

Draft Regulations

Draft Regulation

Act respecting the preservation of agricultural land and agricultural activities
(chapter P-41.1)

Act to amend various legislative provisions mainly for the purpose of reducing red tape
(2021, chapter 35)

Authorization for the alienation or use of a lot without the authorization of the Commission de protection du territoire agricole du Québec — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting the authorization for the alienation or use of a lot without the authorization of the Commission de protection du territoire agricole du Québec, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation amends the Regulation respecting the authorization for the alienation or use of a lot without the authorization of the Commission de protection du territoire agricole du Québec (chapter P-41.1, r. 1.1) to allow, in new cases and in certain circumstances, certain uses in an agricultural zone, particularly in the area of farm tourism, without the prior authorization of the Commission de protection du territoire agricole du Québec. The additions follow the coming into force, on 9 December 2021, of the Act to amend various legislative provisions mainly for the purpose of reducing red tape (2021, chapter 35), which broadens the governmental power provided for in section 80 of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1) to determine, by regulation, the cases and circumstances in which certain uses are allowed without the authorization of the Commission de protection du territoire agricole du Québec. The draft Regulation also provides for certain amendments to the existing Regulation in order to increase the administrative relief allowed under the Regulation.

Study of the matter has shown no negative impact on enterprises, including small and medium-sized businesses.

Further information on the draft Regulation may be obtained by contacting Antoine Paquet, advisor, land use development and regional development,

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Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Geneviève Masse, Assistant Deputy Minister for Regional Development and Sustainable Development, 200, chemin Sainte-Foy, 12^e étage, Québec (Québec) G1R 4X6.

ANDRÉ LAMONTAGNE
Minister of Agriculture, Fisheries and Food

Regulation to amend the Regulation respecting the authorization for the alienation or use of a lot without the authorization of the Commission de protection du territoire agricole du Québec

Act respecting the preservation of agricultural land and agricultural activities
(chapter P-41.1, s. 80)

Act to amend various legislative provisions mainly for the purpose of reducing red tape
(2021, chapter 35, s. 85)

1. The Regulation respecting the authorization for the alienation or use of a lot without the authorization of the Commission de protection du territoire agricole du Québec (chapter P-41.1, r. 1.1) is amended in section 2

(1) by replacing “a bank or shore” in paragraph 2 by “a slope”;

(2) by replacing “ditch” in paragraph 3 by “water-course, ditch or body of water”;

(3) by inserting “a cable,” after “less of” in paragraph 4;

(4) in paragraph 5

(a) by inserting “a cable,” after “installation of”;

(b) by striking out “natural gas distribution”.

2. Section 4 is amended by replacing “a bank or shore” by “a slope”.

3. Section 5 is amended

(1) by replacing “ditch” by “watercourse, ditch or body of water”;

(2) by adding “to their former condition” after “restored”.

4. Section 6 is amended

(1) in the first paragraph

(a) by replacing “less of an” in the portion before subparagraph 1 by “less of a cable,”;

(b) by replacing “a section of 2 km or less of an underground pipe” in the portion before subparagraph 1 by “an underground section of 2 km or less of a pipe”;

(c) by inserting “of the cable,” after “within the right of way” in subparagraph 1;

(d) by inserting “of the cable,” after “part” in subparagraph 5;

(e) by inserting “the cable,” at the beginning of subparagraph 6;

(f) by replacing “to be cultivated” at the end of subparagraph 6 by “to its former condition”;

(2) in the second paragraph

(a) by inserting “an aerial cable or” after “maintenance of”;

(b) by replacing “to 3 of the first paragraph” at the end by “and 3 of the first paragraph, and provided that the topsoil is rehabilitated to its former condition”;

(3) by adding “, or 18 months if the work ends in winter” at the end of the third paragraph.

5. Section 7 is amended

(1) in the first paragraph

(a) by inserting “a cable,” after “The installation of”;

(b) by striking out the words “natural gas distribution” wherever they appear;

(c) by inserting “the cable,” after “where”;

(2) by striking out “natural gas distribution” in the second paragraph.

6. Section 8 is amended

(1) by replacing “to be cultivated” in paragraph 4 by “to its former condition”;

(2) by adding “, or 18 months if the work ends in winter” at the end of paragraph 5.

7. Section 9 is amended

(1) by replacing “replacement” by “dismantling, replacement, repair or maintenance”;

(2) by replacing “the structure” by “the right of way”.

8. Section 11 is amended

(1) by replacing “acericultural operation or an equestrian centre” in paragraph 1 by “agricultural operation”;

(2) by replacing paragraph 2 by “a use related to farm tourism or the processing of a farm product on a farm”.

9. The heading of subdivision 1 of Division II of Chapter II is amended by replacing “acericultural operation or an equestrian centre” by “agricultural operation”.

10. Section 13 is amended

(1) by inserting “or by a person who holds a quota issued for the lot by the Producers et productrices acéricoles du Québec” after “producer” in the portion before paragraph 1;

(2) by replacing “20” in paragraph 3 by “30”.

11. The following is inserted after section 13:

“**13.1.** The ancillary use by a producer of a portion of the producer’s agricultural operation for the purposes of receptions is allowed in the following circumstances:

(1) the receptions showcase the products of the agricultural operation and, for that purpose, the menu offered mainly contains food products that are derived from the agricultural operation;

(2) the receptions are held not more than 20 times in the producer’s fiscal year, not more than once during a same day and must not be held more than 3 consecutive days;

(3) the maximum number of guests present at a reception is 50;

(4) the date of each reception and the number of guests present are recorded in a register held by the producer; the register must be kept for the 2 fiscal years after the fiscal year in which the receptions were held and be made available on the commission's request during that period;

(5) the receptions are held at least 300 m from a live-stock building that is neither owned nor operated by the producer;

(6) the receptions are held at least 75 m from a cultivated field that is neither owned nor operated by the producer;

(7) the receptions are held at least 75 m from a cultivated field that is neither owned nor operated by the producer;

(a) a temporary facility to provide protection from bad weather;

(b) the furnishings necessary for the reception;

(c) a temporary parking space occupying a maximum area of 1,000 m²;

(d) temporary sanitary facilities;

(8) the holding of receptions does not subject the installation of a new breeding unit or the increase of the activities of an existing breeding unit to a separation distance requirement related to odours.

In addition, the holding of an annual event with a maximum of 200 guests that takes place over a maximum period of 4 consecutive days is allowed in the circumstances provided for in subparagraphs 1 and 4 to 8 of the first paragraph.”

12. The heading of subdivision 2 of Division II of Chapter II is amended by replacing “Farm tourism-related use” by “Use related to farm tourism or the processing of a farm product on a farm”.

13. Section 14 is amended

(1) by inserting “or activities related to the processing of a farm product” after “farm tourism activities” in the portion before paragraph 1;

(2) by replacing “the producer’s agricultural operation” in the portion before paragraph 1 by “the producer’s farm”;

(3) by striking out “at the farm” in paragraph 1;

(4) by replacing paragraph 3 by the following:

“(3) the development and use of a booth for the sale of farm products, at least 25% of which are from the producer;

(4) guided visits;

(5) the processing of a farm product by a person or a partnership separate from the producer;

(6) the processing of farm products, at least 25% of which are from the producer;

(7) the construction, development and use of a local slaughterhouse.”

14. Section 15 is amended

(1) by replacing paragraph 1 by the following:

“(1) the meal showcases the products of the farm and, for that purpose, the menu offered mainly contains food products that are derived from the farm”;

(2) by replacing “a maximum of” in paragraph 2 by “less than”.

15. The following is inserted after section 16:

“**16.1.** The development and use of a booth for the sale of farm products at the farm is allowed in the following circumstances:

(1) at least 25% of the products offered for sale at the booth are from the producer’s farm;

(2) the other products offered for sale are from producers whose main production site is situated in the same administrative region or less than 150 km from the booth.”

16. The following is inserted after section 17:

“**17.1.** The processing of a farm product at the farm is allowed, even where it is carried out by a person or a partnership separate from the producer, in the following cases:

(1) where the producer is an entity formed by a natural person,

(a) the natural person holds at least 50% of the interests in the legal person carrying out the processing;

(b) the natural person is a partner holding at least 50% of the interests of the partnership carrying out the processing;

(2) where the producer is an entity formed by a legal person,

(a) a natural person holding at least 50% of the interests in the legal person is carrying out the processing;

(b) one or several persons or partnerships holding at least 50% of the interests in the legal person also hold 50% of the interests in the legal person carrying out the processing;

(c) one or several persons or partnerships holding at least 50% of the interests in the legal person are also partners holding at least 50% of the interests of the partnership carrying out the processing;

(3) where the producer is an entity formed by a partnership,

(a) a natural person holding at least 50% of the interests of the partnership carries out the processing;

(b) one or more partners holding at least 50% of the interests of the partnership also hold at least 50% of the interests of the legal person carrying out the processing;

(c) one or more partners holding at least 50% of the interests of the partnership are also partners holding at least 50% of the interests of the partnership carrying out the processing.

For the purposes of this section, “interests” means either the outstanding voting shares or, for a person or a partnership without share capital, the shares of the partners or members.

17.2. The processing of farm products from other producers is allowed at the farm in the following circumstances:

(1) at least 25% of the processed products are from the producer’s farm;

(2) the other processed products are from producers whose main production site is situated in the same administrative region or less than 150 km from the processing site, insofar as the products are available at those production sites;

(3) the area dedicated to processing has a maximum floor area of 300 m² and includes the processing site, as well as any other related structure required for processing, but excludes the area dedicated to the transportation of persons and material.

17.3. The construction, development and use of a local slaughterhouse at the farm are allowed in the following circumstances:

(1) the producer holds a local slaughterhouse permit issued under the Food Products Act (chapter P-29);

(2) at least 10% of the slaughtered animals are from the producer’s farm.”

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

105697

Draft Regulation

Environment Quality Act
(chapter Q-2)

Cap-and-trade system for greenhouse gas emission allowances — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting a cap-and-trade system for greenhouse gas emission allowances, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The main object of the draft Regulation is to determine the rules for the allocation without charge of emission units for the period 2024-2030, in particular by defining the rules that apply to

— a gradual reduction in the allocation without charge of emission units during that period;

— estimates of the part of an allocation without charge to an emitter that can be auctioned to collect sums that can then be paid to the emitter, on the conditions set by the draft Regulation, for the implementation of certain projects by the emitter;

— the use of such sums and the implementation of greenhouse gas (GHG) emissions reduction projects and greenhouse gas research and development projects financed by such sums;

— the publication of information on the sums collected by auctioning the part of emission units allocated without charge to emitters, and the projects implemented using such sums;