

Draft Regulations

Draft Regulation

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

Wildlife habitats — Amendments

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 to amend the Regulation respecting wildlife habitats, the text of which appears below, may be made by the Government on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to include in the definition of fish habitat the parts of the public territory under water situated in the Gulf of St. Lawrence or the Baie des Chaleurs. Those parts of the territory must previously have been demarcated on a chart prepared by the Minister.

Under the draft Regulation, the prohibition that applies to the carrying on of certain activities that could be harmful to a wildlife habitat defined in the Regulation becomes applicable to certain projects carried out in the James Bay and Northern Québec regions. Certain projects in those regions which may alter a component peculiar to a wildlife habitat will require the authorization of the Société de la faune et des parcs du Québec. Such projects include projects that are automatically exempted from the environmental impact assessment and review procedure and projects for which an attestation of exemption from that procedure has been issued.

In addition to making a technical amendment to the definition of a water fowl gathering area, the draft Regulation clarifies the standard for work related to the operation of a legally built dam in a fish habitat. Lastly, timber driving will be prohibited in a fish habitat, unless an authorization has been granted by the Société de la faune et des parcs du Québec.

Further information may be obtained by contacting: Paul Potvin, Société de la faune et des parcs du Québec, Direction des territoires fauniques et de la réglementation, 675, boulevard René-Lévesque Est, 11^e étage, boîte 96, Québec (Québec) G1R 5V7; telephone: (418) 521-3880, ext. 4146; fax: (418) 646-5179; e-mail: paul.potvin@fapaq.gouv.qc.ca

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 Pierre Corbeil, Minister for Forests, Wildlife and Parks, 5700, 4^e Avenue Ouest, bureau A-308, Charlesbourg (Québec) G1H 6R1.

SAM HAMAD,
*Minister of Natural Resources,
Wildlife and Parks*

PIERRE CORBEIL,
*Minister for Forest,
Wildlife and Parks*

Regulation to amend the Regulation respecting wildlife habitats*

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1, s. 128.18, pars. 1 and 2)

1. Section 1 of the Regulation respecting wildlife habitats is amended

(1) by inserting “, 7 as regards any other territory under water”, after “population” in the part preceding paragraph 1;

(2) by inserting “measured along a straight line drawn between the two most distant points on the shoreline” after “shoreline” in paragraph 1;

(3) by replacing “of a watercourse, frequented by fish;” in paragraph 7 by “or a watercourse, frequented by fish, including the St. Lawrence River and its estuary or any other territory under water situated in the Gulf of St. Lawrence or the Baie des Chaleurs and demarcated on a chart prepared by the Minister;”.

2. Section 8 is amended by adding the following paragraph at the end:

“A person may operate a machine used for a forest management activity in a fish habitat in the cases and on the conditions provided for in section 28 of the Forest Act.”.

* The Regulation respecting wildlife habitats, made by Order in Council 905-93 dated 22 June 1993 (1993, *G.O.* 2, 3536), was last amended by the regulation made by Order in Council 951-2001 dated 23 August 2001 (2001, *G.O.* 2, 4852). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2003, updated to 1 March 2003.

3. Section 20 is replaced by the following :

“**20.** The prohibition set out in section 128.6 does not apply to a person who, in a fish habitat, carries out work necessary for the operation of a dam, built in accordance with the law, in particular work related to its maintenance and monitoring, except work carried out for the primary purpose of removing sediment accumulated in the reservoir.”.

4. Section 28 is revoked.

5. Section 46 is replaced by the following :

“**46.** The prohibition set out in section 128.6 of the Act respecting the conservation and development of wildlife to carry on an activity in a wildlife habitat that may alter a biological, physical or chemical component peculiar to the habitat of the animal or fish concerned does not apply to a person who carries on an activity as part of a project referred to in Schedule A to the Environment Quality Act or a project for which a certificate of authorization has been issued by the Minister under paragraph *a* of section 154 or paragraph *a* of section 189 of that Act, except in the habitat of a threatened or vulnerable wildlife species.”.

6. Section 48 is revoked.

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