

5. The Minister of Health and Social Services is to reimburse the Board for the sums paid under this Program, on such terms and conditions as may be agreed on.

6. For services provided, a pharmacist covered by this Program may claim or receive from the Board only the remuneration provided for in the special agreement. In addition, no pharmacist may require any payment whatsoever from an eligible person.

7. No pharmacist or wholesaler who receives self-tests to be distributed pursuant to this Program may sell or distribute them otherwise than in connection with the Program.

8. Beneficiaries under the Program are exempted from the payment of any contribution.

9. Services and goods obtained from outside Québec are not covered by this Program except those provided by a pharmacist with whom the Board has entered into a special agreement for that purpose, if the pharmacy is situated in a region bordering on Québec and no Québec pharmacy within a radius of 32 kilometres of the pharmacy serves the public.

10. The Board is to periodically report to the Minister of Health and Social Services on the costs incurred in connection with this Program, on such terms and conditions as may be agreed on. The reports are not to contain personal information.

11. The Board is to post this Program on its website not later than the day the Program takes effect. Any amendments under section 3 are also to be posted on the website not later than the day they take effect, so as to inform the public.

12. This Program takes effect on 20 December 2021 and ends on 31 March 2022.

SCHEDULE A

Type of supply	Unit format	Unit cost	Maximum quantity of units per service, per 30-day period
Covid self-test	1 kit containing 5 tests	\$25 (\$5 per test)	1 kit

105447

Gouvernement du Québec

O.C. 1596-2021, 15 December 2021

Act to establish a new development regime for the flood zones of lakes and watercourses, to temporarily grant municipalities powers enabling them to respond to certain needs and to amend various provisions (2021, chapter 7)

Pesticides Act
(chapter P-9.3)

Environment Quality Act
(chapter Q-2)

Temporary implementation of the amendments made by chapter 7 of the Statutes of 2021 in connection with the management of flood risks

Regulation respecting the temporary implementation of the amendments made by chapter 7 of the Statutes of 2021 in connection with the management of flood risks

WHEREAS, under the first paragraph of section 135 of the Act to establish a new development regime for the flood zones of lakes and watercourses, to temporarily grant municipalities powers enabling them to respond to certain needs and to amend various provisions (2021, chapter 7), the Government may, by a regulation made not later than 25 March 2022, enact any transitional measure necessary to implement any amendment made by the Act in particular to the Act respecting land use planning and development (chapter A-19.1) only as regards flood risk management and the Environment Quality Act (chapter Q-2);

WHEREAS, under the first and third paragraphs of section 31.0.6 of the Environment Quality Act, the Government may, by regulation, designate the activities referred to in section 22 or 30 of that Act that, subject to the conditions, restrictions and prohibitions determined in the regulation, are eligible for a declaration of compliance under subdivision 2 of Division II of Chapter IV of Title I of the Act and the regulation may also prescribe any transitional measure applicable to activities in progress that become eligible for such a declaration on the date of its coming into force;

WHEREAS, under section 31.0.7 of that Act, declarations of compliance filed with the Minister of the Environment and the Fight Against Climate Change must include the information and documents determined by regulation of the Government, in the manner and form specified in the

regulation, and the regulation may, in particular, require that a declaration be signed by a professional or any other person qualified in the field concerned, who must attest that the proposed activity meets any conditions, restrictions and prohibitions determined in the regulation;

WHEREAS, under the first and fourth paragraphs of section 31.0.11 of that Act, the Government may, by regulation and subject to any conditions, restrictions and prohibitions specified in it, exempt certain activities referred to in section 22 of that Act from subdivision 1 of Division II of Chapter IV of Title I of that Act and a regulation made under section 31.0.11 of that Act may also prescribe any transitional measure applicable to the activities concerned that are in progress on the date of its coming into force;

WHEREAS, under paragraph 6 of section 46.0.22 of that Act, the Government may, by regulation, define any term or expression used in Division V.1 of Chapter IV of Title I of that Act;

WHEREAS, under paragraph 8 of section 46.0.22 of that Act, the Government may, by regulation, classify the flood zones of lakes and watercourses as well as the mobility zones of watercourses;

WHEREAS, under paragraph 10 of section 46.0.22 of that Act, the Government may, by regulation, prohibit or limit the carrying out of any work, the erecting of any structures or the carrying out of any other interventions in wetlands and bodies of water or on flood protection works;

WHEREAS, under paragraph 11 of section 46.0.22 of that Act, the Government may, by regulation, in the cases and under the conditions specified, make the carrying out of any work, the erecting of any structures or the carrying out of any other interventions in wetlands and bodies of water subject to the issue of a permit by the municipality concerned;

WHEREAS, under paragraph 12 of section 46.0.22 of that Act, the Government may, by regulation, establish the standards applicable to the work, structures or other interventions carried out or erected in wetlands and bodies of water in order to ensure adequate protection of the safety, welfare or comfort of human beings or to prevent adverse effects on property;

WHEREAS, under paragraph 17 of section 46.0.22 of that Act, the Government may, by regulation, determine the information and documents to be sent to the Minister or to a municipality to ensure monitoring of the authorizations issued within a flood zone of a lake or watercourse or a mobility zone of a watercourse;

WHEREAS, under paragraph 18 of section 46.0.22 of that Act, the Government may, by regulation, determine which information and documents produced under a government regulation made under Division V.1 of Chapter IV of Title I of that Act are public and must be made available to the public;

WHEREAS, under subparagraph 7 of the first paragraph of section 95.1 of that Act, the Government may make regulations to define environmental protection and quality standards for all or part of the territory of Québec;

WHEREAS, under subparagraph 8 of the first paragraph of section 95.1 of that Act, the Government may make regulations to establish boundaries for territories and prescribe environmental protection and quality standards specific to each one, in particular to take into account its characteristics, the cumulative effects of its development, the support capacity of its ecosystems, and the human disturbances and pressures affecting its drainage basins;

WHEREAS, under subparagraph 9 of the first paragraph of section 95.1 of that Act, the Government may make regulations to exempt any person, municipality or class of activity it determines from all or part of that Act and prescribe, in such cases, environmental protection and quality standards applicable to the exempted persons, municipalities and activities, which may vary according to the type of activity, the territory concerned or the characteristics of the milieu;

WHEREAS, under subparagraph 13 of the first paragraph of section 95.1 of that Act, the Government may make regulations to determine the terms and conditions governing authorization, accreditation or certification applications made under that Act, and those governing applications to amend, suspend or revoke an existing authorization, accreditation or certification, including the use of a specific form; those terms and conditions may vary according to the type of structure, works, industrial process, industry, work or other activity;

WHEREAS, under subparagraph 21 of the first paragraph of section 95.1 of that Act, the Government may make regulations to prescribe the reports, documents and information that must be provided to the Minister by any person or municipality carrying on an activity governed by that Act or the regulations, determine their form and content and the conditions governing their preservation and sending;

WHEREAS, under the second paragraph of section 95.1 of that Act, a regulation made under the section may also prescribe any transitional measure necessary for its implementation;

WHEREAS, under section 115.27 of that Act, the Government may, in a regulation made under that Act, in particular specify that a failure to comply with the regulation may give rise to a monetary administrative penalty and set forth the amounts for determining them;

WHEREAS, under the first paragraph of section 115.34 of that Act, the Government may determine the regulatory provisions made under that Act whose contravention constitutes an offence and renders the offender liable to a fine the minimum and maximum amounts of which are set by the Government;

WHEREAS, under section 124.1 of that Act, no provision of a regulation, the coming into force of which is later than 9 November 1978, likely to affect the immovables comprised in a reserved area or in an agricultural zone established in accordance with the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1) applies to that area or zone unless the regulation provides it expressly;

WHEREAS, under section 101 of the Pesticides Act (chapter P-9.3), the content of the Pesticides Management Code (chapter P-9.3, r. 1) and of the other regulations may vary according to the nature, importance and extent of the activities carried on, the classes of persons carrying them on, the environment in which the activities are carried on, the means or systems used, the pesticides or classes of pesticides or the classes or subclasses of permits or certificates;

WHEREAS, under section 105 of that Act, the Government enacts by regulation a Pesticides Management Code which may prescribe rules, restrictions or prohibitions respecting activities related to the distribution, storage, transportation, sale or use of any pesticide, pesticide container or any equipment used for any of those activities;

WHEREAS, under section 107 of that Act, the Government may prescribe that the contravention of the provisions of the code which it determines constitutes an offence;

WHEREAS the Government made the following Regulations:

— Regulation respecting activities in wetlands, bodies of water and sensitive areas (chapter Q-2, r. 0.1);

— Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1);

— Agricultural Operations Regulation (chapter Q-2, r. 26);

— Pesticides Management Code (chapter P-9.3, r. 1);

WHEREAS the Government adopted the Protection Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains (chapter Q-2, r. 35);

WHEREAS, by Order in Council 964-2011 dated 21 September 2011, the Government declared part of the territory of the regional county municipalities of La Vallée-du-Richelieu, Haut-Richelieu, Brome-Missisquoi and Rouville located in the 0-20-year flood elevation of rivière Richelieu and baie Missisquoi a special planning zone;

WHEREAS, by Order in Council 817-2019 dated 12 July 2019, as amended by Order in Council 1260-2019 dated 18 December 2019 and by orders of the Minister of Municipal Affairs and Housing dated 2 August 2019, 23 August 2019, 25 September 2019, 23 December 2019 and 12 January 2021, the Government declared a special planning zone in several other territories of Québec identified therein;

WHEREAS, in accordance with sections 10, 12 and 13 of the Regulations Act (chapter R-18.1) and the second paragraph of section 135 of chapter 7 of the Statutes of 2021, the draft Regulation respecting the temporary implementation of the amendments made by chapter 7 of the Statutes of 2021 in connection with the management of flood risks was published in Part 2 of the *Gazette officielle du Québec* of 23 June 2021 with a notice that it could be made by the Government on the expiry of 30 days following that publication;

WHEREAS the period was extended to 45 days, in accordance with section 11 of the Regulations Act;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of the Environment and the Fight Against Climate Change and the Minister of Municipal Affairs and Housing:

THAT the Regulation respecting the temporary implementation of the amendments made by chapter 7 of the Statutes of 2021 in connection with the management of flood risks, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation respecting the temporary implementation of the amendments made by chapter 7 of the Statutes of 2021 in connection with the management of flood risks

Act to establish a new development regime for the flood zones of lakes and watercourses, to temporarily grant municipalities powers enabling them to respond to certain needs and to amend various provisions (2021, chapter 7, s. 135)

Pesticides Act
(chapter P-9.3, ss. 101, 105 and 107)

Environment Quality Act
(chapter Q-2, ss. 31.0.6, 31.0.7, 31.0.11, 46.0.22, 95.1, 115.27, 115.34, and 124.1)

CHAPTER I MUNICIPAL AUTHORIZATION FOR ACTIVITIES CARRIED OUT IN BODIES OF WATER

1. The object of this Chapter is to temporarily establish measures to facilitate the coming into force of some of the provisions of the Act to establish a new development regime for the flood zones of lakes and watercourses, to temporarily grant municipalities powers enabling them to respond to certain needs and to amend various provisions (2021, chapter 7).

To complement the rules set out in the Regulation respecting activities in wetlands, bodies of water and sensitive areas (chapter Q-2, r. 0.1), this Chapter introduces a requirement, for some of the activities carried out in a body of water that are exempted pursuant to Chapter I of Title IV of Part II of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1), to obtain prior authorization from the municipality concerned.

2. This Chapter applies to all lakes and watercourses and to their shores and banks.

It also applies to all flood zones of a lake or watercourse associated with a 20 year or 100 year flood recurrence levels and any other zone deemed to be flood zones pursuant to section 4 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (chapter Q-2, r. 0.1), the boundaries of which are, on 25 March 2021, shown by one of the following means, as the case may be:

(1) a map approved under an agreement on mapping and flood zone protection between the Gouvernement du Québec and the Government of Canada;

(2) a map published by the Gouvernement du Québec;

(3) a map included in a land use and development plan or interim control by-law;

(4) the 20 year or 100 year, or both, flood recurrence levels established by the Gouvernement du Québec;

(5) the 20 year or 100 year, or both, flood recurrence levels referred to in a land use and development plan or interim control by-law;

(6) any perimeter indicated on a map mentioned in Schedule 2 to Order in Council 817-2019 dated 12 July 2019, as amended by Order in Council 1260-2019 dated 18 December 2019 and by orders of the Minister of Municipal Affairs and Housing dated 2 August 2019, 23 August 2019, 25 September 2019, 23 December 2019 and 12 January 2021, excluding the territories listed in Schedule 4 to Order in Council 817-2019 dated 12 July 2019.

In the event of a conflict in the application of the various means mentioned in subparagraphs 1 to 5 of the second paragraph, the boundaries of a flood zone are established according to the most recent of those means and, subsidiarily, according to the most recent flood elevation.

3. This Chapter applies, in particular, in a reserved area or agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1).

4. Unless otherwise provided for, for the purposes of this Chapter,

(1) the terms “watercourse”, “public security establishment”, “public institution”, “littoral zone”, “wetland”, “body of water”, “public body”, “lakeshore” and “riverbank”, and “flood zone” have the meaning assigned by the Regulation respecting activities in wetlands, bodies of water and sensitive areas (chapter Q-2, r. 0.1);

(2) the terms “boat shelter”, “professional”, “road”, “waterworks system”, “sewer system” and “storm water management system” have the meaning assigned by the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1);

(3) a reference to a flood zone excludes littoral zones, lakeshores and riverbanks;

(4) a reference to an area or length is a reference to the cumulative area or length for the type of environment affected by the activity;

(5) distances to or from a watercourse or lake are calculated horizontally from the boundary of the littoral zone;

(6) the construction of an infrastructure, work, building or equipment includes its siting, replacement, reconstruction, substantial modification, relocation and dismantling, and any initial tree-clearing work;

(7) a substantial modification includes a change to the structural or functional characteristics of an infrastructure, work, building or equipment; it also includes an enlargement, extension or prolongation;

(8) a stabilization work is a work to increase the mechanical resistance of the soil or an infrastructure and protect it against erosion and landslides, excluding the approaches and protection works for bridges and culverts which form an integral part of those structures, and retaining walls;

(9) a road is an infrastructure the right of way of which includes a roadway, shoulders and, where applicable, ditches and turning circles, but excludes a stabilization work, a railway, a bridge, a culvert, a temporary road or winter road; a road laid out by the minister responsible for the Act respecting roads (chapter V-9) is deemed to be a road and includes any related infrastructures for road traffic such as cycle paths and footbridges;

(10) the access necessary to a main residential building or accessory building does not include a road;

(11) a building is considered to be a main residential building where it includes at least a residential part;

(12) a regional county municipality whose territory includes an unorganized territory is deemed to be a local municipality with respect to that territory; and

(13) a forest development activity refers to an activity carried out elsewhere than on land in the domain of the State and specifically intended to develop and conserve forest land.

DIVISION I

ACTIVITIES REQUIRING MUNICIPAL AUTHORIZATION

5. This Division does not apply to a municipality, government department or public body.

6. Every person who carries out one of the following activities in the littoral zone of a lake or watercourse must obtain prior authorization from the local municipality in whose territory the activity is to be carried out:

(1) the construction of a culvert with a total opening equal to or greater than 1.2 m and not more than 4.5 m, on the conditions set out in section 327 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1);

(2) the construction of a stabilization work on an embankment, on the conditions set out in section 337 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact;

(3) work to establish, modify or extend a pipe in a waterworks system, sewer system or storm water management system, or a ditch or outflow, on the conditions set out in section 338 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact;

(4) the construction of a movable boat shelter, floating quay, open pile quay or wheeled quay with a total area, excluding the anchor points for a floating quay, of not more than 20 m²;

(5) the laying out of a water crossing for fording with a width of not more than 7 m where the crossing point is connected to a road or trail other than a trail used for a forest development activity.

For the purposes of subparagraph 4 of the first paragraph, “construction” does not include the dismantling or removal of the shelter or quay.

7. Every person who carries out one of the following activities on the shore or bank of a lake or watercourse must obtain prior authorization from the local municipality in whose territory the activity is to be carried out:

(1) the construction of a road, on the conditions set out in section 325 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1);

(2) the construction of a culvert with a total opening equal to or greater than 1.2 m and no more than 4.5 m, on the conditions set out in section 327 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact;

(3) the construction of a stabilization work on an embankment, on the conditions set out in section 337 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact;

(4) work to establish, modify or extend a pipe in a waterworks system, sewer system or storm water management system, or a ditch or outflow, on the conditions set out in section 338 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact;

(5) the laying out of a water crossing for fording with a width of not more than 7 m where the crossing point is connected to a road or trail other than a trail used for a forest development activity;

(6) the construction of a structure of not more than 5 m in width to cross a watercourse, with no support or stabilization in the littoral zone;

(7) the reconstruction of a main residential building that has sustained damage, with the exception of damage connected with flooding or submersion, on the conditions set out in subparagraph 1 of the first paragraph and the second paragraph of section 340.2 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact;

(8) the enlargement of a main residential building on the conditions set out in subparagraph 2 of the first paragraph and the second paragraph of section 340.2 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact;

(9) the construction of accessory buildings and works for a main residential building, including the necessary access, on the conditions set out in subparagraph 3 of the first paragraph and the second paragraph of section 340.2 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact.

8. Every person who carries out one of the following activities in the flood zone of a lake or watercourse must obtain prior authorization from the local municipality in whose territory the activity is to be carried out:

(1) the construction of a road on the conditions set out in section 325 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1);

(2) work to establish, modify or extend a pipe in a waterworks system, sewer system or storm water management system, a ditch and an outflow, on the conditions set out in section 338 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact;

(3) the construction of any non-residential building, on the conditions set out in section 328 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact and, when carried out in a wetland situated in a flood zone, the conditions set out in section 344 and subparagraphs 2 and 3 of the first paragraph of section 345 of that Regulation;

(4) the construction of any main residential building and its accessory buildings and works, including the necessary access, on the conditions set out in paragraph 5 of section 341 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact and, when carried out in a wetland situated in a flood zone, the conditions set out in section 344 and subparagraphs 2 and 3 of the first paragraph of section 345 of that Regulation.

DIVISION II

PROVISIONS RELATING TO MUNICIPAL AUTHORIZATION

9. Every application for authorization for an activity referred to in this Chapter must include, in addition to any document required by the local municipality,

(1) the name and contact information of the person planning to carry out the activity and of that person's representative, if any;

(2) the cadastral designation of the lot on which the activity will be carried out or, if there is no cadastral designation, the most specific possible identification of the place where the activity will be carried out;

(3) a description of the planned activity;

(4) the location of the planned activity, including a delimitation of the bodies of water on the lot concerned and the area of land affected by the activity;

(5) a declaration by the person who wishes to carry out the activity or the person's representative attesting to the compliance of the activity with the conditions applicable to the activity concerned set out in the Regulation respecting activities in wetlands, bodies of water and sensitive areas (chapter Q-2, r. 0.1), the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1) and, where applicable, section 118; and

(6) an attestation by the person who wishes to carry out the activity or the person's representative that all the information and documents provided are accurate and complete.

10. The application for authorization must include

(1) when it concerns the relocation of a main residential building, a notice signed by a professional attesting that the relocation does not increase the exposure to ice;

(2) when it concerns the construction, except the dismantling, of a main building the structure or part of the structure of which is situated below the 100 year flood recurrence level, a notice signed by a professional, showing that the building will be able to resist such a flood once the work is completed;

(3) when it concerns work on an existing main building for which the flood-proofing measures provided for in section 38.6 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (chapter Q-2, r. 0.1), cannot be respected, a notice signed by a professional attesting that backfilling is an appropriate flood-proofing measure to replace the measures that cannot be applied and that the following conditions are met:

(a) the presence of backfill will not increase the exposure to flooding of buildings, works and infrastructures likely to be affected by the presence of backfill;

(b) the backfill ensures immediate protection for the building only and does not extend to the whole of the lot on which the building is situated;

(c) the height of the backfill does not exceed the 100 year flood recurrence level;

(4) when it concerns the reconstruction, substantial modification or relocation of a recognized or classified heritage immovable, including its protection area if any, of an immovable situated in a recognized, classified or declared heritage site under the Cultural Heritage Act (chapter P-9.002), or a building listed in an inventory carried out in accordance with section 120 of that Act,

(a) a copy of the authorization issued by the Minister of Culture and Communications, if applicable; and

(b) the notice provided for in the second paragraph of section 38.8 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas, if applicable; and

(5) when it concerns work on a main residential building affected by a flood in a high-velocity zone, a notice, signed by a person with professional expertise in the field, showing that the damage sustained does not exceed one half of the new-build cost for the building, excluding accessory buildings and works, and

improvements to the site. The cost must be established in accordance with Part 3E of the Manuel d'évaluation foncière du Québec, adjusted to 1 July of the year preceding the year in which the building was affected by the flood.

11. A local municipality issues an authorization pursuant to this Regulation when the activity concerned meets the conditions applicable to it under the Regulation respecting activities in wetlands, bodies of water and sensitive areas (chapter Q-2, r. 0.1) and section 118, where applicable.

DIVISION III
RENDERING OF ACCOUNT

12. Every local municipality must keep a register of the authorizations it issues pursuant to this Regulation, specifying for each authorization

(1) the activity authorized;

(2) the type of body of water affected by the authorized activity, including the class of flood zone, if applicable; and

(3) the surface area, in m², of each type of body of water affected by the authorized activity.

The information in the register is public information and must be forwarded to the Minister on request, within the time and on the conditions the Minister specifies. The information must be kept for a period of at least 5 years.

13. Every local municipality that must keep a register pursuant to section 12 must, not later than 31 January each year, provide to the regional county municipality whose territory includes the territory of the local municipality the information recorded in its register of authorizations for the previous year.

14. Based on the information received pursuant to section 13 and the information concerning the authorizations it has issued, each regional county municipality must, not later than 31 March each year, publish a summary on its website setting out the following information for each local municipality in its territory and by type of body of water, including the class of flood zone, if any,

(1) the number of authorizations issued pursuant to this Chapter;

(2) a list of the types of activities authorized; and

(3) the total area of land, in m², covered by all the authorizations issued.

The summary must be posted on the website of the regional county municipality for a period of at least 5 years.

15. For the purposes of this Division, with the necessary modifications, every local municipality whose territory is not included in the territory of a regional county municipality is deemed to be a regional county municipality.

However, where the territory of a local municipality referred to in the first paragraph is included in the territory of an agglomeration within the meaning of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (chapter E-20.001), the functions allocated in this Division to a regional county municipality come under the jurisdiction of the agglomeration.

DIVISION IV ADMINISTRATIVE PROVISIONS AND OFFENCES

16. A monetary administrative penalty of \$1,000 may be imposed on any municipality that

(1) fails to provide information or a document required under this Regulation or to comply with the time limits and procedure for filing, if no other monetary administrative penalty is provided for such a case;

(2) fails to keep the information and documents it is required to prepare or obtain for the required time;

(3) fails to keep the register provided for in section 12; or

(4) fails to post the summary of authorizations as provided for in section 14.

17. Every municipality that

(1) refuses or neglects to provide information or a document required under this Regulation or to comply with the time limits and procedure for filing, if no other sanction is provided for such a case,

(2) fails to keep the information and documents it is required to prepare or obtain for the required time,

(3) fails to keep the register provided for in section 12, or

(4) fails to post the summary of authorizations as provided for in section 14,

commits an offence and is liable to a fine of \$3,000 to \$600,000.

18. Every person who fails to comply with any standard, condition, restriction, prohibition or requirement connected with an authorization issued by a municipality pursuant to this Regulation commits an offence and is liable to a fine of \$2,500 to \$250,000 in the case of a natural person and \$7,500 to \$1,500,000 in any other case.

19. Every person who

(1) makes a declaration, provides information or files a document that is false or misleading; or

(2) carries out an activity without obtaining prior authorization issued by a municipality pursuant to section 6, 7 or 8;

commits an offence and is liable to a fine of \$5,000 to \$500,000 in the case of a natural person or, despite article 231 of the Code of Penal Procedure (chapter C-25.1), to a maximum term of imprisonment of 18 months, or to both the fine and imprisonment, and \$15,000 to \$3,000,000 in any other case.

CHAPTER II PROVISIONS AMENDING THE RULES APPLICABLE TO THE CARRYING OUT OF CERTAIN ACTIVITIES IN WETLANDS, BODIES OF WATER AND SENSITIVE AREAS

REGULATION RESPECTING ACTIVITIES IN WETLANDS, BODIES OF WATER AND SENSITIVE AREAS

20. The Regulation respecting activities in wetlands, bodies of water and sensitive areas (chapter Q-2, r. 0.1) is amended in section 1 by striking out “, by the Protection Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains (chapter Q-2, r. 35) and by municipal by-laws”.

21. Section 2 is amended

(1) by replacing the first paragraph by the following:

“Excluding sections 4, 8, 8.1, 33.1, 33.2, 33.4, 35.1, 35.2, 36, 38.1, 38.4, 38.5, 38.7 to 38.11, 42, 43.1, 46, 47, 48, 49 and 49.1, which apply generally to all types of activities, this Regulation applies to activities that are not subject to ministerial authorization pursuant to subparagraph 4 of the first paragraph of section 22 of the Act nor to the amendment or renewal of such authorization.”;

(2) by striking out the third paragraph.

22. Section 3 is amended

(1) by replacing the first paragraph by the following:

“This Regulation does not apply

(1) to activities subject to the Regulation respecting the sustainable development of forests in the domain of the State (chapter A-18.1, r. 0.01);

(2) to the cultivation of non-aquatic plants and mushrooms, except Chapter I, Division VIII of Chapter III and sections 53 and 58;

(3) despite section 46.0.2 of the Act, to interventions carried out in

(a) the following man-made works:

- i. an irrigation pond;
 - ii. a water management or treatment facility referred to in subparagraph 3 of the first paragraph of section 22 of the Act;
 - iii. a body containing water pumped from a sand pit or quarry, if it has not been restored;
 - iv. a commercial fishing pond;
 - v. a pond for the production of aquatic organisms;
 - vi. a basin reserved for firefighting purposes.
- (b) a wetland in which the vegetation is dominated by reed phalaris (*Phalaris arundinacea* L.) or the introduced sub-species of common water reed (*Phragmites australis* (Cav.) Trin. ex Steud. subsp. *australis*), and when the soil is not hydromorphic.”;

(2) in the second paragraph

(a) by replacing “subparagraph 1” in the portion before subparagraph 1 by “subparagraph a of subparagraph 3”;

(b) by replacing “floodplain” in subparagraph 1 by “flood zone”;

(c) by inserting “or body of water” after “wetland” in subparagraph 4;

23. The following is added after section 3:

“3.1. Section 118.3.3 of the Act does not apply to this Regulation, except the provisions that apply to an activity subject to a municipal authorization under section 6,

7 or 8 of the Regulation respecting the temporary implementation of the amendments made by chapter 7 of the Statutes of 2021 in connection with the management of flood risks (*insert the reference to the Compilation of Québec Laws and Regulations*).”.

24. Section 4 is amended

(1) by adding the following definitions, in alphabetical order:

““public security establishment” means an ambulance garage, a 9-1-1 emergency centre or a secondary emergency call centre governed by the Civil Protection Act (chapter S-2.3) or any other establishment used in whole or in part to provide a public security service, including a police service or fire safety service; (établissement de sécurité publique)

“public institution” means an institution covered by the definition in section 3 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1), with the exception of a tourist establishment; (établissement public)”;

(2) by replacing the definitions of “high-water mark” and “littoral zone” by the following, respectively:

““boundary of the littoral zone” means the boundary separating the littoral zone from the lakeshore or riverbank using the methods set out in Schedule I; (*limite du littoral*)

“littoral zone” means the part of a lake or watercourse that extends from the boundary separating the littoral zone from the lakeshore or riverbank towards the centre of the body of water; (*littoral*);”

(3) by inserting “meeting the criteria set out in section 46.0.2 of the Act and” after “area” in the definition of “body of water”;

(4) by replacing “floodplains” in the definition of “body of water” by “flood zones”;

(5) by inserting the following definition, in alphabetical order:

““public body” means a body to which the Government or a minister appoints the majority of the members, to which, by law, the personnel is appointed in accordance with the Public Service Act (chapter F-3.1.1), or at least half of whose capital stock is derived from the Consolidated Revenue Fund; (*organisme public*);”;

(6) by striking out the definition of “floodplain”;

(7) by replacing the definition of “lakeshore” and “riverbank” by the following:

““lakeshore” and “riverbank” mean the strip of land bordering a lake or watercourse and having the following width, measured inland and horizontally from the boundary of the littoral zone:

(1) 10 m where the slope is less than 30% or, if the slope is greater than 30%, having a bank no higher than 5 m;

(2) 15 m where the slope is greater than 30% and is continuous or has a bank higher than 5 m; (*rive*);”

(8) by inserting the following definition in alphabetical order:

““flooded land” means the area flooded during the spring floods of 2017 or 2019, lying within the perimeter delimited in accordance with subparagraph 6 of the second paragraph of section 2 of the Regulation respecting the temporary implementation of the amendments made by chapter 7 of the Statutes of 2021 in connection with the management of flood risks (*insert the reference to the Compilation of Québec Laws and Regulations*), and, where applicable, lying outside the boundaries of the low-velocity and high-velocity zones identified using one of the means set out in subparagraphs 1 to 3 of the second paragraph of section 2 of that Regulation; (*territoire inondé*);”

(9) by adding the following definitions in alphabetical order, and by inserting the final paragraph at the end of the section:

““ice jam flood zone with ice movement” means an area that, because of the accumulation of ice or debris in a section of a lake or watercourse during flood periods, may be occupied by water because of the impoundment of water upstream of the lake or watercourse, with ice movement, and that is identified as such on a map referred to in subparagraph 3 of the second paragraph of section 2 of the Regulation respecting the temporary implementation of the amendments made by chapter 7 of the Statutes of 2021 in connection with the management of flood risks; the zone is deemed to be a high-velocity flood zone; (*zone d’inondation par embâcle avec mouvement de glaces*);”

““ice jam flood zone without ice movement” means an area that, because of the accumulation of ice or debris in a section of a lake or watercourse during flood periods, may be occupied by water because of the impoundment

of water upstream of the lake or watercourse, without ice movement, and that is identified as such on a map referred to in subparagraph 3 the second paragraph of section 2 of the Regulation respecting the temporary implementation of the amendments made by chapter 7 of the Statutes of 2021 in connection with the management of flood risks; the zone is deemed to be a low-velocity flood zone; (*zone d’inondation par embâcle sans mouvement de glaces*);”

““flood zone” means an area that is likely to be occupied by the water of a lake or watercourse during flood periods, the boundaries of which are established in accordance with sections 46.0.2.1 to 46.0.2.3 of the Act or, when the boundaries have not been established, is identified by one of the means listed in the second paragraph of section 2 of the Regulation respecting the temporary implementation of the amendments made by chapter 7 of the Statutes of 2021 in connection with the management of flood risks; (*zone inondable*);”

““low-velocity flood zone” means the part of the flood zone, beyond the boundaries of the high-velocity zone, that is associated with a 100 year flood recurrence; flooded land is deemed to be such a zone; (*zone inondable de faible courant*);”

““high-velocity flood zone” means the part of the flood zone associated with a 20 year flood recurrence; a flood zone in which high-velocity and low-velocity zones are not identified is deemed to be a high-velocity flood zone; (*zone inondable de grand courant*);”

When a municipality passes a by-law delimiting a lakeshore or riverbank with a width exceeding the widths set out in paragraphs 1 and 2 of the definition of “lakeshore” and “riverbank”, the municipality may apply the former width.”

25. Section 5 is amended

(1) in paragraph 2

(a) by striking out “par l’effet même” in the French text;

(b) by replacing “floodplain” by “flood zone”;

(2) by replacing “floodplain” in paragraph 3 by “flood zone”;

(3) by replacing paragraph 5 by the following:

“(5) a reference to an area or length is a reference to the cumulative area or length for the type of environment affected by the activity;”;

(4) by replacing paragraph 6 by the following:

“(6) a distance is calculated horizontally

(a) from the boundary of the littoral zone, for a water-course or lake;

(b) from the boundary, for a wetland;

(c) from the top of the bank, for a ditch;”;

(5) in paragraph 7,

(a) by inserting “reconstruction,” after “replacement”;

(b) by inserting “ relocation” after “modification,”;

(6) by replacing paragraph 9 by the following:

“(9) a substantial modification includes a change to the structural or functional characteristics of an infrastructure, work, building or equipment; it also includes an enlargement, extension or prolongation;”;

(7) by inserting the following after paragraph 12:

“(12.1) necessary access to a main residential building or accessory building does not include a road;”;

(8) by replacing paragraph 15 by the following:

“(15) the terms “invasive exotic plant species”, “ditch” and “public road” have the meaning assigned in the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1);

(16) the flood-proofing of an infrastructure, work or building involves applying various measures to protect against flood damage;

(17) a building is considered to be a main residential building where it includes at least a residential part;

(18) a mains or any other equipment serving a building connected to a waterworks system, sewer system or storm water management system and that is situated within the property line of the building is considered as being part of the building;

(19) the term “underground linear public utility infrastructures” includes the following infrastructures:

(1) a natural gas supply or distribution pipeline;

(2) a power or telecommunications transmission and distribution line.”.

26. Section 7 is amended by replacing “or culvert” at the end of the second paragraph by “; culvert, weir, baffle or stabilization work”.

27. The following is inserted after section 8:

“**8.1.** The activities involved in composting the carcasses of animals that die on a farm and storing the compost produced are prohibited in a wetland or body of water.”.

28. The Regulation is amended by replacing the word “floodplain” by the words “flood zone”, with the necessary modifications, in the following provisions:

(1) paragraph 1 of section 9;

(2) section 11, wherever it appears;

(3) the second paragraph of section 12;

(4) section 14;

(5) subparagraph 4 of the second paragraph of section 25;

(6) the heading of Chapter V;

(7) section 37.

29. The heading of Division II of Chapter III is amended by replacing “CONSTRUCTION OF UNDERTAKINGS AND BUILDINGS” by “INFRASTRUCTURES, WORKS AND BUILDINGS”.

30. The Regulation is amended by striking out “solely” in the following provisions:

(1) section 18;

(2) section 34;

(3) section 37;

(4) section 41.

31. The following is inserted after section 18:

“**18.1.** Work requiring the removal and trimming of vegetation in the littoral zone or a lakeshore or riverbank must be carried out without stump removal and without impermeabilization of the ground, unless stump removal cannot be avoided.”.

32. Section 19 is revoked.

33. Section 22 is revoked.

34. Division III of Chapter III, comprising sections 23 and 24, is revoked.

35. The Regulation is amended by replacing “high-water mark” by “boundary of the littoral zone” in the following provisions:

(1) subparagraph 2 of the second paragraph of section 25;

(2) paragraph 3 of section 53.

36. Section 29 is amended

(1) by replacing “floodplain” in paragraph 2 by “flood zone”;

(2) by replacing “the Minister responsible for the Act respecting roads (chapter V-9)” in subparagraph *a* of paragraph 3 by “a government department, public body or municipality”.

37. Section 31 is amended

(1) in the first paragraph

(a) by replacing “floodplain” by “flood zone”;

(b) by striking out “having a flood recurrence interval of 20 years”;

(2) by replacing “floodplain” in the second paragraph by “flood zone”.

38. The following is inserted before section 33:

**“DIVISION VII
DRILLING WORK”.**

39. Section 33 is amended by striking out the second paragraph.

40. The following is inserted after section 33:

**“DIVISION VIII
CULTIVATION OF NON-AQUATIC PLANTS
AND MUSHROOMS**

33.1. The cultivation of non-aquatic plants and mushrooms is prohibited in the littoral zone and in a 3-metre-wide strip alongside the littoral zone, except if, for the part in the littoral zone, it is eligible for a declaration of compliance under section 335.1 of the Regulation

respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1), and declared in accordance with that Regulation, in which case the cultivation in the littoral zone and in the 3-metre-wide strip alongside the littoral zone must meet the following conditions:

(1) on 1 December each year, the soil of the areas cultivated in the littoral zone by an operator must be entirely covered by rooted vegetation;

(2) at least 10% of the area cultivated in the littoral zone by an operator must be planted with perennial plants;

(3) in the vegetation strip that must be preserved in accordance with paragraph 1 of section 335.1 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact, only the following activities are permitted:

(a) seeding and planting plants to ensure the presence of the vegetation strip;

(b) picking and pruning;

(c) mowing, which may be performed only after 15 August each year and on condition that, by 1 November each year, the plants are at least 30 cm tall.

For the purposes of this section, if there is a bank, the distance must include a width of at least 1 m from the top of the bank.

For the purposes of subparagraph 1 of the first paragraph, wide-row crops such as corn and soy are not deemed to be a form of vegetation that covers the soil entirely unless they are combined with intercropping.

For the purposes of subparagraph 2 of the first paragraph, the vegetation strip may be included as a cultivated area in the calculation of the area cultivated with perennial plants.

Starting on 1 January 2023, subparagraph 1 of the first paragraph must be applied to 20% of the areas cultivated by an operator. The percentage must increase by 10% each year until all cultivated areas are covered.

33.2. The cultivation of non-aquatic plants and mushrooms in the part of a lakeshore or riverbank not covered by the first paragraph of section 33.1 is prohibited, unless it is carried out in accordance with section 340.1 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1).

CHAPTER III.1
SPECIAL STANDARDS APPLICABLE
TO THE LITTORAL ZONE

DIVISION I
GENERAL PROVISIONS

33.3. This Chapter applies to the littoral zone.

DIVISION II
INFRASTRUCTURES, WORKS
AND BUILDINGS

33.4. The construction, in the littoral zone, of a main residential building and its accessory buildings and works, including the necessary access, is prohibited.

For the purposes of this section, “construction” does not include dismantling.

33.5. The construction of a deflector in the littoral zone must be carried out at a point where the littoral zone is no wider than 4.5 m.

The same applies for the construction of a weir, unless it is associated with a culvert installed by the minister responsible for the Act respecting roads (chapter V-9) and is aimed at permitting the free circulation of fish, in which case 2 weirs may be installed within a distance corresponding to 4 times the opening of the culvert.

A weir must be equipped with a notch and, once installed, may not cause the water level between the areas upstream and downstream of the work to vary by more than 20 cm from the water line.

DIVISION III
VEHICLES AND MACHINERY

33.6. The use of a vehicle or machinery in the littoral zone required to carry out construction or maintenance work is permitted only if the littoral zone is dewatered, except for

- (1) drilling work;
- (2) constructing a temporary work;
- (3) making preliminary technical surveys;
- (4) taking samples;
- (5) taking measurements.

33.7. Where there is no ford or work available for crossing a watercourse, a vehicle or machinery may circulate in the littoral zone of a watercourse for only one back-and-forth crossing, provided the crossing point chosen minimizes the impacts on the watercourse.”

41. The heading of Division I of Chapter IV of the Regulation is amended by replacing “MISCELLANEOUS PROVISIONS” by “GENERAL PROVISIONS”.

42. Section 35 is struck out.

43. The following is inserted after section 35:

“DIVISION I.1
INFRASTRUCTURES, WORKS AND BUILDINGS

35.1. The following activities are prohibited on a lake-shore or riverbank:

(1) the reconstruction of a main residential building, except if the conditions set out in subparagraph 1 of the first paragraph and the second paragraph of section 340.2 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1), are met;

(2) the enlargement of a main residential building, except if the conditions set out in subparagraph 2 of the first paragraph and the second paragraph of section 340.2 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact are met;

(3) the siting of a main residential building;

(4) the construction of an accessory building or work for a main residential building including the necessary access, except if the conditions set out in subparagraph 3 of the first paragraph and the second paragraph of section 340.2 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact are met

For the purposes of the first paragraph, “construction” does not include dismantling.

35.2. Sections 38.1, 38.2, 38.6 and 38.7 apply, with the necessary modifications, to work on a work or building carried out on a lakeshore or riverbank that is also in a flood zone.”

44. The heading of Division I of Chapter V is amended by replacing “PROVISION” by “PROVISIONS”.

45. The following is inserted after section 37:

“**37.1.** For the purposes of subparagraph 3 of the first paragraph of section 38.5, paragraph 1 of section 38.6, the third paragraph of section 38.9 and subparagraph 2 of the first paragraph of section 38.12, where the 100 year flood recurrence level has not been established, a reference to that level is a reference to the highest flood water level used to determine the boundaries of the flood zone.”

46. The heading of Division II of Chapter V is amended by replacing “CONSTRUCTION OF UNDERTAKINGS AND BUILDINGS” by “INFRASTRUCTURES, WORKS AND BUILDINGS”**47.** The following is inserted after the heading of Division II of Chapter V:

“§1. *All flood zones*”.

48. Section 38 is amended

(1) by replacing in the first paragraph

(a) “an undertaking” by “an infrastructure, work”;

(b) “area concerned” by “flood zone”;

(2) by replacing the second paragraph by the following:

“Work on a road, culvert, bridge or stabilization work for a road must not increase its surface area exposed to flooding by more than 25%, except where the work involves the siting of a new work.”;

(3) by striking out the third paragraph.

49. The following is inserted after section 38:

“**38.1.** Work on a structure or guardrail must allow flood water to dissipate.

The erection of a fence is prohibited in an ice jam flood zone with or without ice movement.

38.2. Stabilization works must not result in an increase in the ground level.

38.3. Work to construct an artificial basin, pond or lake must not include an intake channel or discharge point in a wetland or body of water. Work to backfill such an area may not be carried out until it has been dewatered.

38.4. The following activities are prohibited in a flood zone:

(1) work on a flood protection work, except

(a) maintenance work on an existing flood protection work;

(b) the construction of a flood protection work carried out by a government department, a municipality or a public body, on the following conditions:

i. there is no other suitable way to provide adequate protection for persons and property;

ii. it is in the public interest, in particular because of the number of persons, infrastructures, buildings or works protected;

iii. in the case of the siting of a flood protection work, the work must protect an area in which 75% of the lots are already occupied by a building or work;

(2) when it concerns a public institution or public security establishment,

(a) the construction of a main building;

(b) work to change the intended use of a building to house a public security establishment or public institution;

(3) work for the construction of an underground parking garage.

Subparagraphs *a* and *b* of subparagraph 2 of the first paragraph do not apply when the urbanization perimeter of a municipality lies entirely within a flood zone.

For the purposes of the first paragraph, “construction” does not include dismantling.

38.5. Work on a main residential building and its accessory buildings and works, including the necessary access, must meet the following conditions in addition to the other conditions set out in this Chapter:

(1) in the case of the relocation of a main building,

(a) it is to a new site at a higher elevation;

(b) it moves the building away from a lakeshore or riverbank;

(c) it is to a site that does not increase the exposure to ice;

(2) in the case of the construction of an accessory building or work for a main building,

(a) if for a building, it involves neither foundations nor anchoring;

(b) the encroachment into the flood zone is not more than 30 m² or, if the encroachment is into an agricultural zone ordered by the Government or established under the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1), not more than 40 m²;

(3) in the case of the construction of the necessary access,

(a) it is associated with a building or work;

(b) it cannot be carried out above the 100 year flood recurrence level, except as necessary to ensure evacuation of occupants;

(c) it is carried out with surfacing that allows water to infiltrate into the soil;

(d) the necessary work respects the original topography of the site as far as possible if it includes grading or the replacement of a layer of unconsolidated deposits.

For the purposes of subparagraphs 2 and 3 of the first paragraph, “construction” does not include dismantling.

Works intended for bathing are excluded from the application of subparagraph *b* of subparagraph 2 of the first paragraph.

38.6. The construction of a main building must, where applicable, comply with the following flood-proofing measures:

(1) openings such as windows, basement windows and access doors, as well as the main floor, must be at least 30 cm above the 100 year flood recurrence level, with the exception of air vents situated under the crawl space of an existing building or an open space under the building allowing water circulation;

(2) drains must be equipped with check valves;

(3) rooms that are occupied by a person, in particular to sleep, eat or prepare meals, must be elsewhere than in the basement;

(4) a major component in the building’s mechanical system, such as an electrical system, plumbing system, heating system or ventilation system, must not be installed in the basement, unless the nature of the system makes that location mandatory;

(5) the basement, if finished, must be finished using water-resistant materials.

38.7. In no case may a work or building be flood-proofed by erecting a permanent protective wall.

The flood-proofing of a main building by backfilling is also prohibited unless, in the case of an existing building, the measures set out in section 38.6 cannot be complied with and backfilling is considered by a professional to be an appropriate flood-proofing measure.

38.8. Despite any contrary provision in this Chapter, when work on a recognized or classified heritage immovable, including its protection area if applicable, an immovable situated in a recognized, classified or declared heritage site under the Cultural Heritage Act (chapter P-9.002) or an immovable listed in an inventory carried out in accordance with section 120 of that Act has been authorized by the Minister of Culture and Communications or by the municipality having jurisdiction, as the case may be, pursuant to that Act, reconstruction is permitted following a flood. Relocation and substantial modification work are also permitted, with a maximum encroachment of 30 m² into the flood zone, if authorized by the Minister of Culture and Communications or the municipality having jurisdiction, as the case may be.

The flood-proofing measures set out in this Division apply in the case of any work referred to in the first paragraph unless the owner has a notice, signed by a professional, showing that the prescribed measures affect the heritage value of the immovable, if the measures proposed offer equivalent protection for persons and property.

§2. High-velocity flood zones

38.9. The following activities are prohibited when carried out in a high-velocity flood zone:

(1) the laying out of a public road, except if used to cross a lake or watercourse;

(2) work to install, modify or extend a pipe in a waterworks system, sewer system or storm water management system and all work for the establishment of a linear public utility infrastructure, except

(a) when the system is intended to serve an infrastructure or a building

i. constructed in a high-velocity flood zone before 23 June 2021;

ii. whose construction is not prohibited in a high-velocity flood zone;

(b) when the system is intended to serve an infrastructure, a building, or a sector outside the high-velocity zone;

(c) when the work relates to a public road;

(3) the construction of any residential building and the necessary access, except

(a) access to an existing main building;

(b) an accessory building or work;

(4) the reconstruction of a main residential building except

(a) when it has sustained flood damage, provided that the value of the damage sustained is less than one half of the new-build cost for the building, excluding accessory buildings and works, and improvements to the site, established in accordance with Part 3E of the Manuel d'évaluation foncière du Québec and adjusted on 1 July of the year preceding the year in which the building was affected by the flood;

(b) when it has sustained damage other than damage connected with flooding, provided that the building has the same dimensions and is on the same site as the original building, except in the cases where it is relocated in accordance with section 38.5;

(5) the enlargement of a main building, including above or below ground, except

(a) work for relocating rooms used by one person for living or facilities essential for the building;

(b) work on a building related to power transmission and distribution infrastructures, a waterworks system, a sewer system or a rainwater management system.

The first paragraph does not apply to accessory buildings or works erected temporarily or seasonally.

For the purposes of subparagraph 6 of the first paragraph, the enlargement of a main building that involves the relocation of rooms used by a person for living or of

facilities essential for the building must, in addition to the other applicable conditions provided for in this Chapter, be carried out at least 30 cm above the 100 year flood recurrence level and must not result in additional encroachment into the flood zone.

§3. *Low-velocity flood zones*

38.10. The following are prohibited when carried out in a low-velocity flood zone:

(1) the construction of a main residential building on land that has been backfilled without having obtained the required authorizations or has become vacant following a flood;

(2) work carried out to establish, modify or extend a pipe in a waterworks system, sewer system or storm water management system except

(a) when the system is intended to serve

i. an infrastructure or a building constructed before 23 June 2021 in a low-velocity zone;

ii. any other infrastructure or building whose construction is not prohibited in a low-velocity zone and provided that the conditions set out in section 38.11 are met, if applicable;

(b) when the system is intended to serve an infrastructure, a building or a sector situated outside the low-velocity zone;

(c) when the work relates to a public road.

For the purposes of first paragraph,

(1) “construction” does not include dismantling;

(2) land is vacant when more than one year elapses from the dismantling of a main residential building located on the land, without reconstruction work having begun.

38.11. Work on a work or building must meet the following conditions in addition to the other applicable conditions set out in this Chapter:

(1) the construction of a main residential building must be carried out on a lot

(a) situated within the urbanization perimeter shown on a land use and development plan;

(b) served by a municipal waterworks and sewer system;

(c) located between two other lots on which a main building is located;

(d) that does not result from the subdivision of a lot carried out after 23 June 2021;

(2) except in the case of a main building related to power transmission and distribution infrastructures, a waterworks systems, a sewer system or a rainwater management system, the enlargement of a main building must be carried out at least 30 cm above the 100 year flood recurrence level and not result in additional encroachment into the flood zone.

For the purposes of the first paragraph, “construction” does not include dismantling.”.

50. Sections 39 and 40 are revoked.

51. The heading of Division II of Chapter VI is amended by replacing “CONSTRUCTION OF UNDERTAKINGS AND BUILDINGS” by « INFRASTRUCTURES, WORKS AND BUILDINGS”.

52. The following is inserted after section 43:

“**43.1.** Sections 38 to 38.2 and 38.4 to 38.11 apply, with the necessary modifications, to work on a work or building carried out in a wetland that is also in a flood zone.”.

53. The following is inserted after section 49:

**“DIVISION III
ENVIRONMENTS NEAR A WETLAND
OR BODY OF WATER**

49.1. The activities involved in composting the carcasses of animals that die on a farm and storing the compost produced are prohibited within 60 m of a watercourse or lake and within 30 m of a wetland.”.

54. Section 51 is amended

- (1) by replacing “22” in paragraph 9 by “33.5”;
- (2) by replacing “24” in paragraph 10 by “33.7”;
- (3) by replacing paragraph 14 by the following:

“(14) removes stumps or impermeabilizes the ground in the littoral zone or a lakeshore or riverbank in contravention of section 18.1.”;

- (4) by striking out paragraph 17;

- (5) by replacing “39” in paragraph 18 by “38.3”;

- (6) by striking out paragraph 19.

55. Section 53 is amended

(1) by replacing “sections 19, 42, 46, 47, 48 and 49” in paragraph 2 by “section 8.1, 33.2, 33.4 or 35.1, the second paragraph of section 38.1, section 38.4 or 38.7, the first paragraph of section 38.9, section 38.10, 42, 46, 47, 48, 49 or 49.1”;

(2) by replacing “high-water mark” in paragraph 3 by “boundary of the littoral zone”;

- (3) by replacing paragraph 5 by the following:

“(5) uses a vehicle or machinery in a littoral zone that has not been dewatered in contravention of section 33.6.”;

- (4) by replacing paragraph 8 by the following:

“(8) carries out work that increases the exposure of an infrastructure, work, building or equipment to flooding in contravention of section 38.”;

- (5) by adding the following at the end:

“(9) carries out work on a structure or guardrail in contravention of the first paragraph of section 38.1;

(10) carries out work on a work or building in contravention of the requirements of section 35.2, 38.2, 38.5, 38.6 or 38.8, the third paragraph of section 38.9, section 38.11 or section 43.1;

(11) cultivates non-aquatic plants and mushrooms in a littoral zone in contravention of section 33.1.”.

56. Section 56 is amended by replacing “20, 22, 24, 31, 32, 33, 35 or 36, the third paragraph of section 38, section 39 or 40, the first paragraph of section 43 or section 44 or 45” by “18.1, 20, 31, 32, 33, 33.5, or 33.7, the first paragraph of section 36, section 38.3, the first paragraph of section 43, section 44 or the first paragraph of section 45”.

57. Section 58 is replaced by the following:

“**58.** Every person who contravenes section 8.1, 16, 21, 25, 26, 28, 29, 30, 33.1, 33.2, 33.4, 33.6, 35.1, 35.2, 38, 38.1, 38.2, 38.4, 38.5, 38.6, 38.7, 38.8, 38.9, 38.10, 38.11, 42, 43.1, 46, 47, 48, 49 or 49.1 commits an offence and is liable to a fine of \$8,000 to \$500,000 in the case of a natural person and \$24,000 to \$3,000,000 in any other case.”.

58. The following is inserted in Chapter X before section 60:

“**59.1.** Municipalities are responsible for the application of the provisions of Division II of Chapter III, Divisions I and II of Chapter III.1, Division I.1 of Chapter IV and Division II of Chapter V of this Regulation if an activity requires the filing of an application for authorization pursuant to Chapter I of the Regulation respecting the temporary implementation of the amendments made by chapter 7 of the Statutes of 2021 in the area of flood risk management (*insert the reference to the Compilation of Québec Laws and Regulations*) and if it is carried out in a territory under the jurisdiction of the municipality concerned.

For the purposes of the responsibility mentioned in the first paragraph, Chapter VIII of this Regulation does not apply.”

59. The following schedule is added at the end of the Regulation:

“**SCHEDULE I**
(Section 4)

DETERMINATION of the littoral zone

The boundary of the littoral zone is determined using one of the following methods:

(1) if there is a water retaining structure, the boundary of the littoral zone is situated at the maximum operating level of the water retaining structure for the part of the body of water upstream from the structure and within its zone of influence;

(2) if a retaining wall situated elsewhere than in any of the territories referred to in subparagraph 3, the boundary of the littoral zone is situated at the top of the wall;

(3) for coasts and islands in the Gulf of St. Lawrence, the baie des Chaleurs and the portion of the St. Lawrence downstream of the territories of the municipalities of Saint-Louis-de-Gonzague-du-Cap-Tourmente, Saint-Vallier and Saint-François-de-l'Île-d'Orléans the boundary of the littoral zone is determined using the eco-geomorphological method to take into account local variations in waves, tides and water levels;

(4) in cases other than those mentioned in subparagraphs 1 to 3, the boundary of the littoral zone is determined using the expert botanical method or the biophysical method, based on the plant species and physical marks present;

(5) if none of the above methods is applicable, the boundary of the littoral zone is the level associated with the 2 year flood recurrence level.

The first paragraph does not modify the boundary of the littoral zone of the St. Lawrence River situated in the territory of the Municipalité régionale de comté de La Côte-de-Beaupré applicable under the Act to delimit the high water mark of the St. Lawrence River in the territory of Municipalité régionale de comté de La Côte-de-Beaupré (1999, chapter 84).”

REGULATION RESPECTING THE
REGULATORY SCHEME APPLYING
TO ACTIVITIES ON THE BASIS OF
THEIR ENVIRONMENTAL IMPACT

60. The Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1), is amended in section 2

(1) by replacing the first paragraph by the following:

“Despite section 46.0.2 of the Act, the authorization provided for in subparagraph 4 of the first paragraph of section 22 of the Act is not required for interventions carried out in

(1) the following man-made works:

(a) an irrigation pond;

(b) a water management or treatment facility referred to in subparagraph 3 of the first paragraph of section 22 of the Act;

(c) a body of water containing water pumped from a sand pit or quarry, if it has not been restored;

(d) a commercial fishing pond;

(e) a pond for the production of aquatic organisms;

(f) a basin reserved for fire-fighting purposes;

(2) a wetland in which the vegetation is dominated by reed phalaris (*Phalaris arundinacea L.*) or the introduced sub-species of common water reed (*Phragmites australis (Cav.) Trin. ex Steud. subsp. australis*), and when the soil is not hydromorphic.”;

(2) in the second paragraph

(a) by replacing “floodplain” in subparagraph 1 by “flood zone”;

(b) by inserting “or body of water” after “wetland” in subparagraph 4;

(3) by adding the following paragraph at the end:

“In addition, any provision covering wetland or a body of water does not apply to any of the environments listed in the first paragraph.”

61. The following is inserted after section 2:

“**2.1.** Section 118.3.3 of the Act does not apply to this Regulation, except the provisions that apply to an activity subject to a municipal authorization under section 6, 7 or 8 of the Regulation respecting the temporary implementation of the amendments made by chapter 7 of the Statutes of 2021 in connection with the management of flood risks (*insert the reference to the Compilation of Québec Laws and Regulations*).”

62. Section 3 is amended by replacing “any person authorized by a professional order to perform an activity exercised by a member of the order is deemed to be a professional” by “any person authorized by a professional order to perform an activity reserved for the members of the order is also deemed to be a professional”.

63. Section 4 is amended

(1) by inserting “and unless otherwise provided for” after “Regulation” in the portion before paragraph 1;

(2) by replacing paragraph 13 by the following:

“(13) a distance is calculated horizontally

(a) from the boundary of the littoral zone, for a watercourse or lake;

(b) from the boundary, for a wetland;

(c) from the top of the embankment, for a ditch;”

64. The Regulation is amended

(1) by replacing “or on a riverbank, lakeshore or floodplain” in subparagraph *c* of subparagraph 1 of the first paragraph of section 24, as amended by section 16 of the Regulation to amend mainly the Regulation respecting compensation for adverse effects on wetlands and bodies of water and other regulatory provisions, made by Order in Council 1369-2021 dated 27 October 2021, by “; on a riverbank or lakeshore or in a flood zone”;

(2) by replacing “floodplain” in subparagraph *c* of paragraph 2 of section 54 by “flood zone”;

(3) by replacing “floodplain” in the second paragraph of section 320 by “flood zone”;

(4) by replacing “floodplain” in paragraph 3 of section 322 by “flood zone”;

(5) by replacing “floodplain” in the second paragraph of section 325 by “flood zone”;

(6) by replacing “floodplain” in paragraph 3 of section 336 by “flood zone”.

65. Section 252 is amended in the first paragraph

(1) by striking out subparagraph *a* of subparagraph 13;

(2) by replacing “floodplain” in subparagraph *b* of subparagraph 13 by “flood zone”.

66. Section 313 is amended

(1) in paragraph 2

(a) by striking out “par l’effet même” in the French text;

(b) by replacing “floodplain” by “flood zone”;

(2) by replacing “floodplain” in paragraph 3 by “flood zone”;

(3) by replacing paragraph 5 by the following:

“(5) a reference to an area or length is a reference to the cumulative area or length for the type of environment affected by the activity;”;

(4) in paragraph 6

(a) by inserting “reconstruction,” after “replacement;”;

(b) by inserting “its relocation” after “modification;”;

(5) by replacing paragraph 8 by the following:

“(8) a substantial modification includes a change to the structural or functional characteristics of an infrastructure, work, building or equipment; it also includes an enlargement, extension or prolongation;”

(6) by inserting the following after paragraph 11:

“(11.1) necessary access to a main residential building or accessory building does not include a road;”

(7) by adding the following at the end:

“(15) a boat shelter is an open-plan work, other than a boat shed or garage, that may have a roof and is used to temporarily store a watercraft or boat during the season in which it is used;

(16) a building is considered to be a main residential building where it includes at least a residential part;

(17) a mains or any other equipment serving a building connected to a waterworks system, sewer system or storm water management system and that is situated within the property line of the building is considered as being part of the building;

(18) the term “underground linear public utility infrastructures” includes, when they are underground, the following infrastructures:

(1) a natural gas supply or distribution pipeline;

(2) a power or telecommunications transmission and distribution line.”.

67. Section 324 is amended

(1) by replacing “floodplain” in paragraph 2 by “flood zone”;

(2) by adding the following paragraph at the end:

“For the purposes of the first paragraph, the construction of scenic lookouts, tree stands, observatories or concrete stairways carried out in wetland is not exempted.”.

68. Section 328, as amended by section 26 of the Regulation to amend mainly the Regulation respecting compensation for adverse effects on wetlands and bodies of water and other regulatory provisions, made by Order in Council 1369-2021 dated 27 October 2021, is amended

(1) by replacing subparagraphs *a* and *b* of subparagraph 3 of the first paragraph by the following:

“(a) 40 m² in a flood zone when the work is carried out on a raising site, spreading site, fishing pond site or aquaculture site, and 30 m² in other cases;

(b) 30 m² in a wooded wetland;

(c) 4 m² in an open wetland other than a peat bog.”;

(2) by replacing “, if applicable” in the second paragraph by “and a reference to a flood zone includes any wetland in that flood zone”;

(3) by inserting “that is situated elsewhere than in a flood zone” after “wooded wetland” in the third paragraph.

69. Section 331 is amended

(1) by replacing subparagraph 4 of the first paragraph by the following:

“(4) for the construction, in a flood zone, of a crib-work or rock ballast wharf, a road, a bridge, a port infrastructure, a weir or a retaining work or, when not covered by section 341, the laying out of land for recreational purposes or a heritage site,

(a) an opinion, signed by an engineer, assessing the impact on ice flows;

(b) a hydraulic and hydrological study, signed by an engineer, assessing flood routing capacity, and erosion and flooding risks;

(c) a detailed opinion, signed by an engineer, about measures to protect persons and property, including in particular

i. a demonstration of the ability of the structures to resist floods, for any structure or part of a structure situated below the 100 year flood recurrence level;

ii. the means taken to ensure the sustainability of the measures to protect persons and property;

(5) for the construction of a flood protection work,

(a) a characterization of the vulnerability of persons and property;

(b) a demonstration that other options to protect against flooding have been assessed and the reasons why they were rejected;

(c) a demonstration that the work is in the public interest, in particular due to the number of persons, infrastructures, buildings or works protected;

(d) an opinion, signed by an engineer, concerning the residual impact of the work on persons and property in the event of failure;

(e) an opinion, signed by an engineer, concerning the ability of structures to resist flooding, for any structure or part of structure situated below the 100 year flood recurrence level;

(f) a hydraulic and hydrological study, signed by an engineer, assessing flood routing capacity, and erosion and flooding risks;

(g) the plans and specifications of the work;

(6) when the application concerns work authorized by the Minister of Culture and Communications and the applicant wishes to depart from the flood-proofing measures set out in the Regulation respecting activities in wetlands, bodies of water and sensitive areas (chapter Q-2, r. 0.1), the notice provided for in the second paragraph of section 38.8 of that Regulation.”;

(2) in the second paragraph

(a) by replacing “floodplain” by “flood zone”;

(b) by replacing “and any riverbanks or lakeshores, where applicable” by “and any riverbank, lakeshore or wetland located therein”;

(3) by adding the following paragraph at the end:

“For the purposes of subparagraph *i* of subparagraph *c* of subparagraph 4 and subparagraph *e* of subparagraph 5 of the first paragraph, in the case where the 100 year flood recurrence level has not been established, that flood recurrence level is replaced by the highest level reached by the flood waters that served as reference for determining the boundaries of the flood zone.”.

70. Section 332 is amended

(1) by replacing “Rebuilding and dismantling” by “Dismantling”;

(2) by striking out “if the work does not increase the encroachment on the environment”.

71. Section 333 is amended by replacing the first paragraph by the following:

“The following work, when carried out by the minister responsible for the Act respecting roads (chapter V-9), is eligible for a declaration of compliance:

(1) concerning a single-span bridge in the littoral zone,

(a) the construction when there is no flood zone;

(b) the dismantling;

(2) the construction of a culvert other than a culvert referred to in section 327, except if the work increases by more than 25% the surface area of the road or related infrastructures exposed to flooding;

(3) the construction of a temporary supporting bank.”.

72. Section 334 is amended by adding the following at the end of the first paragraph:

“(3) the work does not increase by more than 25% the surface area of the road or related infrastructures exposed to flooding.”.

73. The following is inserted after section 335:

“**335.1.** The cultivation of non-aquatic plants and mushrooms in the littoral zone of a lake or watercourse of an area that has been cultivated at least once in the six growing seasons preceding 1 January 2022 is eligible for a declaration of compliance, provided that the following conditions are met:

(1) a vegetation strip consisting of perennial plants is laid out over a width of at least 5 m along each side of a watercourse and at least 3 m wide along each side of a ditch;

(2) no trees are cleared.

For the purposes of subparagraph 1 of the first paragraph, the distance is calculated from the top of any embankment.

In addition to the elements provided for in section 41, a declaration of compliance referred to in the first paragraph must include a declaration by an agronomist that the cultivation complies with this Regulation and the Regulation respecting activities in wetlands, bodies of water and sensitive areas (chapter Q-2, r. 0.1), the Agricultural Operations Regulation (chapter Q-2, r. 26) and the Water Withdrawal and Protection Regulation (chapter Q-2, r. 35.2).”.

74. Section 339 is amended

(1) by replacing paragraph 1 by the following:

“(1) the removal of the vegetation cover over a width of no more than 5 m to allow access to the littoral zone of a lake or a watercourse, when there is no open space for such access on the lot concerned;

(1.1) the pruning of plants for the laying out of visual openings over an area of no more than 10% of the riparian portion of the lot concerned, including visual openings already on the lot;”;

(2) by replacing “occupying no more than 10 m on the bank or shore” in paragraph 2 by “occupying a width of no more than 10 m on the bank or shore”;

(3) by replacing paragraph 3 by the following:

“(3) when there is no such works on the lot concerned, the construction of the following works:

(a) a movable boat shelter with an area of no more than 20 m²;

(b) a floating quay, open pile quay or wheeled quay of an area, excluding the anchor points for a floating quay, of no more than 20 m²;”;

(4) by striking out paragraph 7.

75. Section 340.1, as renumbered by section 23 of the Regulation to amend mainly the Regulation respecting compensation for adverse effects on wetlands and bodies of water and other regulatory provisions, made by Order in Council 1369-2021 dated 27 October 2021, is amended by adding the following paragraph at the end:

“The conditions set out in subparagraphs 2 and 3 of the first paragraph do not apply when the cultivation is also eligible for a declaration of compliance under section 335.1 and declared in accordance with this Regulation.”.

76. The following is inserted before section 341:

“**340.2.** The following are exempted from authorization pursuant to this Division when carried out solely on a riverbank or lakeshore:

(1) the reconstruction of a main residential building that has sustained damage, with the exception of damage connected with flooding or submersion, when the value of the damage sustained exceeds one half of the new-build cost for the building, excluding accessory buildings and works, established in accordance with Part 3E of the Manuel d'évaluation foncière du Québec and adjusted on 1 July of the year preceding the year in which the building was affected by the flood, on the following conditions:

(a) the area of the encroachment of the reconstructed main building into the riverbank or lakeshore is equal to or lesser than the encroachment of the initial building;

(b) the work cannot be carried out elsewhere on the lot without encroaching into a lakeshore or riverbank;

(c) the lot was created before 18 May 2005;

(2) the enlargement of a main residential building, above the ground and without further encroachment on the ground, when the lot was created before 18 May 2005;

(3) the construction of accessory buildings or works for a main residential building including the necessary access, on the following conditions:

(a) the area of the encroachment of the accessory buildings and works onto a lakeshore or riverbank does not exceed 30 m²;

(b) the work does not require backfilling or excavation;

(c) the conditions set out in subparagraphs b and c of subparagraph 1 are met.

For the purposes of first paragraph,

(1) a vegetation strip at least 5 m wide, measured from the boundary of the littoral zone, must be preserved in a natural or restored state in order to re-establish at least two strata of herbaceous, arbustive or arborescent vegetation;

(2) the reconstruction of a building includes the dismantling of the initial building and its reconstruction in the same location.”.

77. Section 341, as amended by section 27 of the Regulation to amend mainly the Regulation respecting compensation for adverse effects on wetlands and bodies of water and other regulatory provisions, made by Order in Council 1369-2021 dated 27 October 2021, is amended

(1) by replacing “floodplain” in the portion before paragraph 1 by “flood zone”;

(2) by striking out “excavation” and “not already excluded by another provision of this Chapter, except hydrocarbon transportation infrastructures” in paragraph 2;

(3) by adding “, when the works or equipment involved have no impact on flood routing” at the end of paragraph 3;

(4) by replacing paragraph 5 by the following:

“(5) work to construct a main residential building and its accessory buildings and works, including the necessary access;”;

(5) by adding the following after paragraph 6:

“(7) the laying out of a heritage site declared in accordance with the Cultural Heritage Act (chapter P-9.002) when it has no impact on flood routing.”.

78. Section 343.2, as introduced by section 30 of the Regulation to amend mainly the Regulation respecting compensation for adverse effects on wetlands and bodies of water and other regulatory provisions, made by Order in Council 1369-2021 dated 27 October 2021, is amended by adding the following paragraph at the end:

“For the purposes of the first paragraph, activities carried out in a wetland that is situated in a flood zone are not eligible for a declaration of compliance when they are not eligible for a declaration of compliance or are exempted from ministerial authorization pursuant to Division III of Chapter I of Title IV of Part II.”

79. Section 344 is amended by adding the following paragraph at the end:

“For the purposes of the first paragraph, activities carried out in a wetland that is situated in a flood zone are not exempted when they are not eligible for a declaration of compliance or are exempted from ministerial authorization pursuant to Division III of Chapter I of Title IV of Part II.”

80. Section 345, as amended by section 31 of the Regulation to amend mainly the Regulation respecting compensation for adverse effects on wetlands and bodies of water and other regulatory provisions, made by Order in Council 1369-2021 dated 27 October 2021, is amended by

(1) by replacing paragraph 2 by the following:

“(2) in a wooded wetland situated in the bioclimatic domains of balsam fir stands with white birch and black spruce stands with moss, in the case of a residential building not connected to a waterworks system or a sewer system under the Act, the construction of such a building and accessory buildings or works, including their necessary access, on an area of not more than 3,000 m²;”

(2) by adding the following paragraph at the end:

“For the purposes of subparagraphs 2, 3 and 4 of the first paragraph, activities carried out in a wetland that is situated in a flood zone are not exempted when they are not eligible for a declaration of compliance or exempted from ministerial authorization pursuant to Division III of Chapter I of Title IV of Part II.”

81. Section 345.1, as renumbered by section 25 of the Regulation to amend mainly the Regulation respecting compensation for adverse effects on wetlands and bodies of water and other regulatory provisions, made by Order in Council 1369-2021 dated 27 October 2021, is amended by inserting “and turning the parcel into pasture, if applicable” after “date” in paragraph 1.

AGRICULTURAL OPERATIONS REGULATION

82. The Agricultural Operations Regulation (chapter Q-2, r. 26) is amended in section 2 by striking out the second paragraph.

83. The following is inserted after section 2:

“2.1. This Regulation does not apply to

(1) dog and cat raising facilities, fish farms, zoos, and zoological parks and gardens;

(2) despite section 46.0.2 of the Environment Quality Act (chapter Q-2), hereinafter referred to as the “Act”, interventions carried out in

(a) the following man-made works:

i. an irrigation pond;

ii. a water management or treatment facility referred to in subparagraph 3 of the first paragraph of section 22 of the Act;

iii. a body of water containing water pumped from a sand pit or quarry, if it has not been restored;

iv. a commercial fishing pond;

v. a pond for the production of aquatic organisms;

vi. a basin reserved for firefighting purposes.

(b) a wetland in which the vegetation is dominated by reed phalaris (*Phalaris arundinacea* L.) or the introduced sub-species of common water reed (*Phragmites australis* (Cav.) Trin. ex Steud. subsp. *australis*), and when the soil is not hydromorphic.

For the purposes of subparagraph *a* of subparagraph 2 of the first paragraph,

(1) a site must be situated on land or in a flood zone, excluding the littoral zone, lakeshores and riverbanks, and any wetlands present;

(2) a site must be in use or, if not in use, must have been unused for at least 10 years;

(3) an environment restored or created by work under a program to promote the restoration and creation of wetlands and bodies of water developed pursuant to the Act to affirm the collective nature of water resources and to promote better governance of water and associated environments (chapter C-6.2) or in accordance with the

Regulation respecting compensation for adverse effects on wetlands and bodies of water (chapter Q-2, r. 9.1) cannot be deemed to be a man-made work;

(4) a wetland or body of water into which storm water is discharged cannot be deemed to be a water management or treatment facility.”

84. Section 3 is amended by adding the following paragraphs at the end:

“In addition, unless otherwise provided for,

(1) the terms “boundary”, “watercourse”, “pond”, “boundary of the littoral zone”, “wetland”, “open wetland”, “riverbank or lakeshore”, “flood zone” and “high-velocity flood zone” have the meaning assigned by the Regulation respecting activities in wetlands, bodies of water and sensitive areas (chapter Q-2, r. 0.1);

(2) the term “ditch” has the meaning assigned by the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1);

(3) a distance is calculated horizontally

(a) from the boundary of the littoral zone, for a watercourse or lake;

(b) from the boundary, for a wetland;

(c) from the top of the embankment, for a ditch.

For the purposes of subparagraph 3 of the second paragraph, if there is an embankment, the distance must include a width of at least 1 m from the top of the embankment.”

85. Section 4 is amended by replacing the second paragraph by the following:

“Except where a ford crosses a watercourse, it is prohibited to give livestock access to a watercourse, lake or pond or to a strip 3 m wide along or around them.”

86. Section 6 is amended

(1) by replacing “, swamp, natural marsh or pond and the 15 m area on each side or around those areas, measured from the high-water mark, if any” in the first paragraph by “or open wetland and the 15 m strip along or around them”;

(2) by replacing the second and third paragraphs by the following:

“It is also prohibited to erect or lay out a raising or storage facility in a high-velocity flood zone.”

87. Section 30 is amended

(1) in the first paragraph

(a) by replacing “areas” in the portion before subparagraph 1 by “environments”;

(b) by replacing subparagraph 1 by the following:

“(1) the littoral zone of a lake or watercourse, a wetland, and a 3 m strip along or around them;”;

(c) by replacing subparagraph 2 by the following:

“(2) a ditch and a 1 m strip along the ditch.”

(2) by striking out the second paragraph;

(3) by replacing “there is no runoff from the waste into the areas” in the third paragraph by “the waste cannot reach the environments”;

(4) by replacing the fourth paragraph by the following:

“Subparagraph 1 of the first paragraph does not apply to

(1) a part of a wetland cultivated in accordance with sections 340.1 and 345.1 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1), a declaration of compliance referred to in section 343.1 of that Regulation and produced in accordance with that Regulation, or an authorization for cultivation issued pursuant to subparagraph 4 of the first paragraph of section 22 of the Act;

(2) within the strip of the part of a wetland referred to in subparagraph 1.

For the purposes of the first paragraph, where a municipality adopts a by-law delimiting a strip of a lake, watercourse, wetland or ditch of a width that exceeds the widths provided for in the first paragraph, the municipality may, despite section 118.3.3 of the Act, apply that width.”

88. Section 43.5 is amended by replacing “to watercourses and bodies of water and their riparian strip” in paragraph 1 by “to a watercourse, lake or pond, or to a 3 m strip along or around them”.

89. Section 43.6 is amended

(1) in subparagraph 1

(a) by replacing “, swamp, natural marsh or pond and the 15 m area on each side or around those areas” by “or open wetland and the 15 m strip along or around them”;

(b) by replacing “section” by “the first paragraph of section”;

(2) by inserting the following after paragraph 1:

“(1.1) to comply with the prohibition on the erection or laying out of a raising or storage facility in a high-velocity flood zone, as provided for in the second paragraph of section 6;”

90. Section 44.6 is amended by replacing “third” by “second”.**91.** The following is inserted after section 56:

“**56.1.** Except in the case of the vegetation strip referred to in the first paragraph of section 335.1 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1), subparagraph 1 of the first paragraph of section 30 does not apply to the cultivation of non-aquatic plants and mushrooms eligible for a declaration of compliance under section 335.1 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact, and declared in accordance with that Regulation, provided that the following conditions are met:

(1) for organic fertilizer,

(a) it must be spread before 1 September each year;

(b) the organic fertilizer must be immediately incorporated into the soil after spreading, except in the case of a grassland or pasture area;

(2) the spreading of mineral fertilizer after 1 September must be intended only to establish or maintain the vegetation covering the entire ground;

(3) despite sections 22 and 35, all spreading must be carried out in compliance with an agroenvironmental fertilization plan and a phosphorous report, drawn up in accordance with this Regulation and on the conditions set out in section 33.1 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (chapter Q-2, r. 0.1), and taking into account the sensitivity of the environment where the spreading takes place;

(4) there is no storage of a solid manure pile on a parcel of land cultivated in the littoral zone.

Despite subparagraph *a* of subparagraph 1 of the first paragraph, organic fertilizers may be spread between 1 September and 1 October provided that the agroenvironmental fertilization plan required under subparagraph 3 of the first paragraph includes a recommendation from an agrologist to that effect.

The agroenvironmental fertilization plan required under subparagraph 3 of the first paragraph must also contain a demonstration that the area has been cultivated at least once in the six growing seasons preceding 1 January 2022.

56.2. Despite sections 22 and 35 and except in the case of the vegetation strip referred to in subparagraph 1 of the first paragraph of section 335.1 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1), the second paragraph of section 4 and the first paragraph of section 5 do not apply to a cultivated area eligible for a declaration of compliance under section 335.1 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact and declared in accordance with that Regulation that is used for grazing, provided that the addition of phosphorous from livestock complies with an agroenvironmental fertilization plan and phosphorous report drawn up in accordance with this Regulation, and taking the sensitivity of the environment into account.

56.3. A monetary administrative penalty of \$1,000 in the case of a natural person and \$5,000 in any other case may be imposed on any person who fails to establish an agroenvironmental fertilization plan and comply with its conditions, as set out in subparagraph 3 of the first paragraph of section 56.1 and section 56.2.

56.4. A monetary administrative penalty of \$2,000 in the case of a natural person and \$10,000 in any other case may be imposed on any person who fails to comply with one of the conditions for spreading set out in section 56.1.

56.5. Every person who contravenes subparagraph 3 of the first paragraph of section 56.1 or section 56.2 commits an offence and is liable to a fine of \$2,000 to \$100,000 in the case of a natural person and \$6,000 to \$600,000 in any other case.

56.6. Every person who fails to comply with one of the conditions for spreading set out in section 56.1 commits an offence and is liable to a fine of \$10,000 to \$1,000,000 in the case of a natural person or, despite article 231 of the Code of Penal Procedure (chapter C-25.1), to a

maximum term of imprisonment of 3 years, or to both the fine and imprisonment, and \$30,000 to \$6,000,000 in any other case.

56.7. Sections 56.1 to 56.6 cease to have effect on 1 March 2027.”

92. The terms “Environment Quality Act (chapter Q-2)” and “Environment Quality Act” are replaced wherever they occur by “Act”.

PESTICIDES MANAGEMENT CODE

93. The Pesticides Management Code (chapter P-9.3, r. 1) is amended in section 1 by striking out the second and third paragraphs.

94. The following is inserted after section 1:

“**1.1.** Unless otherwise provided for, for the purposes of this Code,

(1) the terms “boundary”, “watercourse», “boundary of the littoral zone”, “littoral zone”, “swamp”, “wetland”, “riverbank or lakeshore”, “peat bog”, “wooded peat bog”, “flood zone”, “low-velocity flood zone” and “high-velocity flood zone” have the meaning assigned by the Regulation respecting activities in wetlands, bodies of water and sensitive areas (chapter Q-2, r. 0.1);

(2) the term “ditch” has the meaning assigned by the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1);

(3) a reference to a “wetland” excludes a peat bog being harvested;

(4) the term “apply a pesticide” includes, in particular, the action of putting a pesticide into or onto the soil;

(5) a distance is calculated horizontally

(a) from the boundary of the littoral zone, for a watercourse or lake;

(b) from the boundary, for a wetland; and

(c) from the top of the embankment, for a ditch.

For the purposes of subparagraph 5 of the first paragraph, if there is an embankment, the distance must include a width of at least 1 m from the top of the embankment.”

95. Section 4 is amended by adding the following paragraphs at the end:

“This Regulation does not apply to activities carried out in

(1) the following man-made works:

(a) an irrigation pond;

(b) a water management or treatment facility referred to in the subparagraph 3 of the first paragraph of section 22 of the Environment Quality Act (chapter Q-2);

(c) a body of water containing water pumped from a sand pit or quarry, if it has not been restored;

(d) a commercial fishing pond;

(e) a pond for the production of aquatic organisms;

(f) a basin reserved for firefighting purposes;

(g) a basin with no outlet; or

(2) a wetland in which the vegetation is dominated by reed phalaris (*Phalaris arundinacea* L.) or the introduced sub-species of common water reed (*Phragmites australis* (Cav.) Trin. ex Steud. subsp. australis), and when the soil is not hydromorphic.

For the purposes of subparagraph 1 of the second paragraph,

(1) a site must be situated on land or in a flood zone, excluding the littoral zone, lakeshores and riverbanks, and any wetlands present;

(2) with the exception of subparagraph g, a site must be in use or, if not in use, must have been unused for at least 10 years;

(3) an environment restored or created by work under a program to promote the restoration and creation of wetlands and bodies of water developed pursuant to the Act to affirm the collective nature of water resources and to promote better governance of water and associated environments (chapter C-6.2) or in accordance with the Regulation respecting compensation for adverse effects on wetlands and bodies of water (chapter Q-2, r. 9.1) cannot be deemed to be a man-made work; and

(4) a wetland or body of water into which storm water is discharged cannot be deemed to be a water management or treatment facility.”

96. Section 15 is amended by replacing subparagraph 1 of the first paragraph by the following:

“(1) in the littoral zone of a lake or watercourse, in a wetland, or in the 30 m strip along or around them;”

97. Section 16 is amended by replacing “within a flood area having a flood recurrence interval of 0 to 20 years that is mapped or identified in a land use planning and development plan or a metropolitan land use and development plan or in a municipal zoning by-law” in the first paragraph by “in a high-velocity flood zone”.

98. Section 17 is amended

(1) by replacing “flood area having a flood recurrence interval of 20 to 100 years that is mapped or identified in a land use planning and development plan or a metropolitan land use and development plan or in a municipal zoning by-law” in the first paragraph by “low-velocity flood zone”;

(2) by replacing subparagraph 3 of the second paragraph by the following:

“(3) the pesticides are stored above the 100 year flood recurrence level;”

99. Section 22 is amended by replacing “highest level reached by water in a 100-year interval flood” in subparagraph 2 by “100 year flood recurrence level”.

100. Section 29 is amended by replacing the first paragraph by the following:

“It is prohibited to apply a pesticide for purposes other than agricultural purposes in the littoral zone of a lake or watercourse, in a wetland, or in a 3 m strip along or around them.”

101. Section 30 is replaced by the following:

“**30.** It is prohibited to apply a pesticide for agricultural purposes

(1) in the littoral zone of a lake or watercourse, in a wetland, or in a 3 m strip along or around them; or

(2) in a ditch or in a 1 m strip along the ditch.

Subparagraph 1 of the first paragraph does not apply to a part of a wetland cultivated in accordance with sections 340.1 and 345.1 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1), a declaration of compliance referred to in section 343.1 of

that Regulation and produced in accordance with that Regulation, or an authorization for cultivation issued pursuant to subparagraph 4 of the first paragraph of section 22 of the Environment Quality Act (chapter Q-2).”

102. Section 35 is amended by replacing subparagraph 1 of the first paragraph by the following:

“(1) in the littoral zone of a lake or watercourse, in a wetland, or in a 30 m strip along or around them;”

103. Section 59 is amended

(1) by replacing “must be carried out more than 30 m from a watercourse or body of water” in the portion before subparagraph 1 of the first paragraph by “must not be carried out in the littoral zone of a lake or watercourse, in a wetland, or in a 30 m strip along or around them”;

(2) by replacing “more than 3 m from a watercourse or body of water” in subparagraph 1 of the first paragraph by “outside the littoral zone of a lake or watercourse, a wetland, or a 3 m strip along or around them”;

(3) by replacing “more than 3 m from a watercourse or body of water” in subparagraph 2 of the first paragraph by “outside the littoral zone of a lake or watercourse, a wetland, or a 3 m strip along or around them”;

(4) by replacing “more than 10 m from a watercourse or body of water” in subparagraph 3 of the first paragraph by “outside the littoral zone of a lake or watercourse, a wetland, or a 10 m strip along or around them”;

(5) by replacing “more than 15 m from a watercourse or body of water” in subparagraph 4 of the first paragraph by “outside the littoral zone of a lake or watercourse, a wetland, or a 15 m strip along or around them”;

(6) by replacing “more than 15 m from a watercourse or body of water” in subparagraph 5 of the first paragraph by “outside the littoral zone of a lake or watercourse, a wetland, or a 15 m strip along or around them”.

104. Section 75 is amended by replacing “the second paragraph of section 1” in the second paragraph by “subparagraph 1 of the first paragraph of section 1.1”.

105. Section 80 is amended by replacing the words “watercourse or body of water” wherever they occur in the first paragraph by the words “watercourse, lake, wetland”;

106. Section 86 is amended

(1) by replacing the words “watercourse or body of water” wherever they occur in the first paragraph by the words “watercourse, lake, wetland”;

(2) in the second paragraph

(a) by replacing “the watercourses referred to in “watercourse or body of water”” by “watercourses”;

(b) by striking out “; that width is measured from the natural high-water mark of the watercourse as defined in the policy referred to in the second paragraph of section 1”.

107. The following is inserted after section 88:

“**88.1.** Except in the case of the vegetation strip referred to in subparagraph 1 of the first paragraph of section 335.1 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1), section 30 does not apply to the application of a Class 1 to Class 3A pesticide, carried out otherwise than by aircraft, in connection with the cultivation of non-aquatic plants and mushrooms eligible for a declaration of compliance under section 335.1 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact and declared in accordance with that Regulation, provided that the following conditions are met:

(1) a pesticide, other than a biopesticide or a pesticide intended to eliminate grassland, must be applied in accordance with an prior agronomic justification limiting the use to three active ingredients;

(2) a Class 1 to Class 3 pesticide must be applied before 1 September each year and only to growing crops or parcels in direct sowing.

For the purposes of subparagraph 1 of the first paragraph, the agronomic justification must contain the information provided for in section 74.1 and comply with the second paragraph of section 74.3. In addition, the farmer must keep the agronomic justification for a period of 5 years following the date of signing by the agrologist and send a copy to any person authorized by the Minister who so requests.

Despite subparagraph 1 of the first paragraph, a Class 1 to Class 3 insecticide or fungicide may be applied before an agronomic justification is obtained when, in the opinion of an agrologist, the application of the pesticide is the treatment most appropriate to ensure rapid control of a pest that endangers a crop. The justification must be obtained at the latest 2 business days after the application of the pesticide, and must bear a number preceded by the letter “U”.

88.2. Every person who commits an offence under 88.1 is liable to the penalties prescribed by section 118 of the Pesticides Act (chapter P-9.3).

88.3. Sections 88.1 and 88.2 cease to have effect on 1 March 2027.”.

CHAPTER III INTERPRETIVE PROVISIONS TO ENSURE CONCORDANCE

108. The terms defined in the Regulation respecting activities in wetlands, bodies of water and sensitive areas (chapter Q-2, r. 0.1), including the term “flood zone”, apply to the following regulations:

(1) Regulation respecting standards of practice for location certificates (chapter A-23, r. 10);

(2) Construction Code (chapter B-1.1, r. 2);

(3) Safety Code (chapter B-1.1, r. 3);

(4) Regulation respecting wildlife habitats (chapter C-61.1, r. 18);

(5) Regulation respecting threatened or vulnerable plant species and their habitats (chapter E-12.01, r. 3)

(6) Regulation respecting food (chapter P-29, r. 1);

(7) Regulation respecting compensation for adverse effects on wetlands and bodies of water (chapter Q-2, r. 9.1);

(8) Regulation respecting the burial of contaminated soils (chapter Q-2, r. 18);

(9) Regulation respecting the landfilling and incineration of residual materials (chapter Q-2, r. 19);

(10) Regulation respecting used tire storage (chapter Q-2, r. 20);

(11) Regulation respecting the environmental impact assessment and review of certain projects (chapter Q-2, r. 23.1);

(12) Regulation respecting pulp and paper mills (chapter Q-2, r. 27);

(13) Snow, Road Salt and Abrasives Management Regulation (chapter Q-2, r. 28.2);

(14) Water Withdrawal and Protection Regulation (chapter Q-2, r. 35.2);

(15) Regulation respecting contaminated soil storage and contaminated soil transfer stations (chapter Q-2, r. 46);

(16) Regulation respecting the reclamation of residual materials (chapter Q-2, r. 49).

109. Unless the context indicates otherwise, in all laws and all regulations, a reference to the Protection Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains (chapter Q-2, r. 35) is deemed to be a reference to the Regulation respecting activities in wetlands, bodies of water and sensitive areas (chapter Q-2, r. 0.1).

110. Unless the context indicates otherwise, the term “flood zone” replaces the following terms, including the plural forms, in the regulations listed in section 108:

- (1) flood zone;
- (2) flood plain;
- (3) floodplain;
- (4) flood-plain.

111. Unless the context indicates otherwise, the term “high-velocity flood zone” replaces the following terms, including the plural forms, in the regulations listed in section 108:

- (1) 20-year flood event;
- (2) 20-year flood zone;
- (3) flood area having a flood recurrence interval of 0 to 20 years;
- (4) floodplain having a flood recurrence interval of 0 to 20 years;
- (5) floodplain having a flood recurrence interval of 20 years;
- (6) identified floodplain of a lake or watercourse unless the 20 year and 100 year flood recurrence intervals have been distinguished;
- (7) floodplain whose 20 year and 100 year flood recurrence intervals are not distinguished;
- (8) floodplain associated with a flood recurrence of 20 years;
- (9) high-velocity zone.

112. Unless the context indicates otherwise, the term “low-velocity flood zone” replaces the following terms, including the plural forms, in the regulations listed in section 108:

- (1) 100-year flood line or 100-year flood plain;
- (2) floodplain with a 100 year flood recurrence level;
- (3) floodplain associated with a flood recurrence of 100 years;
- (4) flood area having a flood recurrence interval of 20 to 100 years.

113. Unless the context indicates otherwise, the term “boundary of the littoral zone” replaces the following terms, including the plural forms, in the regulations listed in section 108:

- (1) high-water mark;
- (2) high-water level;
- (3) natural high-water mark, with respect to the ocean, a watercourse or a lake;
- (4) natural high-water mark.

CHAPTER IV OTHER TRANSITIONAL MEASURES AND FINAL PROVISIONS

114. Municipalities are responsible for the application of Chapter I, except sections 14, 16 and 17. They are also responsible for the application of sections 118 and 120.

115. Sections 13 and 14 apply from 1 January 2023.

For the purposes of section 13, the information that must be forwarded to a regional county municipality for the first time on 31 January 2023 must cover the period from 1 March 2022 to 1 January 2023.

For the purposes of section 14, the first summary that a regional county municipality must publish on its website must cover the period from 1 March 2022 to 1 January 2023.

116. Chapter 1 applies to applications filed before 1 March 2022 with a municipality for an activity to which this Regulation applies.

117. Section 118.3.3 of the Environment Quality Act (chapter Q-2) does not apply to a municipality that regulates any of the following matters for the application of the by-law concerned:

- (1) the free flow of water, except culverts referred to in sections 6 and 7;

(2) the management of vegetation in the lakeshore or riverbank;

(3) the laying out of a trail or stairway providing access to water;

(4) the distance of a strip of a lake, watercourse, wetland or ditch in which it is prohibited to spread fertilizers under section 30 of the Agricultural Operations Regulation (chapter Q-2, r. 26), as amended by section 87 of this Regulation.

The first paragraph does not exempt a municipality from applying a provision of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (chapter Q-2, r. 0.1) that it is required to apply in accordance with section 59.1 of that Regulation, as introduced by section 58 of this Regulation.

118. Despite the second paragraph of section 2, the flood zones delimited in the Règlement de contrôle intérimaire de la Communauté métropolitaine de Montréal numéro 2019-78 concernant les plaines inondables et les territoires à risque d'inondation, in force on 9 October 2019, do not apply in the territories of Municipalité de Pointe-Calumet, Ville de Sainte-Marthe-sur-le-Lac and Ville de Deux-Montagnes.

In addition, in any part of the territories of Municipalité de Pointe-Calumet, Ville de Sainte-Marthe-sur-le-Lac and Ville de Deux-Montagnes that is included in the perimeter referred to in subparagraph 6 of the second paragraph of section 2, excluding any high-velocity flood zone that could be therein, the construction and reconstruction of a building is permitted, without flood-proofing, despite any provision to the contrary in this Regulation.

Despite the second paragraph, it is prohibited to build a building on any part of land that is included in the perimeter referred to in subparagraph 6 of the second paragraph of section 2 and that is vacant

(1) on 1 April 2017 in the territory of Ville de Deux-Montagnes or Municipalité de Pointe-Calumet; and

(2) on 1 April 2019 in the territory of Ville de Sainte-Marthe-sur-le-Lac.

The prohibition provided for in the third paragraph also applies to the parts of the territories of Municipalité de Pointe-Calumet and Ville de Sainte-Marthe-sur-le-Lac described in Schedule 4 of the Order in Council referred to in subparagraph 6 of the second paragraph of section 2 and included in the zone of the highest water level reached during the flood of May 2017, as delimited in the Regulation referred to in the first paragraph.

For the purposes of this section, land is vacant if, on the date indicated, it has no buildings, or it has one or more buildings whose total value is less than 10% of the value of the land according to the property assessment roll in force on that date.

119. A monetary administrative penalty of \$1,500 in the case of a natural person and \$7,500 in any other case may be imposed on every person who constructs a building when it is prohibited in contravention of the third and fourth paragraphs of section 117.

120. Every person who contravenes the third and fourth paragraphs of section 118 commits an offence and is liable to a fine of \$10,000 to \$500,000 in the case of a natural person and \$40,000 to \$3,000,000 in any other case.

121. Despite section 2, the boundaries of the flood zones established on a map integrated into a land use planning and development plan or an interim control by-law between 25 March 2021 and 23 June 2021 are recognized for the purposes of this Regulation.

122. Order in Council 964-2011 dated 21 September 2011 concerning the declaration of a special planning zone in the territory of the regional county municipalities of La Vallée-du-Richelieu, Haut-Richelieu, Brome-Missisquoi and Rouville, including the land use planning and development controls it provides for, ceases to have effect on 1 March 2022.

123. Order in Council 817-2019 dated 12 July 2019 respecting the declaration of a special planning zone to promote better management of flood zones, as amended by Order in Council 1260-2019 dated 18 December 2019 and by orders of the Minister of Municipal Affairs and Housing dated 2 August 2019, 23 August 2019, 25 September 2019, 23 December 2019 and 12 January 2021, and, including the land use planning and development rules it introduces, ceases to have effect on 1 March 2022.

However, the first paragraph does not relieve a municipality of its obligation to file with the Minister of Municipal Affairs and Housing any report on administration required pursuant to Order in Council 817-2019 dated 12 July 2019 for the period preceding 1 March 2022. The same applies with respect to any requirement to provide the information needed to produce a report on administration in accordance with the Order in Council.

124. Every application for the issue, amendment or renewal of ministerial authorization filed with the Minister under the Environment Quality Act (chapter Q-2) that is pending on 1 March 2022 remains active and is decided on in accordance with this Regulation.

When an application concerns an activity that is exempted from ministerial authorization on 1 March 2022, the application remains active and is decided on only with respect to the activities that remain subject to ministerial authorization or an amendment thereto pursuant to the Environment Quality Act. The fee for the part of the application concerning such an activity may be reimbursed on request.

125. A person or municipality that, before 1 March 2022, filed an application for the issue, amendment or renewal of a ministerial authorization under the Environment Quality Act (chapter Q-2) is not required to send the new information and documents added to section 331 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1) by section 69 of this Regulation.

126. A person or municipality that, on 1 March 2022, is awaiting the issue, amendment or renewal of a ministerial authorization under the Environment Quality Act (chapter Q-2) for an activity that, beginning on that date, is eligible for a declaration of compliance, may file a declaration of compliance for that activity with the Minister.

The documents required for the declaration of compliance that have already been filed for the application for authorization, amendment or renewal need not be filed again.

The fee for the declaration of compliance is not payable if the fee for authorization, amendment or renewal has been deposited.

127. A person or municipality that, before 1 March 2022, has filed a declaration of compliance in accordance with the Environment Quality Act (chapter Q-2) and that, on that date, has not yet carried out the activity covered by the declaration of compliance, may comply with the conditions of eligibility for a declaration of compliance set out in the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1) that applied to that activity when the declaration of compliance was filed with the Minister.

128. A person or municipality wishing to carry out work on a bridge is not required, for an application for the issue, amendment or renewal filed before 31 December 2022, to provide to the Minister, in support of the application, the information and documents required under subparagraph 4 of the first paragraph of section 331 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1), as amended by section 69 of this Regulation.

129. The Protection Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains (chapter Q-2, r. 35) is revoked.

130. This Regulation comes into force on 1 March 2022.

105453

Notice

Act respecting industrial accidents and occupational diseases (chapter A-3.001)

Financing — Amendment

Notice is hereby given that the Commission des normes, de l'équité, de la santé et de la sécurité du travail made the Regulation to amend the Regulation respecting financing at its sitting of 16 December 2021.

In accordance with section 283 of the Act to modernize the occupational health and safety regime, S.Q. 2021, c. 27, the draft Regulation is not subject to the publication requirement set out in section 8 of the Regulations Act (chapter R-18.1).

MANUELLE OUDAR

Chief Executive Officer and Chair of the board of directors, Commission des normes, de l'équité, de la santé et de la sécurité du travail

Regulation to amend the Regulation to amend the Regulation respecting financing

Act respecting industrial accidents and occupational diseases (chapter A-3.001, s. 454, 1st par., subpars. 5, 6 and 8)

1. The Regulation to amend the Regulation respecting financing (Decision 2021-09-23, 2021 G.O. 2, 4217) is amended by inserting the classification unit, rates of assessment and experience ratios attached to this Regulation after classification unit 77020 in Schedule 1.

2. This Regulation comes into force on 6 April 2022 and applies, as of that date, to assessment year 2022.