

DIVISION III
FINAL

3. This Regulation comes into force on 22 September 2023.

106314

Gouvernement du Québec

O.C. 949-2023, 7 June 2023

Act respecting threatened or vulnerable species
(chapter E-12.01)

**Threatened or vulnerable wildlife species
and their habitats**
— Amendment

Regulation to amend the Regulation respecting
threatened or vulnerable wildlife species and
their habitats

WHEREAS, under paragraph 1 of section 10 of the Act respecting threatened or vulnerable species (chapter E-12.01), on the recommendation of the Minister of the Environment, the Fight against Climate Change, Wildlife and Parks, after consultation with the other ministers mentioned in the third paragraph of section 6 of this Act, the Government may, by regulation, designate, as a threatened or vulnerable species, any species requiring it;

WHEREAS, under paragraph 2 of section 10 of the Act, on the recommendation of the Minister of the Environment, the Fight against Climate Change, Wildlife and Parks, after consultation with the other ministers mentioned in the third paragraph of section 6 of this Act, the Government may, by regulation, determine the features or conditions by which the habitats of threatened or vulnerable species may be identified, according to their biological features, such as sex or age, or according to their number, density or location, the time of year or environmental features, and, as the case may be, determine which habitats of threatened or vulnerable species must be demarcated on a chart prepared according to sections 11 to 15 of the Act;

WHEREAS, in accordance with paragraphs 1 and 2 of section 10 of the Act, the other ministers were consulted;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting threatened or vulnerable wildlife species and their habitats was published in Part 2 of the *Gazette officielle du Québec* of 21 December 2022 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks:

THAT the Regulation to amend the Regulation respecting threatened or vulnerable wildlife species and their habitats, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

**Regulation to amend the Regulation
respecting threatened or vulnerable
wildlife species and their habitats**

Act respecting threatened or vulnerable species
(chapter E-12.01, s. 10)

1. The Regulation respecting threatened or vulnerable wildlife species and their habitats (chapter E-12.01, r. 2) is amended by adding “AND THEIR HABITATS” at the end of the heading of Division I.

2. Section 1 is replaced by the following:

“1. The species designated as threatened wildlife species and, where applicable, the characteristics used to identify their habitats are:

(1) among mollusks,

(a) the Alewife Floater (*Utterbackiana implicata*);

(b) the Hickorynut (*Obovaria olivaria*);

(2) among insects,

(a) the Rusty-patched Bumble Bee (*Bombus affinis*);

(b) the Nine-spotted Lady Beetle (*Coccinella novemnotata*);

(c) the Salt Marsh Copper (*Lycaena dospassosi*);

(d) the Maritime Ringlet (*Coenonympha nipisiquit*); the habitat of the Maritime Ringlet corresponds to a territory consisting of salt marshes dominated by host plants used for oviposition and larval development (Saltmeadow Cordgrass [*Sporobolus pumilus*]) and as a source of nectar for adults (for example, Carolina sea lavender [*Limonium carolinianum*]), and transitional zones and adjacent terrestrial environments where other plant species necessary for feeding are present, used for breeding, developing, feeding, resting or moving, as demarcated on a chart prepared by the Minister;

(3) among fish,

(a) the Deepwater Sculpin (*Myoxocephalus thompsonii*);

(b) the Copper Redhorse (*Moxostoma hubbsi*); the habitat of the Copper Redhorse corresponds to an aquatic territory consisting of a river, fluvial lakes, watercourses or floodplains, delimited by the high-water level, used for breeding, feeding, larvae drifting, rearing, sheltering, resting, moving, migrating or hibernating, as demarcated on a chart prepared by the Minister;

(c) the Spring Cisco (*Coregonus artedii*);

(d) the Eastern Sand Darter (*Ammocrypta pellucida*); the habitat of the Eastern Sand Darter corresponds to an aquatic territory consisting of a river, fluvial lakes, watercourses or a ditch, delimited by the high-water level, used for breeding, feeding, larvae drifting, rearing, sheltering, resting, moving or hibernating, as demarcated on a chart prepared by the Minister;

(e) the Northern Brook Lamprey (*Ichthyomyzon fossor*);

(f) the Winter Skate, Gulf of St. Lawrence population (*Leucoraja ocellata*);

(4) among amphibians,

(a) the Western Chorus Frog (*Pseudacris triseriata*); the habitat of the Western Chorus Frog corresponds to a territory consisting of permanent or temporary wetlands, adjacent terrestrial environments and lands that allow connectivity of populations used for breeding, feeding, resting, moving or hibernating, as demarcated on a chart prepared by the Minister;

(b) the Allegheny Mountain Dusky Salamander, Appalachian population (*Desmognathus ochrophaeus*); the habitat of the Allegheny Mountain Dusky Salamander, Appalachian population, corresponds to a territory consisting of a permanent or intermittent watercourse, a water source or a water discharge area, and adjacent terrestrial environments used for breeding, feeding, resting, moving or hibernating, as demarcated on a chart prepared by the Minister;

(5) among turtles,

(a) the Spiny Softshell (*Apalone spinifera*); the habitat of the Spiny Softshell corresponds to a territory consisting of watercourses, bodies of water, wetlands and adjacent terrestrial environments used for breeding, nesting, feeding, resting, moving or hibernating, as demarcated on a chart prepared by the Minister;

(b) the Blanding's Turtle (*Emydoidea blandingii*); the habitat of the Blanding's Turtle corresponds to a territory consisting of bodies of water, watercourses, permanent or temporary wetlands and adjacent terrestrial environments used for breeding, nesting, feeding, resting, moving or hibernating, as demarcated on a chart prepared by the Minister;

(c) the Eastern Musk Turtle (*Sternotherus odoratus*); the habitat of the Eastern Musk Turtle corresponds to a territory consisting of watercourses, bodies of water, permanent or temporary wetlands and adjacent terrestrial environments used for breeding, feeding, resting, moving or hibernating, as demarcated on a chart prepared by the Minister;

(d) the Leatherback Sea Turtle (*Dermochelys coriacea*);

(6) among snakes, the Dekay's Brownsnake (*Storeria dekayi*);

(7) among birds,

(a) the Red Knot *rufa* (*Calidris canutus rufa*); the habitat of the Red Knot *rufa* corresponds to a territory consisting of intertidal coastal areas, limestone flats, sandy beaches, mudflats, salt marshes, brackish lagoons, beds of bivalves, aquatic grass beds, rocks, rocky islands or open coastal habitats used for feeding, resting, moving or migrating, as demarcated on a chart prepared by the Minister;

(b) the Grasshopper Sparrow *pratensis* (*Ammodramus savannarumpratensis*);

(c) the Horned Grebe (*Podiceps auritus*); the habitat of the Horned Grebe corresponds to a territory consisting of lakes, ponds, marshes, bodies of brackish water or floodplains used for nesting, feeding, moulting or raising the young, as demarcated on a chart prepared by the Minister;

(d) the Chimney Swift (*Chaetura pelagica*);

(e) the Golden-Winged Warbler (*Vermivora chrysoptera*);

(f) the Cerulean Warbler (*Setophaga cerulea*); the habitat of the Cerulean Warbler corresponds to a territory consisting of mature deciduous forests forming a canopy closed by the high density of the foliage and an open undergrowth used for nesting, feeding, raising the young, resting, moving or migrating, as demarcated on a chart prepared by the Minister;

(g) the Red-headed Woodpecker (*Melanerpes erythrocephalus*);

(h) the Loggerhead Shrike, Eastern subspecies (*Lanius ludovicianus*);

(i) the Piping Plover *melodus* (*Charadrius melodusmelodus*); the habitat of the Piping Plover *melodus* corresponds to a territory consisting of beaches, sand flats or coastal dunes covered with gravel, pebbles, stones, shell fragments, algae or any other natural substratum used for nesting, feeding or raising the young, as demarcated on a chart prepared by the Minister;

(j) the Yellow Rail (*Coturnicops noveboracensis*); the habitat of the Yellow Rail corresponds to a territory consisting of wetlands dominated by a dense and short graminoid vegetation, whose fields and wet prairies bordering the marshes or peatlands, freshwater and brackish high marshes, coastal or estuarine salt marshes, the floodplains of watercourses and bodies of water, used for nesting, feeding, raising the young, resting, moving, migrating or moulting, as demarcated on a chart prepared by the Minister;

(k) the Caspian Tern (*Hydroprogne caspia*);

(l) the Roseate Tern (*Sterna dougallii*); the habitat of the Roseate Tern corresponds to a territory consisting of wholly or partly vegetated islands, present in the lagoons or bays of the Magdalen Islands used for nesting or raising the young, as demarcated on a chart prepared by the Minister;

(8) among mammals,

(a) the Beluga Whale, St. Lawrence Estuary population (*Delphinapterus leucas*); the habitat of the Beluga Whale, St. Lawrence Estuary population, corresponds to an aquatic territory consisting of the Estuary and the Gulf of the St. Lawrence and its tributaries, delimited by the high-water level, used for breeding, calving, raising the young, feeding, moving, migrating or hibernating, as demarcated on a chart prepared by the Minister;

(b) the Wolverine (*Gulo gulo*);

(c) the Woodland Caribou, Mountain ecotype, Gaspésie population (*Rangifer tarandus caribou*); the habitat of the Woodland Caribou, Mountain ecotype, Gaspésie population, corresponds to a territory consisting of alpine and subalpine environments used by that caribou for calving, mating, feeding or migrating, as demarcated on a chart prepared by the Minister;

(d) the Northern Myotis (*Myotis septentrionalis*); the habitat of the Northern Myotis corresponds to a territory including feeding areas, swarming sites, migration corridors and shelters, consisting of trees, cavities or anthropogenic structures used for raising the young, breeding or resting during the day; the habitat of the Northern Myotis also corresponds to a territory including a natural or artificial cavity, whether a cavern, crevasse, cave, abandoned mine or anthropogenic structure and the habitat located on the periphery, those habitats being as demarcated on a chart prepared by the Minister;

(e) the Little Brown Myotis (*Myotis lucifugus*); the habitat of the Little Brown Myotis corresponds to a territory including feeding areas, swarming sites, migration corridors and shelters consisting of trees, cavities or anthropogenic structures used for raising the young, breeding or resting during the day; the habitat of the Little Brown Myotis also corresponds to a territory including a natural or artificial cavity, whether a cavern, crevasse, cave, abandoned mine or anthropogenic structure and the habitat located in the periphery, those habitats being as demarcated on a chart prepared by the Minister;

(f) the Tricolored Bat (*Perimyotis subflavus*); the habitat of the Tricolored Bat corresponds to a territory including feeding areas, swarming sites, migration corridors and shelters consisting of trees, cavities or anthropogenic structures used for raising the young, breeding or resting during the day; the habitat of the Tricolored Bat also corresponds to a territory including a natural or artificial cavity, whether a cavern, crevasse, cave, abandoned mine or anthropogenic structure and the habitat located on the periphery, those habitats being as demarcated on a chart prepared by the Minister.”.

3. The heading of Division II is amended by adding “AND THEIR HABITATS” at the end.

4. Section 2 is replaced by the following:

“2. The species designated as vulnerable wildlife species and, where applicable, the characteristics used to identify their habitats are:

(1) among insects, the Two-spotted Lady Beetle (*Adalia bipunctata*);

(2) among fish,

(a) the American Shad (*Alosa sapidissima*);

(b) the Grass Pickerel (*Esox americanus vermiculatus*);

(c) the Stonecat (*Noturus flavus*);

(d) the River Redhorse (*Moxostoma carinatum*);

(e) the Rainbow Smelt, St. Lawrence Southern Estuary population (*Osmerus mordax*); the habitat of the Rainbow Smelt, St. Lawrence Southern Estuary population, corresponds to an aquatic territory consisting of intertidal and subintertidal zones of the south of the St. Lawrence Estuary and watercourses tributaries of that zone, delimited by the high-water level, used for breeding, feeding, larvae drifting, rearing, sheltering, resting, moving or hibernating, as demarcated on a chart prepared by the Minister;

(f) the Channel Darter (*Percina copelandi*); the habitat of the Channel Darter corresponds to an aquatic territory consisting of a river, fluvial lakes watercourses or a ditch, delimited by the high-water level, used for breeding, feeding, larvae drifting, rearing, sheltering, resting, moving, migrating or hibernating, as demarcated on a chart prepared by the Minister;

(g) the Bridle Shiner (*Notropis bifrenatus*); the habitat of the Bridle Shiner corresponds to an aquatic territory consisting of a river, fluvial lakes, watercourses, ditches and floodplains, delimited by the high-water level, used for breeding, feeding, larvae drifting, rearing, sheltering, resting, moving or hibernating, as demarcated on a chart prepared by the Minister;

(h) the Arctic Char *oquassa* (*Salvelinus alpinus oquassa*);

(3) among amphibians, the Spring Salamander, Adirondack / Appalachian population (*Gyrinophilus porphyriticus*); the habitat of the Spring Salamander, Adirondack / Appalachian population, corresponds to a territory consisting of a permanent or intermittent watercourse, a water source or discharge area, and adjacent terrestrial environments used for breeding, feeding, resting, moving or hibernating, as demarcated on a chart prepared by the Minister;

(4) among turtles,

(a) the Wood Turtle (*Glyptemys insculpta*); the habitat of the Wood Turtle corresponds to a territory consisting of a watercourse and adjacent terrestrial and aquatic environments used for breeding, nesting, feeding, resting, moving or hibernating, as demarcated on a chart prepared by the Minister;

(b) the Northern Map Turtle (*Gratemys geographica*); the habitat of the Northern Map Turtle corresponds to a territory consisting of watercourses, bodies of water, wetlands and adjacent terrestrial environments used for breeding, nesting, feeding, resting, moving or hibernating, as demarcated on a chart prepared by the Minister;

(5) among snakes,

(a) the Northern Watersnake (*Nerodia sipedonsipedon*);

(b) the Eastern Milksnake (*Lampropeltis triangulum*);

(6) among birds,

(a) the Golden Eagle (*Aquila chrysaetos*); the habitat of the Golden Eagle corresponds to a territory consisting of rock faces, cliffs, perches, valleys, watercourses, bodies of water, lakes and their banks or shores, forests, burns, coastal zones, plateaus, plains, prairies, marshes, swamps or peatlands used for nesting, feeding, raising the young, resting, moving, migrating or hibernating, as demarcated on a chart prepared by the Minister;

(b) the Harlequin Duck, Eastern population (*Histrionicus histrionicus*); the habitat of the Harlequin Duck, Eastern population, corresponds to a territory consisting of a watercourse and its banks or rocky coastal habitats used for nesting, feeding, raising the young, resting, moving, migrating, moulting or hibernating, as demarcated on a chart prepared by the Minister;

(c) the Eastern Whip-poor-will (*Antrostomus vociferus*);

(d) the Peregrine Falcon *anatum* (*Falco peregrinus anatum*); the habitat of the Peregrine Falcon *anatum* corresponds to a territory consisting of rock faces, cliffs, gentle slopes, valleys, coastal zones, plains, marshes, plateaus, peatlands, watercourses, lakes and their shores or banks, anthropogenic structures or perches used for nesting, feeding, raising the young, resting, moving, migrating or hibernating, as demarcated on a chart prepared by the Minister;

(e) the Barrow's Goldeneye, Eastern population (*Bucephala islandica*); the habitat of the Barrow's Goldeneye, Eastern population, corresponds to a territory consisting of small freshwater lakes, in particular, those rich in aquatic invertebrates and generally lacking fish communities, and a band of mature riparian forests surrounding the lakes and coastal waters of bays, estuaries and gulfs used for nesting, feeding, raising the young, moving, migrating, moulting or hibernating, as demarcated on a chart prepared by the Minister;

(f) the Bobolink (*Dolichonyx oryzivorus*);

(g) the Bicknell's Thrush (*Catharus bicknelli*); the habitat of the Bicknell's Thrush corresponds to a territory consisting of coniferous forests, in particular, those located in mountain and coastal zones, consisting of stands presenting a high density, or more open environments, and used for nesting, feeding, raising the young, resting, moving or migrating, as demarcated on a chart prepared by the Minister;

(h) the Olive-sided Flycatcher (*Contopus cooperi*);

(i) the Least Bittern (*Ixobrychus exilis*); the habitat of the Least Bittern corresponds to a territory consisting of permanent freshwater marshes and swamps characterized by a dense and emergent aquatic, herbaceous or woody vegetation, and areas of open water used for nesting, feeding, raising the young, resting, moving or migrating, as demarcated on a chart prepared by the Minister;

(j) the Bald Eagle (*Haliaeetus leucocephalus*);

(7) among mammals,

(a) the Woodland Caribou, Woodland ecotype (*Rangifer tarandus caribou*); the habitat of the Woodland Caribou, Woodland ecotype, corresponds to a forest territory frequented by caribou and used by caribou for calving, mating or winter feeding, as demarcated on a chart prepared by the Minister;

(b) the Eastern Red Bat (*Lasiurus borealis*); the summer habitat of the Eastern Red Bat corresponds to a territory including feeding areas, swarming sites, migration corridors and shelters consisting of trees, cavities or anthropogenic structures used for raising the young, breeding or resting during the day, as demarcated on a chart prepared by the Minister;

(c) the Polar Bear (*Ursus maritimus*);

(d) the Fin Whale (*Balaenoptera physalus*).”.

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

106315

Gouvernement du Québec

O.C. 983-2023, 14 June 2023

Environment Quality Act
(chapter Q-2)

Act respecting certain measures enabling
the enforcement of environmental
and dam safety legislation
(chapter M-11.6)

Agricultural Operations
— **Amendment**

Regulation to amend the Agricultural Operations
Regulation

WHEREAS, under subparagraph 2 of the first paragraph of section 53.30 of the Environment Quality Act (chapter Q-2), the Government may, by regulation, regulate the recovery and reclamation of residual materials in all or part of the territory of Québec, and the regulations may, in particular, prescribe or prohibit, in respect of one or more classes of residual materials, any mode of recovery or reclamation;

WHEREAS, under subparagraph 3 of the first paragraph of section 53.30 of the Act, the Government may, by regulation, regulate the recovery and reclamation of residual materials in all or part of the territory of Québec, and the regulations may, in particular, require any municipality or any person to recover and reclaim or to see to the recovery and reclamation of the designated classes of residual materials in accordance with the terms and conditions fixed by regulation;

WHEREAS, under subparagraph 2 of section 70 of the Act, the Government may make regulations to regulate the elimination of residual materials in all or part of the territory of Québec, and the regulations may, in particular, prescribe or prohibit, in respect of one or more classes of residual materials, any mode of elimination;

WHEREAS, under subparagraph 3 of the first paragraph of section 95.1 of the Act, the Government may make regulations to prohibit, limit and control sources of contamination and the release into the environment of any class of contaminants for all or part of the territory of Québec;

WHEREAS, under the first paragraph of section 30 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (chapter M-11.6), the Government may, in a regulation made in particular under the Environment Quality Act, specify that failure to comply with a provision of the regulation