

(3) the maximum number of tapholes in the same maple tree is determined according to the diameter of the tree, as follows:

Diameter of maple tree at 1.30 metres above ground	Maximum number of tapholes
20 to 39 centimetres	1
40 to 59 centimetres	2
60 to 79 centimetres	3
80 centimetres and over	4

Where two or more tapholes are drilled, they must be positioned evenly around the tree;

(4) the taphole must be drilled using a bit not more than 11 millimetres in diameter and must not be more than 6 centimetres deep, including bark thickness;

(5) no control product may be inserted into a taphole unless the control product has been registered under the Pest Control Products Act (R.S.C., 1985, c. P-9);

(6) all spouts must be removed each year at the latest on 1 June, with care taken not to tear the bark from the tree;

(7) tubing must be installed, replaced and maintained without damage to the trees; and

(8) all worn or unused material must be recovered and disposed of in such a manner as to ensure the premises are kept clean.

**4.** A permit holder must, as soon as possible after the permit has been issued, visibly mark off the boundaries of the sugar bush without damaging the trees, and maintain the boundary markings.

**5.** A permit holder must make and submit an annual report to the Minister on the activities carried on by the holder.

The first part of the report must be submitted at the latest on 1 June and indicate

(1) the number of tapholes drilled during the period determined in section 3; and

(2) the quantity of maple syrup produced from the volume of sap harvested during the sugaring season or, if the sap is not processed on the premises, the volume of sap harvested.

The second part of the report must be submitted at the latest on 31 December and contain

(1) a statement of the forest management activities carried out during the year;

(2) the volume of round timber harvested in the sugar bush in connection with the carrying on of forest management activities, by species or group of species, quality and destination; and

(3) the information required under the second paragraph of section 16.1 of the Forest Act if the permit holder holds an authorization issued under section 14.1 of the Act.

**6.** A permit holder who contravenes any of the provisions of sections 2 to 4 is guilty of an offence punishable as set out in section 181 of the Forest Act as it existed prior to 27 June 2001, as provided in section 185 of the Act to amend the Forest Act and other legislative provisions (2001, c. 6).

**7.** This Regulation replaces the Regulation respecting sugar bush management permits in the domain of the State, made by Order in Council 1889-89 dated 6 December 1989.

**8.** 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. 733-2004, 28 July 2004

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

#### Wildlife habitats — Amendments

Regulation to amend the Regulation respecting wildlife habitats

WHEREAS, under paragraphs 1 and 2 of section 128.18 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), the Government may make regulations on the various matters set forth therein;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft Regulation to amend the Regulation respecting wildlife habitats attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 12 November 2003 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation to amend the Regulation respecting wildlife habitats without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Natural Resources, Wildlife and Parks:

THAT the Regulation to amend the Regulation respecting wildlife habitats, attached to this Order in Council, be made.

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

## 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.”.

**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*.

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\* 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*, Québec Official Publisher, 2004, updated to 1 March 2004.