du Québec

O.C. 856-99, 28 July 1999

Environment Quality Act
(R.S.Q., c. Q-2)

Environmental impact assessment and review — Amendment

Regulation to amend the Regulation respecting environmental impact assessment and review

WHEREAS under subparagraph *a* of the first paragraph of section 31.9 of the Environment Quality Act (R.S.Q., c. Q-2), amended by section 1 of Chapter 45 of the Statutes of 1995, the Government may make regulations on the matters mentioned therein;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and section 124 of the Environment Quality Act, a draft Regulation was published in Part 2 of the *Gazette officielle du Québec* of 23 December 1998 with a notice that it could be made by the Government upon the expiry of 60 days following that publication;

WHEREAS it is expedient to make the Regulation published in the *Gazette officielle du Québec* while adding a detail to the wording;

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

THAT the Regulation to amend the Regulation respecting environmental impact assessment and review, attached to this Order in Council, be made.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting environmental impact assessment and review(*)

Environment Quality Act
(R.S.Q., c. Q-2, s. 31.9, 1st par., subpar. *a*)

1. The Regulation respecting environmental impact assessment and review is amended by inserting the words “the spraying of an insecticide the only active ingredient of which is *Bacillus thuringiensis* subsp. *kurstaki* and” after the words “except for” in subparagraph *q* of the first paragraph of section 2.

2. 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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Gouvernement du Québec

O.C. 858-99, 28 July 1999

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

Hunting activities

Regulation respecting hunting activities

WHEREAS under subparagraph 2 of the first paragraph and the second paragraph of section 29, section 40 and the second paragraph of section 55 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), the Government may make regulations on the matters mentioned therein;

WHEREAS under paragraphs 1, 9, 14, 16, 18 and 23 of section 162 of the Act amended by section 22 of Chapter 29 of the Statutes of 1998, the Government may, in addition to the other regulatory powers con-

* The Regulation respecting environmental impact assessment and review (R.R.Q., 1981, c. Q-2, r. 9) was last amended by the Regulation made by Order in Council 1514-97 dated 26 November 1997 (1997, *G.O.* 2, 5804). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 1999, updated to 1 March 1999.

ferred on it by the Act, make regulations on the matters mentioned therein;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation respecting hunting activities was published in Part 2 of the *Gazette officielle du Québec* of 2 June 1999 with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation respecting hunting activities, attached to this Order in Council, with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister responsible for Wildlife and Parks:

THAT the Regulation respecting hunting activities, attached to this Order in Council, be made.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulation respecting hunting activities

An Act respecting the conservation and development of wildlife

(R.S.Q., c. C-61.1, s. 29, 1st par., subpar. 2 and 2nd par., ss. 40, 55, 2nd par. and 162, pars. 1, 9, 14, 16, 18 and 23; 1998, c. 29, s. 22)

DIVISION I SCOPE AND INTERPRETATION

1. This Regulation applies to hunting in Québec, subject to the special provisions of other regulations made under the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1) applicable to particular territories.

2. In this Regulation,

(1) the area numbers refer to the areas established by the Fishing, Hunting and Trapping Areas Regulation made by Order in Council 27-90 dated 10 January 1990;

(2) the implement type numbers refer to the hunting implements described in section 31 of the Regulation respecting hunting made by Minister's Order 99021-99 dated 27 July 1999;

(3) the class of small game includes the following animals: quail (*Coturnix coturnix*), red-winged blackbird (*Agelaius phoeniceus*), northern bobwhite (*Colinus virginianus*), American crow (*Corvus brachyrhynchos*),

coyote (*Canis latrans*), wild turkey (*Meleagris gallopavo*), European starling (*Sturnus vulgaris*), pheasant (*Phasianus sp.*), black francolin (*Francolinus francolinus*), ruffed grouse (*Bonasa umbellus*), rock ptarmigan (*Lagopus mutus*), willow ptarmigan (*Lagopus lagopus*), eastern cottontail rabbit (*Sylvilagus floridanus*), Arctic hare (*Lepus arcticus*), snowshoe hare (*Lepus americanus*), wolf (*Canis lupus*), woodchuck (*Marmota monax*), house sparrow (*Passer domesticus*), rock partridge (*Alectoris graeca*), chukar partridge (*Alectoris chukar*), gray partridge (*Perdix perdix*), red-legged partridge (*Alectoris rufa*), rock dove (*Columba livia*), guinea fowl (*Numida meleagris*), common grackle (*Quiscalus quiscula*), raccoon (*Procyon lotor*), red, cross or silver fox (*Vulpes vulpes*), sharp-tailed grouse (*Tympanuchus phasianellus*), spruce grouse (*Dendragapus canadensis*), brown-headed cowbird (*Molothrus ater*) and migratory game birds under the Migratory Birds Convention Act (S.C., 1994, c. 22).

DIVISION II CERTIFICATE AND LICENCE

§1. Hunter's or trapper's certificate

3. To obtain a hunter's or trapper's certificate, a person shall

(1) be a resident;

(2) be 12 years of age or more;

(3) provide his name, address and date of birth;

(4) take the course on the handling of the weapon in respect of which the certificate is applied for or on the trapping and management of fur-bearing animals; and

(5) pass the examination corresponding to the course taken and hold an attestation to that effect.

In addition, a person 12 years of age or more but under 18 years of age shall provide written authorization from the person having parental authority, the tutor or any other person who has legal custody for his obtaining such certificate.

§2. Hunting licence

4. In order to obtain a resident's hunting licence, a person shall be a resident and hold the hunter's or trapper's certificate appropriate to the type of hunting implement that he intends to use; the certificate is not required for the "Northern leopard frog, Green frog, Bullfrog" and "Snaring of hare or cottontail rabbit" hunting licences.

In addition, in order to obtain the following hunting licences provided for in Schedule I to the Regulation respecting hunting, the resident shall have been selected by random draw:

(1) (a) “Caribou, valid for the southern part of Area 19”;

(b) “Caribou, valid for the part of Area 22 shown on the plan in Schedule XII”;

(c) “Caribou, valid for the part of Area 19 and Area 23 shown on the plan in Schedule IX”;

(2) “White-tailed deer, female or male whose antlers measure less than 7 cm, using a type 2 implement”;

(3) “Female moose over one year of age”.

5. To obtain a hunting licence for non-residents, a person shall be a non-resident and be 12 years of age or older.

6. To obtain a hunting licence referred to as “Moose hunting licence in a new area”, which is issued only once a year, a person shall

(1) hold a “Moose for all areas” hunting licence;

(2) participate, in that new area, in a restricted hunt in a wildlife sanctuary or in a hunting expedition in a restricted access sector of a controlled zone or in a territory where exclusive hunting rights have been granted to an outfitting operation and have never before participated in such a hunt in the area specified on his initial licence; and

(3) present the licence referred to in paragraph 1 upon registration in the wildlife sanctuary, in the controlled zone or in the territory where exclusive hunting rights have been granted to an outfitting operation where he is hunting and present his hunter’s or trapper’s certificate if he is a resident.

7. Children under 18 years of age of the holder of a resident’s “Snaring of hare or cottontail rabbit” hunting licence or a resident’s “Small game, except for the snaring of hare or cottontail rabbit” hunting licence or a resident’s “Northern leopard frog, Green frog, Bullfrog” hunting licence may hunt under that licence. They shall also have the holder’s licence with them when he is not accompanying them.

In the case of a resident’s “Small game, except for the snaring of hare or cottontail rabbit” hunting licence, those children shall hold the hunter’s or trapper’s certifi-

cate appropriate to the type of hunting weapon used and carry it when hunting.

When calculating bag limits, the bag of children shall be counted with that of the licence holder.

8. A holder of a hunter’s or trapper’s certificate or of a hunting licence for non-residents who is 12 years of age or more but under 18 years of age shall, in order to hunt, be accompanied by a person at least 18 years of age who holds a hunting licence for non-residents or a hunter’s or trapper’s certificate valid for the type of hunting weapon used by the accompanied hunter.

9. A holder of a resident’s “Moose for all areas” hunting licence who hunts with a type 1 implement may use his licence only if the date of issue of the licence is prior to the opening of the hunting season with that implement, in the area in question.

Notwithstanding the foregoing, in Area 13, the licence holder may use his licence only if the date of issue of that licence is prior to the opening date of the latest hunting season with a type 1 implement provided for that area.

However, a licence issued after the date prescribed in the first paragraph may be used where it was replaced in accordance with section 12 of the Regulation respecting hunting or where the holder participates in a restricted hunt in a wildlife sanctuary or in a hunting expedition in a restricted access sector of a controlled zone or in a territory where exclusive hunting rights were granted to an outfitting operation; this also applies to the area in question provided that the holder has already hunted in one of those territories.

10. A holder of a hunting licence may hunt only the animal or group of animals specified on his licence and, in the case of caribou, white-tailed deer or moose, only in the area or part of that area specified on his licence.

Notwithstanding the foregoing, the holder of a moose hunting licence issued for Area 12 or Area 13 may hunt anywhere in La Vérendrye Wildlife Sanctuary with either of the licences and the holder of a non-resident “Caribou, valid for Area 23 (winter)” licence may hunt in Area 23 except in the southern part shown on the plan in Schedule XVIII to the Regulation respecting hunting.

In addition, where a hunter’s or trapper’s certificate is required to obtain a hunting licence, the holder of that licence may hunt only with the hunting weapon corresponding to the code specified on his licence.

11. The holder of a “Moose, all areas” hunting licence who has obtained a hunting licence referred to as

“Moose, in a new area” may no longer hunt in the area specified on his “Moose, all areas” hunting licence; he shall carry both licences when hunting.

12. A resident may, during a year, hold only the following hunting licences:

(1) “Caribou, valid for the part of Area 22 shown on the plan in Schedule VII” or “Caribou, valid for the part of Area 19 and Area 23 shown on the plan in Schedule IX”;

(2) “Caribou, valid for Area 23 (winter)” and “Caribou, valid for Area 22 shown on the plan in Schedule XVII”;

(3) “Caribou, valid for Area 23 (fall)” or “Caribou, valid for Area 24”;

(4) “Caribou, valid for the southern part of Area 19 shown on the plan in Schedule V”;

(5) “White-tailed deer, elsewhere than in Area 20” and “White-tailed deer, female or male, with antlers that measure less than 7 cm, with a Type 2 implement”;

(6) two “White-tailed deer, in Area 20”; and

(7) a hunting licence of each of the following types:

(a) “Northern leopard frog, Green frog, Bullfrog”;

(b) “Snaring of hare or cottontail rabbit”;

(c) “Moose, all areas”;

(d) “Moose, female, more than one year old”;

(e) “Moose, in a new area”;

(f) “Black bear”; and

(g) “Small game, except for the setting of snaring for hare or Eastern cottontail rabbit”.

For the purposes of this section, the licences replaced in accordance with section 12 of the Regulation respecting hunting.

13. A non-resident may, during a year, hold only the following hunting licences:

(1) “Caribou, valid for Area 23 (fall)”, “Caribou valid for Area 23 (winter)” and “Caribou, valid for the part of Area 22 shown on the plan in Schedule XVII”;

(2) two “White-tailed deer, in Area 20”; and

(3) a hunting licence of each of the following types:

(a) “White-tailed deer, elsewhere than in Area 20”;

(b) “Moose, all areas”;

(c) “Moose, in a new area”;

(d) “Black bear”; and

(e) “Small game, except for the setting of snares for hare or Eastern cottontail rabbit”.

For the purposes of this section, the licences replaced in accordance with section 12 of the Regulation respecting hunting shall not be considered.

14. A person holding one of the licences referred to in subparagraph 6 of the first paragraph of section 12 or in subparagraph 2 of the first paragraph of section 13 may obtain the second licence referred to in those subparagraphs only if the transportation coupons have been detached from the first licence and only from the fifth day following the date of issue of the first licence.

15. A hunter may not shoot an animal found on a public roadway or towards or across such a road in the parts of Area 22 shown on the plans in Schedules XII and XVII of the Regulation respecting hunting, during the caribou hunting season provided for in the Regulation for those parts of the territory and in areas 5 and 6. He may not shoot an animal from a public road, including the 10-metre strip on each side of the right-of-way, in areas 5 and 6.

For the purposes of this section, the expression “public roadway” means a road whose maintenance is entrusted to a municipality, a government or one of its agencies and over which one or more roadways open to public vehicular traffic have been laid out, except for roads under the management of the Ministère des Ressources naturelles or the Ministère de l’Agriculture, des Pêcheries et de l’Alimentation or maintained by either of them.

DIVISION III **OBLIGATIONS OF THE HOLDER OF A HUNTING LICENCE**

16. The holder of a hunting licence for non-residents shall use the services of an outfitting operation when hunting north of the 52nd parallel or in the southern part of Area 19, east of rivière Saint-Augustin.

When hunting black bear or woodcock south of the 52nd parallel, he shall use at least two services of an

outfitting operation, which shall include lodging, except in a wildlife sanctuary and in a controlled zone.

17. The holder of a “Caribou valid for the part of Area 22 the plan of which appears in Schedule XVII” hunting licence or of a “Caribou valid for Area 23 (fall)” or a “Caribou valid for Area 23 (winter) hunting licence shall use the services of an outfitting operation to hunt caribou therein, except for the part of Area 23 shown on the plan in section IX of the Regulation respecting hunting or unless he is a resident of the Northeastern Québec region as described in Schedule 5 of the Act respecting hunting and fishing rights in the James Bay and New Québec territories (R.S.Q., c. D-13.1) and he is hunting in the western sector of that region.

DIVISION IV POSSESSION OF ANIMALS

18. A person may have in his possession no more than 15 birds among the species of ruffed grouse, sharp-tailed grouse, gray partridge or spruce grouse and no more than 30 birds among the species of willow ptarmigan or rock ptarmigan.

The number of animals a person is authorized to possess under the first paragraph is not cumulative with the number he is authorized to possess under another regulation made under the Act respecting the conservation and development of wildlife.

DIVISION V TRANSPORTATION AND REGISTRATION

§1. Transportation

19. When a hunter kills a caribou, white-tailed deer, moose or black bear, he shall, as soon as the animal is dead, detach the transportation coupon from his hunting licence and attach it to the animal.

In the case of moose, the hunter shall ensure that, on the same day as the animal’s death, the additional number of transportation coupons corresponding to the bag limit determined for that animal are attached to the animal; each additional coupon must come from the hunting licence of a hunter authorized to hunt the same species, with the same type of implement, during the same season and in the same area; in addition, that hunter shall have participated in the hunting expedition during which that animal was killed.

If the moose was killed in a controlled zone, each additional coupon shall come from the hunter who, before the death of the animal, paid the duties for hunting moose in that controlled zone and registered upon entering that controlled zone.

In addition, the hunter shall ensure that the transportation coupons remain attached to the animal until it is cut up or stored and, in the case of black bear, until its pelt is dressed.

20. A hunter shall transport whole or in quarters any caribou or moose that he has killed until that animal is registered.

A hunter shall transport any white-tailed deer that he has killed, whole or in two approximately equal parts obtained by severing the animal in the middle without removing the head and external genitals, until that animal is registered.

§2. Registration

21. When a hunter kills a caribou, white-tailed deer, moose or black bear, he shall, within 48 hours after leaving the hunting site: present his hunting licence and the licences whose coupons were attached to the animal, where applicable; have the animal registered by a conservation officer, a person appointed for that purpose or a person authorized by the Minister under section 56.1 of that Act enacted by section 9 of Chapter 29 of the Statutes of 1998; allow the punching of the number of transportation coupons corresponding to the bag limit determined for that animal; and, in the case of a male moose, allow the marking of its antlers. That hunter shall also pay as of 1 August 2000 the registration fees provided for in the Regulation respecting the scale of fees and duties related to the development of wildlife, made by Order in Council 1291-91 dated 18 September 1991.

Notwithstanding the first paragraph, a hunter who has killed one of the animals referred to in that paragraph shall, upon request of a conservation officer, have it registered immediately; a non-resident hunter who has killed one of those animals shall have it registered before leaving Québec.

A hunter who has killed a caribou or moose shall, upon registration, produce the animal whole or in quarters; in the case of a moose produced in quarters, he shall also produce and make accessible the full head, failing which, he shall produce and make accessible the full lower jaw and, in the case of a male, the antlers attached to the calvarium or to a part thereof; in the case of a white-tailed deer, a hunter shall produce it whole or in two approximately equal parts obtained by severing the animal in the middle without removing the head and external genitals.

A hunter who has killed a black bear shall, upon registration, show the animal’s carcass or pelt.

22. Upon registration, a hunter shall hand over the whole or a part of the animals killed where the person registering those animals so requests in order to take a sample or make a scientific assessment.

23. Where a caribou, a white-tailed deer, a moose or a black bear or a part thereof, including the pelt or a part thereof, is transported outside Québec, the punched transportation coupon or coupons shall serve as authorization within the meaning of the Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act (S.C., 1992, c. 52) to transport it outside Québec.

DIVISION VI TRAINING AND FIELD TRIALS OF HUNTING DOGS

24. For the purposes of this Division,

“hunting dog” means a dog of one of the following types:

(1) retrievers: dogs used to find and retrieve dead or wounded animals;

(2) pointers and flushers: dogs used to indicate the presence of an animal to the hunter by pointing at it or flushing it out; or

(3) trackers: dogs used to search for an animal and, having found it or its trail, to track it while barking.

25. During any training or field trials of hunting dogs, other than retrievers, the owner or custodian of a dog shall ensure that the dog wears at all times a collar indicating

(1) the name, address and telephone number of the owner or his hunter's or trapper's certificate number; and

(2) the type or breed of dog.

26. During training or field trials, the hunting dog's owner or custodian shall be present and watch the dog.

27. Training or field trials of hunting dogs using an animal other than a moose, black bear, white-tailed deer, caribou or musk ox are permitted from 1 July to 1 April provided that the person practising those activities is not in possession of a weapon.

28. Notwithstanding section 27, training and field trials of hunting dogs of the Beagle breed, using an Arctic hare or a snowshoe hare or an eastern cottontail

rabbit, are permitted during the entire year on a wooded lot other than land in the public domain, with the permission of the owner and where the person practising those activities is not in possession of a weapon.

DIVISION VII PENAL

29. Any person who contravenes any of sections 5 to 28 commits an offence.

DIVISION VIII FINAL

30. This Regulation replaces the Regulation respecting hunting made by Order in Council 1383-89 dated 23 August 1989.

31. 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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Gouvernement du Québec

O.C. 859-99, 28 July 1999

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

Wildlife sanctuaries

Regulation respecting wildlife sanctuaries

WHEREAS under paragraphs 1, 2, 4 and 5 of section 121 and paragraphs 14, 16 and 18 of section 162 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1) respectively amended by section 6 of Chapter 95 of the Statutes of 1997 and by section 22 of Chapter 29 of the Statutes of 1998, the Government may make regulations on the matters mentioned therein;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation respecting wildlife sanctuaries was published in Part 2 of the *Gazette officielle du Québec* of 19 May 1999 with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation respecting wildlife sanctuaries, attached to this Order in Council, with amendments;