

(1) the volumes of water transferred out of the St. Lawrence River Basin, expressed in litres, indicating for each withdrawal site concerned, the georeferenced data of the sites where the water so transferred is used. Where the water transferred out of the Basin is intended to supply a waterworks system serving all or part of the population of a municipality, the level 1 drainage basins covered by the waterworks system must be indicated, and the name of the watercourse into which the water of the territory flows must be specified, as that name was officialized by the Commission de toponymie du Québec;

(2) the volumes of water discharged or returned to the St. Lawrence River Basin, expressed in litres, specifying the georeferenced data of the sites where the water was discharged or, as the case may be, where the water was returned.

As soon as a withdrawer is subject to a provision of this section, the withdrawer becomes, despite the provisions of subparagraph 1 of the second paragraph and subparagraphs 1 and 2 of the third paragraph of section 3 of this Regulation, subject to the provisions of sections 9 and 10 of this Regulation.

The provisions of sections 5 to 8 and 18.5 of this Regulation apply to the determination of the volumes of water to which this section applies, including the determination of the volumes of water transferred out of the St. Lawrence River Basin and the volumes of water discharged or returned to the Basin. The provisions of the third paragraph of section 18.4 apply to the determination of the volumes of water consumed; the provisions of the second and third paragraphs of section 9 apply to the transmission of the declaration provided for in this section.

TITLE III

PENAL AND MISCELLANEOUS”.

15. The heading “CHAPTER VI” is replaced by “CHAPTER I”.

16. Section 19 is amended by replacing “18” in the introductory sentence of the first paragraph by “18.7”.

17. The heading “CHAPTER VII” is replaced by “CHAPTER II”.

18. Section 22 is struck out.

19. The annual declaration required by section 18.7, introduced by section 14 of this Regulation, applies as of 1 January 2016 for water withdrawals made for agricultural or fish-breeding purposes during 2015.

20. This Regulation comes into force on 1 September 2011, except paragraph 2 of section 5, which comes into force on 1 January 2012.

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Gouvernement du Québec

O.C. 686-2011, 22 June 2011

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

Framework for authorization of certain projects to transfer water out of the St. Lawrence River Basin

Regulation respecting the framework for authorization of certain projects to transfer water out of the St. Lawrence River Basin

WHEREAS section 31.104 and subparagraphs 2.5, 2.6 and 4 of paragraph *s* of section 46 of the Environment Quality Act (R.S.Q., c. Q-2), as introduced and amended by sections 19 and 22 of chapter 21 of the Statutes of 2009, and section 124.1 of the Environment Quality Act empower the Government to make regulations on the matters set forth 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 of the Regulation respecting the framework for authorization of certain projects to transfer water out of the St. Lawrence River Basin was published in the *Gazette officielle du Québec* of 10 November 2010 with a notice that it could be made by the Government on the expiry of 60 days following that publication;

WHEREAS, having considered the comments received following the publication of the draft Regulation, it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Sustainable Development, Environment and Parks:

THAT the Regulation respecting the framework for authorization of certain projects to transfer water out of the St. Lawrence River Basin, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation respecting the framework for authorization of certain projects to transfer water out of the St. Lawrence River Basin

Environment Quality Act
(R.S.Q., c. Q-2, s. 31.104 and s. 46, par. s,
subpars. 2.5, 2.6 and 4 and s. 124.1)

DIVISION I INTERPRETATION AND SCOPE

1. For the purposes of this Regulation,

“existing withdrawal” means a withdrawal that was authorized on or before 1 September 2011 or, if not authorized, was lawfully commenced on or before that date; (*prélèvement existant*)

“Minister” means the Minister of Sustainable Development, Environment and Parks; (*Ministre*)

“new withdrawal” means a withdrawal that was authorized after 1 September 2011; (*nouveau prélèvement*)

“professional” means a professional within the meaning of section 1 of the Professional Code (R.S.Q., c. C-26), whose order governs the practice of a professional activity referred to in this Regulation. This definition includes any person legally authorized to practise that activity in Québec; (*professionnel*)

“St. Lawrence River Basin” means the drainage basin whose territory is described in section 31.89 of the Environment Quality Act (R.S.Q., c. Q-2); (*Bassin du fleuve Saint-Laurent*)

“transfer” means the transporting of bulk water from the St. Lawrence River Basin to another basin using any means, including a waterworks system, a pipeline, a conduit or any other main and any type of tank truck. Diverting the direction of a watercourse flow is deemed to be a transfer. Packaging water for commercial purposes in containers having a capacity exceeding 20 litres is also deemed to be a transfer; (*transfert*)

“water withdrawal” or “withdrawal” means any water withdrawal within the meaning of section 31.74 of the Environment Quality Act; (*prélèvement d’eau*) (*prélèvement*)

“waterworks system” or “distribution system” means mains, a system of mains or a facility or equipment used to collect, store or supply water intended for human consumption; (*système d’aqueduc*)

“withdrawer” means a person or municipality, within the meaning of section 1 of the Environment Quality Act, that operates a withdrawal site. (*préleveur*)

The territorial boundaries of regional county municipalities as they existed on 13 December 2005 are used to determine whether the territory of a municipality is, for the purposes of subparagraph *b* of subparagraph 1 of the first paragraph section 31.91 of the Environment Quality Act, both wholly outside the St. Lawrence River Basin and wholly within a regional county municipality whose territory is partly within the Basin and partly outside the Basin. The territorial boundaries of local municipalities used for the purposes of subparagraph *a* of subparagraph 1 of that section are those existing on 1 September 2011.

2. This Regulation applies to withdrawers that, for the purpose of supplying a waterworks system serving all or part of the population of a municipality referred to in subparagraph 1 of the first paragraph of section 31.91 of the Environment Quality Act, plan to withdraw water in the St. Lawrence River Basin to transfer it out of the Basin or plan to increase the volumes of water they withdraw from the Basin to be transferred out of the Basin.

This Regulation applies, in particular, in a reserved area and an agricultural zone established in accordance with the Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., c. P-41.1).

DIVISION II APPLICATION FOR AUTHORIZATION TO TRANSFER WATER OUT OF THE ST. LAWRENCE RIVER BASIN

3. An application for authorization referred to in section 31.75 of the Environment Quality Act concerning a transfer out of the Basin of water from a new withdrawal or from an increase in the quantity of water of an existing withdrawal from the St. Lawrence River Basin, must be addressed to the Minister in writing and include the following information and documents:

(1) the name of the municipality applying for a transfer authorization, the address of its office, the quality of the application’s signatory, the person’s telephone number and electronic mail address, and a certified true copy of the resolution or by-law authorizing the application and its signatory; in the case of a local municipality, situated outside the St. Lawrence River Basin, the name of the regional county municipality that includes the local municipality must be indicated;

(2) if the applicant is not a municipality;

(a) the name of the local municipality whose population will be served by the waterworks system supplied by water whose transfer is planned. If the local municipality is situated outside the St. Lawrence River Basin, the name of the regional county municipality that includes the local municipality previously identified must be indicated;

(b) in the case of a natural person, the person's name, postal address, electronic mail address and telephone number; in the case of a legal person, partnership or association, its name and the postal address and electronic mail address of its head office, the quality of the application's signatory and a certified true copy of the deed authorizing the application and its signatory;

(c) the registration number assigned to the applicant registered in the register of sole proprietorships, partnerships and legal persons;

(d) a copy of any agreement entered into with the municipality with regard to the ownership or transfer of the waterworks system supplied by water whose transfer is planned, or to the supply of the municipality's waterworks system;

(3) a description of the project and its features;

(4) the use to be made of the water transferred out of the St. Lawrence River Basin;

(5) concerning the withdrawal site and the transfer location:

(a) the location of the withdrawal site. If the wells or pumps covered by the application are located at more than one site, the location of each site must be provided;

(b) an aerial or satellite map or photograph of the withdrawal site and of the proposed location of the transfer. Maps or photographs of the territory supplied with the proposed water transfer and of the place where the water will be discharged must also be filed;

(c) if the supply source is surface water, the name of the lake, river or watercourse must be indicated;

(d) the cadastral designation of the lots on which the project will be carried out;

(6) concerning the total volume of the water transferred from a new or increased withdrawal:

(a) the maximum volume of water transferred during the authorization period applied for, established respectively on the basis of an average for the calendar year

and on the basis of a period of 90 consecutive days corresponding to the period in which the volume of transferred water is the highest;

(b) the monthly average volume of the transfer, specifying whether the proposed use will be continuous, seasonal or temporary;

(c) the location of the equipment to measure the volume transferred and the technique used to measure the transfer flow;

(7) the total volume of all the withdrawals made for the purpose of transferring water out of the St. Lawrence River Basin to supply the waterworks system covered by the application for authorization during the 10-year period preceding the application, as well as the volumes of water consumed by reason of those withdrawals;

(8) the maximum volume consumed per day by reason of that proposed transfer, estimated respectively on the basis of an average for the calendar year and on the basis of a period of 90 consecutive days corresponding to the period in which the water consumption is the highest;

(9) the volume of transferred water that will be returned to the St. Lawrence River Basin after use or discharged out of that Basin. The application must include a description of the means used to return the water. The description must include

(a) an indication of when the water will be returned;

(b) the total volume of water returned per day established in the form of an average during a calendar year and a percentage of the water transferred, including the proposed measurement methods;

(c) an estimate of the percentage of water transferred from the St. Lawrence River Basin that will be returned to the Basin in relation to the water that is discharged in the Basin and that comes from outside the Basin;

(d) a description of the water returned, including the water's origin, the place where it will be returned and the methods used to reduce the use of water coming from outside the Basin;

(e) a description of the location or locations where the water will be discharged.

Each time that a municipality whose population must, according to the proposed transfer, be supplied with water transferred out of the St. Lawrence River Basin is not the applicant, the application for authorization must

indicate and include as a schedule any agreement entered into between the municipality and the applicant and pertaining to obligations related to measures for the efficient use or preservation of water or pertaining to the return of the water in the Basin.

All volumes of water must, for the purposes of this section, be expressed in litres.

4. If the proposed water transfer involves an average quantity of water of 379,000 litres or more per day that is intended to supply a waterworks system serving a municipality referred to in subparagraph *a* of subparagraph 1 of the first paragraph of section 31.91, the application must, in addition to the information and documents referred to in section 3, be accompanied by the following documents and information:

(1) a description of the measures for the preservation and efficient use of the water that the applicant undertakes to carry out, including timetables;

(2) a description of the follow-up indicators that will be used to monitor those measures for preservation and efficient use;

(3) a narrative description explaining why the water transfer is necessary. The description must also include an analysis of the efficiency of the current uses of water, including the application of preservation measures that are judicious in terms of environment protection and economically feasible with regard to existing water supplies so as to reduce as much as possible the volume of water to be transferred;

(4) a narrative description explaining why the quantities of water whose transfer is proposed are reasonable in relation to the proposed use. To that end, the application must also include a water use plan. The plan must include

(*a*) the proposed use of the water and the population projections supporting the daily volumes for the period covered by the application;

(*b*) a description of the capacity of the waterworks system in terms of water withdrawal, treatment and distribution;

(*c*) an evaluation of the savings resulting from an efficient use of water;

(5) a study about the impact of the transfer on the quality and quantity of water in the St. Lawrence River Basin and of the depending natural resources, including wildlife and plant species that depend for their survival

on wetlands and wildlife habitats forming part of the Basin, as well as about the maintenance of water uses. That impact study must be designed and prepared according to a scientific method.

All volumes of water must, for the purposes of this section, be expressed in litres.

The information contained in the study referred to in subparagraph 5 of the first paragraph is public.

5. If the transfer of water out of the Basin is intended to supply a waterworks system serving a municipality referred to in subparagraph *b* of subparagraph 1 of the first paragraph of section 31.91 of the Act, the application for authorization must, in addition to the information and documents referred to in sections 3 and 4, be accompanied by the following documents and information:

(1) a narrative description explaining why no supply source, reasonably accessible within the basin where the local municipality concerned is situated, is capable of meeting drinking water needs;

(2) a study about the impact of the proposed transfer on the integrity of the basin's ecosystem. That impact study must be designed and prepared according to a scientific method.

The information contained in the study referred to in subparagraph 2 of the first paragraph is public.

6. Where an application for authorization is submitted, pursuant to section 31.92, 31.93 or 31.98 of the Environment Quality Act, to the Great Lakes–St. Lawrence River Water Resources Regional Body for review or opinion, all documents or information sent to the Regional Body, including those provided by the applicant in support of the application for authorization, are public as of the date on which they are sent to the Regional Body by the Minister.

DIVISION III DETERMINATION OF QUANTITIES OF WATER TRANSFERRED OR CONSUMED FOR THE PURPOSES OF SECTION 31.92 OF THE ENVIRONMENT QUALITY ACT

7. For the purposes of the first paragraph of section 31.92 of the Environment Quality Act, the daily average quantity of water transferred out of the basin is calculated on the basis of a period of 90 consecutive days corresponding to the period during which the volume of water transferred is at its peak.

For the purposes of the second paragraph of that section, the average daily quantity of water that is consumed is calculated on the basis of a period of 90 consecutive days corresponding to the period during which consumptive use is at its peak.

Those calculations must be made by a professional and be attached to the application for authorization.

8. To determine whether an application for authorization to make a new withdrawal or to increase an existing withdrawal in the St. Lawrence River Basin to have water transferred out of that Basin is subject to the conditions for authorization prescribed by section 31.92 of the Environment Quality Act, taking into account the quantity of withdrawn water involved, the application must also indicate, in addition to the quantities of water referred to in section 31.96 of the Act, the sum of the volumes of water withdrawn to supply a single waterworks system.

DIVISION IV **MISCELLANEOUS AND TRANSITIONAL**

9. Until the coming into force of the first paragraph of section 31.75 of the Environment Quality Act, introduced by section 19 of chapter 21 of the Statutes of 2009, any application for authorization to transfer out of the St. Lawrence River Basin water from a new withdrawal in that Basin, or to increase the quantity of water transferred out of the Basin from such a withdrawal or an existing withdrawal, must, despite section 4 of the Regulation respecting the application of the Environment Quality Act, made by Order in Council 1529-93 dated 3 November 1993, be addressed to the Minister under section 22 or 32, as the case may be, of the Environment Quality Act or, in the case of groundwater, under Chapter IV of the Groundwater Catchment Regulation, made by Order in Council 696-2002 dated 12 June 2002 or, as the case may be, to the Government under section 31.5 of the Act.

In addition to considering any relevant element under section 22, 31.5 or 32 of the Environment Quality Act or, as the case may be, under Chapter IV of the Groundwater Catchment Regulation, the Minister or, as the case may be, the Government must, before issuing a certificate of authorization or an authorization under one of those provisions for one of the activities involving the transfer of water out of the St. Lawrence River Basin referred to in the first paragraph, ensure that they comply with the provisions of subdivision 2 of Division V of the Environment Quality Act.

For that purpose, an application for authorization must be accompanied by the information and documents provided for in sections 3, 4 and 5 of this Regulation, in addition to those required under the above-mentioned statutory or regulatory provisions or under the regulation thereunder.

Certificates of authorization or, as the case may be, authorizations issued under the provisions referred to in the first paragraph are deemed to have been issued under section 31.75 of the Environment Quality Act.

10. Applications for authorization filed before 1 September 2011 and in the process of being evaluated on that date are governed by the provisions of this Regulation.

11. Until 1 September 2021, for the purposes of subparagraph 7 of the first paragraph of section 3 of this Regulation, an application for authorization must indicate, in addition to the quantity of water covered by the application, any quantity of water withdrawn or consumed on the basis of an authorization granted for the same withdrawal after 1 September 2011.

12. This Regulation comes into force on 1 September 2011.

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Gouvernement du Québec

O.C. 692-2011, 22 juin 2011

Natural Heritage Conservation Act
(R.S.Q., c. C-61.01)

Réserve de biodiversité projetée Samuel-De Champlain — Authorization to replace the conservation plan

Authorization to replace the conservation plan of the Réserve de biodiversité projetée Samuel-De Champlain

WHEREAS, under the first paragraph of section 16 of the Act respecting the boundaries of the waters in the domain of the State and the protection of wetlands along part of the Richelieu River (2009, c. 31), the area in the zones marked “A” on the map reproduced in Schedule I to the Act is deemed to be a proposed biodiversity reserve on 19 June 2009, in accordance with Title III of the Natural Heritage Conservation Act (R.S.Q., c. C-61.01), for a period of four years beginning on that date and is provisionally called the “Réserve de biodiversité projetée Samuel-De Champlain”;