

Gouvernement du Québec

O.C. 475-2017, 10 May 2017

Environment Quality Act
(chapter Q-2)

**Regulation respecting the application of the Act
— Amendment**

Regulation to amend the Regulation respecting the application of the Environment Quality Act

WHEREAS, under subparagraph *f* of the first paragraph of section 31 of the Environment Quality Act (chapter Q-2), the Government may make regulations to determine the terms and conditions whereunder an application for a certificate of authorization of plans and specifications or projects must be made to the Minister of Sustainable Development, the Environment and the Fight Against Climate Change under sections 22 and 24 of the Act, classify for that purpose the structures and industrial processes, industries, works, activities and projects and, as the case may be, withdraw certain classes of them from all or part of the Act;

WHEREAS the Government made the Regulation respecting the application of the Environment Quality Act (chapter Q-2, r. 3);

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and section 124 of the Environment Quality Act, a draft of the Regulation respecting the sustainable development of forests in the domain of the State and to amend the Regulation respecting wildlife habitats and the Regulation respecting the application of the Environment Quality Act was published in Part 2 of the *Gazette officielle du Québec* of 30 December 2014 with a notice that it could be made by the Government on the expiry of 60 days following that publication;

WHEREAS the draft Regulation amended the Regulation respecting the application of the Environment Quality Act and the Regulation to amend the Regulation respecting the application of the Environment Quality Act, attached to this Order in Council, includes, without amendment, the amending provisions;

WHEREAS it is expedient to make the Regulation to amend the Regulation respecting the application of the Environment Quality Act;

It is ordered, therefore, on the recommendation of the Minister of Sustainable Development, the Environment and the Fight Against Climate Change and the Minister of Forests, Wildlife and Parks:

THAT the Regulation to amend the Regulation respecting the application of the Environment Quality Act, attached to this Order in Council, be made.

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

**Regulation to amend the Regulation
respecting the application of the
Environment Quality Act**

Environment Quality Act
(chapter Q-2, s. 31, 1st par., subpar. *f*)

1. The Regulation respecting the application of the Environment Quality Act (chapter Q-2, r. 3) is amended in section 1 by replacing paragraph 1 by the following:

“(1) the activities, constructions and work whose carrying out is subject to the Regulation respecting the sustainable development of forests in the domain of the State, made by Order in Council 473-2017 dated 10 May 2017, except

(a) the construction, widening and straightening of a road whose management is under the Minister responsible for the Act respecting roads (chapter V-9) and that is classified autoroute or a national, regional or collector road;

(b) the construction, improvement and repair of a road or a route that skirts a lake or a watercourse by encroaching on its bed or “riparian ecotone” within the meaning of section 2 of the Regulation respecting the sustainable development of forests in the domain of the State;”.

2. Section 2 is amended

(1) by replacing paragraph 3 by the following:

“(3) the construction, widening and straightening of a road, a route or another road infrastructure, except

(a) a project located less than 60 m from a lake or a constant watercourse and that skirts it over a distance of 300 m or more, to the extent that the carrying out of the project is not subject to the Regulation respecting the sustainable development of forests in the domain of the State, made by Order in Council 473-2017 dated 10 May 2017;

(b) a project that has any of the following characteristics:

- a roadway having 4 lanes or more;
- a right-of-way having an average width of at least 35 m;
- a length of at least 1 km;

The exclusion provided for in subparagraph *b* does not apply to the following projects:

- a project whose carrying out is subject to the Regulation respecting the sustainable development of forests in the domain of the State;
- a project intended for forest development, mining or energy purposes that is planned elsewhere than in a forest in the domain of the State;
- all or part of a project located inside an urbanization perimeter established in a land use and development plan or inside a metropolitan perimeter established in a metropolitan land use and development plan;”;

(2) by replacing the part preceding subparagraph *a* of paragraph 13 by the following:

“(13) subject to the application of another provision of this Regulation, “forest development activities” within the meaning of section 4 of the Sustainable Forest Development Act (chapter A-18.1) carried out in a forest in the domain of the State or in a private forest, except”;

(3) by replacing subparagraph *a* of paragraph 13 by the following:

“(a) the spreading of fertilizers other than manure, mineral fertilizers, wood waste from cutting areas or lime applications complying with the most recent version of the standard *Amendements calciques ou magnésiens provenant de procédés industriels* (BNQ 0419-090)”;

(4) by striking out subparagraphs *b* and *c* of paragraph 13.

3. Section 3 is amended

(1) by replacing paragraph 2 by the following:

“(2) subject to the application of another provision of this Regulation, “forest development activities” within the meaning of section 4 of the Sustainable Forest Development Act (chapter A-18.1) carried out in a peat bog, excluding

(a) the spreading of fertilizers other than manure, mineral fertilizers, wood waste from cutting areas or lime applications complying with the most recent version of the standard *Amendements calciques ou magnésiens provenant de procédés industriels* (BNQ 0419-090), whether the spreading is planned in a forest in the domain of the State or in a private forest;

(b) work involving the use of pesticides and are referred to in subparagraphs *b* to *d* of paragraph 10 of section 2, whether the work is planned in a forest in the domain of the State or in a private forest;

(c) the construction, widening and straightening of a road, a route or another road infrastructure located less than 60 m from a lake or a constant watercourse that skirts it over a distance of 300 m or more, to the extent that those activities are planned elsewhere than in a forest in the domain of the State;

(d) the construction, widening and straightening of a road or a route in the unwooded part of a peat bog where the ground is frozen to a depth of less than 35 cm, to the extent that those activities are planned elsewhere than in a forest in the domain of the State;

(e) the digging of a ditch, the installation of a drain or reforestation work carried out in the unwooded part of a peat bog, to the extent that those activities are planned elsewhere than in a forest in the domain of the State;”;

(2) by replacing paragraph 4 by the following:

“(4) the construction, maintenance, repair and demolition of culverts.”.

4. This Regulation comes into force on 1 April 2018.

102967

Gouvernement du Québec

O.C. 476-2017, 10 May 2017

Environment Quality Act
(chapter Q-2)

Amendments to the Protection Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains

WHEREAS section 2.1 of the Environment Quality Act (chapter Q-2) provides that the Minister of Sustainable Development, the Environment and the Fight Against Climate Change has the responsibility to elaborate and